HOUSE OF REPRESENTATIVES—*Monday, May 18, 1970*

The House met at 12 o'clock noon.

Rev. J. Kenneth Soderquist, Gethsemane Evangelical Lutheran Church, Port Allegany, Pa., offered the following prayer:

O merciful Father in Heaven, of whom is all earthly rule and authority, graciously regard Thy servants, the President of the United States, the members of the judiciary, the Members of the legislative bodies, especially the Members of the House of Representatives, that they may have wisdom and insight to govern in such a way as to bring blessing upon blessing to all our people. We pray that we as a people may walk in Thy peace all the days of our lives. Bestow Thy heavenly peace and concord upon all the nations of the earth, that they may serve Thee. Grant unto us Thy word and spirit that dwelling in our hearts we may have wisdom, for we pray in Thy name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 14, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.;

S. 786. An act 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;

S. 886. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 940. An act to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years;

S. 3102. An act 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;

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders; and

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, May 14, 1970, he did on May 15, 1970, sign the following enrolled bill of the House:

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.

REV. J. KENNETH SODERQUIST

(Mr. JOHNSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOHNSON of Pennsylvania. Mr. Speaker, it is a great honor and a great pleasure for me to have been honored today by having the Reverend J. Kenneth Soderquist, pastor of the Gethsemane Lutheran Church, of Port Allegany, Pa., as a guest Chaplain of the day.

The town of Port Allegany, Pa., is in McKean County, in my district, and is a very fine, progressive, and friendly community. The Gethsemane Lutheran Church is one of the oldest Lutheran churches in this area, having been established in 1882, and it now has a congregation membership of 184.

Reverend Soderquist was born in Buffalo, N.Y., but was raised in Jamestown, where he met his lovely wife; namely, Dawne, whom he married in 1951. They are the proud parents of a delightful young daughter named Cheryl, who is 10 years of age, and is in the fifth grade of the Port Allegany Area School.

Reverend Soderquist attended Augustana College and Seminary, Rock Island, Ill., and the Gethsemane Lutheran Church in Port Allegany is the third church of which he has been the pastor.

He is a member of the Port Allegany School Board and is a past president of the Rotary Club of Port Allegany. He has been honored by having been elected the dean of the Warren McKean district, western Pennsylvania, West Virginia synod of the Lutheran Church of America.

We in our area are proud of Reverend Soderquist and the work that he is doing in this chosen field, and it was a great pleasure for me to honor him at the Nation's Capital today.

CLIFFORD R. HOPE, REPRESENTATIVE FROM KANSAS FOR 30 YEARS, PASSES ON MAY 16, 1970

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, it is with a heavy heart and a sense of great personal loss that I inform the House and my colleagues of the passing of my friend and distinguished Kansan, Clifford R. Hope, who served with distinction in the U.S. House of Representatives for 30 years.

Cliff Hope died on Saturday, May 16, and funeral services will be held in his hometown of Garden City, Kans., Tuesday at 2 p.m.

My colleague, Mr. SEBELIUS, who now represents the congressional district formerly served by Congressman Hope, has remained in Kansas to attend the final rites.

Cliff Hope came to Congress in 1927, and he represented one of the largest wheat growing areas in the country. His interest and knowledge of agriculture was reflected in the major farm legislation which he was instrumental in drafting.

He was ranking Republican on the Agriculture Committee for most of his legislative career and twice served as committee chairman.

He was responsible for the original Soil Conservation Act of 1935 and the Farm Credit Act of 1953 which are keystones to conservation and farm progress in our Nation. Cliff Hope was in the forefront of the effort to set high-price support for farmers and to maintain the Nation's soil conservation programs.

His expertise in agriculture was recognized by President Eisenhower who called upon him to serve as chief campaign adviser on farm policy. He also had been chairman of the farm division of the Republican National Committee during the 1936 campaign of another able Kansan, Alf Landon.

At the end of the 84th Congress, 30 years after he was first elected to the House, he decided to retire. But his support of agriculture and Kansas wheat farmers was unending. He became president of Great Plains Wheat, Inc., of Garden City, Kans., and was instrumental in promoting wheat exports.

He wrote a column for the Harris Publications in Kansas which was widely read and highly regarded.

Cliff Hope was born in Iowa on June 9, 1893. He attended public schools and Nebraska Wesleyan University, Lincoln, Nebr., and was graduated from Washburn Law School in Topeka, Kans., in 1917, and was admitted to the bar the same year.

During World War I he served as a second lieutenant with the 35th and 85th Divisions in the United States and France. He commenced the practice of law in Garden City in 1919.

His political career began in 1921 when he was elected to the Kansas House of Representatives and later was to serve as speaker pro tempore and speaker.

Mr. Speaker, it is always difficult to say goodby to a good friend. We have lost such a friend in Cliff Hope. The farmers of this Nation have lost a good friend and supporter. We in Kansas have lost a distinguished son. The Nation has lost a great public servant who made a lasting contribution as a representative of the people.

Mrs. Shriver and I join in expressing our heartfelt sympathy to Mr. Hope's family, his son Clifford, Jr., who also has had a distinguished career of serv-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ice in the Kansas Legislature, and his daughter, Mrs. Frank West.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, I was shocked to learn of the death of Cliff Hope with whom I served on the Committee on Agriculture for many years.

Cliff's long and distinguished record of service in the House of Representatives was the equivalent of that of any Member who has served in this great body during my lifetime. He was not only the leading authority in the field of agriculture in the House of Representatives, and I think in the country, but his legislative record was broad based. He was a big man. He was a great man. He was honest. He was sincere. He was modest. He was kind. He was one of the finest and noblest men I have ever known.

Mr. Speaker, I join my friend, the gentleman from Kansas and his colleagues in expressing my own sorrow and Mrs. Albert's sorrow over the death of a friend and a great American.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, I wish to join with my distinguished friend, the gentleman from Kansas, and the majority leader, Mr. ALBERT, in paying tribute to the late Clifford Hope, a distinguished former Member of this body.

When I first came to the Congress, Cliff Hope spoke for the Republican side of the House Committee on Agriculture and the present majority leader spoke for the majority side of the Committee on Agriculture. As far as I was concerned, their positions on matters of legislation almost without fail or caution got my support, especially so when they were together which I might say was most of the time.

Also, I served with Clifford Hope on the Missouri River Basin Survey Commission, and I found him to be as constructive, and as effective, and as talented in that work as he was here in the Congress of the United States.

Mr. Speaker, we have lost a great friend. I know of no one who, in my opinion, was more esteemed and more effective and accepted by the Members with whom he served. Clifford Hope was possessed of a gentle and winning personality. In company with my colleagues, I wish to express my condolences and sympathy to his family. The Nation is a better land because Clifford Hope walked and worked a while with us.

Mr. MIZE. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. MIZE. Mr. Speaker, the Nation has suffered a tragic loss, for a great Kansas statesman has passed from this life. The Honorable Clifford R. Hope, a Representative in Congress from Kansas for 30 years, died in Garden City on Saturday, May 16, 1970.

Mr. Hope was born in Birmingham, Van Buren County, Iowa, on June 9, 1893. He graduated from the Washburn Law School of Topeka in 1917 and was admitted to the Kansas bar that same year.

Mr. Hope served as a second lieutenant with the 35th and 85th Divisions in the United States and France during the First World War. Upon return from the war, Mr. Hope commenced the practice of law in Garden City and subsequently served in the Kansas House of Representatives from 1921 to 1927. He served as speaker pro tempore in 1923 and as speaker of the house in 1927.

Elected to the 70th Congress as a Republican, Mr. Hope served in this House for 30 years before retiring in 1957. During his tenure here, Congressman Hope established himself as one of the most distinguished farm legislators the Nation has ever produced. Millions of farmers and other citizens from rural America are in his debt, for Mr. Hope was largely responsible for the landmark Soil Conservation Act of 1935, the Farm Credit Act of 1953, and many other important measures.

Mr. Hope served twice as chairman of the House Agriculture Committee. His philosophy of farm legislation guides us to this day and I think it is fair to say that Americans owe their abundance of food and fibre and their position as the world's premier agricultural export Nation to Clifford Hope as much as any man that has ever lived.

The force of his intellect, the sincerity of his position, the substance of his convictions have led to a prosperous agriculture, an agriculture with vitality and resilience and capacity to adapt to changing technological conditions.

For all our current problems, for all the apparent differences of opinion on agricultural policy, we know that Clifford R. Hope built the plane of reference from which we proceed today. He established, as much as any other man, the proposition that American agriculture must be made secure from the vicissitudes of a widely fluctuating market price, that to neglect farmers was to invite economic ruin not only for agriculture but for the entire Nation.

In his later years, Mr. Hope maintained an active interest in the development of farm policy and in other great national issues before the Congress. He was often a guest editorialist in leading Kansas newspapers and his views were very welcome to those of us currently representing Kansas in this body.

Mrs. Mize and I convey our deepest sympathy to Congressman Hope's family at this time of loss.

Mr. Speaker, today's Washington Post carried an excellent article on the distinguished career of Clifford R. Hope. I insert the Post article in the RECORD at this point, as follows:

[From the Washington Post, May, 18, 1970]

EX-LAWMAKER C. R. HOPE DIES

Former Rep. Clifford R. Hope (R-Kan.), who drafted major farm legislation during 30 years in the House and who was reportedly President Eisenhower's first choice for Secretary of Agriculture, died Saturday in Garden City, Kan. He was 76.

Born in Iowa and raised on a farm, Mr. Hope had represented one of the largest wheat growing areas in the country. He had lived in Garden City since his retirement in 1957 and had been hospitalized since suffering a stroke in February.

One of President Eisenhower's chief campaign advisers on farm policy, he was responsible for the original Soil Conservation Act of 1935 and the Farm Credit Act of 1953.

A close friend of Kansas Gov. Alf M. Landon, Republican presidential condidate in 1936, Mr. Hope had also been chairman of the farm division of the Republican National Committee in 1936.

He was the ranking Republican on the Agriculture Committee for most of his legislative career and twice served as Committee chairman. He was often described as a loyal Republican but a firm believer in bipartisan farm programs, and he fought to set high price support for farmers and to maintain the nation's soil conservation programs.

Mr. Hope was cool to many of the Eisenhower administration's proposed farm policies and on more than one occasion opposed the decisions of Agriculture Secretary Ezra Taft Benson.

At one point during the farm price support war in Congress, Mr. Hope appeared with Harold R. Lovre (D-S.D.) before the House Rules Committee and accused the Republican administration of using "high pressure" and "misleading tactics" in its all-out efforts to kill high supports.

Mr. Hope later joined Democratic Rep. Harold D. Cooley of North Carolina in taking the case for mandatory high supports to the nation.

The House Agriculture Committee, of which they were the ranking Republican and Democratic members, demanded and got equal time to answer them. Vice President Richard M. Nixon and Agriculture Secretary Benson. The Vice President and Benson had previously presented the administration's views on national television.

Although he frequently joined Democrats on farm issues, Mr. Hope was a strong defender of the Republican 80th Congress against the attacks by President Truman.

Mr. Hope said during the 1948 campaign that some Democratic leaders were making "inaccurate and misleading" charges against the farm record of the 80th Congress.

He defended the record of the 80th Congress on farm legislation as being good and said, "I want to make it perfectly clear, however . . . that in the main it is the result of the work of both Republicans and Democrats and both parties are entitled to credit."

As a member of the Republican "truth squad" in 1952 that followed President Truman around the nation, Mr. Hope again came to the defense of the 80th Congress.

Shortly after Mr. Truman had told an audience that corn bringing $1.60 a bushel under his administration's price-support program would bring only $1.18 under the Republican sliding-scale plan, Mr. Hope fired back.

The Kansan said that the nation was operating under the same farm program, with some amendments that was passed by the Republican 80th Congress. If it had not been for the 80th Congress, Mr. Hope said, the support level would have dropped "sharply."

Mr. Hope also replied to Mr. Truman's charge that the nation would lose its allies and face Russia "alone" if the Republicans won the election.

The country's most successful foreign policy, Mr. Hope said, was enacted by the 80th Congress and included aid to Greece and Turkey, the Marshall Plan and the Vandenberg resolution, which he said was the basis for the North Atlantic Treaty Organization.

When Mr. Hope said he would retire at the completion of his term in 1957, the Washington Post editorialized of him on Des. 2, 1955:

"The announcement by Rep. Clifford R. Hope of Kansas that he will retire at the end of his present term will be received with regret by Republicans and Democrats alike.

"Mr. Hope has been a valuable member of Congress for almost three decades, and he has earned the respect of members on both sides of the aisle.

"From the beginning of his service in the House he has been a member of the Agriculture Committee and twice its chairman.

"As the senior Republican on the Committee, he has played a significant role in agriculture legislation and has often been consulted by Republican and Democratic presidents.

"Like so many men who have risen to high positions in the House, he has never been a partisan first; he has always worked closely with men in both parties.

"At a time when the efforts to devise a satisfactory agricultural policy are of such paramount importance, his influence will be sadly missed . . ."

Mr. Hope is survived by a son, Clifford Jr. of Garden City, with whom he practiced law after leaving Congress, and a daughter, Mrs. Frank West, of the New York City area.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, with a deep sense of personal loss, I join my colleagues in recognizing the fact that we have lost a very good and esteemed friend in the passing of a great former Member of this body, Clifford R. Hope of Kansas.

I have known Cliff Hope ever since 1934. He was a friend of my father, and later when I came to serve in the House of Representatives, he was a very good friend of mine.

Everything that the majority leader has said about the standing of Mr. Hope in the science of agriculture is certainly true. There was no person in public life or in private life whose expertise in agriculture was more respected than that of Clifford R. Hope.

But even more importantly than that, Clifford Hope demonstrated in the best way it was possible to demonstrate it that he had a deep capacity for friendship. He was a man who always kept his word, was always kind, considerate, honorable, and just to his friends and to his associates.

Mr. Speaker, we shall miss Clifford Hope and I join with my colleagues in extending to his family the deepest sympathy of Mrs. Rhodes and myself.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Indiana.

Mr. BRAY. I also wish to express my deep regret at the passing of Cliff Hope. I had known of Cliff Hope a long time before I came to Congress through a member of my family in Kansas. I got acquainted with him early after I became a Member of Congress, and he gave me much good advice. I became well acquainted with his work in the small watershed legislation, of which he was the author. I would say he was one of the finest, and one of the most capable gentlemen and legislators that I have ever known.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Georgia.

Mr. LANDRUM. I, too, wish to express my deep regret at the passing of Clifford Hope. Early in the first year of my service in the Congress, in 1953, I came to know Mr. Hope. I watched his activities as chairman of the Committee on Agriculture and found that Cliff Hope, though occupying a position as a Republican Member of Congress, was perhaps one of the truly nonpartisan Members of Congress. He believed in America and believed in seeing all parts of it prosper.

During my first term here he organized a trip throughout the agricultural section of the southern part of the United States. Traveling in Georgia, and particularly in south Georgia, he made such an impression on the citizens in that area with his keen grasp of their problems and his fine understanding of what this business of politics in America is all about that afterward many said if Clifford Hope were to come to Georgia, he could be elected to almost any office he wanted to run for.

He was always friendly, as my warm friend JOHN RHODES has just said. He had a very deep capacity for friendship. He was one of the finest men I have had the pleasure of knowing since the time I came to Congress.

I extend to his family my deep sympathy at his passing.

Mr. POAGE. Mr. Speaker, Cliff Hope was one of the greatest of the agricultural great. Not a great many present Members of this House had the privilege of serving with the Honorable Clifford R. Hope—longtime Congressman from Garden City, Kans. I did enjoy that privilege.

I looked upon Cliff Hope as one of my finest and closest friends, and I was privileged to continue to call him my friend until his untimely passing. Cliff Hope was a great man by any measure. He was honest, sincere, and intelligent. He worked with a great deal of success to make America a greater and a better land.

He and I were not of the same political party, but I ofttimes explained to the people of my own State that had he lived south of the Red River, I am sure we would have had the same party affiliation. While he believed as I do that political parties provide possibly the best means of preserving our type of government, and while he was entirely loyal to the Republican Party, he never lost sight of the fact that his basic obligation was to all Americans.

On two separate occasions he served as chairman of the Agriculture Committee. He was fair, dignified, and cooperative with all his fellow Members. No Member was more generally respected and loved. As a member and as chairman of that committee, Cliff Hope served our country and served it well. When he felt that his family obligations required his presence at home, he voluntarily retired from the political arena, but he never lost his interest in agriculture, in our Government, or in our people.

Those of us who knew him best feel a keen sense of loss at his passing. But we also feel a sense of pride that we were privileged to call this great, good man our friend.

GENERAL LEAVE TO EXTEND

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the loss of this great American.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON TERRITORIES, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Territories of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WYATT ADVOCATES AMERICAN UNITY

(Mr. WYATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYATT. Mr. Speaker, it is impossible to observe what has happened in the United States during the last 2 weeks without being awed, frightened, and discouraged with the shrill voices on all sides, and the acts of lawlessness in various degrees throughout the country.

Our crying and urgent need is to unite, to work together in harmony, to find solutions we all seek to our most pressing problems.

So I say, regardless of our agreement or disagreement with the basic wisdom of the administration's decision involving Cambodia, the decision has been made. Both the President and the Secretary of Defense have given firm assurances that American troops will be out of Cambodia by June 30. No congressional action is possible to shorten this period.

Under these circumstances, I would call on all Americans, regardless of political party or previous convictions, to now unite behind President Nixon. We can share his hope and aspirations that the Cambodian venture will achieve its announced purpose of shortening the war, and hastening the day all of our troops can safely be returned from Southeast Asia.

Responsible dissent is an integral part of our democracy. But advocates of disunity should now see that the quickest way to end this war, and to permit us to turn our full attention to our pressing domestic needs, is to demonstrate our support for President Nixon. This is the

only clear way to effectively resolve the crisis of today.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I have taken this time to inquire of the distinguished majority leader if there is any change to be made in the program for today.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the distinguished acting minority leader and upon his request and the request of the gentleman from Illinois (Mr. ANDERSON), we have removed from the program for today the bill S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act.

This request came as a result of a request to the leadership and to the chairman of the committee from the gentleman from Pennsylvania (Mr. SAYLOR) the ranking minority member.

After discussing the matter with the distinguished chairman of the committee and the Republican leadership, we have decided to drop the matter from the program today.

Mr. RHODES. Mr. Speaker, I thank the majority leader for his consideration.

The request of the gentleman from Pennsylvania was made because of the necessity that he have some dental work completed which had been started over the weekend. He is absolutely unable to be here today. I appreciate the consideration of the majority leader in this matter, as, I am sure, does the gentleman from Pennsylvania.

NOW TRAGEDY AT JACKSON STATE COLLEGE

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the slayings of two black students at Jackson State College in Jackson, Miss., last week, and of six black Americans shot in the back in Augusta, Ga., was unconscionable and intolerable. Their deaths are further evidence of the climate of violence which this administration has helped loose upon the land.

Instead of following its rhetoric about "bringing us together," the administration has further polarized our society to the point that the four young men and women at Kent State share together with their brothers in Augusta and Jackson a tragic and needless death.

The administration's gutting of the school desegregation movement has similiarly exacerbated racial tensions, which certainly were paramount in Jackson and Augusta. Instead of moral leadership, there has been political maneuvering. Instead of a clear commitment to enforcement of the civil rights laws, this administration has undermined an aggressive program by the Civil Rights Division of the Department of Health, Education, and Welfare and has opposed extension of the Voting Rights Act in its present effective form.

There is a climate of despair in this country. Progress has become an illusion; our problems have become factors in political equations, to be ameliorated only if there are votes to be had.

And the slain young men and women at Augusta, Jackson State, and Kent State are martyrs to this desperation. For their deaths show in stark tragedy the tortuous state of this Nation, where dissent is met with repression and violence and hope is stifled by bloodshed.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

GOLD AND SILVER ARTICLES—CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING SECRETARY OF INTERIOR TO APPROVE AN AGREEMENT ENTERED INTO BY THE SOBOBA BAND OF MISSION INDIANS

The Clerk called the bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone in connection with this bill what it is going to lead to by way of cost to the taxpayers.

Mr. FASCELL. Mr. Speaker, this will lead to the normal conference costs of sending a mission or delegation to Stockholm. As far as the product of the conference is concerned, we do not have any way of knowing it in advance. Costs relating to that product would be subject to whatever authorizing process the Congress would require—but not as far as the conference itself.

Mr. GROSS. Is it open ended as far as the number taking this junket to Stockholm, Sweden? Is it open ended as to the numbers and open ended as to the amount of money to be spent for that purpose?

Mr. FASCELL. There is no limitation as far as the resolution is concerned with respect to U.S. participation. That is an executive decision.

Mr. GROSS. I thought the House only last week passed a bill which would cost $45 million to allegedly promote tourists to come to this country as an element in reducing the deficit in our balance of payments. How does this square with sending a nice, big, fat delegation over to Stockholm, Sweden, for this purpose?

Mr. FASCELL. As the gentleman from Iowa knows, we try to get as many of the international conferences held in the United States as we possibly can. We are trying to do our best to get them held here in this country, to help on our balance of payments. The one on the environment, set for June 1972, was agreed upon some time ago.

Mr. GROSS. Why does this go to Stockholm, Sweden? They have the facilities in New York at the United Nations. They have plenty of facilities there to hold a convention or a conference on the environment or almost anything one can think of. They have the room and the facilities. We do not have to put up money to go to Stockholm, Sweden, to finance transportation and the keep of a big delegation. It would be much more economical, and the money would stay in this country if held in New York. Why go to Stockholm?

Mr. FASCELL. The gentleman of course is correct. The conference could have been held at the U.N. Headquarters in New York or in Geneva, but it so happens the United Nations accepted the invitation from the Swedish Government to hold it in Stockholm. The Swedish Government, as the host government, will bear the basic costs of the conference. The delegations from the various countries will bear their own.

Mr. GROSS. We probably would not miss a thing if we did not go to this Stockholm meeting, would we?

Mr. FASCELL. I do not agree with the gentleman on that. It is obvious that environmental questions today are not bounded by county or state or even national borders. It would do us very little good to clean up the environment in the United States if everybody else would continue polluting the oceans as fast as we attempt to clean them. I believe it is extremely important to bring international recognition to the very, very difficult problem of preventing further deterioration of the environment which is

obviously going to require international cooperation of the very highest order.

Mr. GROSS. According to the dictionary, the environment is not confined to pollution. Environment can mean a lot of things. Environment is a nice, big circus tent, in my opinion, that can cover all kinds of sins and errors of omission and commission.

I do not believe we would miss a thing if we did not go to Stockholm for this thing. We are spending millions and millions of dollars in this country on the subject of environment.

I just do not understand why there is not at least some limitation as to how many are going to this thing and what it is going to cost, particularly in the light of the bill which was passed only last week, to spend $45 million to bring foreign visitors to this country.

Mr. FASCELL. The gentleman raises a point as to limitations on appropriations for the purposes of international conferences. That is not the subject matter of this legislation. That would be something which would have to be considered in the basic legislation. We do as a nation participate in a great number of international conferences. It does cost quite a bit of money. We are a big nation. We have a lot of problems. We are a part of the world.

Frankly, I do not know if we would do ourselves any good by staying out of international conferences. I believe that where we can make contributions reasonably, we should. We have to leave it to the executive branch, to the President, to use his best judgment with respect to sending a proper delegation.

I agree with the gentleman from Iowa, so far as the subject matter and the scope of the conference is concerned; it is broad. The question of the environment, ecology, the impact of industrialization on mankind and of mankind on the environment is as broad as mankind itself.

Mr. GROSS. Going beyond the immediate conference in Stockholm, does the gentleman have any idea as to what this is going to cost in the future? I believe he will admit that some kind of an international setup is going to grow out of this meeting in Stockholm, and then we will be assessed for dues to the club, plus contributions—that is the way things go in the United Nations—until it rolls up into a costly bill of goods.

I wonder if we could not delay this until we could get some kind of a handle on the number that are going and the expenditure necessary for the purpose of sending them over there and back, together with a look beyond the conference into what this is getting us into.

Mr. FASCELL. I do not think we ought to do that with respect to this resolution which simply indicates the interest of the Congress in U.S. participation in this conference. We are going to participate in it anyhow. An action of this body would not stop that participation, since, as a member nation of the United Nations, we are already participating and paying our share of the cost of that organization and its preparations for the conference.

As far as an international regime which may or may not grow out of this conference is concerned, I have no knowledge of that. I doubt that any international regime is necessary or that there will be additional expenses. But if there are such expenses, they will be either subject to approval by way of a treaty, ratified by the Senate, or our normal appropriations process. If the product of the conference should call for expenses over and above our present participation in the United Nations, such expenses would be subject to normal authorization and appropriation processes. The report on the resolution before us specifically states that this measure should not be construed as authorizing any expenditures either for the conference or for programs and projects that may emanate from it. So there is an ample safeguard here.

We can pass this resolution indicating the knowledge and consent of the Congress with respect to the importance of the problem and say that the United States welcomes an opportunity to participate in this conference.

We are trying very, very hard to address ourselves to the problem of a deteriorating environment. Many nations of the world are not only not as cognizant of this problem as we are but are really not willing as yet to participate in solving it from the standpoint of their own internal programs. Therefore, it would seem to me that this proposed conference is in our own best interests.

Mr. GROSS. I am one Member of the House of Representatives who is of the opinion that we have already done far too much by way of wet nursing foreign countries. It is about time we stop. If they are not interested in so-called environment in their countries, then I could look forward, if this is what we are embarked upon, I could envision a pretty good appropriation for this outfit before we get through with it. This is not necessary. The meeting will not be held until 1972. Is that correct?

Mr. FASCELL. That is correct. There will be no appropriation made for this purpose unless we agree to it. What we seek to do here is to call this conference to the attention of the world community. We are spending a lot of money in our country on redeeming and safeguarding our environment and I just do not know how much more we will have to spend. Obviously what we spend is affected by what other countries do. We are seeking here to get their cooperation and get them to spend some of their money on problems which affect us, because it is obvious, with all of the money we would spend, we cannot by ourselves, for example, clean up the Great Lakes, which border on Canada. We cannot stop pollution of the Atlantic or the Pacific Oceans by ourselves. We cannot stop the pollution of the air by ourselves. We have to get the cooperation of these other countries to do that.

Mr. GROSS. What is the gentleman saying? That the Swedes will help us to clean up the Great Lakes?

Mr. FASCELL. No, sir.

Mr. GROSS. Mr. Speaker, I think this discussion has gone far enough.

I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPEALING SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

The Clerk called the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968).

There being no objection, the Clerk read the bill as follows:

H.R. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 9, 1946 (60 Stat. 968), which limits inheritance or devise of restricted or trust property of deceased members of the Yakima Tribes to enrolled members of those tribes of one-fourth or more degree of Indian blood, is hereby repealed, but such repeal shall have no effect on the estates of Yakima Indians who died prior to this date.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 380 is to repeal section 7 of a 1946 statute that restricts the right to inherit trust property of deceased members of the Yakima Tribes. Section 7 limits the inheritance of trust land on the Yakima Reservation to enrolled members of the Yakima Tribes who have one-fourth degree or more of Yakima blood, with one exception.

This section, which is applicable only to the Yakima Reservation, is an exception to the general law, which provides that the inheritance of trust lands on Indian reservations is governed by the law of the State in which the reservation is located. When the pending bill is enacted, this general law will apply again to the Yakima Reservation, as it did before 1946. Yakima is the only reservation for which restrictive legislation of this kind has been enacted.

Section 7 works unfairly. Many Yakima Indians have intermarried with neighboring tribal Indians. Some of the families live on the Yakima Reservation and some of them live on the neighboring reservations. These are Indian families, but the husband and wife belong to different tribes. Their children frequently can be enrolled in either tribe. A single family may enroll part of its children in one tribe and part of its children in the other tribe. When a parent dies owning an interest in a Yakima Reservation allotment, the children enrolled at Yakima may inherit, but their brothers and sisters who are enrolled in neighboring tribes may not inherit. They are "disinherited" by the enrollment requirement of the 1946 statute. The same rule applies to other direct and collateral relatives—grandparents, grandchildren, uncles, cousins, and so forth—who happen not to be enrolled at Yakima.

In the 794 estates probated between 1946 and June 30, 1966, 287 enrolled Yakima Indians were prohibited from inheriting because they did not have the required quantum of Yakima blood; and 494 unenrolled heirs, including husbands, wives, and children, were excluded because they were not enrolled members of the tribe.

The impact of the present law is forcefully illustrated by the following ex-

ample: A Yakima woman died leaving two sons enrolled on the Warm Springs Reservation. Her sons could inherit only her Warm Springs property valued at $420; her sons could not inherit the Yakima property valued at $3,270, and it went to four cousins of the fifth degree. There are many similar examples.

Although other Indians may not inherit Yakima property, Yakima Indians may inherit property on other reservations. This has caused great dissatisfaction, and other tribes in the Northwest are threatening to seek retaliatory legislation which will prevent Yakimas from inheriting land on the reservations of these other tribes. Our committee believes that the Yakima law is bad, and that the problem should not be compounded by enacting more laws of the same kind for other tribes.

The inheritance of allotted land on an Indian reservation is not an internal matter to be determined by the tribe. Title to allotted lands is private property created pursuant to Federal law, and since the General Allotment Act of 1887 the Federal law has required the right to inherit such private property to be determined by the law of the State where the property is located. This is Federal law and not internal tribal law. The Yakima Tribe has no right to adopt a different rule as a matter of internal tribal law.

It should be noted that the 1946 law does not prevent the owner of a trust allotment on the Yakima Reservation from selling it or giving it away during his lifetime to anyone he chooses. Although he may sell it or give it away, he may not devise it by will to a person of his choice. There is no logical basis for this distinction. If an Indian is free to sell or give his land to a non-Yakima he should be equally free to transfer it to a non-Yakima by will.

The Yakima Tribal Council has attempted to justify section 7 on the ground that the tribal lands were originally allotted to members of the tribe, and that only members should be eligible to inherit the allotted lands in order to keep the ownership of the reservation in Yakima hands. If the allotted lands cannot be recovered by the tribe itself, the argument goes, they should at least be kept in the ownership of tribal members. It would, of course, be possible for the Congress to restore allotted lands to the tribe by a statute that prohibits the inheritance of any allotment on the Yakima Reservation and provides for its escheat to the tribe on death of the owner. This would be a drastic approach which Congress has never seriously considered. Section 7 has proved to be almost as drastic in actual practice by disinheriting close family members and passing title to distant relatives.

The committee sympathizes with the desire of the Yakimas to keep the ownership of their reservation in Yakima hands to the maximum extent possible. It is unfair and discriminatory, however, to seek that result by disinheriting by statute persons who otherwise would be heirs-in-law. The tribe should purchase the interests of non-Yakima, rather than ask the United States to prohibit the inheritance. In other words, although the end sought by the Yakima Tribal Council is proper, section 7 of the 1946 act is not a proper means to accomplish that end.

The enactment of this bill to repeal section 7 of the 1946 act will not affect the other provisions of the act which relate to the rules for enrollment as members of the tribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCLUDING MADISON COUNTY IN THE NORTHERN JUDICIAL DISTRICT OF FLORIDA

The Clerk called the bill (H.R. 5981) to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida.

There being no objection, the Clerk read the bill as follows:

H.R. 5981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 89 of title 28, United States Code, is amended—

(1) by inserting after "Liberty" in the first paragraph of subsection (a) the following: "Madison,"; and

(2) by striking out "Madison," in the first paragraph of subsection (b).

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

BIOLOGICAL PRODUCTS LICENSING

The Clerk called the bill (H.R. 15961) to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section.

There being no objection, the Clerk read the bill as follows:

H.R. 15961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 351 of the Public Health Service Act is amended by inserting after "antitoxin," each time such word occurs, the following: "vaccine, blood, blood component or derivative, allergenic product,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEASE AND TRANSFER OF TOBACCO ALLOTMENTS

The Clerk called the bill (H.R. 14306) to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

There being no objection, the Clerk read the bill as follows:

H.R. 14306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316 (a) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary, if he determines that it will not impair the effective operation of the tobacco marketing quota or price support program, may permit the owner and operator of any farm for which a tobacco acreage allotment (other than a Burley, dark air-cured, fire-cured, Virginia sun-cured and cigar-binder, type 54 or 55 tobacco acreage allotment) is established under this Act to lease all or any part of such allotment or quota to any other owner or operator of a farm in the same county for use in such county on a farm having a current tobacco allotment or quota of the same kind."

SEC. 2. Section 316(b) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(b) Any lease may be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree."

SEC. 3. Section 316(e) is amended by striking the period and inserting in lieu thereof the following: ": *Provided,* That in the case of cigar-filler tobacco types 42, 43, or 44, not more than 10 acres of allotment may be leased and transferred to any farm."

SEC. 4. Section 316(g) of the Agricultural Adjustment Act of 1938, as amended, is hereby repealed.

SEC. 5. Section 317(f) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out in the parentheses in the fifth sentence the language "Burley tobacco, or other".

SEC. 6. Section 703 of the Food and Agriculture Act of 1965 (79 Stat. 1210) is amended by striking out in the last sentence thereof the language "except in the case of burley tobacco, and other kinds of tobacco not subject to section 316,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CONFERENCE REPORT ON DISTRICT JUDGESHIP BILL TO BE BROUGHT UP TOMORROW

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I have requested this time for the purpose of making an announcement.

Mr. Speaker, the distinguished chairman o fthe Committee on the Judiciary advises that he will call up the conference report on the District judgeship bill tomorrow.

THE LATE HONORABLE MRS. LOUISE GOFF REECE

(Mr. QUILLEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include editorials.)

Mr. QUILLEN. Mr. Speaker, I am deeply grieved and saddened to announce the passing of a former Member of the House and a very dear and close friend, Mrs. Louise Goff Reece. Mrs. Reece died last Friday in a Johnson City hospital and she was buried Sunday in Johnson City, Tenn.

The variety of Mrs. Reece's capabilities were always a source of amazement

to me. As a Member of Congress, Mrs. Reece had a great depth of understanding of the problems facing our country. As the wife of a former Congressman, the late B. Carroll Reece, she always extended a friendly greeting and a helping hand.

Her character and her qualities were such that she attracted a broad area of affection and appreciation. By her passing she leaves another great heritage for those of us who survive her, a wonderful example of character, which we should all emulate.

Many of you will remember Mrs. Reece as a former colleague who served in this distinguished chamber for slightly less than two years after her husband, the Honorable B. Carroll Reece, also a longtime distinguished member of this body, died.

Her close friends back home remember her as their devoted servant. She was a great American, a great lady, and a great leader who stood strongly by the principles of sound and honest government.

I also knew her as a warm individual, an able, devoted, and kindly woman. I knew her as a gentle, but strong woman. And I knew her to be frank, but fair and forthright, and compassionate.

Mrs. Reece had many admirers and I was one of them. Very quiet, patient, and even-tempered in disposition, Mrs. Reece was rarely stirred to anger. She handled problems in stride, was diplomatic, and had a charming personality.

A woman of deep convictions, Mrs. Reece was wrapped up in her political life although she officially represented the people of the First Congressional District for a period to fill the unexpired term of her husband.

However, Mrs. Reece served the people of the First District and Tennessee long before she ever served in the House of Representatives.

With her death, I have suffered a deep personal loss. Mrs. Reece's contributions to America and the people who live in this wonderful country will long live in the minds of those who entrusted her.

To me, Mrs. Reece was an idealist and realist, combining the best features of both attributes in a balance too seldom found in leaders of this or any other time. Her love and devotion for her fellowman are shining examples for others to follow.

What Mrs. Reece leaves behind is a massive contribution to mankind. The esteem, prestige, and influence she gained will long be remembered.

Editorials concerning Mrs. Reece's death appeared in the Johnson City Press-Chronicle and the Knoxville Journal which I feel accurately reflect the esteem in which she was held by the people of the First Congressional District. I include these very fine editorials in my remarks:

MRS. LOUISE GOFF REECE

Mrs. Louise Goff Reece, who died Thursday night in Johnson City, was both an able companion to her famous husband and a business and political leader in her own right.

Her husband, B. Carroll Reece, served the First Congressional District in Congress for 35 years. For many years he was one of the top Republican leaders in the nation. In addition to serving on such important bodies as the House Rules and Armed Services committees.

After Mr. Reece's death in 1961, Mrs. Reece was elected to fill out his unexpired term in Congress. And throughout her own political career she followed closely the ideals and policies of her late husband. She declined reelection in 1962 but continued to be an important and respected figure in First District and national politics.

She was also respected as a businesswoman. She had wide interests in Tennessee and West Virginia. And she and her husband were fitting symbols of traditional First District Republicanism.

Mrs. Reece leaves a rich legacy of unwavering devotion to her party, her state and her nation.

A GREAT WOMAN

The Carroll Reece era in politics was two-dimensional from the start.

There was the Congressman, dominant in the First District, influencing mightily the course of events in the State of Tennessee, and standing high in national leadership.

And there was the wife, born and bred to politics, knowledgeable in the intricacies of public affairs, co-formulator of decisions and strategies.

The two made an unbeatable team. They did nearly everything they set out to do. They gave the First District and Tennessee national focus. They were professionals, in the good sense of the word. They built a political empire that endures, even though its leaders are gone.

When the Congressman died in 1961, it was natural, and inevitable, that Mrs. Reece should succeed him in office—and this she did, winning overwhelmingly against token opposition.

And in Washington she saw to it that there was continuity of performance. "My votes," she said, "will be like those of my husband." They were—and so, likewise, was the service rendered. Her husband was known for his meticulous attention to every letter, every request, every appeal from the people back home. Mrs. Reece became known for these things, too.

Ill health forced her retirement from Congress, but she continued her interest in public affairs, maintained her official ties with the national Republican organization, and looked after the family's extensive banking and business interests.

She was, by any reckoning, an outstanding woman—astute in politics, enterprising in business, gracious in social endeavor, and loyal in friendship.

In later years she rejoiced in helping establish the C. Carroll Reece Memorial Museum at East Tennessee State University. She wanted the Museum to stand as a permanent memorial to her husband. It will do that—and it will stand also as a permanent reminder of the wife who stood so stalwartly and faithfully at his side.

My wife and I join in offering our condolences to her daughter and son-in-law, Col. and Mrs. George Marthens, their children, and other members of the family, in this time of sorrow.

GENERAL LEAVE

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the late Honorable Louise Goff Reece.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALL OF THE HOUSE

Mr. STAFFORD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 122]

Abernethy	Fish	O'Neal, Ga.
Anderson, Tenn.	Flood	Ottinger
	Flowers	Patten
Andrews, N. Dak.	Flynt	Pepper
	Ford, Gerald R.	Philbin
Arends	Fraser	Podell
Ashbrook	Frelinghuysen	Pollock
Ashley	Fulton, Tenn.	Powell
Ayres	Gaydos	Purcell
Baring	Gettys	Reid, N.Y.
Barrett	Giaimo	Reuss
Beall, Md.	Gilbert	Rivers
Bell, Calif.	Goldwater	Rooney, N.Y.
Biaggi	Green, Oreg.	Rooney, Pa.
Bingham	Green, Pa.	Roudebush
Bow	Gubser	Ruppe
Brademas	Halpern	Ruth
Brown, Calif.	Hansen, Idaho	St Germain
Brown, Ohio	Harrington	Sandman
Buchanan	Harsha	Saylor
Burke, Fla.	Hays	Scheuer
Bush	Jones, Tenn.	Schneebeli
Byrne, Pa.	Keith	Sebelius
Carey	Kirwan	Shipley
Casey	Koch	Smith, Iowa
Chisholm	Langen	Smith, N.Y.
Clark	Long, La.	Stanton
Clay	Lowenstein	Stokes
Cohelan	Lukens	Stratton
Conyers	McCarthy	Stubblefield
Corbett	McClory	Sullivan
Corman	McCloskey	Taft
Crane	McFall	Talcott
Culver	McMillan	Tunney
Daddario	Mann	Ullman
Dawson	Meskill	Watkins
Dent	Mikva	Watson
Dickinson	Minshall	Whalen
Diggs	Monagan	Whalley
Dorn	Montgomery	Widnall
Dulski	Moorhead	Wilson, Bob
Eckhardt	Morgan	Wold
Edwards, Ala.	Morse	Wright
Eilberg	Mosher	Yatron
Evans, Colo.	Murphy, N.Y.	Young
Fallon	Nix	
Farbstein	O'Hara	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 292 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

HEARINGS BEFORE SUBCOMMITTEE NO. 4 OF THE HOUSE COMMITTEE ON THE JUDICIARY

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings to be held on Thursday, June 4, 1970, at 10 a.m. in room 2237, Rayburn

House Office Building, on the following proposals:

H.R. 17080, to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to serve as part-time U.S. magistrates, and for other purposes.

H.R. 17081, to amend title 18, United States Code, to provide for the protection of U.S. probation officers.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

REPRESENTATIVE TO PARIS PEACE NEGOTIATIONS

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last week, I recommended to President Nixon that he name a new representative to the peace negotiations in Paris. I suggested to the President that a new representative would be an essential ingredient in our attempts to get the talks off dead center. I also suggested that the appointment be someone of world-wide stature, someone who, though not a career diplomat, was nonetheless familiar with the ways of international diplomacy, someone who was respected and admired by all Americans, young and old. My recommendation was the Reverend Theodore Hesburgh, president of Notre Dame University.

Father Hesburgh, as we all know, is Chairman of the U.S. Civil Rights Commission, and a permanent representative on the International Atomic Energy Agency. He is a scholar of wide note and has been the recipient of honorary degrees from over two dozen colleges and universities.

Subsequent to my recommendation to the President, I had a long talk on the phone with Father Hesburgh. He was surprised by my suggestion, but, although he did not wish to be presumptuous, he said that if it were the President's desire, he would gladly serve.

I have communicated this information to all my colleagues and to the press and public and the reaction to date has been most favorable. I would again urge my colleagues, if you agree with my contention that new imagination and new ideas are needed at the peace table, to communicate your views to the President.

THE CUSTOMS COURT ACT OF 1970

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes, as amended.

The Clerk read as follows:

S. 2624

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

TITLE I—JUDICIAL ACTIONS IN CUSTOMS CASES

SHORT TITLE

SEC. 101. This title may be cited as "The Customs Courts Act of 1970".

APPEALS FROM CUSTOMS COURT DECISIONS—JURISDICTION

SEC. 102. Section 1541 of title 28 of the United States Code is amended to read as follows:

"§ 1541. Appeals for Customs Court decisions

"(a) The Court of Customs and Patent Appeals has jurisdiction of appeals from all final judgments or orders of the United States Customs Court.

"(b) When the chief judge of the Customs Court issues an order under the provisions of secion 256(b) of this title; or when any judge in the Customs Court, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved as to which there is substantial ground for difference of opinion and that an immediate appeal from its order may materially advance the ultimate termination of the litigation, the Court of Customs and Patent Appeals may, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* That neither the application for nor the granting of an appeal hereunder stays proceedings in the Customs Court unless a stay is ordered by a judge of the Customs Court or by the Court of Customs and Patent Appeals or a judge of that court."

APPEALS FROM CUSTOMS COURT DECISIONS—PROCEDURE

SEC. 103. Section 2601 of title 28 of the United States Code is amended to read as follows:

"§ 2601. Appeals from Customs Court decisions

"(a) A party may appeal to the Court of Customs and Patent Appeals from a final judgment or order of the Customs Court within sixty days after entry of the judgment or order.

"(b) An appeal is made by filing in the office of the clerk of the Court of Customs and Patent Appeals a notice of appeal which shall include a concise statement of the errors complained of. A copy of the notice shall be served on the adverse parties. When the United States is an adverse party service shall be made on the Attorney General and the Secretary of the Treasury or their designees. Thereupon, the Court of Customs and Patent Appeals shall order the Customs Court to transmit the record and evidence taken, together with either the findings of fact and conclusions of law or the opinion, as the case may be.

"(c) The Court of Customs and Patent Appeals may affirm, modify, vacate, set aside, or reverse any judgment or order of the Customs Court lawfully brought before it for review, and may remand the cause and direct the entry of an appropriate judgment or order, or required such further proceedings as may be just under the circumstances. The judgment or order of the Court of Customs and Patent Appeals shall be final and conclusive unless modified, vacated, set aside, reversed, or remanded by the Supreme Court under section 2106 of this title."

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALER CASES

SEC. 104. Section 2602 of title 28 of the United States Code is amended to read as follows:

"§ 2602. Precedence of American manufacturer, producer, or wholesaler cases

"(a) Every proceeding in the Court of Customs and Patent Appeals arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over other cases on the docket of such court, except as provided for in paragraph (b) of this section, and shall be assigned for hearing at the earliest practicable date and expedited in every way.

"(b) Appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202) shall receive a preference over all other matters."

DUTIES OF CHIEF JUDGE; PRECEDENCE OF JUDGES

SEC. 105. Section 253 of title 28 of the United States Code is amended to read as follows:

"§ 253. Duties of chief judge; precedence of judges

"(a) The chief judge of the Customs Court, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court.

"(b) The chief judge shall promulgate dockets.

"(c) The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign the case to another judge or judges.

"(d) Whenever the chief judge is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the judge next in precedence who is able to act, until such disability is removed or another chief judge is appointed and duly qualified.

"(e) The chief judge shall have precedence and shall preside at any session which he attends. Other judges shall have precedence and shall preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age."

SINGLE-JUDGE TRIALS

SEC. 106. Section 254 of title 28 of the United States Code is amended to read as follows:

"§ 254. Single-judge trials

"Except as otherwise provided in section 255 of this title, the judicial power of the Customs Court with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges."

PUBLICATION OF DECISIONS

SEC. 107. Section 255 of title 28 of the United States Code is redesignated as section 257 and is amended to read as follows:

"§ 257. Publication of decisions

"All decisions of the Customs Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Secretary of the Treasury or his designee and to the appropriate customs officer for the district in which the case arose. The Secretary shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions."

THREE-JUDGE TRIALS

SEC. 108. There shall be a new section 255 of title 28 of the United States Code as follows:

"§ 255. Three-judge trials

"(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Customs Court shall designate any three judges of the court to hear and determine any civil action which the chief judge finds: (1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive order; or (2) has broad or significant implications in the administration or interpretation of the customs laws.

"(b) A majority of the three judges designated may hear and determine the *civil* action and all questions pending therein."

TRIALS AT PORTS OTHER THAN NEW YORK

SEC. 109. There shall be a new section 256 of title 28 of the United States Code as follows:

"§ 256. Trials at ports other than New York

"(a) The chief judge may designate any judge or judges of the court to proceed, together with necessary assistants, to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

"(b) Upon application of a party or upon his own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge may issue an order authorizing a judge of the court to preside in an evidentiary hearing in a foreign country whose laws *do not prohibit* such a hearing: *Provided, however,* That an interlocutory appeal may be taken from such an order pursuant to the provisions of section 1541(b) of this title, subject to the discretion of the Court of Customs and Patent Appeals as set forth in that section."

JURISDICTION OF THE CUSTOMS COURT

SEC. 110. Section 1582 of title 28 of the United States Code is amended to read as follows:

"§ 1582. Jurisdiction of the Customs Court

"(a) The Customs Court shall have exclusive jurisdiction of civil actions instituted by any person whose protest pursuant to the Tariff Act of 1930, as amended, has been denied, in whole or in part, by the appropriate customs officer, where the administrative decision, including the legality of all orders and findings entering into the same, involves: (1) the appraised value of merchandise; (2) the classification and rate and amount of duties chargeable; (3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury; (4) the exclusion of merchandise from entry or delivery under any provisions of the customs law; (5) the liquidation or reliquidation of an entry, or a modification thereof; (6) the refusal to pay a claim for drawback; or (7) the refusal to reliquidate an entry under section 520(c) of the Tariff Act of 1930, as amended.

"(b) The Customs Court shall have exclusive jurisdiction of civil actions brought by American manufacturers, producers, or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended.

"(c) The Customs Court shall not have jurisdiction of an action unless (1) either a protest has been filed, as prescribed by section 514 of the Tariff Act of 1930, as amended, and denied in accordance with the provisions of section 515 of the Tariff Act of 1930, as amended, or if the action relates to a decision under section 516 of the Tariff Act of 1930, as amended, all remedies prescribed therein have been exhausted, and (2) except in the case of an action relating to a decision under section 516 of the Tariff Act of 1930, as amended, all liquidated duties, charges or exactions have been paid at the time the action is filed.

"(d) Only one civil action may be brought in the Customs Court to contest the denial of a single protest. However, any number of entries of merchandise involving common issues may be included in a single civil action. Actions may be consolidated by order of the court or by request of the parties, with approval of the court, if there are common issues."

REPEAL OF SECTION 1583—REVIEW OF DECISIONS ON PROTESTS

SEC. 111. Section 1583 of title 28 of the United States Code is repealed.

TIME FOR COMMENCEMENT OF ACTION

SEC. 112. Section 2631 of title 28 of the United States Code is amended to read as follows:

"§ 2631. Time for commencement of action

"(a) An action over which the court has jurisdiction under section 1582(a) of this title is barred unless commenced within one hundred and eighty days after:

"(1) the date of mailing of notice of denial, in whole or in part, of a protest pursuant to the provisions of section 515(a) of the Tariff Act of 1930, as amended; or

"(2) the date of denial of a protest by operation of law pursuant to the provisions of section 515(b) of the Tariff Act of 1930, as amended.

"(b) An action over which the court has jurisdiction under section 1582(b) of this title is barred unless commenced within thirty days after the date of mailing of a notice sent pursuant to section 516(c) of the Tariff Act of 1930, as amended."

CUSTOMS COURT PROCEDURE AND FEES

SEC. 113. Section 2632 of title 28 of the United States Code is amended to read as follows:

"§ 2632. Customs Court procedure and fees

"(a) A party may contest denial of a protest under section 515 of the Tariff Act of 1930, as amended, or the decision of the Secretary of the Treasury made under section 516 of the Tariff Act of 1930, as amended by bringing a civil action in the Customs Court. A civil action shall be commenced by filing a summons in the form, manner, and style and with the content prescribed in rules adopted by the court.

"(b) There shall be a filing fee payable upon commencing an action. The amount of the fee shall be fixed by the Customs Court but shall be not less than $5 nor more than the filing fee for commencing a civil action in a United States district court. The Customs Court may fix all other fees to be charged by the clerk of the court.

"(c) The Customs Court shall provide by rule for pleadings and other papers, for their amendment, service, and filing, for consolidations, severances, and suspensions of cases, and for other procedural matters.

"(d) The Customs Court, by rule, may consider any new ground in support of a civil action if the new ground (1) applies to the same merchandise that was the subject of the protest; and (2) is related to the same administrative decision or decisions listed in section 514 of the Tariff Act of 1930, as amended, that were contested in the protest.

"(e) All pleadings and other papers filed in the Customs Court shall be served on all the adverse parties in accordance with the rules of the court. When the United States is an adverse party, service of the summons shall be made on the Attorney General and the Secretary of the Treasury or their designees.

"(f) Upon service of the summons on the Secretary of the Treasury or his designee, the appropriate customs officer shall forthwith transmit the following items, if they exist, to the United States Customs Court as part of the official record of the civil action: (1) consumption or other entry; (2) commercial invoice; (3) special Customs invoice; (4) copy of protest; (5) copy of denial of protest in whole or in part; (6) importer's exhibits; (7) official samples; (8) any official laboratory reports; and (9) the summary sheet. If any of the aforesaid items do not exist in the particular case, an affirmative statement to that effect shall be transmitted as part of the official record."

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALER CASES

SEC. 114. Section 2633 of title 28 of the United States Code is amended to read as follows:

"§ 2633. Precedence of American manufacturer, producer, or wholesaler cases

"Every proceeding in the Customs Court arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over the other cases on the docket of the court, and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

NOTICE

SEC. 115. Section 2634 of title 28 of the United States Code is amended to read as follows:

"§ 2634. Notice

"Reasonable notice of the time and place of trial before a judge of the Customs Court shall be given to all parties to any proceeding under rules prescribed by the court."

BURDEN OF PROOF; EVIDENCE OF VALUE

SEC. 116. Section 2635 of title 28 of the United States Code is amended to read as follows:

"§ 2635. Burden of proof; evidence of value

"In any matter in the Customs Court:

"(a) The decision of the Secretary of the Treasury, or his delegate, is presumed to be correct. The burden to prove otherwise shall rest upon the party challenging a decision.

"(b) Where the value of merchandise is in issue:

"(1) Reports or depositions of consuls, customs officers, and other officers of the United States and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted in evidence when served upon the opposing party in accordance with the rules of the court.

"(2) Price lists and catalogs may be admitted in evidence when duly authenticated, relevant, and material.

"(c) The value of merchandise shall be determined from the evidence in the record and that adduced at the trial whether or not the merchandise or samples thereof are available for examination."

ANALYSIS OF IMPORTED MERCHANDISE

SEC. 117. Section 2636 of title 28 of the United States Code is amended to read as follows:

"§ 2636. Analysis of imported merchandise

"A judge of the Customs Court may order an analysis of imported merchandise and reports thereon by laboratories or agencies of the United States."

WITNESSES; INSPECTION OF DOCUMENTS

SEC. 118. Section 2637 of title 28 of the United States Code is amended to read as follows:

"§ 2637. Witnesses; inspection of documents

"(a) In any proceeding in the Customs Court, under rules prescribed by the court, the parties and their attorneys shall have an opportunity to introduce evidence, to hear and cross-examine the witnesses of the other party, and to inspect all samples and all paper admitted or offered as evidence, except as provided in section (b) of this section.

"(b) In an action instituted by an American manufacturer, producer, or wholesaler, the plaintiff may not inspect any documents or papers of a consignee or importer disclosing any information which the Customs Court deems unnecessary or improper to be disclosed."

DECISIONS; FINDINGS OF FACT AND CONCLUSIONS OF LAW; EFFECT OF OPINIONS

SEC. 119. Section 2638 of title 28 of the United States Code is amended to read as follows:

"§ 2638. Decisions; findings of fact and conclusions of law; effect of opinions

"(a) A decision of the judge in a contested case shall be supported by either (1) a statement of findings of fact and conclusions of law, or (2) an opinion stating the reasons and facts upon which the decision is based.

"(b) The decision of the judge is final and conclusive, unless a retrial or rehearing is granted pursuant to section 2639 of this title or an appeal is made to the Court of Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title."

RETRIAL OR REHEARING

SEC. 120. Section 2639 of title 28 of the United States Code is amended as follows:

"§ 2639. Retrial or rehearing

"The judge who has rendered a judgment or order may, upon motion of a party or upon his own motion, grant a retrial or a rehearing, as the case may be. A party's motion must be

made or the judge's action on his own motion must be taken, not later than thirty days after entry of the judgment or order."

REPEAL OF SECTIONS 2640, 2641, 2642—REHEARING OR RETRIAL; FRIVOLOUS PROTEST OF APPEAL; AMENDMENT OF PROTESTS, APPEALS, AND PLEADINGS

SEC. 121. Sections 2640, 2641, and 2642 of title 28 of the United States Code are repealed.

EFFECTIVE DATE

SEC. 122. (a) This title shall become effective on October 1, 1970, and shall thereafter apply to all actions and proceedings in the Customs Court and the Court of Customs and Patent Appeals except those involving merchandise entered before the effective date for which trial has commenced by such effective date.

(b) An appeal for reappraisement timely filed with the Bureau of Customs before the effective date, but as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title. When the judgment or order of the United States Customs Court has become final in this appeal, the papers shall be returned to the appropriate customs officer to decide any remaining matters relating to the entry in accordance with section 500 of the Tariff Act of 1930, as amended. A protest or summons filed after final decision on an appeal for reappraisement shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(c) A protest timely filed with the Bureau of Customs before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title.

(d) All other provisions of this Act shall apply to appeals and disallowed protests deemed to have had summonses timely and properly filed under this section.

MISCELLANEOUS AMENDMENTS

SEC. 123. (a) The analysis of chapter 11 of title 28 of the United States Code, immediately preceding section 251 of such title, is amended by striking the caption of section 254 and substituting therefor the caption, "Single-judge trial.", by striking the caption of section 255 and substituting therefor the caption "Three-judge trials." and by adding the following captions at the end of the analysis of that chapter:

"256. Trials at ports other than New York.
"257. Publication of decisions."

(b) The analysis of chapter 93 of title 28 of the United States Code, immediately preceding section 1541 of such title is amended by striking the caption of section 1541 and substituting the caption "Appeals from Customs Court decisions."

(c) The analysis of chapter 95 of title 28 of the United States Code, immediately preceding section 1581 of such title, is amended to read as follows:

"Sec.
"1581. Powers generally.
"1582. Jurisdiction of the Customs Court."

(d) The analysis of chapter 167 of title 28 of the United States Code, immediately preceding section 2601, is amended to read as follows:

"Sec.
"2601. Appeals from Customs Court decisions.
"2602. Precedence of American manufacturer, producer, or wholesaler cases."

(e) The analysis of chapter 169 of title 28 of the United States Code, immediately preceding section 2631 of such title is amended to read as follows:

"Sec.
"2631. Time for commencement of action.
"2632. Customs Court procedures and fees.
"2633. Precedence of American manufacturer, producer, or wholesaler cases.
"2634. Notice.
"2635. Burden of proof; evidence of value.
"2636. Analysis of imported merchandise.
"2637. Witnesses; inspection of documents.
"2638. Decisions; findings of fact and conclusions of law; effect of opinions.
"2639. Retrial or rehearing."

TITLE II—ADMINISTRATIVE PROCEEDINGS IN CUSTOMS MATTERS

SHORT TITLE

SEC. 201. Titles II and III of this Act may be cited as "The Customs Administrative Act of 1970".

AMENDMENT OF SECTIONS

SEC. 202. Unless otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision of the Tariff Act, the reference shall be considered to be made to a section or provision of the Tariff Act of 1930, as amended (19 U.S.C. 1202 et seq.).

EFFECTIVE DATE

SEC. 203. Titles II and III of this Act shall take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, the appraisement of which has not become final before October 1, 1970, and for which an appeal for reappraisement has not been timely filed with the Bureau of Customs before October 1, 1970, or with respect to which a protest has not been disallowed in whole or in part before October 1, 1970.

APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES; COLLECTIONS AND REFUNDS; LIMITATIONS

SEC. 204. (a) Section 500 of the Tariff Act (19 U.S.C. 1500) is hereby amended to read as follows:

"SEC. 500. APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES.—

"The appropriate customs officer shall, under rules and regulations prescribed by the Secretary—

"(a) appraise merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power, any statement of cost or costs of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

"(b) ascertain the classification and rate of duty applicable to such merchandise;

"(c) fix the amount of duty to be paid on such merchandise and determine any increased or additional duties due or any excess of duties deposited;

"(d) liquidate the entry of such merchandise; and

"(e) give notice of such liquidation to the importer, his consignee, or agent in such form and manner as the Secretary shall prescribe in such regulations."

(b) Section 488 of the Tariff Act (19 U.S.C. 1488) is repealed.

(c) Section 505 of the Tariff Act (19 U.S.C. 1505) is amended to read as follows:

"SEC. 505. PAYMENT OF DUTIES.—

"(a) DEPOSIT OF ESTIMATED DUTIES.—Unless merchandise is entered for warehouse or transportation, or under bond, the consignee shall deposit with the appropriate customs officer at the time of making entry the amount of duties estimated by such customs officer to be payable thereon.

"(b) COLLECTION OR REFUND.—The appropriate customs officer shall collect any increased or additional duties due or refund any excess of duties deposited as determined on a liquidation or reliquidation.

REPEAL OF SEPARATE APPRAISEMENT PROCEDURE; VOLUNTARY RELIQUIDATIONS

SEC. 205. Section 501 of the Tariff Act (19 U.S.C. 1501) is amended to read as follows:

SEC. 501. VOLUNTARY RELIQUIDATIONS.—

"A liquidation made in accordance with section 500 or any reliquidation thereof made in accordance with this section may be reliquidated in any respect by the appropriate customs officer on his own initiative, notwithstanding the filing of a protest, within ninety days from the date on which notice of the original liquidation is given to the importer, his consignee or agent. Notice of such reliquidation shall be given in the manner prescribed with respect to original liquidations under section 500(e)."

DUTIABLE VALUE

SEC. 206. Section 503 of the Tariff Act (19 U.S.C. 1503) is amended to read as follows:

"SEC. 503. DUTIABLE VALUE.—

"Except as provided in section 520(c) (relating to reliquidations on the basis of authorized corrections of errors) or section 562 (relating to withdrawal from manipulating warehouses) of this Act, the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty or rates based upon or regulated in any manner by the value of the merchandise, shall be the appraised value determined upon liquidation, in accordance with section 500 or any adjustment thereof made pursuant to section 501 of the Tariff Act: *Provided, however,* That if reliquidation is required pursuant to a final judgment or order of the United States Customs Court which includes a reappraisement of imported merchandise, the basis for such assessment shall be the final appraised value determined by such court."

PROTESTS

SEC. 207. Section 514 of the Tariff Act (19 U.S.C. 1514) is amended to read as follows:

"SEC. 514. FINALITY OF DECISIONS; PROTESTS.—

"(a) FINALITY OF DECISIONS.—Except as provided in section 501 (relating to voluntary reliquidations), section 516 (relating to petitions by American manufacturers, producers, and wholesalers), section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud) of this Act, decisions of the appropriate customs officer, including the legality of all orders and findings entering into the same, as to—

"(1) the appraised value of merchandise;

"(2) the classification and rate and amount of duties chargeable;

"(3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury;

"(4) the exclusion of merchandise from entry or delivery under any provision of the customs laws;

"(5) the liquidation or reliquidation of an entry, or any modification thereof;

"(6) the refusal to pay a claim for drawback; and

"(7) the refusal to reliquidate an entry under section 520(c) of this Act,

shall be final and conclusive upon all persons (including the United States and any officer thereof) unless a protest is filed in accordance with this section, or unless a civil action contesting the denial of a protest, in whole or in part, is commenced in the United States Customs Court in accordance with section 2632 of title 28 of the United States Code within the time prescribed by section 2631 of that title. When

a judgment or order of the United States Customs Court has become final, the papers transmitted shall be returned, together with a copy of the judgment or order to the appropriate customs officer, who shall take action accordingly.

"(b) PROTESTS.—

"(1) IN GENERAL.—A protest of a decision under subsection (a) shall be filed in writing with the appropriate customs officer designated in regulations prescribed by the Secretary, setting forth distinctly and specifically each decision described in subsection (a) as to which protest is made; each category of merchandise affected by each such decision as to which protest is made; and the nature of each objection and reasons therefor. Only one protest may be filed for each entry of merchandise, except that where the entry covers merchandise of different categories, a separate protest may be filed for each category. In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to the disposition of the protest in accordance with that section. Except as otherwise provided in section 557(b) of this Act, protests may be filed by the importer, consignee, or any authorized agent of the person paying any charge or exaction, or filing any claim for drawback, or seeking entry or delivery, with respect to merchandise which is the subject of a decision in subsection (a).

"(2) TIME FOR FILING.—A protest of a decision, order, or finding described in subsection (a) shall be filed with such customs officer within ninety days after but not before—

"(A) notice of liquidation or reliquidation, or

"(B) in circumstances where subparagraph (A) is inapplicable, the date of the decision as to which protest is made.

"(c) LIMITATION ON PROTEST OF RELIQUIDATIONS.—The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the customs officer upon any question not involved in such reliquidation."

REVIEW OF PROTESTS

SEC. 208. Section 515 of the Tariff Act (19 U.S.C. 1515) is amended to read as follows:

"SEC. 515. REVIEW OF PROTESTS.—

"(a) ADMINISTRATIVE REVIEW AND MODIFICATION OF DECISIONS.—Unless the request for an accelerated disposition of a protest is filed in accordance with subsection (b) of this section the appropriate customs officer, within two years from the date a protest was filed in accordance with section 514 of this Act, shall review the protest and shall allow or deny such protest in whole or in part. Thereafter, any duties, charge, or exaction found to have been assessed or collected in excess shall be remitted or refunded and any drawback found due shall be paid. Upon the request of the protesting party, filed within the time allowed for the filing of a protest under section 514 of this Act, a protest may be subject to further review by another appropriate customs officer, under the circumstances and in the form and manner that may be prescribed by the Secretary in regulations, but subject to the two-year limitation prescribed in the first sentence of this subsection. Notice of the denial of any protest shall be mailed in the form and manner prescribed by the Secretary.

"(b) REQUEST FOR ACCELERATED DISPOSITION OF PROTEST.—A request for accelerated disposition of a protest filed in accordance with section 514 of this Act may be mailed by certified or registered mail to the appropriate customs officer any time after ninety days following the filing of such protest. For purposes of section 1582 of title 28 of the United States Code, a protest which has not been allowed or denied in whole or in part within thirty days following the date of mailing by certified or registered mail of a request for accelerated disposition shall be deemed denied on the thirtieth day following mailing of such request."

PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS

SEC. 209. Section 516 of the Tariff Act (19 U.S.C. 1516) is amened to read as follows:

"SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS—VALUE AND CLASSIFICATION.—

"(a) The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produce, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, or that the proper rate of duty is not being assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reason for his belief.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, or that the classification of the article or rate of duty assessed thereon is not correct, he shall determine the proper appraised value or classification or rate of duty, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised or classified or assessed as to rate of duty in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate or duty assessed upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28 of the United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

"(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

"(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

"(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section."

REFUNDS AND ERRORS

SEC. 210. Section 520(c) of the Tariff Act (19 U.S.C. 1520(c)) is amended by—

(a) striking the words "the Secretary of the Treasury may authorize a collector to" and substituting the words "the appropriate customs officer may, in accordance with regulations prescribed by the Secretary,";

(b) striking the word "appraisement," wherever it appears in paragraph (1); and

(c) deleting "sixty" and substituting "ninety" and deleting "ten" and substituting "nine" in paragraph (1).

TITLE III—MISCELLANEOUS AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. The Tariff Act of 1930, as amended (19 U.S.C. ch. 4), is further amended as follows:

(a) Section 305 (19 U.S.C. 1305) is amended by—

(1) striking the word "collector" in the first paragraph and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the term "the collector" where it first appears in the second paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer".

(b) Sections 311, 315, 432, 434, 438, 441, 443–447, 449–450, 452–455, 457, 485, 490, 492, 496, 521, 555, 562, 584, 586, 609, 613, and 614 (19 U.S.C. 1311, 1315, 1432, 1434, 1438, 1441, 1443–1447, 1449–1450, 1452–1455, 1457, 1485, 1490, 1492, 1496, 1521, 1555, 1562, 1584, 1586, 1609, 1613, and 1614) are amended by striking the word "collector" wherever it appears in the sections and inserting in lieu thereof "appropriate customs officer".

(c) Section 401 (10 U.S.C. 1401) is amended by—

(1) striking subsections (h), (i), and (j);

(2) redesignating subsections (k), (l), (m), and (n) as subsections (h), (i), (j), and (k), respectively, and amending redesignated subsection (i) to read as follows:

"(i) OFFICER OF THE CUSTOMS: CUSTOMS OFFICER.—The terms 'officer of the customs'

and 'customs officer' mean any officer of the Bureau of Customs of the Treasury Department (also hereinafter referred to as the 'Customs Service') or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service."

(3) adding a new subsection (l) to read as follows:

"(l) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury or his delegate."

(d) Section 402a (18 U.S.C. 1402) is amended by—

(1) striking the word "appraiser" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "APPRAISER'S" in the heading of subsection (b) and inserting in lieu thereof "CUSTOMS OFFICER'S".

(3) striking the words "subject to review in reappraisement proceedings under section 501" and inserting in lieu thereof "subject to protest in accordance with section 514".

(e) Sections 448, 493, and 608 (19 U.S.C. 1448, 1493, and 1608) are amended by striking the term "the collector" where it first appears in each section and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in each section and inserting in lieu thereof "such customs officer".

(f) Section 451 (19 U.S.C. 1451) is amended by—

(1) striking the word "collector" where it appears the first time in the section and inserting in lieu thereof "appropriate customs officer";

(2) striking the word "collector" where it appears the second time in the section and inserting in lieu thereof "such customs officer"; and

(3) striking the word "collector" where it appears the third time in the section and inserting in lieu thereof "appropriate customs officer".

(g) Section 467 (19 U.S.C. 1467) is amended by striking the words "collector of customs" and inserting in lieu thereof "appropriate customs officer".

(h) Section 482 (19 U.S.C. 1482) is amended as follows—

(1) subsection (e) is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) subsection (f) is amended by striking "collector of customs or the person acting as such, or by his deputy" and inserting in lieu thereof "appropriate customs officer".

(i) Section 484 (19 U.S.C. 1484) is amended as follows—

(1) subsection (a) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer";

(2) paragraph (1) of subsection (c) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer";

(3) paragraph (2) of subsection (c) is amended by striking the term "The collector" and inserting in lieu thereof "The appropriate customs officer" and by striking the term "the collector" wherever it appears in the paragraph and inserting in lieu thereof "such customs officer";

(4) subsection (g) is amended by striking the term "collector or the appraiser" and inserting in lieu thereof "appropriate customs officer";

(5) the second and third sentences of subsection (j) are amended by striking the word "collector" and inserting in lieu thereof "customs officer"; and

(6) The fourth sentence of subsection (j) is amended by striking the term "a collector" and inserting in lieu thereof "a customs officer" and by striking the terms "the collector" and "such collector" and inserting in lieu thereof "such customs officer".

(j) Section 491 (19 U.S.C. 1491) is amended by striking the words "by the appraiser of merchandise and sold by the collector" and inserting in lieu thereof "and sold by the appropriate customs officer".

(k) Section 499 (19 U.S.C. 1499) is amended as follows—

(1) the first sentence is amended by striking the word "appraiser" and inserting in lieu thereof "appropriate customs officer";

(2) the second sentence is amended by striking the term "The collector" and inserting in lieu thereof "Such officer";

(3) the fifth sentence is amended to read: "Such officer may require such additional packages or quantities as he may deem necessary.";

(4) the sixth sentence is amended to read: "If any package contains any article not specified in the invoice and, in the opinion of the appropriate customs officer, such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be subject to seizure, but if no such fraudulent intent is apparent, then the value of said article shall be added to the entry and the duties thereon paid accordingly.";

(5) the seventh sentence is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(6) the last sentence is amended by striking the words "appraiser's return of value" and inserting in lieu thereof "appraisement" and by striking the words "value returned by the appraiser" and inserting in lieu thereof "appraisement".

(l) Section 502 (19 U.S.C. 1502) is amended by striking the words "appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise" and inserting in lieu thereof "customs officer".

(m) Section 506 (19 U.S.C. 1506) is amended as follows:

(1) paragraph (1) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer"; and

(2) paragraph (2) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(n) Section 509 (19 U.S.C. 1509) is amended by striking the term "Collectors and appraisers" and inserting in lieu thereof "Appropriate customs officers".

(o) Section 510 (19 U.S.C. 1510) is amended by—

(1) striking the words "or a division of such court," the first time they appear;

(2) striking "or an appraiser, or a collector" and inserting in lieu thereof "or an appropriate customs officer";

(3) striking "an appraiser" and inserting in lieu thereof "an appropriate customs officer, or";

(4) striking the words "or a division of such court," the second and third times they appear; and

(5) striking "or appraiser or collector" and inserting in lieu thereof "or appropriate customs officer".

(p) Section 511 (19 U.S.C. 1511) is amended by—

(1) striking the words "or an appraiser, or person acting as appraiser, or a collector" and inserting in lieu thereof "or an appropriate customs officer";

(2) striking the term "the collectors" and inserting in lieu thereof "customs officers"; and

(3) striking the term "the collector" and inserting in lieu thereof "the appropriate customs officer".

(q) Section 512 (19 U.S.C. 1512) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "customs officer"; and

(2) striking the word "collectors" and inserting in lieu thereof "customs officers".

(r) Section 513 (19 U.S.C. 1513) is amended by striking the word "COLLECTOR'S" in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S" and by striking the words "collector or other" wherever they appear in the section.

(s) Section 523 (19 U.S.C. 1523) is amended by striking the word "collectors'" and inserting in lieu thereof "customs officers'".

(t) The fifth sentence of section 557(b) (19 U.S.C. 1557(b)) is amended by striking the words "an appeal for reappraisement under section 501" and inserting in lieu thereof "a protest contesting an appraisement decision in accordance with section 514".

(u) Section 560 (19 U.S.C. 1560) is amended by striking the words "collector or other".

(v) Section 563 (19 U.S.C. 1563) is amended by—

(1) striking the term "collectors of customs" and inserting in lieu thereof "appropriate customs officers"; and

(2) striking the word "collector" and inserting in lieu thereof "customs officer".

(w) Section 564 (19 U.S.C. 1564) is amended by striking the term "collector of customs" and inserting in lieu thereof "customs officer".

(x) Section 565 (19 U.S.C. 1565) is amended by—

(1) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(y) Section 595 (19 U.S.C. 1595) is amended by striking the words "collector of customs or other".

(z) Section 602 (19 U.S.C. 1602) is amended by—

(1) striking the word "COLLECTOR" in the heading and inserting in lieu thereof "CUSTOMS OFFICER"; and

(2) striking the word "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(aa) Section 603 (19 U.S.C. 1603) is amended by—

(1) striking the word "COLLECTOR'S" in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S"; and

(2) striking the words "collector or the principal local officer of the Customs Agency Service" and inserting in lieu thereof "appropriate customs officer".

(bb) Section 604 (19 U.S.C. 1604) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

(cc) Section 605 (19 U.S.C. 1605) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector's" and inserting in lieu thereof "customs officer's".

(dd) Section 606 (19 U.S.C. 1606) is amended by striking the words "collector shall require the appraiser to" and inserting in lieu thereof "appropriate customs officer shall".

(ee) Sections 607 and 610 (19 U.S.C. 1607 and 1610) are amended by—

(1) striking the words "returned by the appraiser"; and

(2) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(ff) Section 612 (19 U.S.C. 1612) is amended as follows:

(1) the first sentence is amended by striking the term "the collector" where it first appears and inserting in lieu thereof "the appropriate customs officer"; by striking the words "by the appraiser"; by striking the term "the collector" where it thereafter appears and inserting in lieu thereof "such officer"; and by striking the words "within twenty-four hours after receipt by him of the appraiser's return";

(2) the second sentence is amended by striking the term "the collector" and inserting in lieu thereof "such officer"; and

(3) the third sentence is amended by striking the word "collector" and inserting in lieu thereof "customs officer".

(gg) Section 617 (19 U.S.C. 1617) is amended by striking the word "collector" and inserting in lieu hereof "customs officer" and by striking the words "or customs agent."

(hh) Section 618 (19 U.S.C. 1618) is amended by striking the words "customs agent, collector, judge of the United States Customs Court, or United States commissioner," and inserting in lieu thereof "customs officer".

(ii) Section 623 (19 U.S.C. 1623) is amended by striking the term "collectors of customs" and inserting in lieu thereof "customs officers".

(jj) Section 641 (19 U.S.C. 1641) is amended by striking the words "collector or chief" wherever they appear and substituting therefor "appropriate".

(kk) Section 648 (19 U.S.C. 1648) is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 302. The last paragraph of so much of section 1 of the Act of August 1, 1914, as relates to the Customs Service, as amended (38 Stat. 623; 19 U.S.C. 2), is amended to read as follows:

"The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead. The President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require."

SEC. 303. Section 2 of the Act of March 4, 1923, as amended (19 U.S.C. 6), is amended by—

(a) striking the first and second sentences and inserting in lieu thereof the following: "Any officer of the customs service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there are no diplomatic missions of the United States, appropriate recognition and standing with full facilities for discharging their official duties shall be arranged by the Department of State."; and

(b) striking the words "and employees" in the last sentence of the section.

SEC. 304. Section 2619 of the Revised Statutes, as amended (19 U.S.C. 31), is amended to read as follows:

"A bond to the United States may be required of any customs officer for the true and faithful discharge of the duties of his office according to law."

SEC. 305. Section 2620 of the Revised Statutes, as amended (19 U.S.C. 32), is amended to read as follows:

"The amounts, conditions for filing, and procedures for the approval of bonds required of customs officers shall be set forth in regulations prescribed by the Secretary of the Treasury."

SEC. 306. Section 8 of the Act of August 24, 1912, as amended (19 U.S.C. 50), is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 307. Section 2654 of the Revised Statutes, as amended (19 U.S.C. 58), is amended by striking the word "Collectors" and inserting in lieu thereof "Customs officers".

SEC. 308. Section 251 of the Revised Statutes (19 U.S.C. 66) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

SEC. 309. Section 3 of the Act of June 18, 1934, as amended (19 U.S.C. 81c) is amended by—

(a) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 310. The Act of June 28, 1916 (19 U.S.C. 151), is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer".

SEC. 311. Section 202(a) of the Act of May 27, 1921 (19 U.S.C. 161(a)) is amended by striking the word "report".

SEC. 312. Section 208 of the Act of May 27, 1921 (19 U.S.C. 167), is amended by striking the term "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the section and inserting in lieu thereof "such customs officer".

SEC. 313. Section 209 of the Act of May 27, 1921, as amended (19 U.S.C. 168) is amended by—

(a) striking the words "appraiser or person acting as appraiser" where they first appear in the section and inserting in lieu thereof "appropriate customs officer";

(b) striking the words "report to the collector" where they first appear in the section;

(c) striking the words "each appraiser or person acting as appraiser" and inserting in lieu thereof "such customs officer"; and

(d) striking the words "and report to the collector".

SEC. 314. Section 210 of the Act of May 27, 1921, as amended (19 U.S.C. 169), is amended by—

(a) striking the words "appraiser or person acting as appraiser" and inserting in lieu thereof "appropriate customs officer";

(b) striking the term "the collector" and inserting in lieu thereof "such customs officer"; and

(c) striking the words "appeal and" and "appeals and".

SEC. 315. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 261), is amended by striking ", and any customs officer who may be designated for that purpose by the collector of customs,".

SEC. 316. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), is amended by—

(a) striking the words "inspectors, storekeepers, weighers, and other"; and

(b) striking the term "collector of customs" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer".

SEC. 317. Section 3111 of the Revised Statutes (19 U.S.C. 282) is amended by striking the words "other or" and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

SEC. 318. Section 3126 of the Revised Statutes (19 U.S.C. 293) is amended by striking out "collectors" and inserting in lieu thereof "appropriate customs officers".

SEC. 319. Sections 2863 and 3087 of the Revised Statutes, as amended (19 U.S.C. 341 and 528), are amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 320. The Act of June 16, 1937 (19 U.S.C. 1435b), is amended by—

(a) striking the words "collector of customs, or any deputy collector of customs designated by him" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the words "jointly by the Secretary of Commerce and".

REPEALS

SEC. 321. The following laws are hereby repealed:

(a) section 2613 of the Revised Statutes, as amended (19 U.S.C. 5);

(b) the last paragraph of so much of section 1 of the Act of July 5, 1932, as relates to the Bureau of Customs (47 Stat. 584; 19 U.S.C. 5a);

(c) section 3 of the Act of March 4, 1923 (19 U.S.C. 7);

(d) section 2629 of the Revised Statutes, as amended (19 U.S.C. 8);

(e) section 2625 of the Revised Statutes, as amended (19 U.S.C. 9);

(f) section 2630 of the Revised Statutes, as amended (19 U.S.C. 10);

(g) section 2632 of the Revised Statutes, as amended (19 U.S.C. 11);

(h) the Act of February 6, 1907, as amended (19 U.S.C. 36);

(i) section 2633 of the Revised Statutes (19 U.S.C. 37);

(j) section 7 of the Act of March 4, 1923 (19 U.S.C. 51); and

(k) sections 1 and 2 of the Act of August 28, 1890 (19 U.S.C. 63).

The SPEAKER pro tempore. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), one of the authors of the legislation.

(Mr. CELLER asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. CELLER. Mr. Speaker, the efficient and effective functioning of the Federal courts has always been a matter of primary concern to the Judiciary Committee. Today we are asking the House to consider favorably S. 2624, a bill to modernize the procedures in the Customs Court and the related administrative processes in the Bureau of Customs so that this court can better manage its rapidly expanding workload.

In July 1969, I introduced H.R. 12691 to improve the judicial machinery in the customs courts by amending the statutory provisions relating to judicial action and administrative proceedings in customs matters. My colleague, the senior minority member of the committee, Mr. McCULLOCH, introduced an identical bill. In addition, my distinguished colleague from Virginia (Mr. POFF), the ranking minority member of Subcommittee No. 3, introduced identical legislation.

Also in July 1969, Senators TYDINGS and HRUSKA introduced identical legislation in the Senate, S. 2624. A slightly

amended version of this bill was passed by the Senate in December 1969. It is this version, with some technical and corrective amendments, that we are recommending for passage by the House.

As is evident from the bipartisan sponsorship of this legislation in both the Senate and the House of Representatives, the proposal to modernize the Customs Court procedures is a bipartisan effort. Our concern, regardless of party, is to improve the administration of justice in the Customs Court.

The reforms in procedures contained in this are long overdue. The Customs Court was created in 1926 as the successor to the Board of General Appraisers, an administrative agency established in 1890 to relieve the Federal district and circuit courts of the heavy burden of customs litigation. However, the powers, procedures, and duties of the Customs Court remained the same as that previously possessed by the Board of General Appraisers. For the most part, this court has continued to function almost as an administrative tribunal despite the fact that in 1956 Congress enacted legislation making the Customs Court an article 3 court.

The Customs Court is a national court with exclusive jurisdiction over all customs cases. In the fiscal year 1969, more than 75,000 cases were filed with this court; however, because of its outmoded procedures, the court has been unable to keep up with its mounting caseload. By the end of fiscal year 1969, the court had a backlog of more than 430,000 cases. After 80 years, it is time for Congress to act. We must eliminate the out-of-date procedures which now govern the operations of the Customs Court and replace them with modern judicial procedures that will permit the court to perform its important functions effectively and efficiently.

I wish to make it clear for the record that this bill in no way affects rates of duties nor the substantive provisions of laws relating to the basis of duty assessment. It will have no commercial or financial impact on our international trade.

I urge that the Members of this House join in the bipartisan efforts of the majority and minority parties to enact this legislation.

Mr. WIGGINS. Mr. Speaker, I yield 2 minutes to the ranking minority member of the committee, the gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, I join with the able chairman of the House Judiciary Committee, in urging passage of S. 2624. This legislation is needed if the U.S. Customs Court is to continue to perform the important functions that it has been given by the Congress under recent legislation, which made it a constitutional court.

The Customs Court has exclusive nationwide jurisdiction over all customs cases. As the volume of imports into the United States has grown, it has been matched by a corresponding growth in the work of the court. Thus in fiscal year 1964, the Customs Service collected over $1.8 billion in duties; in fiscal year 1969, customs duties amounted to over $3.25 billion. The caseload of customs cases increased accordingly. In fiscal 1963, the Customs Court received about 35,000 new cases; in fiscal year 1969, this figure had increased to over 75,000 cases.

The inability of the court, saddled as it is with outmoded procedures dictated by laws passed as far back as 1890, is reflected in the statistics of pending cases. Thus at the end of fiscal 1963, 186,000 cases were pending in the Customs Court; at the end of fiscal 1969, there were over 431,000 cases pending.

This situation cannot be permitted to continue unchecked. Failure to act will eventually result in a flood of paper that will overwhelm the Customs Court. The legislation I introduced in July 1969, H.R. 12921, to remedy the defects which presently burden this article III court does not substantially differ from the legislation presently under consideration in the House in S. 2624.

Fortunately the court, the Government, the importers, and the Customs Bar, have been aware of this dire situation and have joined in considering measures to solve this problem. The legislation before the House reflects the combined experience and wisdom of these various groups. Although there is no unanimity on all of the details of the bill, there is a general consensus among all groups concerned that the basic principles and procedures embodied in the legislation will enable the court to cope with its mounting backlog of old cases and the rising tide of new cases.

I wish to stress, as did my distinguished colleague, the gentleman from New York, that this legislation, as it has been considered by both the Senate and the House Judiciary Committee, is in no sense partisan legislation. Both parties are concerned solely with the efficient and effective performance of our judicial system. The Customs Court is an important element in that system. We are all agreed that this legislation is both necessary and desirable. I urge a favorable vote for the legislation.

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation, as has been stated, is to modernize the procedures in the Customs Court and the related administrative processes in the Bureau of Customs so that the court and the Bureau will be better able to cope with their tremendous work loads.

S. 2624 was introduced at the request of the administration. It is the product of several years of work on the part of the Customs Court, the Departments of Treasury and Justice, and the Federal Judicial Center, in consultation with representatives of importers, customs brokers and the customs bar. Its passage through the Senate without a dissenting voice marks it as the product of intensive bipartisan study.

Identical House bills were introduced by the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), by the ranking minority member on the committee, the gentleman from Ohio (Mr. McCULLOCH), and by the gentleman from Virginia (Mr. POFF), indicating the wide support enjoyed by the measure on the House side as well.

In addition to these departmental and congressional endorsements, this legislation enjoys the support of the Departments of State and Commerce, the Judicial Conference of the United States, and the Chamber of Commerce of the United States.

It should also be noted that witnesses before the subcommittee representing the American Importers Association, and the Association of the Customs Bar, although they requested certain amendments to S. 2624, by and large made it clear that they preferred the bill as passed by the Senate to no reform at all.

Furthermore, the Departments of Treasury and Justice advised the committee that these Departments support the legislation as amended by the Senate.

The Senate made two principal changes. They made mandatory the provisions of the bill calling for a filing fee, payable at the commencement of a civil action in the Customs Court, the minimum of which would be $5. The other body also limited the scope of the authority of the chief judge who might order that evidentiary hearings could be held abroad.

The heart of the problem that gave rise to this legislation is that a number of general statutory provisions affecting both the court and the Bureau in terms of their procedures have become outdated and tend to distort the relationship between the administrative agency and the court tend to make the court merely an extension of the administration's arm rather than the judicial tribunal which it is intended to be.

Despite its increased productivity, the Customs Court in recent years has suffered an unconscionable increase in its backlog.

It is our opinion that obsolete but mandatory procedures are largely responsible for the inability of the court to keep abreast of its intake.

It is very important to stress that the subject legislation studiously avoids any substantive changes in the customs law, as indicated by the gentleman from New York (Mr. CELLER), but does relate exclusively to improvements in procedures—both with respect to the administrative stage and with respect to judicial review—for the determination of duty liability.

The bill has three titles, title I to be cited as "The Customs Courts Act of 1970"; and titles II and III, to be cited as "The Customs Administrative Act of 1970."

Mr. Speaker, the present backlog of 431,000 cases at the end of the fiscal year 1969 can be attributed to a number of factors. They include the increase of imports into the United States, a new set of tariff schedules, and a more aggressive attitude on the part of American importers and manufacturers in challenging customs decisions.

However, the outmoded procedures contribute more to the backlog growth than anything else.

In clear and simple terms, the procedures that the existing statute require to be used to dispose of customs matters

in the Bureau and in the court are, as I said, out of date and inefficient.

The major defects in the present law include the following:

First. It is necessary to have two separate proceedings to determine appraisement and classification issues involving the same article of merchandise.

Second. There is no provison for administrative review of appraisement actions by the Bureau of Customs.

Third. The period of time for importers to file appeals or protests is so unrealistically short that they are virtually compelled to file them as a protective measure.

Fourth. Protests denied by the Bureau are automatically referred to the Customs Court.

Fifth. The Customs Court lacks statutory authority to charge a filing fee for commencing an action in the court.

Sixth. Three judges must try a protest case.

Seventh. Single-judge decisions in appraisement cases can be appealed to a three-judge division of the Customs Court before final appeal to the Court of Customs and Patent Appeals.

Eighth. Written decisions must be prepared in all cases decided by the Customs Court.

Ninth. Classification cases tried in ports outside of New York are heard by single judges but can only be decided by a three-judge division.

These outmoded provisions of the law prevent the Bureau and the court from managing their affairs effectively. These agencies require better management tools to discharge their responsibilities under the law.

S. 2624 would remedy these deficiencies in the following respects:

First. The Bureau of Customs will liquidate an entry in a single proceeding which will decide all issues, including appraisement and classification.

Second. The period of time in which an importer can appeal for further administrative review of a bureau decision will be extended to 90 days.

Third. The Bureau will have additional power to reliquidate an entry on its own initiative and thereby correct administrative errors.

Fourth. The Bureau will have a maximum period of 2 years in which to consider a protest and dispose of it on its merits, with written notice of denial of protest required to be mailed to the importer.

Fifth. An importer will be able to obtain accelerated disposition of his protest by the Bureau by filing a request for such acceleration.

Sixth. The period of time in which to request judicial review of an administrative decision in the Bureau will be extended to 180 days.

Seventh. An importer, in order to obtain judicial review, will be required to file a summons in the Customs Court.

Eighth. The court will be required to establish a filing fee of at least $5 and not in excess of the filing fee for commencing a civil action in the U.S. district court, presently $15.

Ninth. There will be a single judicial proceeding in which all issues, including both appraisement and classification, will be considered.

Tenth. A single-judge will try the usual kinds of cases.

Eleventh. The chief judge will be authorized to designate three-judge trials of cases involving constitutional questions or other important matters.

Twelfth. The judges will have the option either to prepare opinions or statements of finding of fact and conclusions of law.

Thirteenth. Cases will be tried outside of New York by a single judge.

Fourteenth. The intermediate three-judge appellate proceeding in appraisement cases in the Customs Court will be eliminated and replaced by direct appeals to the Court of Customs and Patent Appeals.

Mr. Speaker, it is my firm belief that when the Bureau and the court are equipped with these up-to-date management tools, they will be able to meet their increasing responsibilities and growing workload. Representatives—at least the vast majority of representatives—of the importing industry, the bar and the court share this belief. They have worked closely with the Departments of Justice and Treasury in preparing this bill and, despite differences of view on some details, they have supported and endorsed the basic principles embodied in S. 2624. I urge its adoption.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. Yes; I yield to my friend, the gentleman from Idaho.

Mr. McCLURE. I want only to express one concern I have, and that is one question with respect to this bill. Section 119, paragraph (a) which appears on page 15 of the bill, refers to the findings of fact and conclusions of law or written opinion. It is again referred to on page 21 of the report, and I think the gentleman referred to it in two or three places in his statement, the latter one of which was under point No. 12 of proposed solutions.

I believe it has been our experience that oral opinions of judges sometimes are not supported by a sufficient statement of facts upon which that decision is based, and this has led to problems in other court proceedings. I believe the gentleman stated in point No. 12 that it could be supported either by a written opinion or by written facts and conclusions, but the report states that it can be supported or ordered simply orally from the bench without in either instance being in writing except as reported by the court reporter. If the latter is true, it would seem to me that this might lead to the kind of judicial uncertainty that has plagued other courts at other times in our history.

Mr. KASTENMEIER. The gentleman's point is well taken. We assume that when the judge does decide orally rather than write his opinion, that he makes it in the form of a statement for the court and that it will be reduced to typewriting for the record by the reporter. I furthermore state that these cases are appealable.

Mr. McCLURE. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Idaho.

Mr. McCLURE. I would assume it would be the intention of the committee that this decision from the bench, unsupported by written conclusions or findings of fact, would be one that would be used rather guardedly by the court and would not be used in complicated cases where the statements would be essential to a determination of the court's decision.

Mr. KASTENMEIER. I believe the gentleman has made a correct statement at that point, and I would agree. I think the compelling fact, however, that there are so many pending cases—431,000 approximately—would militate against the older practice of requiring in every case a written opinion.

Mr. McCLURE. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Idaho.

Mr. McCLURE. I commend the gentleman for his statement and I support the action that is being taken by the committee. I think it is a very constructive step forward, but I did want to express my concern that if the judges applied this procedure rather loosely, we would eventually get ourselves back into a situation in which more time would be consumed than we are now attempting to save.

Mr. KASTENMEIER. I appreciate the gentleman's statement. It is not the intention of the committee to recommend, as far as the construction of this particular section is concerned, any loose interpretation.

Mr. WIGGINS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I will be very brief. As has already been indicated, this is the work product of two administrations. It is bipartisan in this body. It was bipartisan in the other body, which it passed without a dissenting vote.

The legislative history traces its origin back to the 89th Congress, when in 1966 representatives from the Department of the Treasury met with the legislative committee and the Bureau of Customs and out of that precipitated what is now titles II and III of the pending legislation.

The bill will permit the Bureau of Customs to use up-to-date administrative procedures and methods of administrative review. The Bureau's plans for a single, continuous procedure in deciding all issues in any entry of merchandise and for a more effective and more independent administrative review within the Bureau should give assurance to the importers that their protest and claims have been carefully considered and objectively reviewed. Hopefully, this will lead to an increase in the number of cases finally determined at the administrative level and a reduction in the number of cases brought into the Customs Court.

Should customs reject a claim, the importer will have 180 days in which to file an action in the Customs Court. This should enable him to carefully consider whether judicial review is warranted under the circumstances. This extended period for filing suit should eliminate many

of the hasty protective appeals for reappraisement and protests which produced so many unnecessary cases.

The major changes made by S. 2624 in Customs Court procedures are designed to remove impediments to the efficient functioning of the court and to provide it with the necessary powers to deal effectively with its large caseload.

One significant change eliminates the automatic referral of cases from the Bureau to the court. Under the bill, the Bureau will be authorized to employ administrative principles and procedures similar to those of other Government agencies. When the Bureau has taken final administrative action, the claimant seeking judicial review must take affirmative action to get into court.

The importer will initiate this action by filing a summons in the Customs Court. The court will provide a single judicial procedure in which all issues, including appraisement and classification, will be heard, considered, and decided. Importers will be able to include in a single cause of action all entries of merchandise presenting common issues. The court will have full authority to order actions consolidated or severed, as circumstances warrant.

A minimum filing fee of $5 for commencing an action in the Customs Court is provided for by this bill, but the court is granted discretionary authority to set any higher figure not exceeding the filing fee in the District Court, presently $15. The filing fee should have two worthwhile effects:

First. It should cause potential litigants to carefully consider the advisability of bringing suit; and

Second. Litigants, in order to minimize fees, will have a monetary inducement to consolidate numerous importations involving the same issues into one cause of action.

The effect of the fee, therefore, should be to reduce substantially the number of cases filed in the Customs Court each year.

The next big judicial improvement is the requirement that cases normally be tried by a single judge. This means that classification cases, which constitute 60 percent of the court's work, will no longer require a three-judge trial. The three-judge panel will be permitted only for cases involving constitutional questions or serious issues in the administration of the customs laws.

Another major improvement in judicial administration is the provision to relieve the judges of the Customs Court of the mandatory and inflexible requirement to render their decisions in writing, with a statement of the reasons therefor and the facts on which the decision is based, in every contested case. The Customs Court is a court of record, and all decisions of the judges, whether oral or written, are taken down by the court reporter. They are, therefore, available for report and publication.

In addition, under the bill, the judge will have the option of supporting his decision by either a statement of findings of fact and conclusions of law or by an opinion stating the reasons and the facts upon which his decision is based.

The bill will also make a significant advance in the trial of cases in ports outside of New York. Single judges will now be able to hear and decide these cases. This will eliminate the present practice of having a single judge hear classification cases in ports outside New York and then report the case for decision by a three-judge division, no one of whose members may necessarily have been the judge who heard the case.

Finally, under the bill, appeals from all cases decided by the Customs Court will go directly to the Court of Customs and Patent Appeals. This will eliminate the present intermediate appeal procedure in which single-judge decisions in appraisement cases are reviewed by a three-judge division in the Customs Court, with further appeal to the Court of Customs and Patent Appeals.

There are, of course, numerous other areas of improvement of judicial administration in the Customs Court to which this bill addresses itself. All of them are directed toward the elimination of recognized and admitted deficiencies and shortcomings in the existing law. My distinguished colleague, the gentleman from Wisconsin, has referred to them in his remarks, so there is no need to repeat them.

The net effect of this bill is to modernize the court's procedures and strengthen its powers to manage its business in the most effective and expeditious fashion. These reforms are necessary and long overdue. I urge the House to act favorably on S. 2624.

Mr. WIGGINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I join with my colleagues who have previously spoken to indicate a general support of this bill. They certainly are to be complimented for the manner in which they have handled this very complicated subject.

Mr. Speaker, there is a dearth of expertise in this House of Representatives on the subject of customs legislation. The committee is to be commended for the effort it has made to modernize the procedures for our Customs Court. But its efforts are not perfect. Because by its very nature this leigslation is complicated, I think it especially behooves the Members to listen to those who have by reason of their profession developed an expertise absent in this House.

I think the membership ought to know that the Customs Bar and a great many importers are not all that happy with the bill. They share my view that the bill represents progress, but that it is not perfect, and were we here under other procedures, it could profitably be amended.

More particularly Mr. Speaker, the opposition of those who must deal with this legislation on a daily basis centers around the imposition of a filing fee. Section 113 of the bill, on page 11, imposes a filing fee of not less than $5 nor more than the filing fee for commencing a civil action in the U.S. District Court.

I think the immediate response of most Members would be: Why should not they pay a filing fee? All other litigants do. But the membership should be aware there is something very special about a proceeding before the Customs Court. The issues in such a proceeding normally involve but two points: First, the evaluation of the item imported, and second, the classification to be imposed on that item.

I think all Members realize that a shipment from overseas may involve hundreds and hundreds of items each having a different value and accordingly each a different valuation. Therefore, in order to avail himself of this act, an importer must pay a filing fee with respect to each item. We should be aware that this legislation may indeed affect the price of commodities which are imported into this country.

Further, Mr. Speaker, the history of this act indicates that a filing fee was tried once before.

It did not work. The Congress in its wisdom found it necessary to repeal a law providing for a filing fee in customs court cases.

In the months ahead we may have to undo the filing fee imposed in this legislation.

Recognizing, Mr. Speaker, that this matter is before us now under suspension and that no amendments to the legislation are in order, I can only appeal to the very distinguished members of this subcommittee and urge that they carefully monitor this legislation if it becomes law to see whether or not an unconscionable burden is imposed upon importers and, of course, upon those consumers who buy their products, by the imposition of this filing fee.

I conclude, Mr. Speaker, by indicating my support for the legislation, but my reservation concerning the imposition of a filing fee.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I am happy to yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, it is the usual practice in any court to charge a filing fee for bringing an action. It is an accepted cost in the operation of a business. In this regard, an importer is no different from any other businessman who must resort to the courts. Yet the customs court is the only court we know of that does not impose a filing fee.

It has been contended that it is unfair to require an importer to pay multiple filing fees when he is regularly importing the same article of merchandise and is contesting each denial of his protest with respect to that article. To take care of this situation, a special provision has been included in section 110 of the bill, amending title 28, United States Code, section 1582(d), which permits the importer to minimize his filing fees; he can consolidate all his protests that raise a common issue and that have been denied within the preceding 180 days into a single cause of action and thus pay only a single fee.

Congress has never imposed a filing fee for commencing an action in the customs court. Under the Tariff Act of 1913, a filing fee of $1 was imposed as a condition for filing a protest required for administrative review with the Bureau of Customs. This provision was repealed by Congress in 1922.

There is no similarity between the fee for filing a request for administrative action by an administrative agency and a

fee for filing an action in court. Thus, a taxpayer is not charged a filing fee for any administrative review of a claim for income tax refund by the Internal Revenue Bureau. However, if he seeks judicial review, he must pay the filing fee in the Tax Court.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Wisconsin that the House suspend the rules and pass the bill S. 2624, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that the quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 301, nays 0, not voting 128, as follows:

[Roll No. 123]

YEAS—301

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Belcher
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corman
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Donohue
Dowdy
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Foley
Ford, William D.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gibbons
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Wash.
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lujan
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Patman
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
Sandman
Satterfield
Schadeberg
Schwengel
Scott
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
Weicker
White
Whitehurst
Whitten
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—128

Abernethy
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Bow
Brademas
Brown, Calif.
Brown, Ohio
Buchanan
Bush
Byrne, Pa.
Carey
Chisholm
Clark
Cohelan
Conyers
Corbett
Crane
Culver
Daddario
Dawson
Dent
Dickinson
Diggs
Dingell
Dorn
Dulski
Edwards, Ala.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hansen, Idaho
Harrington
Harsha
Hays
Jones, Tenn.
Kirwan
Koch
Kuykendall
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McFall
McMillan
Madden
Mann
Melcher
Meskill
Mikva
Minshall
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Nix
O'Neal, Ga.
Ottinger
Patten
Pepper
Philbin
Podell
Pollock
Purcell
Reid, N.Y.
Reuss
Rivers
Rooney, N.Y.
Rooney, Pa.
Roudebush
Ruppe
Ruth
St Germain
Saylor
Scherle
Scheuer
Schneebeli
Sebelius
Shipley
Smith, Iowa
Stanton
Stokes
Stratton
Stubblefield
Sullivan
Talcott
Tunney
Ullman
Watkins
Watson
Whalen
Whalley
Widnall
Wilson, Bob
Wilson, Charles H.
Wold
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.
Mr. Rooney of New York with Gerald R. Ford.
Mr. Daddario with Mr. Mosher.
Mr. Dent with Mr. Ayres.
Mr. Gilbert with Mr. Ruppe.
Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.
Mr. Abernethy with Mr. Roudebush.
Mr. Barrett with Mr. Arends.
Mr. Brademas with Mr. Andrews of North Dakota.
Mr. Cohelan with Mr. Gubser.
Mr. Dorn with Mr. Ashbrook.
Mr. Eilberg with Mr. Minshall.
Mr. Philbin with Mr. Morse.
Mr. Patten with Mr. Meskill.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Farbstein with Mr. Reid of New York.
Mr. Shipley with Mr. Hansen of Idaho.
Mr. Stratton with Mr. Dickinson.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Carey with Mr. Fish.
Mr. Clark with Mr. Saylor.
Mr. Culver with Mr. Brown of Ohio.
Mr. Morgan with Mr. Corbett.
Mr. Moorhead with Mr. Sebelius.
Mr. Nix with Mr. McCloskey.
Mr. Ottinger with Mr. Halpern.
Mr. Pepper with Mr. Buchanan.
Mr. Podell with Mr. Bell of California.
Mr. St Germain with Mr. McClory.
Mr. Stubblefield with Mr. Lukens.
Mr. Green of Pennsylvania with Mr. Watkins.
Mr. Giaimo with Mr. Schneebeli.
Mr. Frazer with Mr. Harsha.
Mr. Evans of Colorado with Mr. Bush.
Mr. O'Neal of Georgia with Mr. Crane.
Mrs. Sullivan with Mr. Goldwater.
Mr. McFall with Mr. Stanton.
Mr. Dingell with Mr. Talcott.
Mr. Dulski with Mr. Whalen.
Mr. Murphy of New York with Mr. Widnall.
Mr. Mann with Mr. Watson.
Mr. Purcell with Mr. Whalley.
Mr. Rivers with Mr. Bob Wilson.
Mr. Smith of Iowa with Mr. Wold.
Mr. Yatron with Mr. Stokes.
Mr. Tunney with Mr. Conyers.
Mr. Biaggi with Mrs. Green of Oregon.
Mr. Anderson of Tennessee with Mr. McMillan.
Mr. Bingham with Mr. Diggs.
Mr. Baring with Mr. Kirwan.
Mr. Brown of California with Mr. Dawson.
Mr. Jones of Tennessee with Mr. Ullman.
Mr. Charles H. Wilson with Mr. Flood.
Mr. Flowers with Mr. Flynt.
Mr. Gettys with Mr. Harrington.
Mr. Reuss with Mr. Gaydos.
Mr. Montgomery with Mr. Mikva.
Mr. Monagan with Mr. Mollohan.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Rooney of Pennsylvania with Mr. McCarthy.
Mr. Koch with Mr. Scheuer.
Mr. Madden with Mr. Kuykendall.
Mr. Melcher with Mr. Pollock.
Mr. Ruth with Mr. Scherle.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

RETIREMENT OF JUSTICES AND JUDGES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States, as amended.

The Clerk read as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: ", or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise,".

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. CELLER), will be recognized for 20 minutes, and the gentleman from Ohio (Mr. McCULLOCH) will be recognized for 20 minutes.

The gentleman from New York is recognized.

Mr. CELLER. Mr. Speaker, S. 1508 would amend the judicial code to liberalize retirement of justices and judges of the United States. As passed by the other body, the bill extends retirement benefits to Federal judges after 20 years of service, irrespective of age. It also extends similar benefits to judges of the territorial courts—Canal Zone, Guam, and the Virgin Islands.

The Judicial Conference of the United States, at its October 1969 meeting approved judicial retirement after 20 years of service providing the retiring judge had reached 60 years of age. Committee amendments to the bill add this age limit of 60 years to all justices or judges electing to retire after 20 years of service. With these amendments, the bill only will apply to judges appointed before their 50th birthday—since otherwise they would qualify for retirement at age 65, after 15 years of service. Under existing law, Federal judges may elect to retire at age 70, with 10 years of service or at age 65, with 15 years of service.

If amended as proposed and enacted into law, 10 judges[1] out of a Federal bench of approximately 468 would be eligible to elect retirement. Four additional judges[2] will have completed 20 years of service as of July 1, 1970, but will not have reached 60 years of age. The retirement liberalization proposed by this legislation should serve to make the Federal bench more attractive to younger, qualified men, and also provide an increase in the available judicial manpower. When a judge retires and accepts senior judge status he may continue to perform judicial duties and help to alleviate existing backlogs at the same time a vacancy occurs on his court that can be filled by the appointment of a new regular active service judge.

This legislation is supported by the Department of Justice as well as the Judicial Conference of the United States. The Chief Justice of the United States and the former Director of the Federal Judicial Center also recommend its favorable consideration.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. What does a judge sign? What kind of an agreement does a Federal judge sign when he becomes a judge that provides he must serve after retirement? What if a judge elects not to serve after retirement?

Mr. CELLER. There is no such thing. When a judge is appointed he is appointed for life. He does not sign any particular document. If he does something that departs from law he can be deprived of his office. He can be impeached.

Mr. GROSS. But there is nothing to compel a judge, having retired, to continue to preside over any court anywhere, is there?

Mr. CELLER. I told the gentleman that he can undertake the duties I have indicated.

Mr. GROSS. What if he declines to serve?

Mr. CELLER. Upon retirement a Federal judge may continue to perform judicial duties, if he is willing and able to do so. The vast majority of retirees have continued in an active status.

Mr. GROSS. That is not the issue. The issue is liberalizing the retirement of all Federal judges whereby at 60 years of age and 20 years of service they can retire at full salary of about $40,000 a year without having contributed a single dollar to any retirement fund.

Mr. CELLER. I tried to explain the duties of the retired judges, but I will be more explicit.

The effect of judicial retirement is twofold: First, upon retirement, a vacancy arises in a judgeship that must be filled by the President, with the advice and consent of the Senate; second, the retired judge becomes a senior judge, and in that capacity remains available to perform other judicial duties to the extent that he is willing and able to do so.

[1] See table below:

PRESENT ACTIVE JUDGES WHO WILL HAVE SERVED 20 YEARS OR MORE AND WHO WILL REACH AGE 60 ON OR BEFORE JULY 1, 1970

Name and court	Date of birth	Oath
Bazelon, David L., District of Columbia Appellate	Sept. 3, 1909	Nov. 1, 1946
Tamm, Edward A., District of Columbia Appellate	Apr. 21, 1906	June 28, 1949
Worley, Eugene, Custom and Patent Appeals	Oct. 10, 1908	Apr. 6, 1958
Kaufman, Irving R., 2d circuit	June 24, 1910	Nov. 1, 1940
Hill, Delmas O., 10th circuit	Oct. 9, 1906	Oct. 27, 1949
Lynne, Seybourn H., Alabama, Northern	July 25, 1907	Jan. 9, 1949
Wyzanski, Charles E., Massachusetts	May 27, 1906	Jan. 26, 1947
Harper, Roy W., Missouri, Eastern	July 26, 1905	Aug. 11, 1949
Solomon, Gus J., Oregon	Aug. 29, 1906	Nov. 14, 1949
Connally, Ben C., Texas, Southern	Dec. 28, 1909	Nov. 14, 1942

[2] See table below:

PRESENT ACTIVE JUDGES WHO WILL HAVE SERVED 20 YEARS OR MORE AND WHO WILL NOT HAVE REACHED AGE 60 AS OF JULY 1, 1970

Name and court	Date of birth	Oath
Wright, J. Skelly, District of Columbia, Appellate	Jan. 14, 1911	Oct. 26, 1949
Ford, Morgan, Customs	Sept. 8, 1911	July 28, 1949
Steckler, William E., Indiana, Southern	Oct. 18, 1913	Apr. 15, 1950
Foley, James T., New York, Northern	July 9, 1910	Feb. 16, 1949

At the present time there are approximately 107 U.S. judges on senior status. Statistics for the most recent fiscal year—July 1, 1968 to June 30, 1969—reveal the substantial level of judicial duties which are presently being undertaken by judges on senior status:

First, eighty-three judges served within their own circuits or districts. They heard 1,402 cases on appeal; conducted 1,044 trials and sat for a total of 1,737 trial days.

Second, in addition, 23 judges were assigned to special courts, courts of appeal or district courts in other circuits. They heard 235 cases on appeal, conducted 74 trials, and sat for 181 trial days.

Mr. GROSS. The truth is that there is nothing in law to compel a judge to serve once he has retired.

Mr. CELLER. The gentleman is exactly right. There is nothing in the statute to compel them, but they generally always do continue to perform duties.

Mr. GROSS. Do the provisions of this bill apply nationwide, or do they apply only to the District of Columbia?

Mr. CELLER. This applies all over the Nation.

Mr. GROSS. I thank the gentleman for yielding.

Mr. CELLER. I will say to the gentleman, there is no additional cost to the Government.

Mr. McCULLOCH. Mr. Speaker, I rise in support of S. 1508. This legislation, as amended by the House Judiciary Committee, is designed to improve the present retirement system by enabling Federal judges to accept senior status at age 60 after 20 years of continuous service.

Presently, the retirement and resignation provisions for Federal judges are embraced in sections 371, 372, and 373, of title 28, United States Code. Section 371(b) provides that any article III judge "may retain his office, but retire from regular active service" at age of 70 if he has served 10 years continuously or otherwise, or may retire from regular active service if he has attained the age of 65 after 15 years of service and thereafter he shall "continue to receive the salary of the office." S. 1508, as amended, would simply add to this subsection "or after attaining the age of 60 years and after serving at least 20 years continuously or otherwise."

The main thrust of this subsection is that the judge who retires thereunder is still a judge. That is, he would retain his judge status, although retired and would be subject to the prohibitions of the Federal code relating to Federal judges. For example, a judge retired under section 371(b) would not practice law.

Mr. Speaker, it is generally agreed that our system of retiring Federal judges has greatly benefited the country. Few people would disagree with the following statement by Judge Albert Maris, himself a great senior judge:

> One of the great benefits of the federal judicial retirement system is that retired senior judges are available for especially assigned judicial duty and can contribute a very large amount of time to judicial work. thus greatly benefiting the system by assist-

ing in those areas where the caseloads are heaviest. As retired judges get older, of course, they become less able to make this contribution, but judges approaching age 70 are mostly vigorous and able, and to facilitate their retirement will be to add very substantially to judicial manpower in places where it is badly needed.

I am of the opinion that this legislation is both necessary and desirable and will greatly benefit our judicial system, especially with regard to its present backlog of pending cases. I urge all of my colleagues to vote favorably for its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman say—and I am sure he will correct me on this if I am wrong—that this bill provides that a Federal judge can retire at about $40,000 a year at the age of 60 with 20 years of service?

Mr. McCULLOCH. That is right. If this legislation is enacted into law.

Mr. GROSS. At the age of 60 and if he has 20 years of service, and he pays not a dime into a retirement fund. That beats congressional retirement all to pieces, does it not?

Mr. McCULLOCH. I would think it does.

And, Mr. Speaker, there are some able lawyers in the United States of America who make much more than any Member of Congress. We are seeking out, Mr. Speaker, and we are trying to find the ablest, the most dedicated men for the Federal judiciary that want to serve.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT asked and was given permission to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I rise in opposition to this bill because I believe it is a bad bill. It is unfair to all Government employees other than Federal judges.

You know, judges do not pay anything into the retirement system. They get a free ride. Other Government employees pay from 6½ to 7½ percent of their salary into the retirement system.

Federal judges make from $40,000 to $62,500 per year in salary which cannot be reduced during their term of office. They receive full retirement benefits. No other Government employee other than a Federal judge receives more than 80 percent of his salary as a retirement annuity. In order to receive the maximum of 80 percent, other employees must work for extremely long periods of time.

Now, Mr. Speaker, I do not believe that we have any difficulty in recruiting judges. I know that in my district for the one judgeship we hope to have available I have a stream of lawyers—good lawyers—coming into my office seeking an endorsement for the Federal judgeship. And I expect that is true of every Member of this House. It is my further opinion that we can get good judges at the pay they are now receiving and under the retirement law as it is today.

Frankly, Mr. Speaker, I believe Congress made a mistake when it passed the basic bill giving Federal judges a free ride at full pay.

I know some will argue that you cannot reduce a judge's pay during his term of office. Certainly, this is true during his term of office, but once he retires, I do not believe that our Constitution requires that he receive full pay. He can elect whether or not to retire but once the election is made he receives whatever retirement annuity Congress, in its wisdom, determines.

In summary, Mr. Speaker, I submit that this is a bad bill. It discriminates against all Government employees except Federal judges. I urge the membership to vote against this bill and defeat it.

Mr. CELLER. Mr. Speaker, I yield back the balance of my time.

Mr. McCULLOCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANDRUM). The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill S. 1508, as amended.

The question was taken.

Mr. CELLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 109, nays 198, not voting 122, as follows:

[Roll No. 124]

YEAS—109

Adams
Addabbo
Annunzio
Aspinall
Berry
Biester
Boggs
Bolling
Brasco
Bray
Brooks
Brown, Mich.
Burke, Mass.
Burton, Calif.
Caffery
Carey
Casey
Celler
Clay
Corman
Cunningham
Daniels, N.J.
Davis, Ga.
de la Garza
Dellenback
Dennis
Donohue
Dowdy
Downing
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fascell
Feighan
Foley
Ford, William D.
Friedel
Gallagher
Garmatz
Gray
Gude
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hébert
Holifield
Howard
Hutchinson
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Leggett
McCulloch
McDade
MacGregor
Marsh
Mayne
Meeds
Melcher
Mink
Morton
Moss
Murphy, Ill.
Nedzi
O'Hara
Olsen
O'Neill, Mass.
Perkins
Philbin
Pickle
Poff
Preyer, N.C.
Price, Ill.
Quillen
Railsback
Rees
Reifel
Rhodes
Riegle
Rodino
Roe
Rostenkowski
Roybal
Sandman
Satterfield
Slack
Smith, N.Y.
Steiger, Wis.
Thompson, N.J.
Tiernan
Udall
Vanik
Waldie
Whitehurst
Wiggins
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Young

NAYS—198

Abbitt
Adair
Alexander
Anderson, Calif.
Andrews, Ala.
Ashley
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Blackburn
Blanton
Blatnik
Boland
Brinkley
Brock
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Cabell
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Coughlin
Cowger
Cramer
Daniel, Va.
Davis, Wis.
Delaney
Denney
Derwinski
Devine
Dorn
Duncan
Dwyer
Erlenborn
Eshleman
Findley
Fisher
Foreman
Fountain
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gettys
Gibbons
Gonzalez
Goodling
Griffin
Griffiths
Gross
Grover
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
King
Kleppe
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
McClure
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias
Matsunaga
May
Michel
Miller, Ohio
Mills
Minish
Mize
Mizell
Mollohan
Myers
Natcher
Nelsen
Nichols
Obey
O'Konski
O'Neal, Ga.
Passman
Pelly
Pettis
Pike
Pirnie
Poage
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Randall
Rarick
Reid, Ill.
Roberts
Robison
Rogers, Fla.
Rosenthal
Roth
Ryan
Schadeberg
Scherle
Schwengel
Scott
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Stephens
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Watts
Weicker
White
Whitten
Williams
Winn
Wyatt
Wylie
Wyman
Zablocki
Zion
Zwach

NOT VOTING—122

Abernethy
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Biaggi
Bingham
Bow
Brademas
Brown, Calif.
Brown, Ohio
Buchanan
Bush
Byrne, Pa.
Chisholm
Clark
Cohelan
Conyers
Corbett
Crane
Culver
Daddario
Dawson
Dent
Dickinson
Diggs
Dingell
Dulski
Edwards, Ala.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gaydos
Giaimo
Gilbert
Goldwater
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hansen, Idaho
Harrington
Harsha
Hays
Jones, Tenn.
Kirwan
Koch
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McFall
McMillan
Mann
Meskill
Mikva
Miller, Calif.
Minshall
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Nix
Ottinger
Patman
Patten
Pepper
Podell
Pollock
Purcell
Reid, N.Y.
Reuss
Rivers
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roudebush
Ruppe
Ruth
St Germain
Saylor
Scheuer
Schneebeli
Sebelius
Shipley
Smith, Iowa
Stanton
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Tunney
Ullman
Watkins
Watson
Whalen
Whalley
Widnall
Wilson, Bob
Wold
Yatron

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Daddario with Mr. Mosher.
Mr. Dent with Mr. Ayres.
Mr. Gilbert with Mr. Ruppe.
Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.
Mr. Abernethy with Mr. Roudebush.
Mr. Barrett with Mr. Arends.
Mr. Brademas with Mr. Andrews of North Dakota.
Mr. Cohelan with Mr. Gubser.
Mr. Montgomery with Mr. Ashbrook.
Mr. Eilberg with Mr. Minshall.
Mr. Albert with Mr. Morse.
Mr. Patten with Mr. Meskill.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Farbstein with Mr. Reid of New York.
Mr. Shipley with Mr. Hansen of Idaho.
Mr. Stratton with Mr. Dickinson.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Miller of California with Mr. Fish.
Mr. Clark with Mr. Saylor.
Mr. Culver with Mr. Brown of Ohio.
Mr. Morgan with Mr. Corbett.
Mr. Moorhead with Mr. Sebelius.
Mr. Nix with Mr. McCloskey.
Mr. Ottinger with Mr. Halpern.
Mr. Pepper with Mr. Buchanan.
Mr. Podell with Mr. Bob Wilson.
Mr. St Germain with Mr. McClory.
Mr. Stubblefield with Mr. Lukens.
Mr. Green of Pennsylvania with Mr. Watkins.
Mr. Giaimo with Mr. Schneebeli.
Mr. Fraser with Mr. Harsha.
Mr. Evans of Colorado with Mr. Bush.
Mr. Rogers of Colorado with Mr. Crane.
Mrs. Sullivan with Mr. Goldwater.
Mr. Biaggi with Mr. Anderson of Illinois.
Mr. Jones of Tennesssee with Mr. Wold.
Mr. Olsen with Mr. Pollock.
Mr. Dingell with Mr. Stanton.
Mr. Dulski with Mr. Widnall.
Mrs. Green of Oregon with Mr. Whalen.
Mr. Patman with Mr. Talcott.
Mr. Rivers with Mr. Watson.
Mr. Rooney of Pennsylvania with Mr. Whalley.
Mr. Purcell with Mr. Ruth.
Mr. Murphy of New York with Mr. Dawson.
Mr. Reuss with Mr. Conyers.
Mr. Flood with Mr. Flynt.
Mr. Smith of Iowa with Mr. Flowers.
Mr. McCarthy with Mr. Diggs.
Mr. Lowenstein with Mr. Stokes.
Mr. Ullman with Mr. Bingham.
Mr. Baring with Mr. Yatron.
Mr. Brown of California with Mrs. Chisholm.
Mr. Anderson of Tennessee with Mr. Mann.
Mr. McMillan with Mr. Gaydos.
Mr. McFall with Mr. Koch.
Mr. Stuckey with Mr. Tunney.

Mrs. HECKLER of Massachusetts and Messrs. HAGAN and ZWACH changed their votes from "yea" to "nay."

Mr. BRAY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

WATER SUPPLY FOR THE SOBOBA INDIAN RESERVATION

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation, as amended.

The Clerk read as follows:

H.R. 3328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to approve a release agreement to be negotiated by and between the Soboba Band of Mission Indians, the Metropolitan Water District of Southern California, hereinafter called Metropolitan, and the Eastern Municipal Water District, hereinafter called Eastern, which provides among other things that—

(a) Metropolitan shall pay to the Secretary of the Interior for the use and benefit of the Soboba Indians the sum of $30,000. Payment shall be made when the lands that comprise the Soboba Indian Reservation have been annexed to Metropolitan and to Eastern. The annexation shall be subject to the terms and conditions of the release agreement and the annexation and water service agreement to be executed pursuant to section 2 of this Act.

(b) The Soboba Band of Mission Indians releases Metropolitan and Eastern, their successors or assigns, from all claim it may have based on past, present, or future actual or claimed damage to, or interference with, the flow of waters from the springs on the Soboba Indian Reservation lands, or on actual or claimed interference with, or damage to, the water supply to or upon the lands of the Soboba Indian Reservation, which claims arise from construction and operation of a certain tunnel through the San Jacinto mountains constructed in the 1930's.

(c) The release agreement shall be effective upon the completion of the concurrent annexation of the Soboba Indian Reservation lands to Metropolitan and Eastern and upon the execution of an annexation and water service agreement authorized by section 2 of this Act.

SEC. 2. The Secretary of the Interior and the Soboba Band of Indians are authorized to enter into an annexation and water service agreement with Eastern which provides, among other things, that—

(a) The Soboba Indian Reservation lands may be annexed to Eastern and Metropolitan.

(b) No annexation charge or back taxes regardless of form shall be made for said annexation.

(c) The Secretary and Eastern shall jointly determine the additional new water supply and distribution facilities that shall be constructed and the existing facilities that shall be rehabilitated in order to provide domestic and irrigation water to each consumer within the Soboba Indian Reservation. Subject to the appropriation authorization limitation in section 5, construction or rehabilitation of facilities to provide water service to the Soboba Indian Reservation shall be undertaken by Eastern, shall be financed by the United States, with Eastern providing such funds as the Secretary of the Interior and Eastern jointly determine represent a prorated share of joint-use facilities constructed outside of the Soboba Reservation, and with the $30,000 paid pursuant to subsection 1(a) being applied to the construction or rehabilitation. Facilities constructed within the Soboba Reservation shall be the property of the United States and facilities constructed outside of the Soboba Reservation shall be the property of Eastern.

(d) Eastern shall have the exclusive right, without charge, to use the supply and distribution facilities owned by the United States lying within the Soboba Indian Reservation, and Eastern shall assume the responsibility for maintaining and operating such facilities.

(e) Upon assumption of operation and maintenance of the system by Eastern following completion of the initial installation and rehabilitation work, any new service connections applied for by residents or consumers within the Soboba Indian Reservation, and any other additional water main extensions or facilities required for serving new development within the Soboba Indian Reservation, shall be financed by the applicants for such service, in accordance with the standard rules and regulations of Eastern, except as indicated in the next sentence. As long as title to the lands involved is held in trust by the United States, such new service connections or additional water main extensions or facilities may be financed by the United States to the extent agreed upon by the Secretary of the Interior. All such new service connections, additional extensions, or facilities shall be constructed by Eastern. All such new service connections, additional extensions, or facilities financed by parties other than the United States shall be the property of Eastern. All such service connections, additional extensions, or facilities financed by the United States shall be the property of the United States subject to exclusive use by Eastern without charge.

(f) Subject to the limitations of capacity and location of the jointly agreed upon facilities, Eastern shall deliver domestic and irrigation water to each individual consumer within the Soboba Indian Reservation in accordance with the prevailing standard rules and regulations of Eastern and the provisions of the annexation and water service agreement.

(g) The retail rates applicable to water service within the Soboba Indian Reservation shall be mutually agreed upon by Eastern and the Secretary of the Interior, and shall be neither less than nor more than the estimated cost of such water service to Eastern, adjusted to reflect differences between estimated costs and actual costs in preceding rate periods. Eastern shall make collections for service in accordance with its prevailing rules and regulations and the Secretary of the Interior shall guarantee payment to Eastern of any delinquent bill for providing water service to lands held in trust within the Soboba Indian Reservation. Water service to a consumer shall be discontinued in accordance with the prevailing rules and regulations of Eastern when a bill for service becomes delinquent, and shall not be resumed as long as the bill is delinquent without prior approval of the Secretary of the Interior. The Secretary shall not approve a resumption of service to an Indian who is able to pay all or a portion of a delinquent bill and fails to do so.

(h) When title restrictions are removed from any part or all of the Soboba Indian Reservation land, the responsibility and duties of the United States under the annexation and water service agreement shall cease with respect to such land, except for the installation and rehabilitation obligations undertaken in subsections 2(c) and (e) unless otherwise provided by Act of Congress. Title to the water distribution facilities serving such lands shall at that time become the property of Eastern and the obligation of Eastern to provide water service to such land at cost to the district shall likewise cease.

SEC. 3. The Secretary is authorized to grant to Eastern without charge and subject to such conditions as he may prescribe (a) rights-of-way over Soboba Reservation lands necessary for the use, maintenance, and operation of supply and distribution facilities owned by the United States; (b) rights-of-way within which new service connections are installed after initial installation and rehabilitation work has been completed by Eastern; and (c) rights-of-way necessary for additional water main extensions and other waterworks facilities required for serving new development: *Provided,* That where title to the Soboba Reservation lands involved has been conveyed in fee simple by the United States the rights-of-way hereby

authorized shall be subject to prior approval of the owner of record. Eastern shall construct, use, maintain, operate, or install the equipment or facilities for which the rights-of-way are granted in a manner that avoids damage to buildings, crops, or trees, or interference with growing of crops. Should such damage or interference occur, Eastern shall compensate the United States as trustee, or the fee owner of record. The rights-of-way granted shall revert to the United States or the owner of record when no longer required for the purpose or purposes for which granted.

SEC. 4. Nothing in this Act shall permit Metropolitan or Eastern, or their successors or assigns, to alienate, encumber, or tax any property belonging to an Indian or Indian band which is held in trust by the United States of America, or which is subject to a restriction against alienation imposed by the United States of America, while such property is exempt therefrom under Federal case law or provisions of other Federal statutes.

SEC. 5. There are authorized to be appropriated to carry out the provisions of subsection 2(c) not to exceed $316,658, in addition to the unexpended balance of sums previously appropriated and available for a water supply to the Soboba Reservation and the $30,000 provided pursuant to subsection 2(c), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved. There are also authorized to be appropriated such sums as may be necessary to make any payments guaranteed pursuant to subsection 2(g). No funds shall be appropriated pursuant to the authorization contained in this section until sixty calendar days (not counting days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) after the Secretary has submitted to the Congress a plan for the construction and use of the water supply and distribution facilities under subsection 2(c), and for the repayment of costs as provided in section 6, and then only if within said sixty days neither the House nor the Senate Committee on Interior and Insular Affairs disapproves by committee resolution the plan submitted.

SEC. 6. Nothing in this Act shall affect the right of the Soboba Indians to pursue their claim against the United States under the Act of August 13, 1946 (60 Stat. 1049), now pending in docket numbered 80A before the Indian Claims Commission, but any expenditures under subsections 2(c), (e), and (g), and the $30,000 paid by the Metropolitan and used pursuant to subsection 2(c), may be used by the Commission either in mitigation of damages or as an offset against any award which the Indians may receive. If such amount exceeds the award, the excess, and all expenditures by the United States under subsections 2(c), (e), and (g) after the date of the award, shall be repaid to the United States, without interest, by deductions from revenues received by the Soboba Band or its members from the sale, lease, or rental of the lands, such deductions to be in amounts that will reimburse the United States within fifty years, or as soon thereafter as possible, according to estimates of the Secretary of the Interior, which estimates may be revised from time to time: *Provided*, That deductions in any one year shall not exceed 50 per centum of the revenues received in that year.

SEC. 7. Notwithstanding any other provision of law, any assignment of land on the Soboba Reservation shall be modified, reduced in size, revoked, or otherwise limited by the governing body of the Soboba Band, or by the Secretary of the Interior if in his judgment the governing body fails to act effectively, in order to assure that the benefits from the development of the land with water provided pursuant to this Act, other than for subsistence purposes, will accrue to the Band rather than to the assignee.

SEC. 8. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby amended by inserting after "Gila River Reservation," the words "the Soboba Indian Reservation,".

The SPEAKER. Is a second demanded?

Mr. KYL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 3328 is to provide a water supply for the Soboba Indian Reservation in California. The reservation consists of 5,056 acres of land located about 85 miles southeast of Los Angeles and about 35 miles southeast of Riverside. The reservation was established by Executive order in 1883, and enlarged to its present size by subsequent Executive orders. The Soboba Band is estimated to have about 300 members, and approximately 210 of them live on the reservation. The land is held in trust for the band as a whole, and none of it has been allotted to individual members.

Prior to 1936, springs and wells provided an adequate water supply for the reservation. It was used for domestic purposes, stock water, and some irrigation farming principally for subsistence purposes. Between 1933 and 1939 the Metropolitan Water District of Southern California constructed a tunnel through the nearby San Jacinto Mountains as a part of its Colorado River aqueduct. Although the tunnel is not on the reservation, it intercepted large subterranean flows of water, and a total of 21 springs in the reservation subsequently dried up. In addition, the wells pumping ground water throughout the basin have lowered the water table to 180 feet below the surface, and the water table is falling at the rate of 10 to 15 feet a year. The total amount of recoverable ground water is unknown, and cannot be relied upon to provide a dependable water supply to meet the growth needs of the reservation. There has been no demonstrated connection, however, between the falling ground water table and the San Jacinto Tunnel.

The present water supply is inadequate for the domestic needs of the Indians, and no water is available for irrigation.

During the past 30 years, the Indians have asserted a claim against the metropolitan water district based on the interruption of the Indians' water supply by the construction of the San Jacinto Tunnel. A negotiated settlement could not be reached, and the claim was referred to the Department of Justice in 1956 for litigation. No case was filed because of the difficulty in proving damages.

The Indians also have pending in the Indian Claims Commission a claim against the United States based upon the alleged failure of the United States to prevent an interference with their water supply by Metropolitan, and by other water users who are pumping groundwater in the basin. The liability of the United States, if any, has not been determined.

Present land use on the reservation is almost exclusively residential, on small acreages. In the past, some 120 acres were irrigated, but irrigation ceased about 1954. Approximately 210 Indians live on the reservation in some 60 dwellings, and the immediate need is for domestic water. The Indians do not depend on reservation resources for a livelihood, although four or five of them supplement their income by raising a few cattle and horses.

The highest and best use of the reservation land is for residential, commercial, and recreational purposes. If all of the lands were devoted to these purposes, the reservation could accommodate a population of about 20,000.

This kind of development is some distance in the future, however, and the system proposed will provide for a population of 400 and irrigation of 200 acres immediately, and for a population of 600 and irrigation of 280 acres by 1990. About the same amount of water is needed for irrigation as is needed for residential development of the same acreage. There are no actual plans for the use of the water, however, and the acreage suggested for irrigation may be converted to residential use as the opportunity is presented. A system of the size contemplated will permit extension of the pipelines and additional service connections as needed.

The bill, as amended, provides that—

First. The reservation will be annexed to Eastern and Metropolitan and will be entitled to water service from those districts. No annexation fee will be charged.

Second. Metropolitan will pay to the Indians $30,000.

Third. The Indians will release Metropolitan and Eastern from all claims for damages growing out of the construction of the San Jacinto tunnel.

Fourth. The United States will finance the construction of the project facilities to connect with Eastern and to distribute water within the reservation, at a cost of $471,000, part of which has already been appropriated. Eastern will contribute its pro rata share of the cost of joint-use facilities. No appropriation for construction may be made until the Committee on Interior and Insular Affairs has approved the plans.

Fifth. Eastern will operate and maintain the system, and will provide water to the reservation at retail rates that will return to Eastern only enough revenue to cover its costs. The rates will be paid by the water users, but as long as a particular tract of land is held by the United States in trust status the United States will guarantee payment of any delinquent bill to an Indian occupying that tract.

Sixth. The Indians may pursue their claim against the United States in the Indian Claims Commission, but all expenditures under this bill may be considered in mitigation of damages or as an offset against any award that may be recovered by the Indians. If the costs so applied exceed the Commission award, the excess must be repaid by the Indians out of any revenues received from the sale, lease, or rental of the reservation lands. Any expenditure to pay delinquent

water bills of Indians is also made repayable out of reservation land revenues.

Seventh. The Indian Band and the Secretary are required to modify and adjust land assignments to individual members of the band in a manner that will give the band as a whole rather than the individual assignees the benefits that will accrue from the water provided under the bill. This is a matter of simple fairness. Present assignments range between one-half acre and 40 acres.

Eighth. The band is authorized to execute, with the approval of the Secretary, long term leases in accordance with a 1955 act that now applies to 19 tribes. The type of residential and municipal development contemplated for the reservation will require such leases if maximum benefits are to be obtained.

Enactment of the bill will require an additional Federal appropriation of $316,658, and an indefinite continuing obligation to pay all delinquent water bills to Indians on trust land, but all Federal expenditures are reimbursable out of revenues received from the Reservation lands.

As I said in the beginning, Mr. Speaker, I think this is about as near as the Congress of the United States can come to settling a controversy that has raged now for some 37 years, and at the same time to give to deserving Indians aid to which they are entitled.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. HALL. I appreciate the distinguished chairman of the Committee on Interior and Insular Affairs for yielding, and I appreciate the statement he has made. I am convinced, as always, in his own right and after his deliberation, he is exercising his good judgment. But, as the distinguished gentleman knows, I have had this bill put over on the Consent Calendar from time to time because the gentleman whose name appears on the bill has not been able to be present and I have not had a chance to talk to him since he wrote a letter to me about the bill and about the Consent Calendar back on May 13. There are still some problems that I do not quite understand concerning this bill. Are we not putting the Congress, I will ask the gentleman from Colorado, Mr. Speaker, in the position of intervening before, at least, the Indian Claims Commission has had an opportunity to settle the matter equitably? In fact, we have some reason to believe it will be settled in their favor.

Mr. ASPINALL. I do not believe we are placed in the position of intervening in the Indian Claims Commission proceeding. The bill provides for an offset. If the Indian Claims Commission, taking into account all the equitable benefits that should go to the Indians, renders a decision in favor of the Indians, then the Commission will consider the cost of this project as an offset or in mitigation of damages. We are not settling that question. In either instance we are making possible the delivery of water to this tribe of Indians, which at the present time does not have any water.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate that statement also, and I want it thoroughly understood that I have read the bill and studied the report, also the gentleman has supplied me with additional information. I want it understood that I am not against doing anything in justice and equity for these Indians, whether we have lowered their water table or whether they are just victims of the ecology and environment that we hear so much about nowadays.

I suppose in the old days they would have moved somewhere else. They cannot do that any longer. I would be in favor of anything in sheer equity and justice for these people, though, by and large, I believe we have done about as much for the Indians, as a minority group, as we can.

Furthermore, Mr. Speaker, I want to say, while the gentleman is so generously yielding, that I appreciate the report and the fact that all the moneys were not expended for the original amount, and that the difference between the $316,658 in H.R. 3328 and what remains of the original fund, only frugal amounts of that have been used for planning.

But is it not true that the cost of the connection per Indian will be high, and there is some inequity in the bill in the way it is written to those who live off the reservation; and, furthermore, that there would be a "landfall" for the company in case the Indians do not receive a finding in their favor from the Claims Commission?

Mr. ASPINALL. Of course, I do not think there would be any "landfall" or "windfall" that would go to any non-Indians, and I cannot see how there could be any inequity. As a result of the construction of the project there may be a possibility of the Indians renting their lands. They have that right under this long-term lease provision—to their own benefit, I might say.

The United States should be protected in this instance by the Bureau of Indian Affairs and the committees having jurisdiction.

I just do not see there would be any "landfall," especially with the amount of money that is involved here. The total is only $475,000 out of the whole operation that is contemplated.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, by simple arithmetic, of course, this amounts to about $756 a connection. I understand this is what the gentleman feels we owe to them, and it is equitable and not just a question of connection for water, but a question of adjusting an injustice.

Mr. ASPINALL. The gentleman is correct. Of course, it is a rather small number of Indians involved, a small group. The reservation happens to be situated in a very good country as far as residential development is concerned, and it could very well become an area where the people from the cities would like to go, if they have the necessary facilities of modern living, and would like to spend a vacation.

Mr. HALL. It would certainly involve water.

Mr. ASPINALL. That is correct. If they have no water, they can get nowhere.

Mr. HALL. I understand the gentleman approves this. As chairman of the objectors on this side of the aisle, and under the rules of the House, I think the gentleman understands the reason why I asked that this too, go over on the Consent Calendar, in that there is at least a departmental opposition in that one of the departments recommended it be settled in the Claims Commission before legislation was passed.

If I may ask a double-barreled question. I also would like to ask the distinguished chairman, Mr. Speaker, to expound on the indefinite continuing obligation in addition to the initial cost. Is this not open-ended in that respect?

Mr. ASPINALL. In that respect I think we could say it is. It is a liability the Bureau of Indian Affairs must assume as the ward for the Indians. My feeling is that, if properly administered, the liability should be practically nothing, because I think the Indians should be told, when the construction of the work takes place and the benefits accrue to them, just exactly what their liabilities are. They should be made to pay for the benefits that come to them—and I think they can if this project develops as we think it should. If this remains a barren untenanted area, it might very well prove to be less than what some of us have hoped for. But we are giving the Indians not only a chance, but also giving the area a chance to be developed, which it cannot be under the present situation. It has not so developed up to now, whether it was the fault of those who live there or the fault of the ground water users around the reservation location.

Mr. HALL. Mr. Speaker, would the gentleman agree with me that the Soboba band or tribe does not now have a water use long-term development plan and, second, anent the statement the gentleman just made, that it would be up to the implementing regulations of the Department, because the bill does not cover what they would be made to do or not made to do?

Mr. ASPINALL. I would have to agree with my friend in this respect, but the bill takes care of the problem. Those plans have to be submitted to the Committee on Interior and Insular Affairs for disapproval or approval. In other words, our committee refuses to overlook the fact that it has oversight authority in this matter, and we intend to keep our fingers on this development to see that everything is carried out for the good of this tribe.

Mr. HALL. That is very reassuring. That does not mean a veto in reverse, where if the Congress does not act within x number of days, the plan will go into effect. The gentleman's committee will exercise oversight and review?

Mr. ASPINALL. Yes, that is correct. That is more effective in many instances than where we have a veto that is exercised by the department.

Mr. HALL. I do appreciate the gentleman bearing with me and yielding me so much time.

I have one thing more.

I have heard it stated, since this bill has been on the Consent Calendar and placed under the suspension of rules, that actually authorization is not needed for construction of this domestic water supply system.

Mr. ASPINALL. I think it is needed, and I think the committee thinks it is needed, because I do not know how these Indians can get the relief required for them unless they can have some help from the Federal Government.

Mr. HALL. I appreciate the gentleman's statement.

Mr. KYL. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. BERRY).

(Mr. SAYLOR, at the request of Mr. BERRY, was granted premission to extend his remarks at this point in the RECORD).

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill, H.R. 3328. Essentially, this bill permits the Secretary of the Interior to approve an agreement releasing the claim of the Soboba Band of Mission Indians against the Metropolitan Water District of Southern California and the Eastern Municipal Water District of California, and provides for the construction of a water supply and distribution system for the Soboba Indian Reservation.

Unfortunately, the need for this legislation is the result of the high-handed manner in which certain people or organizations in California have operated on water matters over a period of years.

The Soboba Indian Reservation consists of approximately 5,000 acres in Riverside County, Calif. The Soboba Band of Mission Indians has approximately 300 members with approximately 210 living on the reservation. All the lands are held in trust for the tribe or band by the United States.

During the period from 1933 to 1939, the Metropolitan Water District of Southern California constructed a tunnel as a part of its Colorado River Aqueduct. This tunnel intercepted the springs and wells on the reservation which had provided an adequate water supply for irrigation and domestic purposes. The result is that the present water supply is inadequate for domestic needs, no water is available for irrigation and the Indians have been required to purchase supplemental water.

As early as 1940, the Metropolitan Water District of Southern California settled a number of claims by landowners in the same vicinity for the interruption and cessation of water supplies. However, no settlement of the Soboba Indian claim has been made and efforts of the Department of the Interior to require the Metropolitan Water District to seal off the flow of water into the tunnel in an attempt to restore the conditions prior to the construction of the tunnel have been unsuccessful.

The Indians requested the Secretary of the Interior to institute suit against the Metropolitan Water District of Southern California and the matter was referred to the Department of Justice. The Indians also instituted a claim against the United States before the Indian Claims Commission for the failure of the United States to prevent interference with their water supply. Negotiations to resolve these matters continued and in 1964, the Secretary of the Interior sought and obtained an appropriation of $164,000 to construct and rehabilitate a water supply system for the Indians. At this time the overpowering water interests of Metropolitan and Eastern Water Districts saw the opportunity to attempt to resolve this matter, proposed the settlement which this bill incorporates, but only after $19,445 of the 1964 appropriation of $164,000 had been spent to prepare the present plans.

H.R. 3328, as amended, provides that: First, the Soboba Indians will receive a cash payment of $30,000 from the Metropolitan Water District; second, the Soboba Indians will release Metropolitan and Eastern Water Districts from all claims, past, present, and future, based on interference with their water supplies, which is contrary to the recommendation of the Department of Justice in its report on this legislation; third, all 5,056 acres of the Soboba Indian Reservation will be annexed to the Eastern and Metropolitan Water Districts without payment of annexation charges by either district, the value of which at current annexation fees of $200 per acre, will be in excess of $1 million; fourth, the United States will finance the construction of the water supply and distribution system at a cost of $316,658, to connect with the Eastern Municipal Water District. The Soboba Indians will contribute the $30,000 payment from Metopolitan toward construction of the facilities and Eastern will share pro rata the cost of the joint use facilities; fifth, the Eastern Municipal Water District will operate and maintain the system and provide water to the Indian reservation at retail rates with a guarantee of payment from the United States on any delinquent bill of an Indian occupying a tract of land being held in trust status; sixth, the Indians can pursue their claim in the Indian Claims Commission against the United States with a set off against any award recovered on all expenditures made by the United States under this bill.

Inasmuch as the Federal expenditures under this legislation appear to be recoverable and this legislation represents the only possible way of providing adequate water supplies to the Indian Reservation, I urge my colleagues to support the legislation.

Mr. BERRY. Mr. Speaker, I rise in support of this bill.

As the chairman of our committee has just indicated, and very well indicated, this reservation is a small one. The tribe consists of only about 300 members, 210 of whom live on the reservation.

When the reservation was established, as the chairman has pointed out, there were a number of springs on the reservation. There was an ample water supply. But when this tunnel went through the mountain, since that time there has been a continual drying up of this water supply.

As the chairman has indicated, if the reservation is to continue and if it is to grow there is a need for water.

The bill meets this need by providing for the annexation of the reservation to the Metropolitan Water District and the Eastern Municipal Water District. The reservation will then receive water from the district. All that will be needed is the construction of a distribution system to bring the water to the reservation and to distribute the water within the reservation. The bill authorizes this construction with Federal funds.

The Federal expenditures, however, will be recovered by the United States. The tribe has a claim against the United States which is pending in the Indian Claims Commission. The expenditures under this bill will be set-off against any judgment the tribe may recover, and if the expenditures are larger than the judgment the excess will be recovered from revenues received by the tribe from the use of the lands and water.

The water provided for the reservation should be sufficient to meet three separate needs: First, the domestic needs of the Indians living there; second, water for irrigation; and third, water for commercial and residential development by non-Indians under long-term leases. The immediate use of the reservation will be by Indians, but because of the location of the reservation the Indians undoubtedly will soon seek to develop the reservation under long-term leases.

This, in my judgment, Mr. Speaker, is the compelling feature of this bill. It will give to the Indians something they have never had before. It will give them a distribution system. Because of the fact that the reservation is well located, because of the fact that it is excellent for residential purposes, I am convinced that before very long we are going to see development in this area. We are going to see the Indians with revenue coming in, lease revenue coming in from the long-term leases for residential and possibly business purposes.

The bill provides that the tribe will release its claim against Metropolitan Water District in return for: First, annexation of the reservation to the district without the payment of any annexation fee, second, the agreement of the district to supply water to the reservation at cost, and third, the payment of $30,000 by the district to the tribe. This compromise settlement of the claim is recommended by the tribe, the Department of the Interior, and the Department of Justice.

I also want to emphasize the fact that the bill prevents any windfall to individual members of the tribe. The reservation lands are all tribally owned, and the bill requires any use of assignments by individuals to be adjusted so that the benefits of the water will go to the tribe as a whole, rather than to the individual.

The bill as reported by the Committee on Interior and Insular Affairs meets, I believe, the objections voiced by the Bureau of the Budget. The Indian Claims Commission case will proceed to a conclusion. The tribe must present for approval of the committee a long-term plan for the use of water and land before any appropriation may be made for construction, and construction costs are carefully limited.

Mr. Speaker, I urge enactment of this bill.

I know that there are those who feel that it may be a windfall for the metropolitan water district, but I believe that

the windfall, if there is any, is in favor of the Indians in the long run.

I thank you.

The SPEAKER. The time of the gentleman has expired.

Mr. KYL. Mr. Speaker, I yield the gentleman 2 additional minutes.

Will the distinguished gentleman yield to me?

Mr. BERRY. I am happy to yield to the gentleman.

Mr. KYL. The gentleman from South Dakota said that all of the benefits would accrue to the tribe rather than to individual Indians. Has it, as a matter of fact, been determined whether the irrigation will be utilized on a tribal basis or on an individual basis?

Mr. BERRY. Well, of course, as to the irrigation itself, the benefits will go to those who use the water. There never has been a great deal of irrigation, actually, in the past and probably there will not be a great deal in the future. I think the big benefit is the use of the land and the use of the water for residential purposes.

Mr. KYL. But according to the testimony we have had, half of the cost of the operation will be for agricultural water whether it is on a subsistence or commercial basis. As a matter of fact, it has not been determined, has it, whether that will be irrigation for tribal purposes or individual purposes?

Mr. BERRY. No. That part of the plan will be submitted to the committee.

Mr. KYL. I thank the gentleman.

Mr. Speaker, I yield myself such time as I may consume.

I would like to direct some additional questions to the chairman of the committee.

In the report, in the statements of the Bureau of the Budget, we have this comment: The Interior report indicates that the initial construction costs of the water system is $475,000 for the first phase with an additional cost of $443,000 for later phases. The language then does indicate that these costs were based on 1965–67 prices. Are we in fact talking about a two-phased proposition here with this kind of dual cost figure?

Mr. ASPINALL. Will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman.

Mr. ASPINALL. I do not believe that we are. We are not authorizing the second phase here. The first phase is not dependent on the second phase. This will be another matter for the Congress to take care of if and when that occurs.

Mr. KYL. Can the gentleman enlighten us as to what is contemplated for the first phase as against the second phase? Can we in fact have all of the good results promised by this bill with the adoption simply of phase one of the program?

Mr. ASPINALL. It is my understanding that we could do it.

I repeat this part of my earlier statement. The system proposed will provide for a population of 400 and irrigation of 200 acres immediately, and for a population of 600 and irrigation of 280 acres by 1990.

This is the first phase. This has nothing to do with the second phase. The testimony at the hearings indicated that this is what the Indians were depending upon in order to become successful in their ambitions. About the same amount of water is needed for irrigation as is needed for residential development of the same acreage. This is the rule of thumb that we use in the West. So, if we do not use the water for irrigation, then we will use about the same amount of water for residential purposes or domestic purposes. There are no actual plans for the use of the water, however, and the acreage suggested for irrigation may be converted to residential use as the opportunity is presented.

This has nothing to do with the second phase. The second phase was not even considered as such by the committee. It was a possibility.

Mr. KYL. If the gentleman would respond a bit further, if there are no plans for development at this moment and if those plans must as a matter of fact come back to the committee, we cannot then at this point say with any certainty, can we, that the project is completely reimbursable?

Mr. ASPINALL. Well, I think the gentleman is correct that the project may not be complely reimbursable, it being an Indian project. My friend knows that as long as the ownership is retained in the tribe and the lands are retained by individual ownership, they do not have to pay. My friend understands this. It is only when they transfer the title to some non-Indian that the cost of construction would be reimbursable.

Mr. KYL. This gentleman, of course, understands that. And, that is why in a way he objected to the manner of saying that all these projects would be reimbursable to the Federal Treasury because as a matter of fact they will not be.

Mr. ASPINALL. The cost will be reimbursable if there is a judgment rendered by the Indian Claims Commission and an offset is given so that the Indians will pay for their own project.

Mr. KYL. Can the gentleman tell me whether or not the Indian Claims Commission might find the dollar figure greater than that mentioned in the bill as settlement for the claim of the tribe against the Government through the loss of the water?

Mr. ASPINALL. I could not answer my friend definitely, because the tribe is asking for $5 million before the Indian Claims Commission. No one can say what they are going to decide.

Mr. KYL. I would ask one further question, and the gentleman from Colorado is always kind, incisive and candid in responding to questions, and that is this:

In the letter from the Department of Justice as contained in the report there is the following language:

> This language is so broad that it could be construed as a release of claims arising out of future interference with water supply on the Soboba Reservation resulting from future acts of Metropolitan and Eastern which could be totally unrelated to the claims of which this bill authorizes settlement.

Is that a true statement?

Mr. ASPINALL. I think we took care, I will say to my friend from Iowa, of this particular objection of the Department of Justice in the committee amendment which releases only claims related to the San Jacinto Tunnel.

Mr. KYL. I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 3328, as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 287, nays 11, answered "present" 2, not voting 129, as follows:

[Roll No. 125]

YEAS—287

Abbitt	Daniels, N.J.	Hogan
Adair	Davis, Ga.	Holifield
Adams	Davis, Wis.	Horton
Addabbo	de la Garza	Hosmer
Alexander	Delaney	Howard
Anderson, Calif.	Dellenback	Hull
Andrews, Ala.	Denney	Hungate
Annunzio	Dennis	Hunt
Ashley	Derwinski	Hutchinson
Aspinall	Devine	Ichord
Bell, Calif.	Donohue	Jacobs
Bennett	Dorn	Jarman
Berry	Downing	Johnson, Calif.
Betts	Dulski	Jonas
Bevill	Duncan	Jones, Ala.
Biaggi	Dwyer	Jones, N.C.
Biester	Eckhardt	Karth
Blackburn	Edmondson	Kastenmeier
Blanton	Edwards, Calif.	Kazen
Blatnik	Edwards, La.	Keith
Boggs	Erlenborn	King
Boland	Esch	Kleppe
Bolling	Eshleman	Kluczynski
Brasco	Evins, Tenn.	Kuykendall
Bray	Fascell	Kyros
Brinkley	Feighan	Landgrebe
Brock	Findley	Landrum
Brooks	Fisher	Langen
Broomfield	Foley	Latta
Brotzman	Ford, William D.	Leggett
Brown, Mich.	Foreman	Lennon
Broyhill, N.C.	Fountain	Lloyd
Broyhill, Va.	Frey	Long, Md.
Burke, Mass.	Friedel	Lujan
Burleson, Tex.	Fulton, Pa.	McClure
Burlison, Mo.	Fulton, Tenn.	McCulloch
Burton, Calif.	Fuqua	McDade
Burton, Utah	Galifianakis	McDonald, Mich.
Button	Gallagher	McEwen
Byrnes, Wis.	Garmatz	McKneally
Caffery	Gettys	Macdonald, Mass.
Camp	Gonzalez	MacGregor
Carey	Goodling	Madden
Carter	Gray	Mahon
Casey	Griffin	Mailliard
Cederberg	Griffiths	Marsh
Chamberlain	Grover	Martin
Chappell	Gude	Mathias
Clancy	Hagan	Matsunaga
Clausen, Don H.	Hamilton	Mayne
Clawson, Del	Hammer-schmidt	Meeds
Clay	Hanley	Melcher
Cleveland	Hanna	Michel
Collier	Hansen, Wash.	Mikva
Collins	Harvey	Miller, Ohio
Colmer	Hastings	Mills
Conable	Hathaway	Minish
Conte	Hawkins	Mink
Corman	Hébert	Mize
Coughlin	Hechler, W. Va.	Mollohan
Cowger	Heckler, Mass.	Morton
Cramer	Helstoski	Moss
Cunningham	Henderson	Murphy, Ill.
Daniel, Va.	Hicks	Myers

Natcher	Reifel	Teague, Calif.
Nedzi	Riegle	Teague, Tex.
Nelsen	Roberts	Thompson, Ga.
Nichols	Robison	Thompson, N.J.
Obey	Rodino	Thomson, Wis.
O'Hara	Roe	Tiernan
O'Konski	Rogers, Fla.	Udall
Olsen	Rosenthal	Van Deerlin
O'Neill, Mass.	Rostenkowski	Vander Jagt
Passman	Roth	Vanik
Pelly	Roybal	Vigorito
Perkins	Sandman	Waggonner
Pettis	Schadeberg	Waldie
Philbin	Scherle	Wampler
Pickle	Schwengel	Watts
Pike	Scott	White
Pirnie	Shriver	Whitehurst
Poage	Sikes	Whitten
Poff	Sisk	Wiggins
Powell	Skubitz	Williams
Preyer, N.C.	Slack	Winn
Price, Ill.	Smith, Calif.	Wolff
Price, Tex.	Smith, N.Y.	Wright
Pryor, Ark.	Snyder	Wydler
Pucinski	Springer	Wylie
Quie	Stafford	Wyman
Quillen	Staggers	Yates
Railsback	Steed	Young
Randall	Stuckey	Zablocki
Rarick	Symington	Zion
Rees	Taft	Zwach
Reid, Ill.	Taylor	

NAYS—11

Cabell	Mizell	Steiger, Ariz.
Gross	O'Neal, Ga.	Steiger, Wis.
Hall	Rhodes	Wyatt
Johnson, Pa.	Satterfield	

ANSWERED PRESENT—2

Haley	Kyl

NOT VOTING—129

Abernethy	Flood	Ottinger
Albert	Flowers	Patman
Anderson, Ill.	Flynt	Patten
Anderson, Tenn.	Ford, Gerald R.	Pepper
Andrews, N. Dak.	Fraser	Podell
Arends	Frelinghuysen	Pollock
Ashbrook	Gaydos	Purcell
Ayres	Giaimo	Reid, N.Y.
Baring	Gibbons	Reuss
Barrett	Gilbert	Rivers
Beall, Md.	Goldwater	Rogers, Colo.
Belcher	Green, Oreg.	Rooney, N.Y.
Bingham	Green, Pa.	Rooney, Pa.
Bow	Gubser	Roudebush
Brademas	Halpern	Ruppe
Brown, Calif.	Hansen, Idaho	Ruth
Brown, Ohio	Harrington	Ryan
Buchanan	Harsha	St Germain
Burke, Fla.	Hays	Saylor
Bush	Jones, Tenn.	Scheuer
Byrne, Pa.	Kee	Schneebeli
Celler	Kirwan	Sebelius
Chisholm	Koch	Shipley
Clark	Long, La.	Smith, Iowa
Cohelan	Lowenstein	Stanton
Conyers	Lukens	Stephens
Corbett	McCarthy	Stokes
Crane	McClory	Stratton
Culver	McCloskey	Stubblefield
Daddario	McFall	Sullivan
Dawson	McMillan	Talcott
Dent	Mann	Tunney
Dickinson	May	Ullman
Diggs	Meskill	Watkins
Dingell	Miller, Calif.	Watson
Dowdy	Minshall	Weicker
Edwards, Ala.	Monagan	Whalen
Eilberg	Montgomery	Whalley
Evans, Colo.	Moorhead	Widnall
Fallon	Morgan	Wilson, Bob
Farbstein	Morse	Wilson, Charles H.
Fish	Mosher	Wold
	Murphy, N.Y.	Yatron
	Nix	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Daddario with Mr. Mosher.

Mr. Dent with Mr. Ayres.

Mr. Gilbert with Mr. Ruppe.

Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.

Mr. Abernethy with Mr. Roudebush.

Mr. Barrett with Mr. Arends.

Mr. Brademas with Mr. Andrews of North Dakota.

Mr. Cohelan with Mr. Gubser.

Mr. Albert with Mr. Morse.

Mr. Eilberg with Mr. Minshall.

Mr. Patten with Mr. Meskill.

Mr. Kee with Mrs. May.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Farbstein with Mr. Reid of New York.

Mr. Shipley with Mr. Hansen of Idaho.

Mr. Stratton with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Edwards of Alabama.

Mrs. Green of Oregon with Mr. Anderson of Illinois.

Mr. Clark with Mr. Saylor.

Mr. Culver with Mr. Brown of Ohio.

Mr. Morgan with Mr. Corbett.

Mr. Moorhead with Mr. Sebelius.

Mr. Nix with Mr. McCloskey.

Mr. Ottinger with Mr. Halpern.

Mr. Pepper with Mr. Buchanan.

Mr. Podell with Mr. Pollock.

Mr. St Germain with Mr. McClory.

Mr. Stubblefield with Mr. Lukens.

Mr. Green of Pennsylvania with Mr. Watkins.

Mr. Giaimo with Mr. Schneebeli.

Mr. Fraser with Mr. Harsha.

Mr. Evans of Colorado with Mr. Bush.

Mr. Patman with Mr. Crane.

Mrs. Sullivan with Mr. Goldwater.

Mr. McFall with Mr. Stanton.

Mr. Dingell with Mr. Talcott.

Mr. Celler with Mr. Whalen.

Mr. Murphy of New York with Mr. Widnall.

Mr. Mann with Mr. Watson.

Mr. Purcell with Mr. Whalley.

Mr. Rivers with Mr. Bob Wilson.

Mr. Smith of Iowa with Mr. Wold.

Mr. Yatron wtih Mr. Stokes.

Mr. Tunney with Mr. Conyers.

Mr. Anderson of Tennessee with Mr. Weicker.

Mr. Baring with Mr. Kirwan.

Mr. Brown of California with Mr. McMullan.

Mr. Jones of Tennessee with Mr. Ullman.

Mr. Flowers with Mr. Flood.

Mr. Reuss with Mr. Harrington.

Mr. Montgomery with Mr. Fish.

Mr. Lowenstein with Mrs. Chisholm.

Mr. Rooney of Pennsylvania with Mr. McCarthy.

Mr. Koch with Mr. Scheuer.

Mr. Monagan with Mr. Ashbrook.

Mr. Charles Wilson with Mr. Bingham.

Mr. Ryan with Mr. Diggs.

Mr. Dowdy with Mr. Flynt.

Mr. Gibbons with Mr. Gaydos.

Mr. Stephens with Mr. Miller of California.

Mr. JARMAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "To authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation."

A motion to reconsider was laid on the table.

CONGRESS MUST ACT IF PRESIDENT FAILS TO ROLL BACK HIGH INTEREST RATES AND STABILIZE THE ECONOMY

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the 91st Congress has been waiting 16 long months for the Nixon administration to come up with a safe and sane set of economic policies.

The wait has been in vain.

Over the past 16 months, the Congress—and the American public—have been fed outlandish public relations propaganda about what was happening to the American economy. It reflects on the Congress that any of us, even for a moment, were deluded by these doses of economic pablum. It is also regrettable that so many of the economic writers have accepted at face value the rosy claims of the administration.

Mr. Speaker, it is time for the 91st Congress to assert its constitutional powers and to spell out and demand enforcement of economic programs that will bring stability to the American economy. We have trusted too long in the vain hope that President Nixon and his battery of economic advisers would face the facts and come up with the hard solutions.

What we have, Mr. Speaker, is a classic example of Republican economics. Every Republican administration comes into power with great claims about their ability to provide economic stability. Every Republican administration is inaugurated with rosy statements. And every Republican administration goes out of power with high interest rates, high unemployment, declining income and general chaotic economic conditions.

President Hoover spent most of his time reassuring the American public and then ended up plunging the Nation into the biggest depression in its history.

President Eisenhower, who promised us prosperity, left office in 1960 after three recessions and with unemployment at 5.6 percent. This meant that more than 4 million people were out of work.

President Nixon came into power January 20, 1969, after the longest period of sustained prosperity in the Nation's history—a prosperous economy delivered to him by the administrations of Presidents Kennedy and Johnson. The day that President Nixon took office, unemployment was down to 3.4 percent, or 2,645,000 unemployed.

After 16 months of Mr. Nixon's policies, the unemployment rate has now risen to 4.8 percent and shows every indication of rising above 5 percent in the coming weeks. In terms of people—and that is what we are talking about here—the Nixon unemployment figures have almost matched those at the close of the Eisenhower administration. There were just slightly more than 4 million unemployed people when Eisenhower went home in 1961 and, today, there are just about 4 million unemployed under President Nixon. There is every indication

that Mr. Nixon will be able to surpass President Eisenhower in this area.

Just since December, 1.1 million workers have been thrown out of work in this Nation. Millions of others have been the victims of production cutbacks and reductions in work hours.

The details of economic ills of the Nixon administration would fill page after page of the CONGRESSIONAL RECORD. The Wall Street Journal of Friday, May 15, ran through a random sampling of economic indicators and came up with this list:

Industrial production resumed its long decline in April after a fillip in March.

Personal income in April would have fallen for the first time in almost 5 years, but was saved by a surge in social security checks.

Corporate profits fell sharply in the first quarter to the lowest level since late 1967.

Overall inflation in the first quarter was much worse than reported earlier, while real output fell twice as fast as estimated originally.

The U.S. balance of payments plunged deeply back into deficit in the first quarter.

Despite the strange sight of a President touting stocks, the stock market has continued its downward plunge with only occasional, short-lived, upward spurts. At the close of every market session, some administration economic soothsayer comes out of the woodwork and indicates that we are at the bottom and that tomorrow will be rosy. The tomorrow invariably brings a new drop in the market.

In fact, since President Nixon has been in office, the value of listed stocks has fallen about 30 percent or more than $160 billion.

Mr. Speaker, there have been times when this Nation has been in a severe depression. There have been times when we have been in a severe inflationary spiral. But, never in our history, have we seen the phenomenon of an economy pockmarked by both recession and inflation. President Nixon, it is said, has a great sense of history. And his economic policies of recession and inflation are almost sure to gain him a lasting place in the economic textbooks.

Amidst rising unemployment, the price index for the first quarter was revised last week showing a 6.2 percent annual rate of increase—the fastest pace since 1951.

A few months ago, the administration's economic experts—and more particularly their public relations men—were assuring the American press that lower interest rates were just around the corner. Now, they have fallen silent. We no longer hear administration claims about lower interest rates.

They have fallen silent for good reason. Interest rates have not gone down and, in fact, in many areas, they have gone up beyond already record-breaking levels. We have the highest interest rates in our history and with no governmental policy to bring them down.

High interest rates are crushing the housing industry and despite repeated administration assurances, we are building new homes at an annual rate of only 1.05 million. High interest rates are driving small businessmen against the wall and are forcing bankruptcy in many cases. The consumer is hit everywhere with high interest rates. The price of every product on the shelves reflects this long period of fantastically high interest rates.

In a flurry of nervousness, the big banks, last March, announced that they were lowering the prime interest rate from 8½ to 8 percent. This was no more than a token gesture; too small to do any good. As many predicted, the effects of that one-half of 1 percent decrease have not filtered down in the economy. It has not helped the housing market and there is not a single consumer who has had his interest rate lowered. Perhaps a few cats have gotten that reduction, but the average American still is paying record interest rates.

Mr. Speaker, the record of the Nixon administration on interest rates illustrates in unmistakable terms, the economic failures of the past 16 months. When President Nixon was elected, the prime interest rate was at 6 percent. Six times since his election, the big banks have raised the prime rate culminating in the full percentage point increase from 7½ percent to 8½ percent last June 9. Between November 5, 1968, and June 9, 1969, the prime rate went up 41⅔ percent.

Despite repeated pleadings from the Congress and the American public, the Nixon administration has refused to do anything about high interest rates. They have refused to step on the toes of the big banks and have taken a total hands-off approach to this serious problem.

Late in the first session of the 91st Congress, the Banking and Currency Committee became deeply concerned about the continuing inaction on the part of the administration at a time when prices were continuing to rise and when there were fears of growing recessionary trends. The Banking and Currency Committee drafted and send forward H.R. 15091 which provided the President the broadest possible set of tools to control credit and interest rates. That bill eventually became Public Law 91–151 on December 23, 1969.

That was almost 5 months ago and the President has not acted to use this law. He has left it sitting idle while prices continue to climb and while interest rates remain at record levels. He left the law untouched while housing starts continued to decline.

Through Public Law 91–151, the President could require the allocation of credit into areas where it is needed the most and restrict it in areas where there are inflationary trends. At the same time, he could impose limits on interest rates on various credit transactions. These standby authorities gave the President, through the Federal Reserve, authority to control all elements of credit transactions.

Earlier this year, a number of Members of the House, led by Representatives JIM WRIGHT of Texas and BILL ALEXANDER of Arkansas, expressed their concern over the President's continuing silence on the problems created by high interest rates. They, along with about 100 other Members of the House, introduced resolutions calling for a rollback of high interest and demanding Presidential action.

So, Mr. Speaker, the Congress has pleaded with the President. It has sent the President standby credit control authority. It has urged lower interest rates through resolutions. The Congress has tried to do everything to make it plain that it wants action now for lower interest rates and for economic stability.

Mr. Speaker, it is obvious that the message of the 91st Congress has not been understood at the White House. It is now apparent that the Congress must speak in louder and more specific terms. It is obvious that we can no longer just urge the President to do the right thing. We must act on our own in behalf of the American public if the administration continues to refuse to take the necessary steps.

Mr. Speaker, I hope that the President will take the necessary steps without delay and without the necessity of additional action by the 91st Congress.

Mr. Speaker, I once again ask President Nixon to use the credit control powers that the 91st Congress has given him. I urge that he use these powers in such a manner as to require a rollback of interest rates.

The implementation of this law, Public Law 91–151, would be a giant step forward toward curing our economic problems and particularly those directly related to high-interest rates. In addition to the use of the powers granted by this law, I urge that the President take full recognition of the resolutions and the statements that have been uttered by the Members of both Houses of Congress calling for lower interest rates and greater economic stability. I urge that the President and his Cabinet officials, such as the Secretary of Treasury, speak directly to the banking community and demand that rates be lowered, not only to the big customers, but to the consumers, and particularly, to the homebuyers.

In short, Mr. Speaker, I am calling on the President and the entire executive branch to summon forth all of the authority and power to bring about a rollback of high interest rates and to stabilize the economy. There is no question about the administration's power; the only question is whether they have the courage to exercise it.

Mr. Speaker, I believe that the President should have a proper length of time to reconsider his economic policies and to put the machinery in gear. The country, however, is in a near-crisis and we cannot wait too long for the President to make up his mind. This is a call for quick action, emergency action, courageous action. If the President does not act, and if he does not bring about lower interest rates and economic stability, the Congress must act. If there is no action on the part of the executive branch, I will do everything in my power to push through the Congress the necessary reso-

lutions and legislation which will reduce interest rates and return the economy to an even keel. If the administration does not act, we will bring down interest rates by statute.

Mr. Speaker, I do not believe that the 91st Congress should adjourn until these important economic matters are dealt with in an effective and lasting manner. We should stay in session—night and day and on weekends if necessary. None of us should agree to adjourn until we have a specific program to bring about lower interest rates and to revitalize our entire economy.

This might mean a long and arduous session, but I do not believe the American people will tolerate the Members of the 91st Congress, trotting home without their job being done. Frankly, I hope that the President of the United States will summon forth the courage to use the tools the 91st Congress has given him and to act in the public interest on the broad range of economic crises facing the Nation.

At the moment, the question is up to the President of the United States.

RULES ON EXECUTIVE SESSION MATTER SHOULD BE OBSERVED

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, during my absence from Washington on business in my district, a considerable controversy arose in the press regarding remarks reportedly made by Secretary of State William Rogers on the Cambodian situation during executive session hearings on April 23 before the Foreign Operations Appropriations Subcommittee, of which I am chairman.

First I want to record my embarrassment and regret that one or more of the privileged persons attending that session saw fit to quote from a transcript which had not been released for publication. This is not in accord with either the tradition nor the interests of this subcommittee. It is incumbent upon us to deal in delicate matters closely affecting the security of this country including its diplomatic relations. If the executive branch witnesses who testify before us cannot have confidence that the privacy of their testimony will be safeguarded until it has been reviewed and released for publication, I could not blame them if they should become so guarded in their comments that it would not meet our purposes and our needs for a full and frank discussion of facts, interpretations, and opinions.

This particular hearing was such a full and frank discussion, I would like to pay tribute to Secretary Rogers for his extraordinarily successful effort to present the many complex decisions and options before the executive branch in conducting some of the most difficult aspects of our international relations.

The fact is that in this extensive discussion which occurred 3 days after the President's April 20 speech announcing the projected withdrawal of 150,000 men from Vietnam and about 5 days before the final decision on the present Cambodian operations, the subject of Cambodia was discussed repeatedly throughout the hearing. The Secretary, partly on his own initiative and partly as the result of questions by the members, discussed in detail many possible approaches to the very dangerous problem of the Cambodian sanctuaries for North Vietnamese troops, as well as to the Cambodian situation as a whole. The Secretary made clear that decisions on the issues involved were very much under consideration and that no options were closed, but that some were more likely than others.

In any such give-and-take discussion, there is always the possibility of misunderstanding between those who question and those who answer, and there is room for faulty interpretation by those who listen or read. I would like to make clear, however, my very strong impression as to the background of the remarks of the Secretary which were so unfortunately taken out of context and quoted in public. When the Secretary spoke out against the involvement of our ground troops in Cambodia as a defeat for the whole program, he was very clearly, in my opinion, referring to the use of our troops in a major and extended operation in Cambodia to support the Lon Nol government and incorporate Cambodia in the theater of operations. The Secretary did not favor such an action on April 23, and I note from this morning's paper that he took the same position in a press conference yesterday.

Mr. Speaker, it will not be my purpose to impugn the motives of any member of my committee or any Members of this body; however, the understanding of some of the members of my subcommittee was entirely different from my interpretation, because the Secretary did say and I quote:

> On the other hand, we can see that if we were able to move in, if we were able to knock out those sanctuaries, it could very well make it possible for Vietnamization to proceed at a faster pace. So we are right in the decision making process now on what to do.

Mr. Speaker, the present misunderstanding must be completely cleared up; otherwise it would be embarrassing for the Cabinet members and the Chief of Staff to accept invitations to testify before the Foreign Operations Subcommittee on Appropriations.

I particularly recall the Secretary addressing himself to me with these words:

> Can I ask, Mr. Chairman, if everybody is going to observe a confidence? Because I have been quite outspoken.

Mr. Speaker, I am sure the membership understands why it was incumbent on me to set the records straight as to Secretary Rogers' testimony before our committee and, of course, I arrived at my conclusion after having read all of the Secretary's statements including both questions and answers.

THE REVEREND B. M. G. WILLIAMS

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, it is not often that the life of one man seems to encompass the life of a great city and to give it dignity and purpose, but such has been the relationship of my home city, El Paso, Tex., with the Reverend B. M. G. Williams. As a frail youth of 18, he came to El Paso from England in 1894. Last week, in his 95th year, this man whom thousands came to revere as "Uncle Bert" Williams came to the close of this life, and left a city much better because he came to live among us.

El Paso, in 1894, was celebrated as a wide open frontier town. A year after the arrival of the young immigrant, a gunfight in the old Acme Saloon brought an end to the career of the notorious John Wesley Hardin. If young "Bertie" Williams was aware of such happenings, they seemed to touch his early years but little, for he moved in far different circles. His late father had been an Anglican minister, and he had come to El Paso to live with his uncle, a Methodist minister. From the time of his arrival, he helped to form a link between the workaday world, and the world of organized religion. To him, they were the same world, and he lived all of his days in the confidence that the world could, and would, be made better.

He associated himself at once with El Paso's pioneer St. Clements Episcopal Church, and it was 70 years ago, in the year 1900, that he was named a lay reader in that church. At the same time, he was advancing step by step in the fast growing business world of frontier El Paso. He was a hotel clerk, a meat market worker, a traveling salesman, a partner in a bakery, and eventually the president of a baking company serving El Paso's widespread trade territory.

His advancement in his church continued apace through the years. In 1918, he was ordained an Episcopal deacon, in 1930 a presbyter, and later that same year an assistant rector. In 1943 he was named associate rector, and after his retirement from his business in 1951 he devoted full time to his church, as rector, and then as rector emeritus until the day of his death. He has enriched the lives of thousands by his individual counseling.

As an organized city, El Paso will not be a hundred years old until 1973. For 76 of its 97 years, B. M. G. Williams has been a voice calling forth the best efforts of men and women to build a better community. He has served as president of the chamber of commerce, and president of the Southwestern Children's Home, of which he was one of the founders. He has helped to found and to administer libraries, schools, family welfare associations, symphony and concert associations. He has been foremost in movements of unity among religious groups, and was honored by the National Conference of Christians and Jews with its National Human Relations Award.

His people have given him almost every honor within their power to bestow. The El Paso Historical Society admitted him to its Hall of Honor. The board of realtors named him "Man of the Year," and the city of El Paso awarded him its "Conquistador Scroll." He has accepted these and many other awards with quiet dig-

nity and humility. In response to one tribute, he said:

My only contribution to life in El Paso is the love I have for its people.

He has gone about his daily tasks of kindness and fellowship with a life that has reached across religious faiths and racial barriers. The city he called home for 76 years will not forget him; and in a nation now torn by internal dissent, and seeking for principles to guide our conduct, we can all benefit from the full and well ordered life of "Uncle Bert" Williams.

GLOOMY ECONOMIC STATISTICS

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, the Federal Government Friday reported some of the gloomiest economic statistics in 10 years. There can be only one interpretation: We are in the midst of the first Nixon recession.

Government statisticians report that the Nation's economy is in the deepest slump since 1960 and the inflation in the first quarter of this year is the worst since the Korean war.

The Government revised gross national product—GNP—for the first quarter was at $724.3 billion, down some $6 billion in the past 6 months. These figures show that productivity has declined for two successive quarters, meeting the economists' standard rule of thumb for defining a recession.

These figures also mean the productivity of this Nation, which had been on a continuous upward trend for more than 8 years, has been stopped and thrown into reverse by the failing policies of this Republican administration.

The GNP moved down at a faster rate in this current recession than in the last Republican recession of 1960–61. It has not yet moved down as sharply as the 1957–58 Republican recession. But neither has it run its course unless the President and his economic advisers move, and move quickly, to restore confidence in the economy by utilizing the tools provided them last year by a concerned Congress.

The administration has not only brought on recession, but inflation continues to erode purchasing power of the household budget. The gross national product price index, considered the broadest based index of inflation, increased at an annual rate of 6¼ percent in the first quarter, the sharpest increase in the cost of goods and services in 19 years. And except for the retroactive boosts in social security benefits and Federal pay, average income declined for the first time in 4½ years.

Only recently, Government figures showed that unemployment in April stood at 4.8 percent, an increase over the previous month, equaling the biggest rise in joblessness since the 1960 recession.

All of these statistics verify the deteriorating condition of the economy. But it is not cold statistics, but the human problems and suffering they reflect which is of utmost concern.

More than 1,250,000 more Americans are out of work since this Republican administration began applying its big business-oriented excessive interest policies. Millions more are receiving less income and paying more for goods and services. And the great masses of low- and middle-income Americans are being denied a basic right to own their own homes because the administration's economic policies funnel usual home mortgage funds into loans for big business investments.

Also, hundreds of thousands of investors, including many depending on investments for retirement income or their children's education, have suffered drastic losses in the stock market debacle. The pattern of the present inflationary recession follows the same failing policies of the last Republican administration which was presided over by big business interests. In the 1950's and early 1960's of Republican rule, the country suffered three recessions—one early in the administration, one midway, and a third one closing out a Republican administration.

The consequences of recession and inflation are too serious to be permitted to continue. We in Congress have provided legislative tools, and we trimmed the President's own budget requests last year. I call on the President and his economic advisers to use the credit controls and fiscal flexibility provided, and to use the moral powers of the office of the Presidency. The administration must reverse its failing policies, must face the evidence, and take steps to alleviate the inflation, unemployment, and the general recession gripping the Nation.

FINANCIAL SITUATION OF THE COUNTRY—CHICKENS NOW COME HOME TO ROOST

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, apropos of the remarks made previously by the gentleman from Oklahoma (Mr. ALBERT) concerning the financial and economic situation in the country, I would remind the gentleman that the chickens of the past decade of Democratic administrations had their craws pretty well stuffed with inflation and extravagant spending. Those chickens are now coming home to roost.

PRESIDENT SNUBS BLACK CONGRESSMEN

(Mr. CLAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. CLAY. Mr. Speaker, for more than 90 days the nine black Members of the House of Representatives have been trying to arrange a meeting with the President of the United States. On February 18, 1970, we wrote Mr. Nixon requesting an audience to discuss a range of questions representing the concerns of 25 million black Americans. I have personally discussed this matter with two White House aides and asked them to impress on the Chief Executive the urgency of such a meeting.

The Nixon posture on civil rights and the conscious, well-publicized effort on the part of this administration to retreat from pursuit of freedoms for black citizens have been at issue since Mr. Nixon assumed office. The alienation between the black populace and this President is severe. It is as deep as it is dangerous.

In an effort to communicate the crisis proportions of this situation, the black caucus of the House of Representatives requested an opportunity to meet with the President. We sought to open some line of communication between this administration and black people. It was viewed as a reasonable request. There is a complete absence in the White House of any open line to the black citizens of the country. Certainly, the black Members of the House, nine in total, do constitute the only elected representation in Government for most of the 25 million black citizens of this Nation. Black Americans recognize us as a group most cognizant and closely in tune to the tenor of the black community. Mr. Nixon's refusal to meet with us suggests that he prefers to handpick the spokesmen for black Americans.

Mr. Speaker, the Members of the black caucus of the House of Representatives make known at this time our outright disgust with the President's policies and his refusal to give us an audience. In a letter dated April 20, 1970, Mr. Nixon informed us through his staff assistant, "We had hoped to be able to work this out, but the President's schedule has been such that we just have not been able to work it in. At this point, we do not foresee an opportunity in the immediate future, but will be back in touch with you if an appropriate time arises."

During this 90-day interval, Mr. Speaker, while our President was trying "to work into" his schedule a meeting with nine black Congressmen, lets review some of the things he considered more important. Our President who claimed he wanted to "bring us together" found time to meet with representatives of 11 veterans and patriotic groups to discuss foreign policy. He met with Mrs. Khang, head nurse of a 120-bed hospital for children in Danang. He met with the Citizens Committee for Peace With Freedom in Vietnam. He met with the American Society of Association Executives. He met with eight members of the Association of University Presidents. Yes; in addition to the many cocktail parties and state dinners at the White House, our very busy President even found 2 days to cajole France's President Pompidou.

Mr. Speaker, there is no question about where Mr. Nixon has placed his priorities. He has traveled more than 35,000 miles in foreign countries. He has entertained hundreds of foreign diplomats but refuses to meet with the elected representatives of the black "nation" within this country. It is pathetic that in all of the President's travels he has not seen the suffering and deprivation in Watts, Hough, Harlem, Fillmore, or any of the other ghettos.

The black citizens of the United States constitute by their very numbers and

condition one of the largest "underdeveloped" nations in the world. The President, by his pledge to serve all the people of this country, has ignored his responsibility to our people. The President's position on the voting rights act extension, his position on school desegregation, his Supreme Court nominations of two southern racists, his veto of Federal education funds, and his refusal to place a priority on the domestic concerns of hunger, housing, poverty, and employment testify to his apathy not only toward black people—but toward all poor Americans who since January 1969, have truly known what it means to be "forgotten."

The President has declared his disdain for military defeat and his passion for honor among the world community, his rhetorical commitment to preserve the security of our Nation is meaningless when viewed in relationship to the absence of efforts to win battles on domestic fronts. If there is honor to be won, it is here in this country where American blood is staining American soil. Six murdered in Augusta, and two in Jackson. If there is a potential for this Nation to fall, it exists here in the United States more surely than in our correction of mistaken involvement in the affairs of Indochina.

The indifference of President Nixon to the need for action on the domestic front is equaled not only by the nature and context of the following reply of our letter. The following letter from the White House was directed to Congressman CHARLES C. DIGGS, JR., who serves as chairman of the black caucus:

THE WHITE HOUSE,
Washington, April 20, 1970.

Hon. CHARLES C. DIGGS, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The President has asked me to respond to your request for an appointment with him for the Black Members of the House.

We had hoped to be able to work this out, but the President's schedule has been such that we just have not been able to work it in. At this point, we do not foresee an opportunity in the immediate future, but will be back in touch with you if an appropriate time arises.

With the President's thanks and kind regards,

Sincerely,

HUGH W. SLOAN, Jr.,
Staff Assistant to the President.

AIRCRAFT SALES TO LATIN AMERICA

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I am firmly opposed to the sale of sophisticated, up-to-date supersonsic jet aircraft by the United States to the countries of Latin America which are not faced with an external threat and which should not in terms of their resources and the urgent needs of their people divert scarce resources to buy such expensive weapons systems.

I have made this position clear on a number of previous occasions and I have supported legislation presently on our statute books which gives expression to these sentiments.

I also supported an overall ceiling of $75 million on U.S. sales of military equipment to Latin America.

I feel, however, that where there is a demonstrable need for the replacement of obsolete equipment; where the sale of more modern aircraft would not precipitate an arms race; where the aircraft being sold is not of the current generation of supersonic planes; and where the sale would not adversely affect the purchasing country's internal development programs—I feel that under those conditions, each request for the purchase of American aircraft should be handled, and a decision made, on a case-by-case basis.

I may add that the Subcommittee on Inter-American Affairs which I have the honor to chair has been apprised by the Department of State of the fact that several Latin American countries have been interested in purchasing aircraft from the United States.

The subcommittee went into this subject in the course of two recent hearings—on April 29 and 30 of this year.

We were informed at that time that the U.S. Government has agreed to sell a number of jet aircraft to Argentina. The equipment involved, we were told, is not of the most recent vintage. The planes are not supersonic jets under normal combat conditions.

Argentina, of course, is somewhat different from the other countries of Latin America in that it has a fairly strong economy and is not a significant recipient of U.S. development assistance. We only have a marginal program in that country, and that is coming to an end. So some of the factors that would have to be taken into consideration with respect to military sales to other Latin American countries do not appear to apply in this instance.

The subcommittee was also informed that a number of Latin American countries, other than Argentina, have been interested in replacing some of their obsolete and virtually inoperative military aircraft. This interest, I may add has been expressed for a number of years and is receiving study in the administration. But as far as I know, no commitment has been made to date to sell U.S. aircraft to any of those countries.

The subcommittee will, of course, continue to watch this situation with care because I believe that most of us share the concern that I expressed at the outset of this statement. We do not want the United States to be even a contributing factor to an arms race in Latin America. There are other priorities which deserve first attention.

TRIBUTE TO THE LATE MRS. B. CARROLL REECE

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, a gracious lady and an honored Tennessean died last week in Johnson City.

Many of our colleagues remember Mrs. Louise Reece, and some of them are still here who served with her husband, the late Congressman and National Republican Chairman B. Carroll Reece. The name was synonymous with my party and its guidance in east Tennessee until his death a few short years ago.

Mrs. Reece filled out her husband's final term in this body ably and graciously. Then she returned to her home State, and found time to give counsel to several struggling and aspiring younger politicians. As one of these, I will never forget her generous advice and encouragement.

The State of Tennessee has lost a distinguished citizen. This body mourns a former colleague, and my party has been deprived of one of its wiser voices. But selfishly, I mourn most for myself, because I have lost a friend.

COPPER PRICING

(Mr. BLANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLANTON. Mr. Speaker, on March 19 of this year, I introduced House Resolution 885, which would establish a select committee of the House to investigate what I believe are some grave questions concerning the pricing practices and operations of the domestic copper industry.

Since that time, I have continued to conduct my own personal investigation of the industry, and I am even more convinced of the necessity for congressional action.

Several members of my committee, the Interstate and Foreign Commerce Committee, have shown a deep interest in this problem. In view of their interest, and in view of the need for a full study now, I am introducing today, along with my distinguished colleague from California, the Honorable JOHN MOSS, an amendment to the Federal Trade Commission Act.

The bill which I and Chairman Moss of the Subcommittee on Finance and Commerce sponsor goes to the heart of the entire problem in the copper industry—the allocation system by the major domestic producers.

This legislation essentially will make the current allocation system an unfair practice under the FTC Act. It would essentially do away with the two-tier pricing system which exists in the free world copper market today. The system exists because of a rationing situation among a small brotherhood of major vertically integrated copper producers, who supply their own subsidiaries and a few select, preferred customers. Because the producers have a large share of the fabricating market, we have a situation where four to six companies virtually control the market, and can dictate who can and who cannot be in the business. Many independent fabricators are being

forced out of the business, and the copper producers, because they have allowed a situation to go unchanged for more than 7 years, have left themselves wide open for charges of practicing restraint-of-trade policies.

The legislation we introduce today is one possible solution. I would hope that through a continued investigation, and hearings, we could come up with various alternatives. While I am not optimistic about the copper producers voluntarily working out a fair system, I want to have the chance to let them tell our committee what their feelings are, and how they would suggest broadening the competitive aspects of the business. I would also hope the executive branch, which has had a task force investigating the copper industry pricing practices, to share their views and cooperate with Congress in finding a solution.

I will be criticized for singling out the copper industry from other metal industries which also have problems. Copper is my concern, first, because I have constituents directly and adversely affected by the present day situation. However, I also hesitate to tackle the entire, broad metals industries because Congress has tried to do that before and the sheer volume and scope of the inquiry made the efforts a failure. Several years ago the Senate held an investigation and hearings into "dual distribution" which covered so many fields that no legislation came out of it at all. I feel that it is perhaps the wisest course to limit our efforts to a piecemeal approach, and if the Congress wants to study other industries at a later time, then that is good.

I would like to make it clear that I am somewhat disturbed at the response and the activities of the Justice Department to my efforts in this copper probe.

Mr. Speaker, if there is any agency, department or bureau in this Federal Government which has a credibility gap as far as what it should do, and what it is doing, and what it will do, it is the Justice Department.

For 7 years the Justice Department has had an "on again, off again" inquiry into the copper situation. I am inclined to believe now that it is "on again" when Congress shows an interest in the situation, and "off again" when interest dies down on Capitol Hill.

The Justice Department has intimated to me that politics during the past administration was at fault in squelching investigations of the industry. Yet, the current administration has been in control of this Department for a year and a half now, and I do not see any productive activity in the Department's endeavors.

The Antitrust Division of the Justice Department has informed me that they are now conducting an investigation into the problems of the copper industry. They have told Chairman Weinberger of the Federal Trade Commission that they are doing so. This is the reason, and I presume the only reason, the FTC has not already gotten into this situation.

Yet, the facts are clear. The Justice Department told the Select Committee on Small Business last fall that they were investigating, and this is the reason that House committee dropped their plans for a full scale inquiry. In fact, the subcommittee informs me that Justice was most insistent that any congressional action would merely duplicate their own efforts, and be unnecessary.

It is high time for Congress to act on its own now, for we simply can not depend on this "on again, off again" type of inquiry into a situation which is running small businesses out of what is supposed to be a free and competitive market.

The cursory, low-keyed inquiry by the Justice at this time should not influence Congress to hold up on any investigation of its own. And the probability that we will never see the President's Economic Advisory Council's Task Force study of the copper industry should only increase our determination to exert our congressional authority in this field.

Mr. Speaker, the problems involved are complex, important, and timely. The legislation we introduce today is designed to be a start in the direction of finding solutions. I would hope we could have cooperation from the industry, as well as other branches of the Government to assist in finding the best solution, the most feasible and fair, long-range answer.

The bill is as follows:

H.R. 17657

A bill to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Federal Trade Commission Act is amended by adding at the end thereof the following new paragraph:

"(7) It shall be an unfair method of competition within the meaning of paragraph (1) of this subsection for any person to sell refined copper in commerce at a price which the Commission determines is significantly below the world market price for refined copper of a similar grade, unless such person allocates such copper among the domestic users of refined copper of such grade in a manner which the Commission determines is fair and equitable to such users."

SEC. 2. The amendment made by the first section of this Act shall apply to sales occurring more than 90 days after the date of enactment of this Act.

CONDEMNATION OF REAL PROPERTY

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, Members of this body will agree that when real property is condemned through the power of "eminent domain," the owner of such property not infrequently sustains an economic loss. The measure of damages to the propertyowner, until recent times, has been the fair market value of the real estate condemned. Other economic losses to the landowner such as the cost of relocation and the personal inconvenience were not legally to be considered in assessing the damages sustained. Until the passage of the Federal Highway Act of 1968 and the Housing and Urban Development Act of 1968, the Federal Government did not grant any relocation assistance to owners of real property who were displaced by Federal action. In these two acts, the Congress recognized that undue hardships were placed on businessmen, homeowners, tenants, and farmers when their place of business, farm or home was taken by the Government in order to construct a public works project.

Presently, there are more than 50 Federal programs which result in the condemning of land and literally, the removal of thousands of people from their homes and businesses. Virtually all federally assisted programs have differing and conflicting provisions for helping those displaced.

A classic example occurred in Jacksonville, Fla., where the Post Office Department displaced over 200 families in order to construct a new building. Though those who owned their own property were reimbursed for the value, none of the displaced persons received assistance for moving expenses even though they were all below the poverty level. However, when the Department of Housing and Urban Development moves people in povery areas to create a housing project, they give relocation assistance.

Definitely, uniform relocation laws should be adopted by the Congress. The nature and amount of compensation to be granted displaced persons should not depend on which agency is condemning the property. Basic fairness requires uniformity.

In this time of high interest rates, one should remember that a man may have loans outstanding on which he is paying 5.5 to 6 percent interest. A person moved from his home or business should receive full compensation for the difference between his present interest rate and that which he would have to pay at his new location.

When a man spends 20 years improving his home or business, he has made a substantial investment. Many times he will have spent a great deal over his original purchase price on improvements. Then, when he is given the "fair market value" by the condemning authority, no consideration is given to these improvements, the cost of relocation, and additional costs of being at a new home or business site. The uprooting of an individual is a very personal matter. We cannot make the process painless, but the Congress can insure fair and even-handed administration, no matter what agency is involved.

For these reasons, Mr. Speaker, today I am introducing the Uniform Comprehensive Assistance and Land Acquisition Act of 1970.

This bill provides that the Federal agency acquiring the property must make fair and reasonable relocation payments for moving, and if the person must dispose of his property at a less than fair value, the Government shall reimburse the loss. In lieu of the above payments, displaced persons my elect to receive up to $200 for moving expenses and up to $100 for dislocation. It sets up relocation assistance programs aiding persons who

have immediately adjacent property and are hurt economically.

The bill directs each Federal agency to make every reasonable effort to acquire real property by negotiated purchase and the owner will accompany the appraiser when he is evaluating the property before the condemnation. The agency is expected to insure that a person does not suffer economically because of the proposed relocation.

The bill further provides that any person or State adversely affected may seek judicial review and seek appropriate relief.

We all recognize that the cost to the Federal Treasury of insuring adequate compensation to those suffering the loss of real property and the loss of legally protectable rights in real property will be higher. For me, however, the moral responsibility of the Government to prevent hardships upon citizens who are displaced by reason of Government action requires the Government to meet those financial costs to the citizen.

I would urge my colleagues to give this legislation full and fair consideration at an early date.

WITHDRAWAL BY REQUIRED DEADLINE—FORMULA FOR DISASTER

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, when people take the time to understand what is involved in a vote to cut off money for military operations in Indochina past a certain designated date or dates, they will recognize that a vote to do this is a vote to pull the rug out from under our men fighting the Communists in Vietnam. Why? Because it would stop their pay and allowances; cut off their ammunition; deny fuel to airplanes and helicopters that protect them from the air; cut off the pay for allied troops—that is South Koreans—that are combat fighting alongside of them; stop military aid to the forces of South Vietnam, and so forth.

Such legislation would invite and virtually assure slaughter of our forces as well as those of our allies if the enemy chooses to press the advantage that is given them from the published timetable of required retreat. Such a withdrawal deadline requires withdrawal schedules in the field, day by day, from area by area, with the enemy knowing that as the cutoff date nears there will be next to no one there to protect our troops or our allies. To force this whether or not the South Vietnamese are prepared and equipped to defend themselves and our troops as Americans go to the docks to board ships for the United States of America is to invite disaster.

I do not believe that such a fate is deserved by our honorable fighting men in the field. I do not believe it is really wanted by anywhere near a substantial segment of our people, although most all of us want to get all Americans out of Vietnam as soon as safely possible. We must not disregard the commitment that we have to the South Vietnamese nation, nor cast dishonor on the role of honor in commitment that is typified by the 400,000 brave Americans now in Vietnam.

A legislative requirement of withdrawal by a set date assures that both our troops and our allies may be in a position of helpless peril before many months have passed, for it is almost certainly impossible to complete the Vietnamization program within the time limit required by pending proposals in the other body.

To vote for such hand-tying legislation in ignorance is bad enough, no matter the motivation to get out of Vietnam which is strong in the hearts of most Americans. Both the Armed Services Committees and defense appropriations subcommittees have had top-secret briefings over days and months which have repeatedly demonstrated to its members the crucial dangers to Americans in Vietnam of such a proposal. To vote from knowledge of these facts is indefensible.

Those who vote to set time limits on withdrawal on penalty of a cutoff of funds are playing into the hands of the enemy no matter the almost universal desire to withdraw with a minimum of delay.

Let us get Americans out by turning the defense of South Vietnam over to the South Vietnamese where it belongs and withdraw our fighting men as this is accomplished. To withdraw faster than the South Vietnamese can defend themselves—and defend Americans as Americans are withdrawn to the ships and planes for home—is to endanger their lives. This the Congress should not do.

And hereafter let us forever resolve that not again will American boys be sent overseas to war unless and until the Congress shall have declared war.

A MOB IS A MOB, IS A MOB

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, innocent and unwary youth are being used as shock troops to turn our country upside down in the name of progressive dissent.

A mob is a mob, is a mob, whether it be at Kent State, Chicago, Jackson State, Washington, D.C., or Berkeley. Those who join the mob and permit themselves to be exploited through emotionalism and bipartisan politics—skillfully maneuvered—must expect to suffer the consequences of the mob. Neither preachers, educators, attorneys, nor distorted news coverage can disguise nor dignify the mob.

But even more nauseating are concerted efforts to capitalize on the agonies of duped members of the mob by promoting them into martyrdom for continued exploitation. History records those who burn and destroy civilizations as "vandals"—not heroes.

The American people are becoming disgusted in the overplay of the martyred mob by the "hired lackeys" of the communications media. They recognize them as the people who have helped to promote agitation of the issues and when their venom has resulted in death, violence, and turmoil, they seek to absolve their participation through interpretative commentating and placing the fault and responsibility on others.

Who are to blame for the incidents at Kent State, Jackson State, Augusta and by now a thousand other locations? The American people have not forgotten the Warrens, Douglases, Reuthers, Kings, Abernathys, Dellingers, the social "preachers," the "yellow" journalists, and the TV sensitivity trainers.

The American people have not forgotten that the "stars" of the interpretative reporting are for the most part the same sore losers—the rule-or-ruin boys—who lost the last election.

This is not free speech or impartial reporting. It is monopolized "mobocracy."

The American people will never permit those who advocate agitation and violence as a means to social reform to escape their personal and collective responsibilities. Who does own and control the giant "news" complexes in America? They cannot be Americans—they do not even believe in America. The American system and solutions do not even receive equal time or coverage.

We must never let those who have provoked the problems at hand escape their complicity in the causation. History must record for the coming generations that it was not the constitutional system that broke down, but rather selfish, arrogant demagogs and idealists who are responsible for the tragic consequences they have unleashed.

I include a related news clipping:

[From the Washington Star, Washington, D.C., May 16, 1970]

WARREN DEPLORES NEGLECT OF RIGHTS

NEW YORK.—Former Chief Justice Earl Warren says many of the nation's problems today can be traced to neglect of the ideal of equality and a failure to enforce the Constitution's guarantee of civil rights.

"We have had many crises in prior years, but none within the memory of living Americans which compares with this one," Warren told a civil rights luncheon yesterday.

"Our problems have grown in size and intensity with the result that we are now torn by distress, frustration and dissent," he said. Contributing factors, he said, include war, unemployment, inflation, a deteriorating environment and "an atmosphere of oppression."

THE PRINCE OF PLUNDER AND S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, for the past few weeks, I have stood here in this Chamber and called the attention of the House to various aspects of the thrust of the Mafia's organized attack on our country in the hope of expediting action on S. 30, the Organized Crime Control Act of 1969. Today, I would like to call your attention to a revealing article in the May 1970, issue of Reader's Digest, by an associate editor of that magazine, concerning one of the longtime powers behind the scenes in the Mafia—a "prince of plunder" as he is called by the

magazine. Mr. William Schulz, the author, describes the rise to great power and wealth of Meyer Lansky. From smalltime thief on the New York City's Lower East Side, to operator of illegal distilleries during the depression, to nationwide gambling operations, to Mafia-related kingpin—this is the chronology of events listed by Mr. Schulz in the biography of a bigtime racketeer. The author describes in some detail how Lansky and his cohorts "skimmed" millions in unreported gambling earnings off the top of income reported to the Government and how this money was sanitized by deposit in Swiss bank accounts and thence back into legitimate businesses in the United States. Mr. Schulz also indirectly suggests that the Mafia may have quite an extensive intelligence operation even in the Federal Government. He gives as an example a top secret report on Mafia operations which several years ago traveled from the Attorney General's office to the councils of the Mafia in less than 72 hours. According to Mr. Schulz, no explanation has ever been found for this leak of information.

Mr. Speaker, in order that my fellow Members of the House and the American public might better realize the full extent of the dangers to our society which S. 30, now pending before the House Judiciary Committee, is designed to combat, I include Mr. Schulz' article in the RECORD at this point:

THE SHOCKING SUCCESS STORY OF PUBLIC ENEMY NO. 1

(By William Schulz)

"A perfect gentleman," says a wealthy neighbor at the posh Seasons South, an oceanfront high-rise in Miami Beach. "A quiet guy with simple tastes," observes a long-time associate. A "retired investor," he says of himself on his tax forms.

And 67-year-old Meyer Lansky acts the part. A slightly built man with thinning gray hair and a pinched face, he dresses conservatively in custom-made suits. He lives quietly with his second wife, shuns night life, tips modestly. He drives a rented Chevrolet, and his idea of fun is a leisurely walk along the Miami beach front, his miniature Tibetan Shib Tzv dog, "Bruiser," at his heels.

But there is another side to Meyer Lansky. To a veteran New York prosecutor he is a "ruthless mobster whose brains and guile have made him a major underworld figure since the Roaring Twenties." To *The Wall Street Journal* he is a financial genius who "has shaped the organized crime syndicate into a well-disciplined operation." And to a leading government Mafia expert he is Public Enemy No. 1.

Government authorities put Lansky's wealth at more than $100 million, almost none of it in his own name. His holdings include gambling casinos from the Caribbean to the Middle East, New York clothiers, New England race tracks, Miami hotels—and millions upon millions in foreign banks and U.S. stocks.

BUGS AND MEYER

Born Maier Suchowljansky in Grdono, Poland, Lansky immigrated to Brooklyn at the age of nine. He dropped out of school after finishing eighth grade (he earned A's and B's on his report card), and joined a gang of thieves on Manhattan's Lower East Side. He graduated quickly to the big time, and in the late 1920s, during Prohibition, hooked up with another young hood, Bugsy Siegel, to form the Bugs and Meyer Mob. Their gunmen guarded illicit booze shipments between Chicago and the East Coast. They were partners—with Joe Adonis and Frank Costello, rising stars in the Mafia—in at least three illegal distilleries. Their criminal interests grew to include casinos, narcotics, and a nationwide bookie network.

During the early 1930s, La Cosa Nostra (LCN), or the Mafia, formed a "Commission" to bring its warring factions under a supreme council. As a non-Italian, and a Jew, Lansky was ineligible for LCN membership. But his power was such that he became an ex-officio member of the commission. His financial genius was eagerly sought by LCN big shots. They, in turn, allowed him to expand his empire.

Working with an outsider is one thing. Trusting him is another. Always, LCN kept a "watchbird" with Lansky, just to make sure that his split with them was honest. For many years, the Lansky watcher was Joe Adonis, a capo (captain) in the "family" of New York's Vito Genovese. When Adonis was deported in 1956, the job was taken over by Vincent (Jimmy Blue Eyes) Alo, another Genovese capo. Alo remains one of Lansky's closest companions.

"BLACK MONEY"

Lansky was a very rich man by the end of World War II. He and his brother Jake ran 24-hour-a-day casinos in Florida's wide-open Broward County, north of Miami. His gambling dens and lotteries boomed in New York, New Jersey and Louisiana. In Las Vegas, Lansky was building a multi-million-dollar casino, the Flamingo, to be run by Bugsy Siegel.

The early 1950s brought a temporary setback. U.S. Senate crime-busters led by Tennessee's Sen. Estes Kefauver, exposed the dimensions of Lansky-financed corruption in Florida and New York. The Broward County casinos were shuttered, and Lansky received the only jail term of his long criminal career—three months for operating the plush Arrowhead Inn, an illegal gambling emporium in Saratoga, N.Y.

But, in 1952, Fulgencio Batista, back in power as dictator of Cuba after several years in Florida exile, had laws passed giving Lansky and his associates a complete monopoly on Cuban gambling. The purpose; to convert Havana into a glittering mecca for U.S. tourists. After Batista was overthrown in 1959, the mob tried to work out an "understanding" with Castro. But the end came, a Lansky intimate has disclosed, when Che Guevara sent his gun-toting men into the casino counting rooms to make sure that the regime was getting an honest tally on the taxes due. Lansky & Co. thereupon fell back to Nevada, where the counting rooms were, in the words of one operator, "sacred, inviolate," off limits to tax collectors and government agents.

In Las Vegas, the Lansky Group—Lansky, a few associates and front men—controlled at least four major casinos: the Flamingo, the Fremont, the Horseshoe and the Sands. Three times a day, at the end of each eight-hour shift, the casino chiefs totted up their winnings. Government authorities cheerfully took their word on what taxes they had coming. Thus, the stage was set for a killing.

In 1960, the Lansky Group began a process known as "skimming." The FBI discovered what was going on when agents bugged the Fremont Hotel in 1962. In each casino, huge sums of money—as much as $280,000 a month—were simply lopped off the top of the winnings. No taxes, state or federal, were paid on the skim. It just vanished from the counting rooms, carried by teams of bagmen to Lansky in Miami. Lansky kept the lion's share—approximately 60 percent. The rest was delivered to New Jersey's Gerardo (Jerry) Catena, a *capo* in the Genovese family, which has long shared racket profits with the Lansky Group.

Week after week, FBI agents pieced together details. On January 6, 1963, for instance, they listened as two members of the Lansky Group, Edward Levinson and Ed Torres, discussed the delivery of $115,650 to the boss. Worried that G-men were tailing Benjamin Sigelbaum, a long-time Lansky aide, Levinson suggested that the money be carried by someone else—Ida Devine, the matronly wife of Las Vegas racketeer Irving (Niggy) Devine, another Lansky associate.

Torres: You want to give Ida the money?

Levinson: She'll go down on the train.

Torres: She'll never leave the stateroom. So give it to her.

Levinson: I'll call her tomorrow.

Torres: Safe as could be.

On January 8, Ida Devine packed the money in a black bag and left for Chicago, where she switched trains and continued on to Miami. She delivered the package and returned to Nevada—all under the watchful eye of federal agents.

By the middle of 1963, Attorney General Robert Kennedy was waging all-out war on the skimmers. Couriers were tailed, tax agents pored through casino records. With the heat on, the Lansky Group sold out its Las Vegas hotels and turned its attention to the sunny Bahamas. Legalized casinos opened there in 1964. Whereupon, month after month, couriers carried suitcases stuffed with illegal skim across Florida Strait to Lansky and his cohorts.

A government investigation of Lansky's Bahamian interests alerted authorities to his latest sleight of hand, by which "black money" was transformed into legitimate capital, through the use of Swiss banks. An expansive Benny Sigelbaum explained how it worked. "Let's say," said Sigelbaum, "that Mr. X puts a big sum in a numbered account in Switzerland, then wants to invest it in the stock market. The bank buys the stock in its own name. The dividends are credited to the account of Mr. X. He's got an interest in the company, but his name never appears on the books or records as a stockholder."

The same scheme, completely legal in Switzerland, shielded members of the Lansky Group when their deposits served as collateral for Swiss bank loans to enterprises in this country. The records show only that the loans came from a Swiss bank. What isn't shown is the Lansky skim that made the loan possible.

DELEGATE THE DIRTY WORK

It has been more than three decades since Lansky helped create the national crime syndicate. Of the mob's founding fathers, he alone survives. The others—from Frank Costello and Joe Adonis to Louis (Lepke) Buchalter and Bugsy Siegel—have been murdered, toppled from power, jailed or deported How has this frail little refugee shown such remarkable staying power? Here are some clues:

Despite his carefully nurtured image of peaceful legitimacy, Lansky is by nature as violent as any LCN terrorist. But he learned early to delegate the dirty work to others. In 1928, for instance, he attempted the liquidation of John Barrett, an underling he believed to be a police informer. The unsuspecting Barrett was taken for a ride, and Lansky opened fire at point-blank range. He succeded only in grazing Barrett, who dived from the car and was found by police. Charged with "suspicion of homicide," Lansky arranged for the delivery to Barrett's hospital room of a roast chicken stuffed with strychnine. Barrett, who tossed the poisoned fowl out the window, got the message. He refused to testify, and Lansky walked out of jail a free man.

From that day on, Lansky left the strong-arm tactics to trusted lieutenants. In 1931, his hired gunmen mowed down the No. 1 Mafia boss, Salvatore Maranzano, enabling the Young Turks—include Lansky and Lucky Luciano—to consolidate national control of the rackets. In 1947, Lansky's "hit-men" executed his long-time partner,

Bugsy Siegel, less than 24 hours after the two had argued violently about Siegel's management of the Flamingo.

COURTING POLITICIANS

In Nevada, the casino skimmers shelled out "campaign contributions" to political candidates and to officeholders, to big shots and to small fry. On November 9, 1962, Ed Levinson, of the Lansky Group, sat down with an aide in the bugged Fremont Hotel to fix the amounts of some of their contributions: $1,000 to Sen. Alan Bible, $500 to Rep. Walter S. Baring, $500 to the mayor of Las Vegas, $500 to a candidate for lieutenant governor, $300 to a legislative hopeful, $300 to a county commissioner, $200 to a candidate for justice of the peace.

Other casinos made similar contributions. One hotel reportedly poured $20,000 into the campaign coffers of then Gov. Grant Sawyer—who later echoed Sen. Howard Cannon's denunciation of the FBI's "Gestapo-like" bugging of the skimmers. Cannon even went to President Johnson to protest the bugging. Asked recently if he received campaign contributions from Levinson and other casino operators, Cannon said he could not recall, but would be "disappointed" if he had not.

WINGED DOCUMENTS

Lansky apparently has allies in many places. On April 24, 1963, the FBI delivered a top-secret report on the Las Vegas skimmers to the office of Attorney General Kennedy. Based on electronic surveillance, it spelled out the theft of millions of dollars.

On April 27, agents listening to the Fremont bug were astounded to hear Levinson and Devine leafing through the FBI report, page by page, reading it aloud. Levinson exclaimed, "My God, Niggy, they even know about Ida."

Government officials have still not determined how the report traveled from Kennedy's office to the skimmers in less than 72 hours. But this was not the only such happening. On August 23, 1963, Ben Sigelbaum walked into the plush Miami offices of attorney Alvin I. Malnik, one of Lansky's trusted money-movers. "Greetings and salutations," he said, tossing a document on Malnik's desk. "This is from the Justice Department."

Indeed it was—a top-secret report that jeopardized the identity of a key government informer.

Lansky himself has dropped an occasional hint about his influence. Once he bragged of arranging the transfer of a federal investigator "who was giving me a bad time."

SILENT INSULATORS

Lansky's greatest protection is undoubtedly The Group—the trusted associates who surround and insulate him, who hold his property in their names, carry his millions to secret Swiss banks, and who balance his books at the Eden Roc hotel's Cabana 169. Among them are such men as Hyman Siegel and Isidore Blumenfield. Siegel, 65, a heavy-fisted, third-grade dropout whose criminal record dates back to the 1920s, oversees Lansky's investments in the New York garment district and his interests in a number of crooked unions. Blumenfield, alias Izzy Bloom, alias Kid Cann, long-time Minneapolis gambling boss, has been convicted of white slavery, tax-evasion and bootlegging. He fronts for Lansky in at least four Miami Beach hotels—the Singapore, the Aztec, the Kimberly and the Hawaiian Isle.

In recent years, Lansky has pumped new blood into The Group. Alvin Malnik is an example. Recruited out of the University of Miami Law School, Malnik is known to his neighbors as a successful young attorney, investor and socialite. He has a lovely family and belongs to the best clubs. But his real job is that of a Lansky banker. Accompanied by Lansky bagmen, he flies regularly to Canada, meets with Swiss contacts and arranges the handling of skim. His future is predictable. "Members of the Lansky Group have lifetime contracts, with no cancellation clause," says one federal agent. "If they get tired or afraid, the mob has its own way of closing out the association—permanently."

The illegal and untaxed enterprises of Meyer Lansky deny the government millions in needed levies. His infiltration of legitimate business constitutes a deadly poison in the nation's economy bloodstream which affects every taxpayer. As a leading lawman says: "This man represents what we're talking about when we use those familiar words, 'public menace.'"

Federal authorities are currently exploring every avenue that could lead to nailing Lansky. His tax returns are examined and reexamined. U.S. officials have applied pressure to open the secret records of Swiss banks. Perhaps one of Lansky's silent associates will decide to talk. Perhaps Lansky himself will slip up. Fortunately for him, the FBI tapes spelling out the great skimming conspiracy are inadmissible as court evidence.

Until Meyer Lansky *is* brought to justice, his blood-and-theft rise to riches is a story that should shame and concern every U.S. citizen.

THE SALT TALKS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, there follows the analysis of the ongoing Strategic Arms Limitations Treaty talks prepared by me and issued to House Republicans yesterday:

THE SALT TALKS [1]

Nuclear deterrence may be defined as the obvious intent of a country, if attacked, to employ its nuclear arsenal in retaliation to destroy the attacker. For a quarter-of-a-century relations between the United States and the Soviet Union have been based on this awesome power.

Initially the US atomic monopoly gave it nuclear superiority. Deterrence was unilateral. Survival of the USSR depended on US restraint. As the Soviet nuclear arsenal took shape that country gradually developed a comparable capability for assured destruction of the US. Deterrence became mutual, a circumstance characterized by nuclear sufficiency on the part of each to destroy the other.

US strategic policy during the 1960's encouraged the shift toward superpower nuclear parity. America eased its strategic weapons build up and permitted the Soviets to catch up. US planners of this era believed parity would serve as a plateau from which Communist leaders would be anxious to stabilize strategic relationships either by a tacit or by a formal agreement.[2]

Unfortunately, as parity was reached no slackening of Soviet strategic arms deployment became apparent. It was as though, recognizing their own momentum and our lack of it, they determined to race on to superiority. If they reach this goal the US must depend on the USSR's restraint in its role of a nuclear superior in the mid or late 1970's. However, combining weapons production with arms control talks is not inconsistent with Kremlin's past approaches to treaty decision making. Events simply have not yet made clear whether Soviet participation in the strategic arms limitation treaty (SALT) talks is a serious try for a formal end to the strategic buildup or a simple ploy while arming.[3]

These are the ambiguous strategic circumstances inherited by Richard Nixon when he assumed the Presidency. He can ignore neither the possibility of a vital new danger nor the potentiality for an agreement dramatically easing international tensions.

Both factors underlie his request for the beginnings of an ABM umbrella to protect our land-based Minuteman ICBMs and SAC bomber deterrent forces from surprise attack. Despite their increased offensive arms the move, if carried beyond its present dimension, would help deny the Soviets nuclear superiority by enhancing the survivability of our deterrent. It also gives the Soviets an incentive for success of the SALT talks. They would be unlikely to negotiate for parity if, in the face of their buildup, the US Congress offers them superiority by rejecting President Nixon's Safeguard request.[4]

At the same time the President is directing intense negotiating efforts at the SALT talks to actually achieve an enforceable arms control agreement which limits strategic arms production and, if possible, reduce present stockpiles. Realistically the terms of a treaty must be in the security self-interest of each country and its allies, otherwise the Soviets will not agree and we should not agree.

It is clear that to write a treaty the superpowers first must concede that mutual deterrence not nuclear superiority is the preferred long term status for their relations.[5]

They also will need to determine some mutually agreeable bounds on their nuclear armaments because mutual deterrence can be achieved with various arsenals, so long as that of each country is sufficient to assure the destruction of the other. From the standpoint of allocating national resources between defense and non-defense goals, eventually achieving a low level without appreciable overkill should seem safely preferable to both.[6]

From these references the nitty-gritty of the SALT negotiations would deal with the numbers, kinds and combinations of offensive and defensive weapons allowed. This exercise aims less at nuclear parity in exact terms than it does at formulating conditions reasonably certain to maintain each power in possession of the nuclear sufficiency required to destroy the other. Under this approach, according to Henry Kissinger, both sides should have confidence that their forces are sufficiently invulnerable, reliable and balanced so that no attack could possibly be seen as advantageous, and no attempt to achieve a change in the strategic balance could succeed.

Writing a treaty that substantially cuts armaments outlays will be considerably simplified if the nations will forego anti-ballistic missile systems or strictly limit their use to protection of capitols and protection against third countries. An extensive ABM defense can seriously alter strategic equations if used to protect an ICBM force. To the degree that ABM is a successful defender, it enhances its owner's strategic power. To the degree an opposing nation estimates ABM will succeed, it encourages a boost in offensive power for the purpose of saturating the ABM defense.

Considerable attention during SALT negotiations is expected to focus on the ABM problem, including the possibilities for upgrading existing air defense missiles to give them ABM capabilities. Most observers believe that neither building or dismantling ABM sites nor upgrading AA missiles can be monitored adequately except by an intrusive inspection system. However, the very large radar antennae needed for ABM target acquisition, identification and interception can be satellite monitored. It is possible that some ABM limitations might be handled in terms of antennae limitations.

A further complication for the two superpowers in their treaty writing is a need by

Footnotes at end of article.

each to anticipate dangers posed by third powers. Both have noted possible threats from nuclear armed Red China. Probably the strategic levels established by the superpowers vis-a-vis each other will need to be increased sufficiently to remain adequate even after weapons expenditures required to deal with third powers.[7]

Set forth below are the four most frequently mentioned approaches to writing a strategic arms limitation treaty and some discussion of each:

1. A limit on the number of allowed stratagic systems, without restrictions as to *quality* items such as warhead yields, use of multiple individually guided re-entry vehicles (MIRV), etc.

Instrusive inspection may not be required as in the case of *quality* limitations. Most *quantity* limitations can be policed by each nation's own satellite surveillance system. However, surreptitiously produced systems such as orbital bombardment weapons and mobile ICBMs probably cannot be detected by satellites. One's assessment of the risk element of this potential for cheating will influence his judgment of the degree of confidence with which quantity limitations may be policed non-intrusively.

2. Limitations on *quality* features of strategic weapons systems which make on-site inspection mandatory if treaty compliance is reasonably to be assured.

Development of "black box" instrumentation eliminating a need to dismantle weapons to monitor quality features inside still will not obviate intrusions at military bases by inspectors utilizing the instruments. Heretofore this degree of inspection has been unacceptable to the Soviet Union.

3. A combination of *quantity* and *quality* limitations.

Discussion under 1 and 2 applies.

4. A ban on deployment of additional strategic systems coupled with a phased reduction in the allowable number of systems during a specified time period.[8]

The strategic defense requirement of the superpowers are asymmetrical. This approach permits each, within the limitation, to arm in the manner believed appropriate for its own defense. So long as the overall limit is honored it also permits upgrading from time to time and switches between types of weapons systems.

(NOTE.—This is a *quantitative* approach and subject to the confidence factors discussed under 1. However, to the extent that the "honest" nation can maintain a highly survivable deterrent which, even after surprise attack, is capable of retaliating with assured destruction of the "cheating" nation, the potential for "profit from perfidy" could be assessed as very low. A contrary view is that with reduced legitimate numbers of weapons systems, surreptitious weapons take on a greater importance, therefore the risks are large.)

Hypothetical case: Assume a maximum of 1008 allowed systems and no ABM allowed. Assume the US now has 1050 Minuteman systems, 450 SAC bombers and 656 Polaris missile systems (in 41 submarines with 16 each); total, 2156 strategic systems. Believing its land-based Minutemen and SAC bombers vulnerable to surprise attack, the US elects to scrap these 1500 systems, leaving only the 656 Polaris and a deficit of 352 systems. To get back up to its allowed 1008, the US build 22 new submarines to carry 352 added missiles in undersea safety. In the process the US is allowed to convert all Polaris missiles to new, improved yield and accuracy Poseidon MIRV systems. Thereafter the US converts the entire fleet to the Undersea Launched Missile System (ULMS). The intercontinental range ULMS missiles then permit US submarines to hide anywhe e in all the world's oceans.

Similarly the Soviet Union may tailor its mix of allowed strategic weapons to best advantage during its reduction process and afterwards. Presently the number of its systems is in the same order of magnitude as our own and its submarines also carry 16 missile systems. Past Soviet preference has inclined to very high yield warheads. It is unlikely that all its strategic systems would be put in submarines where warhead weights and yields are circumscribed.

It is emphasized that the analysis here presented is just that, an analysis of the SALT talks. It is not to be read as proposals which have been made either by the US or the USSR. Rather, it is a guide for evaluating SALT proposals when and if made, and when and if publicized. Therefore, it is respectfully suggested that this document be filed for ready future reference.

FOOTNOTES

[1] For several years the possibility of strategic arms limitation talks between the United States and the Soviet Union has been under discussion. Initiation of talks was thrown off track by the Soviet invasion of Czechoslovakia in 1968. Finally, a first round of talks began in Helsinki on November 17, 1969 and continued until December 22nd. A second round convened in Vienna on April 16, 1970, and is continuing. A third round at Helsinki again is anticipated. Both sides have made considerable effort to keep the talks private and uninfluenced by propaganda and public opinion considerations. It is a general view that if talks have not produced a treaty by the summer of 1971 there is little likelihood of success. For an informed assessment of the negotiations see: Jonas, Anne M., "The SALT Negotiations: Keeping Hope in Line with Reality." *Air Force & Space Digest*, v. 53, Mar. 1970; 39–42.

[2] Principally former Presidents Kennedy and Johnson, their Secretaries of State and Defense, and their national security advisors, including numerous members of the academic community.

[3] For a discussion of Soviet behavior in disarmament matters see: Scanlan, James P., "Disarmament and the USSR," *US Command & General Staff College Military Review*, v. 50, Mar. 1970: 29–42.

[4] The previously proposed Sentinel nationwide ABM system intended to protect populations would be destabilizing. Rather than move to this posture President Nixon adopted the Safeguard system to achieve the objectives of guarding against accidental attacks, protecting our land-based deterrent forces, and protecting against the kind of small attacks third countries could launch in this decade. Soviet ABM deployment is relatively advanced compared to that of the US.

[5] For a view that mutual deterrence can be better maintained without a treaty and by progressive modernization of retaliatory forces by both sides see: Brown, Neville, "An Unstable Balance of Terror?" *World Today*, v. 26, Jan. 1970: 38–46.

[6] A minority of students of nuclear strategy believe that assured destruction capabilities are inherently unstable and that a damage limiting approach to arms control is preferable. This approach emphasizes passive (civil defense) and active (ABM) defense measures calculated to so limit damage from surprise attack that the incentive for initiating it is absent. See: Schneider, Mark B., "Strategic Arms Limitation." *US Command & General Staff College Military Review*, v. 50, Mar. 1970: 20–28.

[7] For arguments for permitting Red China a minimal credible nuclear deterrent see: Barnett. A. Doak, "A Nuclear China and US Arms Policy." *Foreign Affairs*, v. 48, Apr. 1970: 427–442.

[8] A MIRV ban and other qualitative limitations cannot be reached directly by this approach. However, reducing the number of allowed weapons systems below a number otherwise acceptable might indirectly approach some sought after qualitative goals.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, this week has been designated by President Nixon as "National Small Business Week." It is a week for paying deserved attention and just tribute to the remarkable accomplishments of small business and to the vital role it plays in our country's economy.

At the same time, however, there is also incorporated here the clear realization that the accomplishments, as well as the needs and the problems, of small business are not just a 1-week matter, but rather a full-time, year-round matter.

That is why we have the Small Business Administration for one and that is why both the House of Representatives and the Senate have seen fit to establish special committees on small business.

The economic well-being of the more than 5 million small businessmen of this Nation is of critical importance to our society. As senior Republican on the House Small Business Committee, I would like to note that we on that committee consider it our job to make sure that the voice of small business is heard and that its needs and interests receive full consideration and attention.

The SBA, of course, has similar responsibilities within the executive branch, and let us be frank for a moment—neither of us has an easy job. There are a great many competing forces in Washington, all striving for priority treatment and consideration for their own particular areas of interest. In too many cases in the past, the problems of small business have just not been able to demand the attention they required.

Despite this, however, I believe that we can look with pride on the assistance we have been able to provide for small business.

Our House committee for one has a long history of successful advocacy in dealing with numerous problem areas for small businessmen.

Most recently, our committee has completed lengthy hearings in Washington and throughout the country to review present Government and industry procurement practices as they relate to small business.

I believe our recommendations based on these hearings will prove to be quite valuable in implementing Congress' stated goal that small business must receive its fair proportion of Government contracts and subcontracts.

SBA can similarly be proud, I believe, of the important contributions it has made to the cause of small business. I think it should be particularly proud of its programs designed to combine the private and the public sector in a part-

nership effort, such as the newly emphasized programs of guaranteed bank loan financing.

Despite the difficult economic conditions presently facing the Nation, furthermore, I believe the present administration has demonstrated its deep interest in improving the status of small business in our economy.

This can be seen in the report of the President's Task Force on Small Business and in the Presidential message on small business sent to Congress in late March.

These documents contain concrete proposals for various new methods of assistance at the Government level as well as new small business incentives at the private sector level.

The President's interest in small business can further be seen by his Executive order of March 20 directing the Small Business Administration to emphasize its role as the advocate of the interests of small business and directing all Federal agencies to take these interests fully into account in their activities affecting small business.

In conclusion, Mr. Speaker, this Nation was built upon a foundation of small business. This foundation, while being threatened by consistently increasing economic concentration, remains as vital today to our society as it has ever been.

It is responsible for the fact that an employee can become an employer in this Nation as he can in no other country or society in the world.

On this occasion let us pay tribute to the millions of small businessmen throughout the Nation and let us rededicate ourselves to assuring that they will continue to play a fundamental role in the economy of our Nation.

A NEWSWEEK POLL: MR. NIXON HOLDS UP

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Arizona (Mr. RHODES) is recognized for 10 minutes.

Mr. RHODES. Mr. Speaker, a Newsweek magazine poll conducted by the Gallup organization last week contains some rather interesting findings. In the wake of recent heated and intense criticism of the President—including a march on Washington estimated at some 100,000 persons—his standing with the electorate remains undamaged.

The poll indicates that fully 65 percent of the American electorate are satisfied with the way President Nixon is handling his job—better than a 2 to 1 margin. Moreover, with regard to the recent Cambodian border operation, 50 percent approve of the action and 39 percent disapprove.

I am confident that as the military dividends of the Cambodian operation become more apparent, and the war in Southeast Asia is shortened as a result of those operations, we will see an even greater surge of support for the courageous decision made by President Nixon. The article of May 25, 1970, follows in its entirety:

A NEWSWEEK POLL: MR. NIXON HOLDS UP

Even after the Cambodian invasion and the killings at Kent State University, the "silent majority" appears to be alive and well in Richard Nixon's corner. A NEWSWEEK Poll Conducted by The Gallup Organization last week suggests that—despite the recent intense criticism of the President by college students and academic leaders and by liberal politicians and commentators—Mr. Nixon's standing with the electorate remains undamaged. The poll indicates that Americans find Mr. Nixon's conduct of the Presidency "satisfactory" by better than 2 to 1, that 50 per cent favor the Cambodian operation and 39 per cent oppose it, that a strikingly large majority is far more willing to blame student demonstrators than National Guardsmen for the deaths of four students at Kent State, and that Vice President Spiro Agnew's rhetoric about dissenters still enjoys the approval of a silent plurality if not a majority.

To get swift results, the survey was conducted by telephone on May 13 and 14 and covered a scientifically selected national sampling of 517 persons.*

Although the poll gave the President majority approval of his decision to send U.S. troops into Cambodia, the favorable rating was by no means as high as some opinion experts have come to expect after dramatic strokes of U.S. military power, when Americans have a tendency to rally round the President. Following the air raids on North Vietnam that President Johnson ordered in 1965, for example, public approval (as measured by Louis Harris) soared to 83 per cent. And 69 per cent (polled by Oliver Quayle) favored the entry of U.S. troops into the Dominican Republic.

Women were far more dovish than men on the Cambodian issue. They opposed the President's action, 49 to 37 per cent, while men supported it, 63 to 30. Women also tended to be distinctly less enthusiastic about the Vice President's speeches on dissent: in a near even split (37 to 35 per cent), they approved the Veep's line, whereas men applauded him by a margin of more than 2 to 1. Young people, too, were predictably more skeptical of the Administration than their elders, but even in the 21–34 age bracket, 55 per cent gave the President a favorable rating and 49 per cent approved of Cambodia. And if youth was by no means arrayed entirely on the left, neither were blue-collar workers all to the right: those without a high-school education came down hard against Mr. Nixon's Cambodian policy. A hefty 56 per cent opposed it, and only 26 per cent approved.

The question on the Kent State killings produced an unusually high number of "no opinions," suggesting that the no opinion column might harbor some people with qualms about the guard's behavior who were reluctant to say so outright. It also seems likely that some of those polled were suspending judgment about who was most to blame until the conflicting accounts of the shooting could be cleared up. But even if all those with no opinion were added to those who pinned major responsibility on the National Guard, a surprisingly strong majority of each group—by age, sex, education and political party—put the main blame on the protesters.

NIXON AS PRESIDENT

How satisfied are you with the way Richard Nixon is handling his job as President?**

[Answers in percent]

Very satisfied	30
Fairly satisfied	35
Not too satisfied	18
Not at all satisfied	13

*Telephone surveys, it should be noted, contain a slight built-in bias—about two percentage points, in this case—in favor of Republicans, since non-telephone households are necessarily omitted from the sample and these tend to be low-income and Democratic.

**Undecided not shown.

U.S. TROOPS IN CAMBODIA

Do you approve or disapprove of President Nixon's decision to send American troops to Cambodia?

Approve	50
Disapprove	39
No opinion	11

WHO'S TO BLAME AT KENT

Who do you think was primarily responsible for the deaths of four students at Kent State University?

The National Guard	11
Demonstrating students	58
No opinion	31

AGNEW'S STAND

Do you approve or disapprove of Agnew's stand on dissenters and student protesters?

Approve	46
Disapprove	30
No opinion	24

TRANSPORTATION DEPARTMENT ANALYSIS UNDERCUTS ARGUMENTS FOR THE SST

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the Department of Transportation has just provided me with a summary of an economic analysis of the SST done early last year by the Office of Economics and Systems Analysis at DOT. I was prompted to request a copy of this analysis by an offhand reference to it by DOT witnesses in the just-published hearings on the SST before the House Transportation Appropriations Subcommittee. DOT witnesses said there that the analysis predicted an SST market of only 420 planes, rather than 500 needed for the Government to get its money back plus 4 percent interest—see hearings, pages 556, 577.

It turns out that this is not the only item in the analysis which is damaging to the administration's case for the SST.

Take, for example, the administration's argument that the SST will greatly benefit our balance of payments position. Their own economic analysis came to the following conclusion:

The effect of the SST on the balance of payments appears to be negative following the same method of calculation developed by IDA. The aircraft and air fare payments estimates associated with the SST are positive, but are likely to be negated by passenger expenditures abroad and entries in other lesser accounts.

The administration also argues that that SST program is set up in such a way that the Government will get back its entire investment in the SST, plus 4 percent interest. Here is what their economic analysis concluded on that point:

If the government has as its primary objective recovery of past SST program expenditures ($633.4 million by the end of FY 1969) as well as future investment, the principal would be recovered plus a small return on investment. The profits to industry in excess of the normal industry return are not sufficient to cover the federal sunk costs plus future planned federal expenditures at either the interest rate specified in the present contract or recommended by the Bureau of the Budget.

In other words, the Government may get a small return on its investment, but it will not be as high as 4 percent.

Another conclusion in the analysis which is relevant to this point is the following:

The model outcome reveals that continuation of the SST program in some form is preferable to the null alternative (to discontinue the program) in all measures of effectiveness except federal recovery.

As I read it, this says that continuing the SST cannot be justified if the primary concern is that the Government get its money back.

With regard to the conclusion that the SST market will be 420 planes, it is worth noting that that is the top estimate. The analysis revealed that delay in production could reduce the market to 370:

The expected value of SST sales is about 420 with no or one-year delay in production, 370 if production is delayed two years.

DOT witnesses testified before the House Transportation Appropriations Subcommittee last month that the production date has already slipped 4 months, and they could give no guarantee that there would not be further delays.

One of the assumptions of the economic analysis is also of some interest, given the administration argument that the SST is needed because of foreign competition from the British-French Concorde:

The group of experts and the OESA staff felt there will be less than an even chance that the Concorde will be in operation and in competition with the SST on most routes when the SST is introduced.

This may mean only that the analysts felt the SST and the Concorde would not be flying the same routes, but it seems more plausible that they were assuming the Concorde would be an economic flop. If the latter assumption is correct, it undercuts the argument that we must have the SST to protect the aircraft industry and our balance of payments from the threat of the Concorde.

Finally, in judging whether this analysis represents an optimistic or pessimistic view of the SST program, it is worth looking at some of its critical assumptions. The following three assumptions, I would suggest, are highly optimistic, and the analysis specifically states that these assumptions were simply accepted as "givens" and not subjected to critical evaluation:

It is a virtual certainty that the Boeing Co. can build an operationally successful SST.

Future development costs will be in line with current estimates.

Air passenger demand and passenger choice forecast techniques developed by IDA and as used by FAA are accurate.

I include the full text of the Summary of Economic Analyses of the SST by the DOT Office of Economics and Systems Analysis be included in the RECORD at this point:

SUMMARY OF ECONOMIC ANALYSES OF THE SST OFFICE OF ECONOMICS AND SYSTEMS ANALYSIS

PURPOSE OF STUDIES

This paper summarizes the informal studies performed in the first part of 1969 for the Assistant Secretary for Policy and International Affairs by the Office of Economics and Systems Analysis, Department of Transportation. The intent of the studies was to take another look at the results of the economic studies performed for the FAA in 1966 and by Boeing late in 1968, using a modified version of the IDA demand model to test the effect on the SST market of the 2707-300 fixed wing design. Sensitivity analyses of the most important variables were also performed.

CONCLUSIONS

The conclusions reached were as follows:

The expected value of SST sales is about 420 with no or one-year delay in production, 370 if production is delayed two years. These expected values are calculated using a modified version of the IDA (Institute for Defense Analyses) demand model previously used assuming high fares based on Concorde costs and a decision tree logic with the likelihood of successful outcomes of uncertain events provided by experts in various fields related to the events. The range of the possible SST market between now and 1992 could be up to 850 airplanes, assuming the SST will operate only in a boom-restricted market.

While the 420 market is below the 500 sales estimate by the FAA, it is above the industry and government breakeven point on the prototype investment.

Benefits to prospective air travelers are very significant.

The effect of the SST on the balance of payments appears to be negative following the same method of calculation developed by IDA. The aircraft and air fare payments estimates associated with the SST are positive, but are likely to be negated by passenger expenditures abroad and entries in other lesser accounts.

If the government has as its primary objective recovery of past SST program expenditures ($634.4 million by the end of FY 1969) as well as future investment, the principal would be recovered plus a small return on investment. The profits to industry in excess of the normal industry return are not sufficient to cover the federal sunk costs plus future planned federal expenditures at either the interest rate specified in the present contract or recommended by the Bureau of the Budget.*

Profits to the aviation industry in excess of the normal rates of return are expected to be sufficient to allow recoupment of future federal development expenditures with a return on investment of 10%.

The differences in expected values of SST's sold as well as the other measures of effectiveness between production under the present schedule and delay of the production phase by one or two years, as indicated by the output of the computerized model, are not apparently critical.

The model outcome reveals that continuation of the SST program in some form is preferable to the null alternative (to discontinue the program) in all measures of effectiveness except federal recovery. Based on the assumptions and weightings used, the No-production-Delay Alternative appears best. If consumer surplus may be disregarded, then the One-year Production-Delay has a slight advantage.

These conclusions are, of course, dependent upon the assumption under which the model was operated. Sensitivity analyses have revealed several of these assumptions to be especially critical:

(a) The most critical assumption was the fare level, which resulted in a 3 percent reduction in the SST market for each 1 percent increase in the fare. Based on the assumption that IATA airlines would establish a higher fare for a superior level of service, the SST fare input to the demand model was fixed at a level indicated by Concorde costs, or higher, which reduced the SST market by about 50 percent. If the fare were set at a level related to SST costs, the market would be the same as the FAA base case, plus an increment for a greater traffic growth rate.

(b) The value of passenger's time was set equal to 1.5 times the passengers' hourly earnings as used by the FAA.

(c) The group of experts and the OESA staff felt there will be less than an even chance that the Concorde will be in operation and in competition with the SST on most routes when the SST is introduced.

(d) The future air passenger market derived by IDA using the relationship between air traffic, quality of service, prices, and macroeconomic indicators was found to be somewhat conservative both by the group of experts and by the OESA staff, based on analysis of past trends and actual rates of growth. Therefore, the possibility of a faster growing air traffic market was incorporated into the model.

DESCRIPTION OF ANALYTICAL PROCESS

This economic analysis relies on outside technical input for the information that:

It is a virtual certainty that the Boeing Co. can build an operationally successful SST.

Future development costs will be in line with current estimates.

Air passenger demand and passenger choice forecast techniques developed by IDA and as used by the FAA are accurate.

The report deals with the following decision alternatives:

To continue the SST project with U.S. Government financial participation through Phase III on the basis of the present development schedule which includes an overlap between development and production;

To continue the SST project with U.S. Government financial participation through Phase III, but to delay the production phase one year until completion of 100 hours of prototype testing;

To continue the SST project with U.S. Government participation through Phase III, but to delay the production phase two years, and do additional testing until possible introduction of the Concorde; or

To discontinue government participation in research and development of the SST, thereby ending the project.

The decision of whether or not to proceed with Phase III of the program is conditioned by a number of critical but uncertain future factors or events. If the outcome of these events, taken separately and in sequence, could be known today, this knowledge would profoundly affect the decision to proceed with prototype development, and would enable this decision to be made with a high degree of confidence. Stated briefly, these events are:

Financing of Production.—Will production of the SST be financed by the private market, or in the absence of this will it be financed with federal aid or loan guarantees, or will production not be financed at all?

Airport Eligibility.—Will supersonic aircraft be able to operate into and out of airports of the type that handle the large subsonic aircraft, or, due to noise restrictions, will they not operate at a number of such airports?

Future Size of the Air Passenger Market.—Will the air passenger market be close to the projected long-term trend or will it be significantly higher, or significantly lower?

Operational Fate of the Competing Supersonic Aircraft.—Will the competition (probably the Concorde) be in successful operation when the SST is introduced, or will it not?

Competitive Fare Policy.—What fare levels will be faced by the SST—will it be required

*In accord with Bureau of the Budget—all monetary measures of effectiveness have been discounted using an annual 10% rate. The contract with Boeing states that full federal recovery is defined as recovery of principal plus interest at 6% compounded quarterly.

(by IATA and other regulatory groups) to charge the existing fare of the Concorde plus a surcharge, or will it be required to charge a fare equal to the Concorde, or in the absence of a competitive Concorde, can SST fares be set lower, i.e., to reflect fully allocated SST costs (development, production and operating costs)?

Truncation of SST Production.—Will the SST production have a normal run, based on its commercial attractiveness, or will some world, national or SST event (war, depression, multiple catastrophe) cause production to be cut off?

Although we cannot know for certain what the outcome of these events will be, some outcomes are more probable than others and persons with expert knowledge in the subject areas of the events can provide judgments as to these probabilities that are clearly an improvement over guessing at the future. The computer-aided decision analysis process which was used considers these expert probabilities, examines all possible combinations of event outcomes (576 separate cases) and provides the results in summary form.

The choice of decision alternatives, rank ordered, and

Values of six "payoffs" or "measures of effectiveness" for each decision alternative. These are:

Expected value of present worth of net future federal investment in the SST.

Expected value of present worth of net national user benefits (consumer surplus to U.S. passengers in terms of time saving) due to operation of supersonic aircraft in lieu of the competitive subsonic alternative.

Expected value of present worth of net profits to U.S. airlines and to U.S. aircraft industry in excess of the standard industrial rate of return due to operation of supersonic aircraft in lieu of the competitive subsonic alternative.

Expected value of present worth of direct net profits to foreign passengers and airlines resulting from operation of supersonic aircraft in lieu of the competitive subsonic alternative (as in 2 and 3 above).

Expected value of present worth of balance of payments stream in the aircraft and air passenger revenue accounts.

Expected value of number of SST 2707s to be sold through 1992.

The analytical process used was dynamic in that it provided for the interaction of supply of aircraft and demand for air travel over a 20-year period. The factors listed below were used as inputs to the analysis:

The future market demand level for air travel (boom-restricted market values only).

Value of the traveler's time in relation to his earnings rate.

Costs of competing subsonic aircraft.

Costs of competing supersonic aircraft (Concorde).

Available supply of Concordes in any year.

Available supply of SSTs in any year.

The size of the existing fleets of supersonic and subsonic aircraft at any given time.

The "real world" fare-setting policies used in international aviation.

The effect of supersonic aircraft service in inducing demand for air travel.

Airport restrictions on supersonic operation due to noise and congestion.

The initially lower utilization rates (hours per day) of new aircraft.

The initially higher load factors of supersonic aircraft.

A discount rate of 10% to reduce all future dollar effects to their present worth.

PARTICIPATES IN SEMINAR FOR VETERANS AND THEIR WIDOWS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, last Saturday in San Antonio, Tex., I had the privilege of participating in a seminar for veterans and their widows sponsored by the Davy Crockett Post. No. 507.

This post's commander is James B. Mackey, a real American if there ever has been one. I learned a lot by just being present, but the fact that most of the area's service officials, both local and State, were present rounded out the occasion. I was given a copy of a resolution recently approved by this post. I hope many, if not all, of the colleagues will take the time to ponder this statement. The World War I veteran has long been woefully and shamefully neglected. The facts brought out by this resolution are sad and cry for redress. I insert in the RECORD at this point the contents of this resolution:

RESOLUTION BY DAVY CROCKETT POST NO. 507, THE AMERICAN LEGION

Whereas: World War I Veterans are currently receiving pensions inadequate to provide for today's cost of living.

And Whereas: World War I Veterans are of an average of 75, and dying at the rate of one in less than 1½ minutes with an original 4,000,000 plus, World War I Veterans being decimated to 1,500,000 plus.

And whereas: because of the dire need and the constantly increasing cost of living a revision is urgently needed.

And whereas: a comparable situation exists as regard to Veterans of the Spanish American War and the Veterans of World War I.

Therefore be it resolved, that pensions and all other benefits as pertain to World War I Veterans and their Widows be changed to provide instead to the same entitlements as afforded Spanish American War Veterans, with the exception that

Current Aid and Attendance for Veterans is $100.00 per month, and should be retained, to illustrate; those Veterans receiving a combined Aid and Attendance check for $184.00 per month would instead receive a combined check $201.59, as the Veterans of the Spanish American War receive monthly checks of $101.59, and other income brackets of World War I Veterans being likewise *"proportionately increased"*, and with all these provisions also applying to the Spanish American War Veterans, who are classified as service connected.

And be it further resolved, that the Widows of World War I Veterans will henceforth receive a $70.00 month pension, and also Aid and Attendance of $50.00 per month. This applies mostly to rest homes.

And be it further resolved that the Government furnish a casket for burial, as with their buying power they can furnish a better casket. In addition to increasing the burial allowance from the present $250.00 to $350.00. This to apply to Veterans of all wars.

In closing just a few brief comments: Neither the Spanish American War Veteran or his Widow are required to fill out the yearly VA Questionnaire as required by the Veterans Administration.

The Veterans of the Spanish American War receive out Patient medical Treatment by making an application for same. Free Drugs on Doctors Prescription to be filled at the VA Pharmacy, other arrangements can be made where no Veterans Administration Pharmacy is available in the Area. Full details will be made should the bill be passed, and become Law.

This Resolution Adopted by Davy Crockett American Legion Post No. 507 on this the 16 Day of May, 1970 in a regular convened meeting.

JAMES B. MACKEY,
Post Commander,

Attest by:

RAY M. HENDRICKS,
Acting Post Adjutant.

THE PLIGHT OF AMERICAN PRISONERS OF WAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I feel that one of our highest national objectives should be to secure humane treatment and early release for Americans who are prisoners of the Communists in Southeast Asia. The problems encountered by American prisoners of war are not new, but it is doubtful that in modern times any prisoners have been subjected to such inhumanity as that displayed by the Communists toward captured Americans.

My attention has been called to an article written years ago for the VFW magazine by Forrest W. Howell. He had been a prisoner of the Germans during World War II and this article describes Christmas in a prisoner-of-war camp. Because of the graphic manner in which he discusses the spirit of the POW's, I feel that this article will be of interest to the Members of the House. Mr. Howell is now Director of the Federal Housing Administration in Jacksonville, Fla. The article follows:

TIME: CHRISTMAS EVE, 1944

(By Forrest W. Howell)

(EDITOR'S NOTE.—This story, written by Assistant Editor, Noble Forrest W. Howell, was first published in the VFW Magazine in Dec. 1961. It is being run here as a companion piece to the GOD BLESS AMERICA article on the Wesconnet Shrine Club. It is a true story about an incident that happened 25 years ago (Christmas Eve 1944) in a German prisoner-of-war camp where Noble Howell was held prisoner for a time at Stalag Luft IV, near Kielfheide, Germany. Noble Howell, who is now the Director of the Jacksonville insuring office of the Federal Housing Administration was shot down over Germany in a B-17 in August 1944, and was liberated by the Russians in May 1945.)

(Place: A prisoner-of-war camp in the Danzig area of northeastern Germany, not far from Poland.)

There were two performances of the Christmas program that night because the building in which the program was being staged was not large enough to accommodate all of us at the same time.

The men of my barracks were scheduled for the second and final performance. The Germans, to whom Christmas means as much as it does to Americans, had agreed to a late lock-up. In return, the prisoners, through their interpreters, promised there would be no escape attempts during the extra hours of compound freedom.

The attendance was one hundred per cent. The makeshift seats filled quickly, and many of us had to stand. It was a good show, as prison camp shows go. But it failed to accent the Christmas theme as one would expect at this time of year. No carols, no Yuletide recitations, no Santa Claus—nothing to remind us of the day's significance, or our loneliness at being separated from loved ones on this day of all days. The curtain fell for the final time and the English-speaking German

guards got up from their seats, signifying that we should return to our quarters.

"We will now sing 'God Bless America'," thundered an authoritative, triumphant voice from the stage. The crowd, which had been making its way slowly toward the single door, stopped, turned around, and faced the stage. Standing there, as big and proud as a man can be, was an American prisoner, his body erect and arms poised in the air to begin directing us in song. "Everybody sing," he shouted.

And we did. Every one of us.

The singing was not especially musical, but its was loud, clear, compelling, and fervent. Never have I heard a song sung with greater enthusiasm or a deeper sense of understanding. Especially the chorus, where we pleaded with God to "bless the land we loved, to stand beside her, to guide her, to bless our home sweet home."

It was more than a song. It has a prayer from the hearts of men who had suddenly discovered the words that truly expressed their deepest emotions.

It was an unveiling of men's souls, a yearning cry for one's country and one's loved ones, a cry of caged men who were trying by means of their thoughts to overcome the barriers of captivity.

It was a beautiful performance, more so because it was impromptu. War-hardened men had opened their hearts unashamedly and sung proudly, while tears streamed down their cheeks. Not one was ashamed of this outward display of uncontrolled emotion. It was a manifestation of their undying devotion and love for a country, their country; America, a country that was far away and out of reach.

The effect on the German guards was strange. They stood practically spellbound. They didn't know what to make of this unexpected display. They had no idea how to cope with the situation. They knew the singing should be stopped. But in the excitement of the moment, they didn't know how to do it. So they waited patiently until the singing subsided. And it did subside, almost as abruptly as it had started. It was a quiet group that filed out of the building into the softly falling snow. No one hurried, no one shoved, no one spoke, not even the German guards. Every one of us was in his own private dreamland. A land that shuts out the stark realism of Hitler's prison camp.

The spirit of Christmas had finally penetrated our dismal surroundings, bringing a spark of brightness and contentment to our hearts. For a little moment we forgot our weariness, our hatreds, our fears, and we were comforted. And though the spirit of Christmas—peace on earth, goodwill to men—was not reigning in the world, it prevailed for the moment in our hearts, where it originates and motivates.

"Rings and jewels are not gifts, but apologies for gifts," Emerson wrote. "The only true gift is a portion of thyself."

In singing "God Bless America," these men gave of themselves, to themselves, their thoughts reaching out beyond the shadows of the barbed wire, which melted away for a brief time.

Sad though the circumstances and the surroundings in Stalag Luft IV—this was a Christmas eve experience the men in that German prison camp will never forget.

CAN MASONRY SURVIVE?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, our distinguished colleague from Florida, the Honorable DON FUQUA, enjoyed the unusual and important privilege of addressing the annual sesions of the Grand Lodge of Freemasonry in Florida as grand orator at its recent meetings. Masonry enjoys an outstanding reputation for its contributions to good government and its patriotic support of our country's traditions. In Florida, Masonic membership is increasing and the grand lodge sessions always are well attended. Our colleague's grand oration was received with appreciation by the membership, and because of its significant and valuable message, I take pride in submitting it for publication in the CONGRESSIONAL RECORD. Congressman FUQUA has taken an active part in the work of the Masonic organization throughout most of his adult life and the honors which have come to him as a Mason have been highly merited. His grand oration has as its title the provocative question, "Can Masonry Survive?" He answers that question in a most emphatic and laudable manner. His address follows:

CAN MASONRY SURVIVE?

As we meet in our annual grand communication, it seems to me that there is a basic and fundamental question we should ask ourselves.

It is a simple question, it is shocking, and if you cut away the veil of illusions, it is frightening.

It is simply, "can masonry survive?" in a larger sense, what I am asking you is "can this Nation survive?"

My brethren, the answer to those questions are one and the same. Do not ever make the mistake of believing that they are not. For the very forces that seek to destroy this Nation, also seek to destroy the precepts upon which this fraternity was founded.

Reduced to its simplest terms, masonry has as its basic tenet a belief and a faith in God. It uses the working tools of the builder to teach the great moral teachings of all mankind.

As Masons, we are taught not to regard a man for his material wealth or his station in life, but for the man himself. Those who wear the white leather lambskin of a Master Mason, are joined in a brotherhood where there is no high and there is no low, only brothers.

There are those who are called to positions of responsibility within the fraternity, but we are all brothers. We respect one another; we believe in abiding by the rules which have been set down over the centuries; we believe in helping the less fortunate; we believe in fighting for basic principles of freedom of religion, speech, press, assembly—to protest grievances in a lawful fashion.

Now, in truth this is what we should be able to say about our country. The basic and fundamental tenets of this Nation, as founded in our Constitution and the Bill of Rights, have their origin as much in Masonic teachings as in any other source.

Many of the dynamic leaders of our Nation at its founding, who wrote those priceless documents we know as the Constitution and the Bill of Rights—were Masons.

Masonry in turn has been influenced down through the years by the moral teachings inculcated in religion and the great moral leaders of all time.

It would seem that a fraternity and a Nation so founded and so dedicated would have no trouble of the future.

Let's face facts—Masonry is not growing—it is losing. I have been told that out of 59 grand jurisdictions represented at the last meeting of the Grand Masters of North America, 50 suffered a loss in membership during the past year. Now Florida is not one of those, but we should not delude ourselves.

Ours is such a rapidly growing State that we have managed to continue to increase in membership. But when you look at the increase in the population of the State, and the proportionate increase in our membership, you will find that we too are losing.

Young men are no longer coming into the fraternity because for some reason we do not relate to their lives. By the same token millions of young people are not adjusting to our society.

What has brought about this disrespect for law and order? What has brought about the wreckage of the home, the increasing divorce rate? What has caused the riots, the bombings, and a crime rate that makes the larger cities of this land fortresses of fear?

There are no simple answers. But the answer must lie somewhere in the realm that we are not communicating with them. Somehow we have not been able through our schools, our homes and churches, to touch these young people with those basic values which would motivate them to serve their fellow man, to be compassionate towards their fellow man, to do unto others as they would have them do unto them.

The young people of today are the most informed and intelligent of any generation in our history.

But they are the victims of a technological revolution that has swept all of us along as if in a flood. I don't have to tell you that a youngster today in the third grade, can tell you more about the makeup of the universe than you and I knew when we were in high school.

And with this knowledge and affluence have come new problems, and I submit to you that these problems are as serious as any in the history of mankind.

If I were to make a light note, I would say that the country is going to pot.

Well, it's not funny. Drug usage, particularly among the young, is growing at an astounding rate, and you know that it is not relegated to the college student, but is filtering into the ranks of our high schools and junior highs, crimes and violence have grown at a rate ten times that of our national growth average. A tremendous percentage of this crime is caused by those who are drug addicts, and the price we pay for this horror amounts to billions of dollars each year, not to mention the human misery, suffering and death that is being wreaked upon us.

We have carelessly allowed the air we breathe—and the water we drink, to become polluted, great rivers, lakes and streams have become cesspools. The air you breathe, is polluted, yet, we continue pell mell, just as did the Roman empire before its fall, and the things we never believed could happen in this land, are happening.

We may never have to use the huge arsenal of weapons we possess in a war with the Russians or Chinese. All men everywhere, white and black, brown and yellow, may simply drown in their own filth.

Population increases in some sections of the globe at a fantastic rate. Every advance in technology and food production in these lands is immediately gobbled up by thousands of new poverty stricken, disease ridden infants. They will never know a life of hope; life for them will simply be one of bare subsistence, degradation and hopelessness.

But we are often so caught up in our own lives, our own cliches and dogmas, that we refuse to acknowledge that perhaps we might be wrong ourselves, that somehow, we have contributed to the horror which has been created in our society, once a man recognizes in his own heart that he just might be wrong, and is willing to re-examine his own mind, his heart and his conscience, then perhaps we can begin to right the wrongs which seem destined to destroy our society.

Just as masons have attempted to teach

our basic principles to our new members through the centuries, so we must relate to the young people of this nation those basic and fundamental principles for which so many have given their lives and their sacred honor.

As Freemasons we believe that only those who want to join of their own free will and accord should do so. We should, therefore, not be critical of those, who for whatever reason, do not want to join us at the altar of the Holy Bible, square and compasses.

But there is much that unites us with all of those who are critical of our ancient rites, and I am fearful that we spend far too much time emphasizing that which divides us.

What I am saying about America is, that those who seek to destroy this nation and its principles, seek the destruction of masonry and our individual liberty.

When I was given this opportunity to speak to you today, I accepted with deep humility. I am proud to be a mason, proud to be able to be called a brother among you.

My father is a mason. My grandfather served as the first master of my home lodge of Blountstown. It is my profound hope that someday I will have that rare privilege given to some fathers of raising their own son in this fraternity.

There is reason for all of us to be proud that we are masons. At this very moment, over in St. Petersburg, there is an elderly lady looking out the window of our masonic home. Here in the last years of her life she is being cared for by men she will never know. She will never meet even a fraction of those who provide for her care.

My brothers, she is somebody's mother, sister, or daughter. I am sure that when this lady became the wife of a departed brother of ours, he never realized that it would be someone he never knew who accepted the responsibility for her care in her last days.

We know not where the road of life leads us. Someday, this lady could be someone very precious to us. What we have done is part of a sacred mission, which I am sure has been blessed and is blessed by the Almighty.

This year the Grand Master has said that the one thing he would like to see accomplished more than any other, is a new feeling of brotherhood and a closer working relationship between the appendant orders of masonry.

This is a laudable undertaking. For our appendant orders do so much for others. The work of the shriners in caring for literally tens of thousands of crippled children is perhaps the most well known. We do so not to gain the thanks of others—but because we follow in the path of He who said, "suffer the little children to come unto me, and forbid them not, for such is the Kingdom of Heaven."

There is so much that each individual can do. Each of us has a role to play in the broad picture being painted for us by the Supreme Architect of the Universe. An example of one brother making an impact on history for all time to come is best typified by Brother Buz Aldrin, who became the second man to set foot on the moon.

When he knelt at our altar and took upon himself the solemn and binding obligations of our degrees, I am quite certain that he did not know at that time that he would shortly earn a place in history. He now is enshrined in that list of famous brethren that predates the founding of our Nation.

It may well be that another brother will be that person who can direct this great Nation out of the darkness that seems to confront us today as a people.

There is much that we have done, yet there is so much to do. But in order for the fraternity to survive, our Nation must survive. We are tied together in a union, that is inseparable.

It pains us to see mobs rioting and looting in our cities. Buildings are burned wantonly and looters strip stores of the goods of hard-working families who have spent their entire adult life in building their business. When the looters, in their madness finish stealing everything of value, they put a torch to the building.

One of the most graphic stories I have heard concerned a black lady during the riots in Washington, D.C. She was elderly and lived in a small apartment over a television repair store. The rioters broke into the store and proceeded to strip it of everything of value.

Not content with this lawlessness, others then broke down the door of this lady's apartment, and while a helpless and aged individual sat by, the looters proceeded to carry out everything of value which she owned. I ask you, can this happen in America? It seems impossible.

Another graphic illustration I remember about the Washington riots was a young serviceman who returned home with a record of heroic service in Vietnam. The day before he arrived home, his house and all of his widowed mother's possessions were burned to the ground. A picture in the newspaper depicted him and his mother before the embers of that which had been his home. If you can put yourself in his place, you can see the individual terror, heartbreak and sorrow which our people have had to suffer.

We cannot continue to exist as a free nation unless we have law and order.

One principal problem has been our judicial system. The courts have been far too concerned about the rights of criminals than about the rights of the victims of crime.

We can pinpoint the fact that 75 per cent of the crimes are being committed by those under 21.

Hardened criminals are released on bond and time and again they commit three or four vicious crimes before they are ever tried, as interminable delays slow the wheels of justice. There is much that we could learn from the British in this regard. There, when a man is convicted by a jury of his peers, he is before the British court of criminal appeals within three weeks and a decision comes down that very day. The punishments are not as severe as some meted out in our own courts—but there is a respect for the courts which is eroding in America today.

Our prison system has become a training ground for criminals. It needs a complete and thorough overhaul, if society is not to be visited with an even greater incidence of crime and violence.

The viciousness is not now confined to the inner city, it is spreading to the suburbs and will soon have a stranglehold on small communities. We ignore this manace at the very peril of the lives and safety of our own families.

Masonry has so much to say to the world today, but we must get out of the lodge rooms to say it, and to live it. We will not reverse this horrible trend with massive legislation, but only when we in our own hearts and minds, begin to live up to those timeless principles which have been taught to us. There must be respect for law and order in this land. Certainly this is a fundamental teaching of our great fraternity. We cannot survive unless we can look upon all of our fellow men as brothers, doing unto him as we would have him do unto us. We must be willing to make those sacrifices necessary to protect our environment from the ravages of the ignorant policies of the past.

Now the message I want to communicate to you is not one of despair. Certainly we have problems. But by the same token, think of the problems which confronted George Washington at Valley Forge and as he attempted to lead this nation at its founding.

Think of the despair which Lincoln must have felt as his beloved land was torn asunder, brother fighting brother. Well, we survived and became the most powerful and affluent nation known to history. I personally believe that we have the will, and the capacity, to solve the problems which confront us if we will but face them.

Within the teachings of masonry can be found many of the truths that will lead us. We embody those principles which this nation and masonry must return to if it is to survive. As the ancient Chinese proverb has said, "A journey of a thousand miles begins with but a single step."

As Masons, as Americans, the hour is late, and the journey will not be easy. But for the sake of our nation, for our children, and for the fraternity, we dare not fail.

PEACEFUL DEMONSTRATION AT UNIVERSITY OF TEXAS

(Mr. WHITE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITE. Mr. Speaker, amid the many reports of violence on college campuses and in college communities recently, I believe it will be refreshing and encouraging to hear the report of a major university, in a major city, which conducted a peaceful demonstration, in an orderly manner, presented their grievances, were heard by the mayor and city officials, and cooperated with the police in maintaining order. This happened in my home city of El Paso, Tex., on May 6, 1970, when some 2,000 students from the University of Texas at El Paso, accompanied by a number of high school students, marched into downtown El Paso, held a rally voiced their opposition to the action in Cambodia and their grief over the incidents at Kent State University.

Technically, they were in violation of the law, because they had no parade permit. The El Paso Police Department could have moved into the crowd, looking for trouble. Instead, they moved in quietly, kept order with calm efficiency, and even served refreshments to the demonstrators when the day grew warm. As a result of the understanding that prevailed on both sides, the students wrote a letter of appreciation to the police, and even contributed $264.64 to the policeman's benevolent fund.

The police department, in its reply, pointed out its reasons for not enforcing the law requiring permits for such a demonstration. I believe as we study the urgent problem of building better relations with the young people who will be our leaders in a few years from now, we can all benefit from learning more of the attitude of these students, and the police department, in El Paso, Tex. I am therefore placing in the RECORD a letter with some 302 signatures addressed to Inspector Minnie of the El Paso Police Department, and a reply addressed to the students, from El Paso Chief of Police E. L. Chokiski:

THE UNIVERSITY OF TEXAS AT EL PASO,
May 6, 1970.

Inspector ROBERT E. MINNIE AND MEN,
El Paso Police Department,
El Paso, Tex.

DEAR INSPECTOR MINNIE AND MEN: We the concerned students of UTEP and of El Paso High Schools, wish to thank you for your cooperation and support of our demonstration for peace on this date. We feel this is a major step in bringing about mutual re-

spect and understanding for our respective goals. Your tactful control and your thoughtful donation of refreshments should stand as an example to be followed by other cities in coordinating municipal functions with peaceful and concerned dissent on the parts of citizens within these municipalities.

Sincerely yours,

——— ———.

(There were 302 signatures.)

MAY 7, 1970.

Mr. CALVIN O'BLACK,
The University of Texas at El Paso,
President of Student Body,
El Paso, Tex.

DEAR STUDENTS: Your very kind comments concerning Inspector Minnie and his men are a source of pleasure to us all.

Other communities with problems on their campuses could learn much from what we learned of each other during your march, which was both peaceful and meaningful.

Sometimes policemen enforce existing laws when such enforcement is not practical. This is why you were permitted to march last Wednesday in "violation"—that is, without an issued permit. We try to deal with situations as they arise, and we understood your emotions in this particular case At the same time, I want it understood that the El Paso Police Department will allow no flagrant, violent breaking of our laws.

We hadn't the time Wednesday to explain to you our total responsibilities to all citizens—including you—to enforce existing laws. Therefore we took what seemed to be the most expedient course. I am glad it turned out to be the correct one.

Policemen are humans, no more perfect than any others. But we try, conscientiously, to be better humans, and we learn from trial and error. I think Wednesday's business proved that we and you can benefit thereby.

Sincerely,

E. L. CHOKISKI,
Chief of Police.

GOLDEN EAGLE PASSPORT PROGRAM, S. 2315

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, on May 15, 1969, I cosponsored legislation to extend the golden eagle passport program indefinitely past its March 31, 1970, expiration date. This date has now passed and we are only now considering a Senate bill on the program, a bill that limits the extensions of the program to December 31, 1971. Although I would prefer to see the program renewed as proposed in H.R. 11381, I am speaking today in favor of S. 2315.

Many of those arguing against this bill have taken the rather narrow view that the alleged failure of the program to provide earmarked funds as set forth in the enacting legislation is sufficient to warrant termination of the program. I would like to point out, however, that oftentimes justification for any particular program such as this does not come from material, tangible profits alone. Over the years, the golden eagle passport has provided many of our citizens with an intangible yet extremely important benefit, the ready availability of a pleasant and enjoyable recreation and vacation area.

In addition, tangible, although indirect, profits have been reaped by a significant segment of our populace: retirees, pensioners, lower and middle income families. These people have been able, under this program, to enjoy at a reduced fee the healthful outdoors. Those with fixed incomes and/or large families have benefited immeasurable from this program and I do not think we should deny them this benefit.

Finally, I would like to turn to a subject which I am sure is on the minds of all my colleagues today, ecology and conservation. It seems to me that commitments to specific goals follow more naturally when vested interests in those goals develop. As has been noted elsewhere, vandalism at national parks has fallen sharply since the imposition of admission and user fees by the National Park Service. It is a logical conclusion that an expansion of the golden eagle passport program may very well serve to further a commitment on the part of the public to the preservation of the already limited national park facilities.

For these reasons and many others which time prohibits me from listing here, I am offering my wholehearted support to S. 2315.

PRESIDENTIAL WAR: THE CENTRAL ISSUE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last week I introduced H.R. 17598, a bill to define Presidential authority to intervene abroad and to make war without the express consent of the Congress. There is, in my judgment, a grave constitutional question regarding the warmaking power. If the word and the intent of the Constitution on this issue are still open to the widely varying interpretations voiced in the past few weeks, it is imperative that the issue be debated and resolved. It is my hope that the bill I have sponsored will serve as the catalyst for such a discussion.

The constitutional question is most aptly treated in the May 14 issue of the Washington Post by Mr. Merlo J. Pusey, a member of the Post's editorial staff and author of the book, "The Way We Go to War." One of Pusey's suggestions follows the intent of my proposal—that the Congress should enact firm prohibitions against the dispatch of American troops to other countries without specific congressional approval.

I urge the careful consideration by all of our colleagues of Mr. Pusey's article, "Presidential War: The Central Issue," which follows:

PRESIDENTIAL WAR: THE CENTRAL ISSUE

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying the current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference. In explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

"Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advise of those, and I made this decision."

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restrictions so as not to interfere with the President's avowed intention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several very interesting phrases in this letter which Assistant Secretary David H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and LBJ was not far behind. Mr. Nixon's State Department is merely mouthing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.

There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.

In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.

Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by

Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.

Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.

But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

THE CAMBODIA ISSUE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, we in the Congress have been impressed in these past few weeks by the response of concerned citizens to the President's decision to send American troops into Cambodia. I know my colleagues share the desire to encourage communication between the public and their representatives on this very serious issue. My own office has been the scene of lively but productive discussions among students, professors, staff, constituents and this Congressman. We have not always agreed, but we have communicated.

Mr. Speaker, I have made it clear that I am not in favor of a major commitment of our ground forces in Cambodia or any other place at this time. I have called for a review of the grave constitutional questions raised by the President's action. Perhaps the Miami Herald best expressed the spirit of concerned citizens in an editorial on May 6 which concluded:

National policy cannot be determined in the streets, much less on the campuses. Yet it is not being formulated in an air of national unity promised by the national leadership. Before there are more rocks, more bullets, more dead, more tears of anger and remorse, the nation must somehow be brought to grips with itself. There is only one agency which can encourage and foster national unity, and that is a Presidency willing to re-examine policies pursued without recourse to the people's representatives and increasingly divisive of the nation itself.

Also in the spirit of these past weeks of active participatory democracy was an earlier editorial in the Herald edition of May 3 which noted:

There is everything to gain and nothing to lose by the fullest discussion of the Cambodia issue . . . This is no time for pride of place anywhere in Washington.

While we have witnessed a great outpouring of sentiment on the issue of Cambodia in recent weeks, we must not lose sight of the historical perspective. The decision to send American soldiers into Cambodia is only the most recent of a number of decisions made over many years resulting in our present involvement. John S. Knight, on May 3, in his column, "Publisher's Notebook," traced the historical development from 1946 to the present. I believe his observations are made powerful by their simple logic and truth, especially in these days of emotional rhetoric. Mr. Knight came to this sobering conclusion:

The military reasons given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Despite all reassurances, the Nixon policy can only widen the war.

Mr. Speaker, I commend the full text of these editorials and Mr. Knight's column to the attention of our colleagues:

[From the Miami (Fla.) Herald, May 6, 1970]

KENT STATE'S TRAGEDY AND A BITTER LESSON

"The violent by violence fall," says a proverb of the Welsh, who know it well. This explains but it does not justify the tragic confrontation at Kent State University in Ohio where four students died under the guns of the National Guard.

The students were protesting the escalation of the Indochina war. Trouble began last Friday night when students swarmed out of downtown Kent bars, set a bonfire in the street, smashed store and bank windows and burned to the ground the building of the Army Reserve Officers Training Corps.

We are rehearsing the known facts carefully because the Kent experience has a pattern which can be fatal for the nation.

After that, Ohio National Guardsmen were moved into the area. Numerous arrests were made. The campus simmered until Monday noon when a crowd confronted the troops and began hurling rocks.

Skirmish lines formed. There was a shot. From where? Then a volley. In seconds a scene familiar from student disturbances in other parts of the country became a tragedy which has rocked the nation.

We hope that what has happened will have a sobering effect, not only on students inclined to violence but on those who must preserve law and order with arms.

Getting stoned by students is no lark, but it calls for a response short of military execution. And this response to dissent, however violent, can become a greater threat to law and order than campus rioting.

Prudent Americans will await all the facts before passing judgment on the guardsmen, who were under severe harassment. But this much is increasingly evident: young Americans basically of good motive as well as bad are becoming bitterly alienated from their own culture.

At the Oakland induction center in Northern California the other day more than half of the young men ordered to report failed to show up, and 11 per cent of those who did appear refused to serve.

This is wrong and illegal but it is a fact describing the actions not of a radical minority but of a given majority.

National policy cannot be determined in the streets, much less on the campuses. Yet it is not being formulated in the air of national unity promised by the national leadership.

Before there are more rocks, more bullets, more dead, more tears of anger and remorse, the nation somehow must be brought to grips with itself. There is only one agency which can encourage and foster national unity, and that is a Presidency willing to re-examine policies pursued without recourse to the people's representatives and increasingly divisive of the nation itself.

[From the Miami (Fla.) Herald, May 3, 1970]

PRECEDENT FOR A PRESIDENT

Both President Nixon and the Senate leadership would have been better advised had they reached privately and in concert some agreement on a "summit" meeting to discuss intervention in Cambodia.

There is a precedent, as Sen. George Aiken of Vermont has pointed out, in President Wilson's consultation 51 years ago with congressional leaders on the covenant of the League of Nations.

Mr. Nixon has been urged to meet with the Senate Foreign Relations Committee, generally a dovish outfit. He declined the invitation as such, saying that it ought to be extended also to the House Committee on Foreign Relations.

Mr. Aiken and others may forget that this was the Wilson formula as worked out by Col. Edward M. House, Mr. Wilson's adviser. The two committees met with the President on Feb. 26, 1919, Sens. Borah and Fall, two archisolationists, declining. There was a deal of shaking but no moving. The famous "Round Robin" declaration against the League of Nations followed, and it had the votes.

The issue this time is not advise and consent, a prerogative of the Senate, but consideration of a policy which may or may not require a declaration of war. In our opinion one is required if Mr. Nixon insists on pursuing his dubious and dangerous Cambodian adventure. This would require also a vote of the House.

There is everything to gain and nothing to lose by the fullest discussion of the Cambodia issue. If the Senators will not see the President along with House members, then he should see them solo. But history if not protocol dictates a "summit" of both groups. This is no time for pride of place anywhere in Washington.

[From the Miami (Fla.) Herald, May 3, 1970]

JOHN S. KNIGHT'S NOTEBOOK: GRAVE PERIL EMBODIED IN PRESIDENT'S DECISION

The President's decision to extend the Vietnam war by sending combat troops into Cambodia is fraught with great peril.

Mr. Nixon says his action is not "an invasion of Cambodia" but a necessary move designed to eliminate a major Communist staging and communications area.

The President's action is represented as a tactical maneuver to end the war more quickly. The time span is put at six to eight weeks. It could have been taken at any time during the last few years except that the United States then respected the "neutrality" of Prince Sihanouk, a Communist sympathizer and the man who once told us he would throw our foreign aid into the sea.

With Sihanouk in exile, Cambodia is controlled by Lt. Gen. Lon Nol, who heads a tiny, untried army and therefore welcomes U.S. assistance and troop invasion to prop up his cause.

Lon Nol is not necessarily the country's most popular leader. Prince Sihanouk, now in Peking, is a sponsor of a united front of Indochinese peoples. Given military support by Red China, he might return to Cambodia and cause trouble.

Should this happen, the President's plans for a quick liquidation of Communist headquarters in Cambodia could be thwarted and the war widened.

The President has acted boldly, but in our opinion, unwisely. He has not been deterred by the political risks, and that is a mark of courage.

What further tragedies will be visited upon our nation must await the onrush of developments yet unknown.

HOW IT BEGAN

I suppose one can say that our involvement in Southeast Asia began in 1946 when Harry Truman was President of the United States.

Our policy at that time was to help the French retain control of Cambodia, Laos and Vietnam, the former Associated States of Indochina. Between 1946 and 1954, the United States provided some $2 billion in aid and arms in France's struggle against the Vietminh (independence) league headed by the late Ho Chi Minh.

We chose to cast our lot with colonialism despite Franklin D. Roosevelt's admonition during World War II that the French must never be permitted to control Indochina once the war had ended.

A FRENCH BULWARK?

The decision was based on the theory that the French stood as a bulwark against communism in Southeast Asia. The United States was prepared to subsidize the French endlessly. No thought was given to the fact that certain areas of autonomy had been granted by the French to Ho Chi Minh in the Fontainebleu Agreement of 1946, and later repudiated.

No heed was paid to warnings that the tides of nationalism were running strong; that while Ho Chi Minh was indeed a Communist he also was the authentic leader of the people in their struggle for independence against the hated French.

The theory that by aiding the French we could turn back the onrush of communism was blown to bits when the forces of Ho Chi Minh crushed the French forces in the 1954 siege of Dien Bien Phu.

By that time Dwight D. Eisenhower was President. John Foster Dulles, his secretary of State and the architect of "massive retaliation," urged the President to send American airpower to Vietnam.

The then Vice President, Richard M. Nixon, in an address before the American Society of Newspaper Editors, said he favored the use of U.S. troops in Vietnam.

Wisely, and after consultations with France and Great Britain, the President declined to make this commitment.

Eisenhower's role in Vietnam is generally misunderstood. There are those who maintain that U.S. participation began in his administration. When Vietnam was divided by the Geneva Agreement of 1954 between North and South Vietnam, the United States supported the new Saigon government formed by the late Ngo Dinh Diem.

Diem, a vigorous but despotic leader, entreated the United States for more assistance. President Eisenhower, in a letter to Diem, agreed to furnish arms and technical assistance provided Diem would make meaningful land and other reforms. The requested reforms were never implemented. Eisenhower sent 685 military advisers and substantial economic aid to South Vietnam but no combat units.

JFK GETS INVOLVED

President John F. Kennedy was less prudent. Despite his having said as a senator in 1951 that "we have allied ourselves to the desperate effort of a French regime to hang on to the remnants of empire," he did commit 15,500 troops to Vietnam during his administration.

Kennedy acted upon the recommendations of Gen. Maxwell Taylor and Walt W. Rostow, who constituted his personal task force on Vietnam policy. These were the years—1962–63—when Gen. Harkins, highest army officer in Vietnam, predicted that the war would be won "within a year."

The Defense Department, headed by Robert McNamara, also announced that "the corner has definitely been turned toward victory in Vietnam."

AND THEN LBJ . . .

This state of euphoria continued with the coming to power of Lyndon Johnson. In his first State of the Union message, the new President hardly mentioned Vietnam.

In the Johnson-Goldwater campaign of 1964, Johnson repeatedly stated that "we are not going to send American boys nine or ten thousand miles away to do what Asian boys ought to be doing for themselves."

But as historian Arthur M. Schlesinger Jr. writes in "The Bitter Heritage," things became "so desperate in the early months of 1965—or so we were later told—that only the February decision to start bombing the North, followed by the commitment of American combat forces the next month, averted a total collapse."

So Johnson began to supply the American boys to do the job he had thought the Asian boys should do. The numbers doubled and doubled again and again until President Johnson had escalated the number to approximately 540,000.

Our casualties now total 317,292, our dead 41,610. And for what?

AND FINALLY NIXON

We move now to President Nixon's promise to end the war and be held accountable by the American people if he fails to accomplish that objective.

The beginnings were good with assurances against further involvement and extension of U.S. military participation.

Nixon's planned troop withdrawals from Vietnam have now reached 115,500, with a promise of 150,000 more within one year.

But in May of 1969, Secretary of State William P. Rogers assured Thailand that if the Southeast Asia Treaty Organization declined to protect an Asian member from attack, the United States was ready to provide assistance on its own.

Here we were seeing the "one more step" policy bringing us into a widening involvement.

Then in February of this year, it was Laos as James McCartney of Knight Newspapers revealed a U.S. military buildup of bombers, helicopters and American personnel of 2,150 with 830 in official U.S. government positions.

I warned at that time that President Nixon "should come clean and tell the truth about Laos, an area fraught with the same perils as Vietnam."

NOW, CAMBODIA

And now it is Cambodia, the land of the white parasol where, following the ouster of Prince Sihanouk, a toy army is making ineffectual attempts to fend off the Communists.

On Wednesday last came the ominous dispatch from Washington: "The United States announced today that it was providing combat advisers, tactical air support, medical evacuation teams and supplies to South Vietnamese troops attacking Communist bases in Cambodia."

It was explained that North Vietnamese and Viet Cong troops operating from Cambodia had "posed an increasing threat" to Americans and Allied troops in South Vietnam.

WE CANNOT "WIN"

The military reason given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Despite all reassurances, the Nixon policy can only widen the war. It is a desperate gamble taken in the belief that the war may be ended more quickly by cutting the Communist supply line through Cambodia.

Ultimately, Southeast Asia will be lost to the West no matter what course we pursue.

If this be true, and I am convinced it is, why should we sacrifice countless more American lives in an area of the world where we do not belong?

ALL THE WAY, U.S.A.

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, there is an awakening among the American people. What greater reassurance of loyalty and devotion do we need than repeated displays of patriotism from the builders—the working people of the United States? As we watch the destruction by the nonproducers, it is refreshing to behold our country's defense by the builders—the people who are the backbone of our Nation.

Mr. Speaker, I salute the "hard hats" of New York City for their timely and courageous display of loyalty and respect for their country. Their "All the Way, U.S.A." march in New York City is far more effective than the descent upon Washington of the lawyers, preachers, and educators—the parasitical class—to protest against their country.

Mr. Speaker, I include news clippings in the RECORD:

[From the Washington (D.C.) Sunday Star, May 17, 1970]

HARD HATS DISCOVER POWER

(By Duncan Spencer)

NEW YORK.—The sound of the demonstrating hard hat workers here last week was the hollow clammor of a thousand men beating the naked girders of a 30-story building with hats, hammers and heavy pieces of steel.

Their cheering swelled the howls of the street parade that screamed "Lindsay is a queer," or sang "Goodbye Lindsay."

The parading workers cheered it, and looked up through the falling ticker tape to where their fellows, yellow hats bobbing, lined the edges of the U.S. Steel Building at Broadway and Liberty Streets.

FOUND AN AUDIENCE

The blue collar workers of lower Manhattan's vast construction sites are taking to the streets in ever-increasing numbers since a brawl between some of their number and peace marchers May 8. And their simple anti-liberal, anti-Lindsay views are finding an audience they never knew they had.

The workers swarm into the financial district from Brooklyn, Queens and the Bronx each morning at 8, and they leave at 3:30, rushing down subway holes with dusty shoes and matted hair after a 6-hour day on New York's new super-skyscrapers.

But at lunchtime, riveters who make more than $5 an hour and electricians who make more than $8, and thousands of others in between, voice the frustration and rage of men who feel trapped.

The slogans they scrawl on their hats tell it all. "PIG—Pride Integrity Guts," or "Hard Hats Work Hard and Are Honest."

They believe, almost to a man, that America is swerving dangerously away from the virtues of the Horatio Alger myth, and center their fury on two of the most visible examples: "The Red Mayor" John Lindsay and the "Pinko Faggot Creeps," meaning the nation's vocal, demonstrating, largely anti-war youth.

VIEWED AS EGOTIST

Lindsay is seen as a scheming egotist who is using the office of mayor and the people of New York to further presidential ambitions. The student demonstrators, college-educated but disrespectful, they hold beneath contempt.

On Lindsay: "It's all right for people outside this city to say what a cute guy he is,

and all the dopey broads will vote for him, with his curly locks, but we gotta live with this lunatic." The speaker was Alex Kiefer, 40, a borough dweller, a demonstrator against the "pinko kids," and better spoken than most.

Kiefer stood within a hundred feet of New York's City's City Hall half an hour after a large, nonviolent group of flag-bearing marchers had circled, shouted and passed Friday.

Kiefer, not a construction worker himself, lent them his full support. "A man goes to work," he said. "Is his wife safe? Is his kid in school safe? I even know Puerto Ricans who are going back to Puerto Rico. It seems as if the whole government is controlled by people who are not the people."

On the peace protestors: "They spit on the flag," shouted a beefy hard hat, his face lumpy and strained with anger.

"We got the flag by fighting for it, and I think what the workers are doing is right, to fight." The speaker was 15-year-old Bob Pacelli, of Staten Island, whose father is a construction worker.

"MESSED UP MY SCHOOL"

"When the hippies protested, I didn't do anything," young Pacelli said, "and then they messed up my school so bad, it wasn't worth it to go to class—and I want to get into college."

There are no end of things which cause anger among the construction workers, and many of them are unique to the city. Perhaps nowhere else is so much construction work going on in one small area. The tip of Manhattan is torn by gaping foundation holes filled with steam and spattered, scrambling men as building after building rises. Thousands are employed—with higher pay as the building stretches higher—at the twin towers of the World Trade Center, the world's tallest build, now past its 60th story.

The trade center now is adorned with hundreds of flags, and crayoned with signs like "We Love Our Country."

The insolently carefree students, with their lissome girls who wear no bras, the placard carriers who dump college administrations, the politicians who seem to agree with them, all bring a dull red nodule of fury to the hard hats.

The fury comes out partly because the kids, workers know, will someday go on to something else, while they will be heaving gray rock and grinding their kneecaps in gravel forever.

DISCOVER NEW POWER

But in their newly discovered political presence, the workers may have discovered a power which they never dreamed of in a good day's work for a good day's pay. One march organizer, Dick Ganthiel, a seedy waiter who admitted to working for $1.60 an hour in a midtown burger spa, and a man who claimed proudly to be a "convicted minuteman," said there were 22 chapters of the Silent Majority Mobilization in industrial cities throughout the country.

And union leaders have been leaping aboard the movement in droves after a week of silent watching. In Friday's march, the International Longshoremen's Union was heavily represented, and workers who stood aside Friday said they did so waiting for the big, officially sanctioned march next Wednesday, which will have the blessing of more than 200 of the New York construction trade unions.

[From the Washington Post, May 10, 1970]

ABOUT 70 STUDENTS INJURED: NEW YORK OFFICIAL SAYS POLICE LET WORKERS BEAT DEMONSTRATORS

(By George Lardner, Jr.)

Manhattan's deputy borough president accused New York police yesterday of "gross negligence" for standing aside while helmeted construction workers beat up peace demonstrators near City Hall.

The official Leonard N. Cohen, said he and other bystanders repeatedly urged police to break up the violence "but they refused to do so."

Swinging their hats, fists and tools, several hundred contruction workers rushed students protesting the war Friday in New York's financial district and injured about 70 of them.

The flag-waving workers were reportedly backed up by hundreds of other pedestrians attracted by their shouts of "All the way, U.S.A. . . . Love It or Leave It."

Mayor John V. Lindsay said New York "witnessed a breakdown of the police." He said the construction workers apparently were provoked by the demonstrators who, the Mayor said, reportedly spat on an American flag and chanted obscenities.

"This verbal violence is almost as bad as physical violence," Lindsay said but added "even under those circumstances, some policeman were derelict in their duties."

Police Commissioner Howard R. Leary promised a thorough investigation.

Leary said earlier that his men were outnumbered and unable to make any arrests.

Cohen, for one, said he was prepared to dispute that. He said he and Manhattan Borough President Percy Sutton saw about 150 officers effectively block the construction workers from storming City Hall.

"It was certainly a contrast to their negligence in preventing the violence," he said in a telephone interview.

The clashes began around noon Friday outside the Federal Hall National Memorial on Wall Street where about 1,000 students had gathered in an antiwar protest. After knocking heads there, the construction workers marched uptown to City Hall and nearby Pace College.

Commissioner Leary said in his statement that his department had "no reason to anticipated major violence or disorder."

Both City Hall and the police, however, had reportedly been forewarned.

An aid to Rep. ———— (D.-N.Y.), Harriet Eisman, said she relayed a tip to City Hall on Friday morning. A construction worker who said he disagreed with the attack called police with his own warning.

The construction worker, who asked to remain anonymous for fear of his life, said even rank-and-file police officers showed they knew of the assault before the workers ever got to the federal building.

The policemen, he said, "were cheering them on along the way, shouting 'Give 'em hell, boys. Give 'em one for me' ".

At the Federal Hall National Memorial, he said, "The police simply opened ranks and let them through. Some of the officers asked, 'Where are the fellas from the Twin Towers (a nearby construction job)? All of a sudden, a couple hundred of them came marching up Broadway."

Several eyewitnesses told newsmen in New York that they saw two men in business suits apparently directing the workers. Cohen said he didn't notice them, but the attacks, he said, "did seem organized."

OFFERS TO TESTIFY

In a telegram to Mayor Lindsay and other high-ranking city officials, the deputy borough president offered to testify at any investigation that "police, from my observation stood by and negligently permitted this to happen in their presence."

At City Hall, the workmen demanded raising of the American flag that Lindsay had ordered flown at half-staff in memory of the college students slain at Kent State University earlier in the week.

It was raised, lowered, then raised again with the workers exultantly singing the Star Spangled Bannner.

"Several officers took off their hats and stood together with the construction workers who were singing," said Cohen who had just returned with Sutton from an antiwar rally at Foley Square.

Some of the helmeted workers then raced across Park Row to Pace, a commercial and business school, to pull down a peace banner hanging from the roof. It read "Vietnam, Cambodia, Kent State, What Next?" Students in the school lobby were beaten.

By this time, Cohen said, about 150 policemen had gathered on the steps of City Hall. He shouted to an officer, "I think he was a lieutenant," to send his men across the street, but got no response.

Instead, the borough official protested, other workers "were mingling with the police and some of them were laughing. The construction workers and the police had literally joined ranks."

Subsequently, the workers resumed their demonstration in front of City Hall and some "began to beat up kids, and very brutally" near the steps, Cohen recalled.

"I shrieked to the police again," he wired Lindsay, "but they didn't do anything until some youths were very seriously hit." Even then, he said, only about 15 to 20 of the 150 officers stepped in to break up the fights.

On the march to City Hall, the construction worker said, "People from the office buildings were yelling and applauding, throwing ticker tape and IBM cards out the windows and yelling, 'Good job, men. It's about time.'

"It was amazing. Like a crowd cheering the gladiators coming into the coliseum."

Some of the construction workers, he said, kept roaming the streets until late afternoon. However, "It wasn't only construction workers. One fellow made a remark, then tried to run into a bank. A guard held the revolving door closed so he couldn't get through. They left him on the sidewalk, a bloody mess.

"There were office workers in on it too. It was wild. All someone had to do was give a peace sign."

[From the Evening Star, May 12, 1970]

TRADERS PEERED, VOLUME FELL

Activity outside the New York Stock Exchange was more exciting than it was inside yesterday, so the traders spent their time looking out the windows—and volume slumped. They were watching several thousand construction workers—shown here hoisting a friend named Jerry, who works in a Wall Street district bar—demonstrate their support for President Nixon's Far East policy. The demonstrators—many wearing hard hats and carrying flags and signs—moved from Wall Street to City Hall where they expressed their dislike for Mayor John Lindsay.

LOTS OF FLAGS AND POLICE: HARD HATS MARCH IN PEACE

(By Duncan Spencer)

NEW YORK.—The construction worker "Hard Hats" marched in order and force throughout the Wall Street area yesterday without violence—mainly because there was little opposition to their two-hour parade.

More than 5,000 yellow-helmeted construction and dock workers shouted "USA—All the Way," as they circled New York's City Hall, which was surrounded by shoulder-to-shoulder police, but did not contain the object of their anger, Mayor John Lindsay. He was in Detroit.

The workers, ending their first week of making themselves thoroughly felt in this city, carried hundreds upon hundreds of American Flags of every size—from a giant 80 by 20 feet to tiny lapel pins—to emphasise the point of the protest.

GROUPS KEPT APART

"The American Flag is what it's all about," said a 300-pound worker. "We fought to put it up, now these kids are tearing it down."

Vituperation for peace demonstrators, particularly youthful ones, has been the trademark of the workers movement that has sprung up here overnight.

There was serious violence here on the street last Friday when the workers clashed with peace demonstrators and thrashed many with bare fists, 2x4s, wrenches and pieces of iron rod.

Since then, New York police have kept the two groups apart by massive and costly cordons of officers. Yesterday no more than a dozen people on the packed sidewalks during the luncheon demonstration-march raised their fingers in the "V" peace sign. Each time they did, the crowd of workers surged menacingly, shouting epithets.

But most onlookers seemed sympathetic to the marchers, who said they were standing up for traditional American virtues of patriotism and hard work.

Those few with opposing views and the courage to show them were hustled away by police. One man said officers warned him he might be killed if he provoked the crowd by making the "V" gesture.

Leaders of the march yesterday said that Wednesday the workers will be out in larger numbers than ever for a rally and march on city hall to demand Mayor Lindsay's resignation. That march, they say, has the sanction of most of New York's building trades unions.

Officials of the Silent Majority Committee, and the Silent Majority Mobilization, sponsors of a drive to get 200,000 signatures on a petition to begin the impeachment process, said more than 65,000 have signed already. The petition will go to the New York State Supreme Court, which must order public hearings if the 200,000 signatures are gathered.

A TURNING POINT?

"We're not really thinking we can impeach Lindsay," said William Sampel, 28, one of yesterday's march organizers. "But we can scare the hell out of him . . . perhaps this will be the place that this liberalism is turned around."

Many workers yesterday declined to join the march, saying they would march Wednesday with official union sanction; but all expressed support for the sometimes violent treatment they have shown peace demonstrators.

"We'll do it our way," said one worker, who refused to give his name; "we won't just beat them up, next time we'll kill them."

[From the Sunday Star, May 17, 1970]

WORKERS TO MARCH: "PENT-UP FRUSTRATION" INJECTS THREAT IN RALLY

(By Gus Constantine)

NEW YORK.—Pete Brennan, dressed in a conventional business suit instead of the traditional hard hat of his 200,000 construction workers, wore the worried look of a man about to let steam out of an overheated boiler.

On Wednesday, the hard hats plan to again take to the streets in what Brennan hopes will be a peaceful rally joined by white-collar workers and students who want to keep the schools open.

"The men want to show their support for the country, their flag and the President on Vietnam," said Brennan, head of the Building and Construction Trades Council of Greater New York.

But even as he insisted that the council "does not condone violence," he acknowledged that "pent-up frustration can explode."

ATTACK STUDENTS

That's what happened a week ago Friday when about 200 workers, wearing brown overalls and yellow and orange work helmets, attacked anti-war students demonstrating on Wall Street, brushed past policemen at City Hall to raise a flag flown at half-staff for the four slain Kent State University students and smashed windows at nearby Pace College. About 70 were injured in the melee.

Brennan, a member of the painters union, said he hopes the mass rally will "open up communications with other Americans and dampen frustrations."

But what he had to say showed how wide the communications gulf between the students and his men is.

"We stood by and tolerated the flag being burned . . . we sweated while they destroyed. Is that right, I ask you?"

"HIT A FEW PEOPLE"

Regarding the eruption last week, Brennan attributed the violence to others.

"The students heckled the men . . . so they hit a few people."

He denied published reports that the workers charged the students with crowbars.

"If they had done that, people would have been killed."

The hard hats, including Brennan and others interviewed are convinced their views are shared by the vast majority of Americans.

This is why, according to Brennan, they have invited both white-collar workers and students to join them in Wednesday's rally.

[From the Sunday Star, May 17, 1970]

ONE THOUSAND DISTRICT LAWYERS JOINING ANTIWAR RALLY

(By Robert Walters)

More than 1,000 Washington lawyers, many of them senior partners in some of the city's best law firms, will join their New York City colleagues Wednesday in a campaign "to reverse the administration's war policy in Indochina."

The Washington attorneys will meet at 12:30 p.m. at New York Avenue Presbyterian Church, 1313 New York Ave. NW, to hear a series of speakers, including Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, and Sen. George McGovern, D–S.D.

Earlier that day, a large delegation of New York City lawyers—originally estimated at 200 to 300 but now numbering 1,000 or more—is scheduled to arrive in Washington for an unprecedented effort to seek an end to the war in Southeast Asia.

They will spend the day meeting with members of Congress and the Nixon administration, and that evening will have a convocation, with speakers including former Chief Justice Earl Warren.

PHILADELPHIA GROUP DUE

A smaller delegation of Philadelphia attorneys also is expected to arrive in Washington on Wednesday, and there is talk within the legal profession of expanding the effort into a continuing nationwide drive.

In addition, 20 lawyers in the Department of Health, Education and Welfare revealed plans yesterday to lobby in support of the amendments tomorrow and to ask HEW Secretary Robert H. Finch to sign a petition urging President Nixon to withdraw all U.S. troops from Southeast Asia.

Organizers of the Washington effort, expected to attract 1,000 to 1,500 lawyers, said yesterday their initial concern would be to muster support for an antiwar measure pending in the Senate, sponsored by Sens. McGovern, Mark O. Hatfield, R–Ore., and others.

That amendment expected to be considered in about a month, would deny the use of appropriated funds for U.S. military operations in Laos and Cambodia, and would permit the use of appropriated funds for U.S. military operations in Vietnam only until June 30, 1971.

In addition, the Washington lawyers plan "to provide support services—including office facilities, accommodations, appointments with congressmen and legal memoranda—for groups coming to Washington to work against the war," according to a statement.

"The group will also work on programs involving direct political action," the statement said.

DIRECT POLITICAL ACTION

"The expansion of the war in Indochina has been deeply troubling to all of us. As attorneys, we are supporting the efforts of senators, congressmen, students and others to bring the war to a prompt end."

Among the Washington attorneys participating in the effort are:

Edward Burling, senior partner in Covington & Burling; and John Douglas, a former assistant attorney general now with Covington & Burling;

John Pickering, senior partner in Wilmer, Cutler & Pickering; and Louis F. Oberdorfer, a former assistant attorney general now with Wilmer, Cutler & Pickering;

E. Barrett Prettyman Jr., a former White House Aide, and Seymour Mintz, both senior members of Hogan & Hartson;

Abe Krash, William D. Rogers and Stuart J. Land, all senior members of Arnold & Porter.

The Washington lawyers organized their anti-war effort following last week's announcement by the New York group, whose sponsors include the presidents of both the city and state bar associations; Mayor John V. Lindsay; Robert B. McKay, dean of New York University Law School; William C. Warren, retiring dean of Columbia University Law School, and Michael Sovern, dean-designate of Columbia Law School.

PELLY CALLS FOR HOUSE HEARINGS ON INDOCHINA

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, President Nixon has given Congress a firm commitment to withdraw American troops from Cambodia by the end of next month. Meanwhile, Defense Secretary Laird has said all American offensive combat missions in Vietnam will have ended by June 30, 1971.

The Senate now is debating amendments to the Military Procurement Act to cut off financing the Vietnam war. Previously, the House of Representatives had voted not to limit the use of those funds, but it seems probable in due course that a House-Senate conference committee report on this bill could contain language intended to end U.S. combat action by a given time.

Mr. Speaker, it seems to me, looking toward House consideration of a motion to instruct its conferees, or subsequent attempts to limit the use of military appropriations in Southeast Asia, that an appropriate House committee might do well to conduct public hearings. The Members of the House have little information on which to make decisions of such great importance.

There is no doubt about it, in my mind, that the vast majority of American people want the war ended. Some of them feel the President has information not available to others on which he can be trusted to act, as he has promised to phase out the war, in the public interest. Others obviously do not share this confidence and are unwilling to allow our Commander in Chief discretion in the conduct of terminating the war.

Mr. Speaker, I have read that the military authorities, including General

Abrams, in the war zone have said the President was forced to order the attack on Cambodian sanctuaries or jeopardize the Vietnamization program before South Vietnam has the capability to stand alone. It was said the effect of not conducting the search and destroy mission would have had severe repercussions throughout Asia and would have constituted a major Communist victory. Certainly, President Nixon felt he had no other recourse other than to take the risk of a massive counterthrust by North Vietnam and at the same time to risk an outburst of antiwar sentiment at home.

Apparently, Mr. Speaker, the gamble the President took has resulted successfully as far as the war is concerned, but on the home front, it has been unsuccessful.

Mr. Speaker, as Members of the House we are going to consider many alternatives and important decisions on ending the war. I would like testimony of proponents and opponents as to the effects of the various proposals. What, for example, would be the consequence of cutting off all funds for maintaining a combat force in Vietnam by December 31, 1970. I would like to know a lot of answers to a lot of questions. Let us hear from former Secretary of Defense Clark Clifford and from former Ambassador Averill Harriman. Let us hear from General Abrams.

Mr. Speaker, I want to get our troops out of Vietnam as fast as feasible. But, in my vote I want to be able to justify my action by facts and expert advice; and not act on a popularity count arrived at by a tabulation of my protest mail. I want to act responsibly rather than by intuition.

Whether the United States should abrogate its original decision to help the South Vietnamese Government is now a moot question. In my judgment, my guess is the majority of Americans now favor a swift disengagement of our combat troops, and as such I intend to support legislation to accomplish this. But, I want to know on the best information from experts what the best way is to accomplish this and whether a specific date set by Congress is wise.

So, again I say, let us have immediate and nondilatory House hearings on which to act wisely. And, let us recognize the proper role of responsibility of the Commander in Chief and likewise the constitutional role of the Congress.

OUR PRESENCE IN CAMBODIA; SUPPORT FOR THE PRESIDENT

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, as the debate over our presence in Cambodia gets hotter and hotter and the rhetoric louder and more irresponsible, a few responsible men and institutions have maintained their reason and sense of proportion.

While some are stopping barely short of demanding that the President be lynched and while still others are demanding that we, in the Congress, hand the Commander in Chief a dated ultimatum to surrender in Vietnam or else, a few are speaking out about the realities of the situation. Regretfully, it is too few.

Among the ones calling for calm in this agitated period is the Washington Star. In an editorial last Sunday, "The War Power: Congress Versus the President," the Star spoke of the irrational emotion and political opportunism of which some have been seized. It is an editorial worth the attention of every Member and I would like to cite it to you:

THE WAR POWER: CONGRESS VERSUS THE PRESIDENT

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the war-making power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Civil War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American Presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to the war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee has stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soliders who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creat-

ing one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

Likewise, Mr. Speaker, I would like to call to the attention of the House an editorial which appeared in the San Diego Union on Wednesday, May 6, "President Must Have a Free Hand." Together, these two pieces should be instrumental in cooling down the rhetoric, as the President has called for. I hope it has that effect. The article follows:

DESPITE SENATORS' RHETORIC, PRESIDENT MUST HAVE FREE HAND

An accusation by the Senate Foreign Relations Committee that the President is "taking over" the war and treaty-making powers constitutionally entrusted to the Congress must be marked down as propaganda in its war on the White House.

The committee knows better.

With the blessing of its chairman, Sen. J. William Fulbright, the committee approved the following resolution on Aug. 7, 1964:

"The Congress approves and supports the determination of the President, as commander-in-chief, to take all necessary measures to prevent further aggression (in Vietnam).

"Consonant with the Constitution of the United States and the charter of the United Nations, and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is therefore prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This is exactly what we are doing in Southeast Asia today as we help South Vietnam resist aggression by Communists.

The question of the fine line dividing congressional and executive authority is not new.

Abraham Lincoln as president had little choice but to respond immediately in May of 1861 when Ft. Sumter was attacked in the first shot of the Civil War. Americans shot back at Pearl Harbor even without waiting for the President to act.

The Truman Doctrine of aid to Turkey and Greece was instituted without prior approval of the Senate. Marines went to the assistance of Lebanon in 1958 at that country's request and again to the Dominican Republic in 1965. President Kennedy did not wait for Congress in the Cuban crisis of 1962.

Treaties commit this nation to the defense of 42 other nations. These include 21 in our own hemisphere under the Treaty of Rio; 14 European Nations under the North Atlantic Treaty Organization and seven Asian nations under SEATO. We also have mutual or cooperation treaties with Nationalist China, Japan, the Philippines and Korea. Executive policy statements oblige us to defend a number of countries and we have a commitment to some form of collective defense to 126 others under the United Nations charter.

We simply cannot, as Sen. Mike Mansfield naively suggests, "do away with all these powers . . . clear the table and start from scratch."

To do so would abdicate our responsibilities as a world leader and abandon our essential credibility as a member of the community of nations.

However, this is long-range and academic. In the immediate sense, the President as commander-in-chief of the armed forces has moved to protect the lives of Americans threatened on the battlefield.

Would the Foreign Relations Committee desire the responsibility for the lives of these men? What would they propose to do?

TIME TO KEEP IT COOL

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, so much has been said as a result of the Cambodian incursion and the resulting student disturbances that I overlooked an editorial of almost 2 weeks ago from one of the good papers in our congressional district.

The point of the editorial is that in all of our discussions about Cambodia it is time for less emotionalism. The admonition of the editorial holds true when we have to discuss the very controversial student demonstrations. It is a time for all of us to be careful what we say. When I say all of us that includes the President, the Vice President, Members of the Senate, and all the Members of the House of Representatives, including myself.

As the editorial so ably suggests, why can we not hold our emotional fire for the next 2 months? By then the facts will either show the merit of the move into Cambodia or the lack of it. Then will be time enough to talk about reprisals in the up coming elections.

I commend the distinguished editorial writer, George Scruton of the Sedalia Democrat, for the thought at the conclusion of his editorial when he says:

Accentuating our passion for criticism in times of critical decisions only bolsters the Communists' solidarity.

The editorial follows:

(By George Scruton)

TIME TO KEEP IT COOL

If public reaction will become so adverse to President Nixon's policy to eliminate the Communist sanctuary in Cambodia, we can't understand the reason for all the wailing and weeping of the Democratic Congressmen in Washington.

If the President has made a mistake, the Democrats will be in political clover this fall, a potential development that alarms a Republican Senator, George Aiken of Vermont, and others.

This political consequence was evaluated by the President before his decision to have the Communist key control center wiped out. He chose to risk it and rise above self-interest and political considerations, even if it meant to him serving only one term as President.

An initial reaction came from Edmund Muskie, Democrat Senator from Maine. He said he was terribly disturbed and concerned about Mr. Nixon's remarks, adding that "the President has decided to seek a military method of ending this war rather than a negotiated method."

That's about as asinine a remark as any that have surfaced during the initial period of overemotionalism expressed by political bigwigs.

The negotiating method with the Communists, as Senator Muskie well knows, is about as fruitful as a frost-bitten apple tree. The U.S. has been negotiating Vietnam peace in Paris for several years to no purpose except to hold expensive ludicrous sessions. In Korea the same silly so-called peace dialogues have been going on so long the participants could have grown beards longer than Rip Van Winkle's.

Negotiation! Fiddlesticks, Mr. Muskie.

The most level-headed comment has come from Hugh Scott, Pennsylvania, Senate Republican leader: "There has never been a time when it is more important to hold one's emotional fire and to trust the President who alone has all the facts."

Why don't we leave it at that for the next two months and give the President a chance to either prove his astuteness or lack of it. There will be time enough, then, for preparing any political reprisals in the upcoming elections if this appears to be necessary.

Accentuating our passion for criticism of the nation's leader in times of critical decisions only bolsters the Communists' solidarity.

Won't we ever learn not to play into their hands?

VOLUNTEER FIREMEN

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, as one of the cosponsors of House Joint Resolution 1175, I wish to express my appreciation to the House of Representatives which recently passed legislation authorizing the President to designate the week of September 19–26, 1970, as National Volunteer Fireman's Week.

In my judgment, the volunteer fireman is one of the most necessary public servants. Benjamin Franklin founded the first volunteer fire department in Philadelphia in 1736. Out of the 24,000 fire departments in existence today, 22,000 depend on the services of volunteers. There are 1 million volunteer firemen as opposed to 200,000 who are full-time firemen. These brave men, who willingly risk their lives in the public interest, have for too long not been accorded the recognition they so rightfully deserve. It is my sincere hope that this action by the Congress will rectify that oversight.

At a time when volunteering has about gone out of fashion, these individuals are all the more deserving of our acclaim. It is sometimes thought that the local volunteer fire department consists of men whose chief function it is to play checkers at the firehouse and to parade on Memorial Day. In actuality, these men come from all walks of life—salesmen, lawyers, carpenters, shopkeepers, office workers, engineers—men who uncomplainingly roll out of bed in the middle of the night. Without volunteer firemen, it is inconceivable that we could have cut the Nation's fire loss per $100 of combustible property from $2.10 at the beginning of the century to 59 cents in 1967.

This, then, is the true account of our amateur elite, the men who sacrifice their time, and sometimes their lives, in the unending battle against fire. When a volunteer fireman is asked why he gives up hours of paid working time to handle

brush fires or gets up on a freezing night to walk into a blazing inferno, his reply will most often be "because somebody has to." That may be as close as a volunteer fireman will come to baring his soul.

When five volunteer firemen were killed recently in a fire near Ridgefield, N.J., the Reverend William Henzlik wrote in a letter of condolence:

> When men give themselves, even to their lifeblood, to protect others, they are in the deepest sense acting out, rather than talking about, the Christian command to be their brother's keeper.

Mr. Speaker, I am personally very aware of the contribution of the volunteer fireman since much of the fire protection in my district is provided by these dedicated men. They personify the call for direct involvement in community affairs by volunteers. I urge the Senate to concur with the action of the House in the very near future.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest producer of kerosene. In 1966 the United States produced 12,987,000 metric tons of kerosene compared to 5,126,000 metric tons produced by Japan, the second-ranked nation.

REASON—NOT REFLEX

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, with the increasing intensity of demonstrations being evidenced on our college campuses, I would like to address myself this afternoon to this very serious problem and to appeal to the students of our Nation's universities to practice reason, not reflex. If there is to be meaningful dialog, there has to be a meaningful effort on the part of all concerned to foster an atmosphere in which such exchange can take place.

Bricks and bats are the arms of anarchists, suppression and repression the tools of totalitarians. Both are repulsive and abhorrent to common understanding. The challenge of chaos only courts counter challenge. Neither serves the ends desired.

I urge all involved in the campus disorders to reflect on their actions and to pursue a purposeful path of nonviolent dissent.

If the educational community is going to significantly contribute to the correction of our society's problems, it can only do so in an environment of reason and responsibility. Our schools and universities are the very foundation of our freedoms and the hope for tomorrow. The violence to undermine these cherished institutions serves no one.

CRAMER INTRODUCES BILL TO REQUIRE CORPS OF ENGINEERS TO PRESERVE ENVIRONMENT

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, I am introducing a bill today to require the Corps of Engineers to protect the environment in all public works projects.

As senior Republican on the House Public Works Committee, I am particularly concerned about Florida's $200 million cross-State barge canal which conservationists charge will do irreparable damage to the environment if allowed to continue. The project may be held up pending studies by the Department of Interior.

If Interior recommends measures that will protect and enhance the environment, the Corps of Engineers does not have the authority to make the necessary expenditures to carry out the recommendations. My bill would give the corps the spending authority to preserve our natural resources from damage in any projects.

My bill would require the corps to help preserve the environment. The corps has come under heavy fire in recent years for carrying out public works projects with apparent disregard to the impact on the surrounding environment.

At a recent Public Works hearing, I told corps officials: "Like it or not, conservation is here and you're going to have to deal with it."

My amendment to the Fish and Wildlife Coordination Act would allow the corps to deny a permit for dredging, filling or similar projects if Interior or other departments feel the work would damage fish and wildlife resources. The corps now lacks authority to deny a permit solely on the basis of damage to natural resources.

My latest proposal could affect all new projects and modifications of existing projects, such as the cross-State barge canal.

I believe, that if the canal is going to be completed, it should be built in a way that will protect and even enhance the environment. I realize my bill will add to the cost of this and other projects, but I can think of no better investment than to preserve our natural resources for our children and our children's children to enjoy.

Under the new measure, the cost of protecting and preserving the environment would be programed into the total cost of all corps projects so that the Interior environmental control recommendations can be carried out.

This bill dovetails with the Nixon administration's determination to preserve America's great natural resources, and eliminate air and water pollution throughout the Nation.

The struggle to preserve our environment involves all Americans, including the Federal Government and the Corps of Engineers.

The text of my bill follows:

H.R. 17661

A bill to require the Secretary of the Army to consider environmental benefits and their costs in making certain determinations with respect to water resources development projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army acting through the Chief of Engineers and the head of any other Federal department, agency, or instrumentality, determining the benefits and the costs of any new or modification of existing water resources development project in accordance with section 1 of the Act of June 22, 1936, 49 Stat. 1570, 33 U.S.C. 701a, or in accordance with any other provision of law requiring such determination, shall take into consideration in making such determination all of the benefits including, but not limited to, those benefits that may accrue by prevention of the degradation of the environment or the ecology as well as those benefits that may accrue from the enhancement of the environment or ecology, and shall also take into consideration the estimated costs of obtaining such benefits.

CRAMER SEEKS TO PROTECT STUDENT RIGHTS

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, in light of the recent disorders and tragic deaths on some of the college campuses of America, I feel it is long past time for serious consideration of the Student Antiviolence Act of 1969 (H.R. 13261).

Introduced on July 31, 1969, by myself and 16 of my colleagues, this legislation would protect the rights of the vast majority, the law-abiding students, to an education without fear of violence or intimidation. It would do much to restore peace to our troubled campuses by putting the revolutionary leaders out of business.

Specifically, the Student Antiviolence Act would allow the serious student who finds himself barred from his classroom to appeal to the Attorney General's Office for an injunction.

America's law-abiding, hard-working, and responsible citizens have been termed the "silent majority." Now we must recognize the silent student who asks only for a meaningful education without fear of violence or disruption.

In my home State of Florida, I am proud to note, two law students were able to force restoration of classes at the University of Miami by appealing to the State courts. The Student Antiviolence Act would provide a further avenue for legal recourse.

The militant minority seeks to gain its ends not by reason and persuasion but by mob rule and violence. They cannot be allowed to succeed. The law-abiding majority of American students must be provided with a legal shield to protect them from violence and intimidation.

This bill would amend the 1968 Civil Rights Act which protects from violence

those seeking to exercise their civil rights. The Student Antiviolence Act would assure the civil rights of students to a meaningful education.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLYNT (at the request of Mr. RODINO), for today, on account of official business.

Mr. PEPPER (at the request of Mr. RODINO), for today, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. BLANTON), for today, on account of official business.

Mr. PATTEN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mrs. HECKLER of Massachusetts), to revise and extend their remarks and to include extraneous matter to:)

Mr. POFF, today, for 10 minutes.

Mr. HOSMER, today, for 10 minutes.

Mr. CONTE, today, for 10 minutes.

Mr. RHODES, today, for 10 minutes.

(The following Members (at the request of Mr. O'NEAL of Georgia) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances and to include extraneous matter.

Mr. ICHORD and to include extraneous matter.

Mr. SHRIVER immediately following the reading of the Journal.

Mr. ROGERS of Colorado (at the request of Mr. CELLER) in the body of the RECORD.

Mr. RANDALL and to include extraneous matter.

(The following Members (at the request of Mrs. HECKLER of Massachusetts) and to include extraneous matter:)

Mr. CONTE.

Mr. WYATT.

Mr. HOGAN.

Mr. HALPERN.

Mr. SCHWENGEL.

Mr. BRAY in three instances.

Mr. LANGEN.

Mr. CEDERBERG.

Mr. STEIGER of Wisconsin in two instances.

Mr. DUNCAN in two instances.

Mr. BLACKBURN in two instances.

Mr. GUDE.

Mr. RHODES.

Mr. SCHERLE.

Mr. CARTER.

Mr. ANDERSON of Illinois in two instances.

Mr. FOREMAN in three instances.

Mr. WYMAN in two instances.

Mr. HAMMERSCHMIDT in two instances.

Mr. DON H. CLAUSEN in three instances.

Mr. MICHEL.

Mr. NELSEN in three instances.

Mr. CUNNINGHAM in three instances.

Mr. ROBISON.

Mr. STANTON.

Mr. QUIE in two instances.

Mr. DEL CLAWSON.

Mr. DERWINSKI in three instances.

Mr. SCOTT.

Mr. COLLIER.

Mr. BROCK in two instances.

(The following Members (at the request of Mr. O'NEAL of Georgia) and to include extraneous matter:)

Mr. JACOBS.

Mr. LONG of Maryland.

Mr. MATSUNAGA in two instances.

Mr. RARICK in three instances.

Mr. OBEY in 12 instances.

Mr. EVINS of Tennessee in three instances.

Mr. EDWARDS of California in three instances.

Mr. DANIEL of Virginia.

Mr. RODINO.

Mr. GONZALEZ in two instances.

Mr. GRIFFIN.

Mr. FRASER in eight instances.

Mr. FRIEDEL in two instances.

Mr. FISHER in four instances.

Mr. HATHAWAY in two instances.

Mr. DINGELL in two instances.

Mr. FALLON in two instances.

Mr. CAREY in two instances.

Mr. BURKE of Massachusetts.

Mr. FOUNTAIN.

Mr. KLUCZYNSKI.

Mr. ZABLOCKI in two instances.

Mr. WRIGHT in two instances.

Mr. HAGAN in two instances.

Mr. ALEXANDER.

Mr. TIERNAN.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; to the Committee on Interior and Insular Affairs.

S. 786. An act 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; to the Committee on Interior and Insular Affairs.

S. 886. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.; to the Committee on Interior and Insular Affairs.

S. 3102. An act 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; to the Committee on Merchant Marine and Fisheries.

S. 3337. An act 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; to the Committee on Interior and Insular Affairs.

S. 3387. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders; to the Committee on the Judiciary.

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes; and

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.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on May 15, 1970, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 14465. 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. Making further continuing appropriations for the fiscal year 1970, and for other purposes.

ADJOURNMENT

Mr. O'NEAL of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 19, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2061. A letter from the Assistant Secretary of State for Congressional Relations; transmitting copies of a Presidential determination authorizing military grant assistance to an economically developed

country, pursuant to the provisions of section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2062. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement for quadrennial physical examinations for members of the Fleet Reserve and Fleet Marine Corps Reserve; to the Committee on Armed Services.

2063. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion in docket No. 158, *the Sac and Fox Tribe of Indians of Oklahoma, et al.*, docket No. 209, *the Iowa Tribe of the Iowa reservation of Kansas and Nebraska, et. al.*, docket No. 231, *the Sac and Fox Tribe of Indians of Oklahoma, et al., consolidated, plaintiffs vs. the United States of America, defendant*, pursuant to the provisions of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

2064. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to include certain officers and employees of the General Services Administration within the provisions of the United States Code relating to assaults upon, and homicides of, certain officers and employees of the United States as constituting a crime; to the Committee on the Judiciary.

2065. A letter from the Commissoner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classifications, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted May 15, 1970*]

Mr. FALLON: Committee on Public Works. H.R. 15712. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971 (Rept. No. 91–1097). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 17604. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 91–1098). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 18, 1970*]

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 12860. A bill to establish the Ford's Theatre National Historical Site, and for other purposes (Rept. No. 91–1099). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1021. Resolution for consideration of House Joint Resolution 1117, joint resolution to establish a Joint Committee on Environment and Technology. (Rept. No. 91–1100). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1022. Waiving points of order against H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes (Rept. No. 91–1101). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 6049. A bill to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States; with an amendment (Rept. No. 91–1102). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 9183. A bill to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation; with an amendment (Rept. No. 91–1103). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY (for himself and Mr. REIFEL):

H.R. 17653. A bill to amend section 122 of title 28 of the United States Code to transfer certain counties to the central division of the judicial district of South Dakota; to the Committee on the Judiciary.

By Mr. COLMER (for himself, Mr. SISK, Mr. BOLLING, Mr. YOUNG, Mr. SMITH of California, Mr. LATTA, Mr. MADDEN, Mr. DELANEY, Mr. O'NEILL of Massachusetts, Mr. PEPPER, Mr. MATSUNAGA, Mr. ANDERSON of Tennessee, Mr. ANDERSON of Illinois, Mr. MARTIN, and Mr. QUILLEN):

H.R. 17654. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. BIAGGI:

H.R. 17655. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, to provide for the determination of insured status and average monthly wage on the same basis for men as for women, to equalize eligibility requirements for wife's husband's, widow's, and widower's benefits, and to provide benefits for dependent parents of individuals entitled to old-age or disability benefits; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 17656. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. BLANTON (for himself and Mr. Moss):

H.R. 17657. A bill to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNES of Wisconsin:

H.R. 17658. A bill to provide floor stock refunds in the case of cement mixers; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 17659. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

H.R. 17660. A bill to establish a commission to study and recommend a set of laws governing the usage, customs, and laws relating to the flag of the United States; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 17661. A bill to require the Secretary of the Army to consider environmental benefits and their costs in making certain determinations with respect to water resources development projects; to the Committee on Public Works.

By Mr. DADDARIO:

H.R. 17662. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H.R. 17663. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. FULTON of Tennessee:

H.R. 17664. A bill to provide for orderly trade in glycine; to the Committee on Ways and Means.

H.R. 17665. A bill to create a special tariff provision for imported glycine and related products; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 17666. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUDE:

H.R. 17667. A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes; to the Committee on the District of Columbia.

By Mr. HELSTOSKI:

H.R. 17668. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 17669. A bill to direct the Secretary of Commerce to determine whether or not commercial shortages of hardwood logs exist, and to prohibit the export of logs found to be in short supply; to the Committee on Interstate and Foreign Commerce.

H.R. 17670. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGEN:

H.R. 17671. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 17672. A bill to amend the Antidumping Act, 1921, as amended; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 17673. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

H.R. 17674. A bill to provide for a Pacific Medical Center in Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 17675. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 17676. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 17677. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 17678. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 17679. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. PATMAN (for himself and Mr. PODELL):

H.R. 17680. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 17681. A bill to extend for 5 additional years the authorization for programs under the Elementary and Secondary Education Act of 1965, and related programs; to the Committee on Education and Labor.

By Mr. POLLOCK:

H.R. 17682. A bill directing the Secretary of the Army to review certain reports concerning the improvement of waterborne commerce in the southcentral region of Alaska and to report to Congress thereon; to the Committee on Public Works.

H.R. 17683. A bill directing the Secretary of the Army to review certain reports concerning Cook Inlet and its tributaries in Alaska and to report to Congress thereon; to the Committee on Public Works.

By Mr. RODINO:

H.R. 17684. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 17685. A bill for the relief of certain cities and towns in Iowa and the State of Iowa; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. ADDABBO, Mr. DADDARIO, Mr. MOORHEAD, Mr. OTTINGER, Mr. PODELL, and Mr. RYAN):

H.R. 17686. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

By Mr. CARTER:

H.J. Res. 1236. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on Judiciary.

By Mr. HANLEY:

H. Con. Res. 619. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania (for himself, and Mr. JOHNSON of Pennsylvania):

H. Con. Res. 620. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. POLLOCK:

H. Con. Res. 621. Concurrent resolution expressing the sense of Congress regarding the conflict in Southeast Asia and the exercise of constitutional authority in matters affecting grave national decisions of war and peace; to the Committee on Rules.

By Mr. WILLIAM D. FORD:

H. Res. 1023. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. FRIEDEL, and Mr. CHARLES H. WILSON):

H. Res. 1024. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. FRASER, and Mr. MATSUNAGA):

H. Res. 1025. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Res. 1026. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. SCHERLE:

H. Res. 1027. A resolution providing for the reference of the bill (H.R. 17685) to the Court of Claims; to the Committee on the Judiciary.

By Mr. WIDNALL:

H. Res. 1028. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17687. A bill for the relief of Mrs. Concepcion Garcia Balauro; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17688. A bill for the relief of Richard W. Yantis; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 17689. A bill for the relief of Lester H. Sherman; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17690. A bill to authorize the Secretary of Commerce to sell the MV *Chestatee;* to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMPSON of Georgia:

H.R. 17691. A bill for the relief of Mohammad Ghazi, doctor of medicine; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

382. By the SPEAKER: A memorial of the Legislature of the State of California, relative to Federal participation in feasibility level studies for the Salton Sea; to the Committee on Appropriations.

383. Also, a memorial of the Legislature of the State of New York, relative to increasing the hourly minimum wage; to the Committee on Education and Labor.

384. Also, a memorial of the Legislature of the State of Florida, relative to American prisoners of war held captive by North Vietnam; to the Committee on Foreign Affairs.

385. Also, a memorial of the Legislature of the State of Hawaii, relative to U.S. activities in Laos; to the Committee on Foreign Affairs.

386. Also, a memorial of the Legislature of the State of Hawaii, relative to a proposed amendment to the Constitution of the United States to preserve the reciprocal immunities of tax exemption; to the Committee on the Judiciary.

387. Also, a memorial of the Legislature of the State of Alaska, relative to the imminent invasion of North Pacific salmon fisheries by South Korea; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

482. By Mr. BROWN of California. Petition of faculty, students, and staff of the University of California, Riverside, relative to American military policy in Southeast Asia; to the Committee on Foreign Affairs.

483. Also, petition of National Committee for Responsible Representation, Cornell University, Ithaca, N.Y., relative to conduct of the President and military policy in Southeast Asia; to the Committee on Judiciary.

484. By the SPEAKER: Petition of the Senate of the Academic Council of Stanford University, Stanford, Calif., relative to the war in Indochina; to the Committee on Foreign Affairs.

485. Also, petition of Henry Stoner, York, Pa., relative to declaring a National Day of Mourning; to the Committee on the Judiciary.

486. Also, petition of the City Commission, Fort Lauderdale, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

SENATE—*Monday, May 18, 1970*

The Senate met at 12 o'clock noon 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:

Our Father God, from whom all thoughts of truth and peace proceed, all the ways of our need lead us to Thee. We are grateful for this reverent pause amid the stresses and strains of our daily duties when we open our hearts and minds to the invasion of Thy spirit. Wilt Thou monitor our thoughts and actions this day. Make us instruments for doing Thy will, overruling our fallible judgments and using our best efforts for the shaping of a new world. Give us the vision, the wisdom, and the courage that will make for both justice and lasting peace, through Him in whose will is our peace. 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 of the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 18, 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.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 12, 1970, the President had approved and signed the following acts:

S. 1193. An act to authorize the Secretary of the Interior to prevent termination of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely; and

S. 3544. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) 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.)

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 15, 1970, Mr. MAGNUSON, from the Committee on Commerce, reported favorably, with amendments, on May 18, 1970, the bill (S. 3074) to provide minimum standards for guarantees covering consumer products which have electrical, mechanical, or thermal components, and for other purposes, and submitted a report (No. 91-876) thereon, together with the individual views of the Senator from New Hampshire (Mr. COTTON), which report was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 15, 1970, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m., tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 40 minutes.

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

ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, following the speech of the distinguished Senator from New York (Mr. JAVITS), that the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 30 minutes.

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

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech of the distinguished Senator from Georgia (Mr. TALMADGE), the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 1 hour.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE OF WISCONSIN AT CONCLUSION OF MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of morning business, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 30 minutes. I make this request because I understand the speech will be germane to the bill under discussion.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

CALIFORNIA DEBRIS COMMISSION

The bill clerk read the nomination of Brig. Gen. Frank A. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

MARINE CAPT. GERALD H. SAMPSON, USMCR, POSTHUMOUSLY AWARDED THE NAVY CROSS

Mr. SCOTT. Mr. President, I am advised by Brig. Gen. Fred Haynes, U.S. Marine Corps, that Marine Capt. Gerald H. Sampson, USMCR, has been posthumously awarded our Nation's second highest award for gallantry in combat action—the Navy Cross.

There is a shared, dear place in the hearts of all who are of good will for those who are lost in battle. Such men of courage have kept our country strong and free. Today, more than ever, I feel it is incumbent upon us to pay tribute to these brave men and, in particular, to Captain Sampson who now joins the ranks of America's heroes where his name and memory will remain forever.

As we extend our deep sympathy to his mother, Mrs. Celia A. Thomas of 639 Cemetery Street, Williamsport, Pa., I ask unanimous consent that the official citation describing the circumstances of Captain Sampson's award be printed in the RECORD.

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

THE SECRETARY OF THE NAVY,
Washington.

The President of the United States takes pride in presenting the Navy Cross posthumously to Captain Gerald H. Sampson, United States Marine Corps Reserve for service as set forth in the following citation:

For extraordinary heroism while serving as

Commanding Officer of Company B, First Battalion, Third Marines, Third Marine Division in connection with combat operations against the enemy in the Republic of Vietnam. In the early morning hours of 28 August 1969, Company B, occupying a night defensive position deep in hostile territory northwest of Cam Lo, was assaulted by a large North Vietnamese Army force employing automatic weapons and rocket-propelled grenades. In the initial onslaught, the second platoon commander was wounded and his sector of the perimeter was in grave danger of being breached by the enemy. With complete disregard for his own safety, Captain Sampson moved across the fire-swept terrain to the point of heaviest contact, rallied the beleaguered Marines, and began to direct their fire against the advancing North Vietnamese. During the fierce fire fight, he continually moved from one fighting position to another, instructing and encouraging his men and ensuring that the wounded received immediate treatment. While maneuvering across an exposed area on the foremost edge of the perimeter, Captain Sampson was mortally wounded by enemy fire. His unflagging determination and bold fighting spirit inspired his men to heroic efforts and were instrumental in turning a critical situation into an overwhelming Marine victory. By his leadership, extraordinary courage and selfless devotion to duty, Captain Sampson upheld the highest traditions of the Marine Corps and of the United States Naval Service.

For the President,
V. W. WARNER,
Acting Secretary of the Navy.

ALL AMERICANS SHOULD EXPRESS THEMSELVES IN ACTIVE POLITICAL TERMS

Mr. AIKEN. Mr. President, since the Cambodian invasion, I have received thousands of letters, telegrams, and names on petitions as well as personal visits from several hundred young people.

While these efforts do carry an influence, the effect is small compared to what it would be if all of those who are concerned would express themselves in active political terms.

The decisions affecting the security and welfare of our people are largely the result not only of elections but also of caucuses and conventions.

In Vermont, and I believe in most States, party committees are elected and party policies adopted, not by the majority of the people but by the few who attend their local caucuses and the delegates selected by those few to attend the State conventions. In some instances, not over 2 percent of the eligible voters make the decisions which may mean life or death, affluence or poverty, for the great majority who do not attend.

I urge these young people—and older ones too—to qualify themselves as voting members of their party, and make sure that others they know do the same and, by all means, attend their party caucuses, elect good members to their local committees, and send proper delegates to the State conventions and insist upon policies which concern all the people.

It is also important that all qualified voters of every age are registered for both primary and regular elections, that absentee voters receive ballots, and to get everyone to the polls.

If all those who sign petitions or write letters to Members of Congress will pitch in and help do the work which presently is left to a few dedicated people of both parties, they will then have little cause for complaint—and our country will be the better for it.

DEATH OF CLIFFORD HOPE

Mr. DOLE. Mr. President, it is with deep sorrow that I inform my colleagues of the death of a great American, the Honorable Clifford Hope.

Mr. Hope will be remembered by many Members of the House and Senate for his impressive legislative record in the field of agriculture during his 30 years as a Member of the House of Representatives. Mr. Hope was chairman of the House Committee on Agriculture in the 83d Congress.

Cliff, as he was affectionately known to hundreds of Kansans and citizens of other States, was responsible for landmark legislation in the areas of agriculture and conservation. He will long be remembered for his quiet, unassuming manner, and his tolerance for colleagues' opposing views.

His dedication to the economic betterment of farmers gained him the reputation of congressional champion of the small farmer.

Recognizing his knowledge of agriculture, President Eisenhower appointed him one of his chief campaign advisers on farm policy.

Cliff was largely responsible for the Soil Conservation Act of 1935 and the Farm Credit Act of 1953.

Since his retirement from Congress in 1956, Mr. Hope continued an active interest in agriculture, particularly in promotion of greater uses of wheat at home and abroad.

He had taken a leading role in community betterment projects and maintained his strong interest in the political affairs of our State and Nation.

I speak for all who knew this fine and good man when I say that his death is a tragic loss for our country, for he enriched the lives of so many of his countrymen.

Our heartfelt sympathy goes out to his children and grandchildren who survive him.

Mr. AIKEN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I join the Senator from Kansas in expressing his testimonial for Clifford Hope.

It was my privilege to be chairman of the Senate Committee on Agriculture and Forestry at the time Clifford Hope was chairman of the House Agriculture Committee. We cooperated and collaborated on a good many pieces of worthwhile agricultural legislation.

Clifford Hope was always looking out for the interests of the farm people.

The debt the farmers of America owe to Clifford Hope will probably never be fully repaid.

Mr. MANSFIELD. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. I, too, wish to join in the remarks of the distinguished Senator from Kansas and the distinguished Senator from Vermont on the passing of Clifford Hope.

The distinguished minority leader is in the Chamber. Both of us had the privilege of serving with Clifford Hope in the House. He was a real gentleman. I mean that in the finest sense of the word.

He was an agriculturalist through and through. He was vitally concerned when it came to matters affecting the price of wheat primarily, and small grains incidentally.

Many of us on both sides of the aisle sought Cliff's advice and assistance. He contributed immensely to the agricultural segment of the economy.

Cliff Hope was a fine man and a gentleman. We shall miss him.

I join the distinguished Senator from Kansas in expressing my sympathy to his family.

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

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

Mr. DOLE. I yield.

Mr. SCOTT. Mr. President, I served with Cliff Hope in the House of Representatives. I knew him well.

I admired him. He was indeed a quiet man, who had the confidence of all his colleagues. He served as chairman of the Republican Conference at one time.

On one occasion some years ago, I went to Garden City, Kans., to a very large meeting to pay tribute to Cliff Hope's services to Kansas and to the Nation.

We admired him very much. I have had the pleasure of knowing members of his family as well. We do indeed all join in expressing our great sorrow at his passing and ask that our condolences be extended to members of the family.

BRAZIL

Mr. KENNEDY. Mr. President, denial of dissent, abrogation of political rights, and the purging of the intellectual community have characterized repressive regimes throughout history. The recent purge of 10 respected scientists from the Oswaldo Cruz Institute in Rio de Janeiro is another indication of the path chosen by the Brazilian military government.

It is distressing to friends of the Brazilian people that Brazil's traditional spirit of accommodation and political civility has been discarded by its current leaders. Reports of official terrorism and torture are mixed with incidents of violence committed by opponents of the regime who are denied access to legitimate political channels.

The attached articles highlight the ugliest aspects of a regime that we continue to support both militarily and economically, a regime that mocks the democratic principles proclaimed in the Alliance for Progress.

Mr. President, the United States must reexamine our support of this regime and ask whether our actions, including our maintenance in Brazil of our largest Latin American military mission, can produce anything other than a deepening

dismay here at home at the gap between our policies and our ideals.

We now face a deep crisis in the spirit of the American people because of our support of an unpopular government in an unjust cause in Vietnam. Our unquestioning endorsement of a government that accepts torture of political prisoners can only exacerbate this crisis.

I ask unanimous consent to have printed in the RECORD the article by Colman McCarthy which appeared in the Washington Post, on May 4, 1970, and the article by Leonard Greenwood which appeared in the Washington Post on May 12, 1970.

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

THE BRAZILIAN CHURCH MAY BE CHRISTIAN AFTER ALL

(By Colman McCarthy)

No doubt exists any longer that the military men running Brazil are stylists in torture, violence and hounding. Too many reports from reliable witnesses have appeared in the North American and European press for anyone to think that the current oppression is merely a lapse in taste by Gen. Emilio Medici and his six-year-old government. The aim of the torture, backed by the same kind of secret police tactics used in Germany, Spain, Portugal and Italy in an earlier era and in Greece, Haiti, South Africa and Rhodesia today, is to keep the oppositon silent, afraid and in view.

The students, journalists, professors, labor organizers, social workers, priests and others who are among the potential targets of torture in Brazil have been put in a strained stance. Do they resist by fighting violence with counter-violence? Or do they hold out and work for the peaceful revolution that their country, crushed by poverty, disease and illiteracy, desperately needs?

Large numbers are now joining both groups. But many who go for the second do so because much of the leadership in the Catholic Church is both vocal and risk-taking in opposing the military dictators. "Surprisingly, "writes Prof. Ralph Della Cava of Queen's College, N.Y., in last week's Commonweal, "the Brazilian Catholic Church, once a mainstay of the status quo, has emerged for a variety of reasons as the only national institution that remains capable of defending the principles of freedom, justice and social change in the face of government repression."

The church in Brazil, as elsewhere in Latin America, has long been a sleeping partner of the rich and the military. Officially, it passed out the sacraments and rites, a coin-machine operation from which blessings dropped like candies on which the poor were meant to suck for comfort, not thirst for change. Unofficially, it was the chaplain church, blessing the landowners who virtually enslaved the poor by forcing many of them to live on less than $350 a year. The self-cowed clergy dared not defy the army or the rich, fearing economic pressures on religious hospitals, schools and parishes.

A few years ago, from northeast Brazil, a small, slim man with a strong clear mind spoke out quickly to become a Martin Luther King figure to the Brazilian social movement. Since then, Archbishop Helder Camara has been rattling the generals, exposing the rich, but perhaps most important, making it clear to the poor that they have a right to something better and there is a way to get it. Last October 2, the centennial of Gandhi, Camara outlined the theme of his movement called Action, Justice and Peace. "Many Latin American governments, perhaps without realizing and without caring, are preparing an explosion worse than the nuclear bombs, worse than the H-bomb: it is the M-bomb, the bomb of misery. (This explosion) is prepared by those who cower before the powerful and the privileged and make a show of elaborate reforms and ways to execute them, but who afterward leave the situation as it is to see if it won't take care of itself."

In calling for non-violent, structural reforms in Brazil, Camara is labeled a Communist by the right, a standard dismissal of anyone who fights a little too hard for the poor. From the far left, Camara gets it also, because he insists on non-violence. He is firm about the latter, not just from his pacifism, but also practicality. "If there was a movement of violence here, Brazil would be crushed immediately, either by the United States . . . or by the USSR. To change one for the other of those two powers would all be the same, as neither of the two serve for Brazilians."

Lumping together America and Russia is not Camara's exclusive idea. In October 1968, the moderate newspaper, *Jornal do Brazil*, expressed what observers say is a widespread sentiment: "Russians and North Americans proceed as if they were invaders from Mars. They are of another race, another civilization. This planet is a colony which they exploit shamelessly and whose inhabitants—us—as the inferior beings that we are, can continue dying of hunger in our sun-baked and noisy craters."

Gen. Medici and his terrorists know better than to jail, torture or otherwise silence Camara. He is too well known internationally and too revered locally. But the government moves in on less prominent clergy. Last December, a military court indicted the bishop of Volta Redonda on charges of "subversion." Fifteen of his priests were also brought up on charges. Their trial, like the bishop's is pending, with no date set. Other priests have been imprisoned and tortured, as well as many nuns and laymen. Forcefully, one bishop, Joao Costa, recently denounced the government's treatment of political prisoners: The latter "have been violently beaten and tortured. I am making this denunciation so that there shall be eliminated once and for all from all investigations, those procedures which dishonor all those who practice them and render the process of justice suspect."

All of this puts the Vatican on the spot. It has 245 bishops in what is the world's most Catholic country—at least nominally Catholic, which means making Mass perhaps twice a year. The Pope, who has received a report called "Terror and Torture in Brazil," knows he cannot play it safe much longer—or as Pius XII did during Hitler's Germany, play it silent! The Vatican naturally supports non-violent reform. But preached from across an ocean, this stance risks becoming an accomplice to the current economic and political structures that also do violence—not by bullets or thumbscrews, perhaps, but by keeping the poor in their poverty through unjust laws or by letting greedy land-owners continue to hoard the land. Many in the Third World are beginning to believe that this kind of violence is infinitely more criminal than the war games played by Che-style guerrillas.

The Brazilian generals, like the Greek colonels, are touchy about their image in the United States and work hard to keep it polished; this is where the massive foreign aid and private investment capital comes from, with bad days to come were the well to run dry.

But the U.S. should be less of a worry to the Brazilian government than the Church. American businessmen will not likely pull back their money and investments so long as the generals say they are devoted to "stopping communism." The Church—or at least that part of it exemplified by Helder Camara and a growing number of bishops and thousands of clergy and laymen—sees through the big talk about anti-communism. That is not the real battle. "When will we be able to show everybody," said Camara last fall, "that the number one problem is not the clash between East and West, but between North and South—that is, between the developed world and the underdeveloped world? When will we be able to help everybody understand that *misery* is the enslaver, the assassin par excellence and that it is the war against misery which should be the number one and only war upon which we must focus our energy and resources?"

Camara doesn't know the answer to his questions. But he does know his country seethes with the poor and the hungry who demand answers soon. Christianity, which has solved the problems of the next world, seems ready, at least in Brazil, to begin solving some of the problems of this world.

NEW BRAZIL PURGE HITS 10 SCIENTISTS

(By Leonard Greenwood)

RIO DE JANEIRO—Brazil's small scientific community is reeling from its second political purge in a year.

Ten scientists, including several known internationally, have been fired from the Oswaldo Cruz Institute here and stripped of their political rights.

A government spokesman said the decision had been made by President Emilio Garrastazu Medici after "careful investigation" has shown the scientists to be "agents of subversion and enemies of the regime."

The withdrawal of their political rights makes it virtually impossible for them to continue scientific work in Brazil. Anyone who loses his rights is forbidden to work for any government-supported organization and there are almost no private laboratories.

Less than a year ago, between 60 and 70 scientists were fired from research, technical and teaching posts and some also lost their political rights.

In Brazil, which has a scientific community of only about 5,000 in a population of 94 million, the effects of last year's purge was psychologically staggering.

"People were just beginning to settle down again after that when this latest blow fell," one Brazilian scientist said "All the old fears have been awakened again. People are saying there are more lists. God knows who'll be next."

The director of the Cruz Institute, Guilherme Lacorte, is reluctant to discuss the case, which he describes as "one of those things tha+ happens." He says only that the departure of the 10 men need not affect the working of the institute.

The victims, who are in an extremely vulnerable situation with accusations of subversion hanging over them, refuse to meet reporters.

The men were reported to be carrying out work on many diseases. The institute, founded at the beginning of the century, has made important contributions to world medicine, especially in the field of yellow fever.

Brazilian scientists say it is difficult to see how any of them could be accused of subversion. None was working on a job even remotely connected with national security.

As is the case with most of Brazil's scientific community, all 10 are known to have liberal ideas about society. "You'd have to stretch imagination a long way to see them as Communists," one eminent Brazilian scientist said.

Other scientists ridicule Lacorte's statement. They say the 10 men were key figures in a small team of high-level researchers at Cruz. Without them, they add, some departments, including physiology and entymology, may have to close, the scientific standing of the institute will be damaged and Brazilian research in certain fields will be retarded.

THE NOMINATION OF TWO WOMEN GENERALS

Mr. STENNIS. Mr. President, I wish to express my gratification in the fact that on Friday afternoon, the President of the United States nominated for promotion to brigadier general two women who are members of the Army's professional officer corps.

They are Col. Elizabeth P. Hoisington, director of the Women's Army Corps, and Col. Anna Mae Hays, Chief of the Army Nurse Corps. These two fine ladies, when confirmed and appointed, will be the first two women generals in the history of our country.

Mr. President, these nominations are well deserved recognition of professional competence and ability in positions of great responsibility and trust. They constitute not only a tribute to the abilities of the individuals concerned but to womankind as a whole. I think our citizens can take great pride in the fine record of the feminine components of the Armed Forces of our country. I am glad to see this pride manifested in these two nominations.

Both Colonel Hoisington and Colonel Hays have served in the Army since 1942. Colonel Hoisington served in Europe in World War II. Colonel Hays served in the China-Burma-India Theater in that war and in Korea and Japan during the Korean war. She represents the finest of examples of those admirable women who serve so faithfully as nurses to our wounded and sick. Both ladies hold well-earned decorations for their service in war and in peace.

Mr. President, I wish to congratulate these two ladies on their nomination, and to commend the Army for providing to their women members the opportunity to attain preeminent positions in their chosen professions. I am sure my colleagues will share my pleasure and pride in having the opportunity to confirm the nominations of these two fine officers.

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

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, not only is Colonel Hoisington one of the first women generals, but her brother served as a major general of the U.S. Air Force. So, for the first time we have a brother and sister team wearing stars.

I think this was a very fine choice.

Mr. STENNIS. Mr. President, I am sure that the brother is a very fine officer also. But this lady deserves commendation for her nomination.

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

Mr. STENNIS. I yield.

Mr. DOLE. Mr. President, I join the Senator in paying tribute to these two fine Army officers.

President Nixon has nominated two women Army officers to the rank of brigadier general. They are the first two women to be nominated to general, and I am proud to say that one, Col. Elizabeth P. Hoisington, Director of the Women's Army Corps, is a native of the State of Kansas.

I wish to extend congratulations to Colonel Hoisington on behalf of all Kansans. She has compiled a noteworthy record in the WAC's to date, and I am sure she will continue to bring honor and distinction to herself and the corps in her new rank.

I ask unanimous consent that an article from the May 15 Topeka Daily Capital describing Colonel Hoisington's promotion be printed in the RECORD at this point.

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

KANSAS WOMAN WILL BE GENERAL

WASHINGTON.—The Kansas-born director of the Women's Army Corps was nominated for promotion to the temporary rank of brigadier general Friday.

Col. Elizabeth P. Hoisington, 51, was born in Newton and later lived at Leavenworth, was nominated along with Col. Anna Mae Hays, 50, chief of the Army Nurse Corps, by President Nixon. They will become the first two women in the history of the U.S. armed forces to wear a star.

Col. Hoisington is the granddaughter of the late Col. Perry M. Hoisington who is known as the "father of the Kansas National Guard." Her father, the late Col. Gregory Hoisington, was also an Army officer.

After attending Immaculata High School in Leavenworth, Col. Hoisington was graduated from the College of Notre Dame of Maryland. She enlisted in the Army in 1942 and became director of the WAC in August 1966.

Her military career has included assignments in Europe and the Far East.

As director of the WAC, Col. Hoisington is principal adviser to the secretary of the Army and the chief of staff on all matters pertaining to some 10,000 members of the corps.

Col. Hays, born in Buffalo N.Y., also entered the Army in World War II, first serving in 1942 as an operating-room nurse. She became chief of the Army Nurse Corps in September 1967.

Neither of the women colonels said they regarded their promotion as a stroke for womankind.

"We've always gotten our due from the Army," said Col. Hoisington, who described herself as "an Army brat." Her father was a colonel and her three brothers all went to West Point.

"The Army is my first love," she said.

The WAC chief wears, among other decorations, the French Croix de Guerre with Silver Star, the Legion of Merit and the Bronze Star. She is single. Her official address is Santa Barbara, Calif.

Col. Hays, a widow, served in India during World War II.

TRIBUTE TO COMMAND SGT. MAJ. JAMES H. PALMER

Mr. STENNIS. Mr. President, I rise to honor and pay tribute to a brave and dedicated soldier from my home county of Kemper who has laid down his life for his country.

Command Sgt. Maj. James H. Palmer was a professional in every respect. He was a credit to the uniform he wore and, after more than 20 years of honorable and distinguished service to his country, he had risen to the very pinnacle of his chosen profession. He was a true patriot who believed strongly in the virtues upon which the greatness of this Nation is based. I am honored to have been a friend of the Palmer family, his forebears, who are respected and esteemed citizens.

On April 27, 1970, Sergeant Palmer made the supreme sacrifice when the helicopter in which he was riding was shot down by enemy gunfire. He was recently buried in the red hills of Kemper County where he was born.

An outstanding reporter and columnist, Mr. John Perkins, of the Meridian Star, has written a moving tribute to Sergeant Palmer, his love of his country, and his dedication to freedom and liberty. It tells the story better than I can and I ask unanimous consent that it be printed in the RECORD at this point.

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

SGT. J. H. PALMER COMES HOME TO KEMPER'S RED HILLS

(By John Perkins)

They buried James H. Palmer in the red hills of Kemper County . . . 8,000 miles from where he was killed fighting for his beloved country and the freedom for which it stands.

James H. Palmer was a command sergeant major in the United States Army, just about the top grade an enlisted man can achieve. He had a distinguished service record dating back over the past two decades.

But more important, James H. Palmer was a symbol of what this country stands for and believes in, at least what a majority stand for and believe in during these troubled times at home and abroad.

JAMES PALMER DIDN'T

James H. Palmer didn't run to Canada to dodge the draft.

He didn't curse the men in uniform, or deface the American Flag or advocate theories which would undermine the system of government or the society which has existed in the United States for nearly 200 years.

James H. Palmer didn't march with a mob in the street, throw rocks at National Guardsmen, live in the hippie underworld, abandon his family to the welfare roles or demand a "guaranteed annual income."

James H. Palmer didn't make national headlines or prime time on television—he wasn't making the type "news" the New York editors and broadcast executives want this day and time.

No, James H. Palmer did his duty as a soldier—and it cost him his life April 27 when the helicopter he was riding was shot down in action in South Vietnam.

JAMES PALMER DIED

He died so you and I can continue to enjoy the freedoms which have been traditional in this country.

He also died so a college coed can enjoy the right to scream "pig" at National Guardsmen and not be gunned down as the Russians have done protesting rebels in Hungary and Czechoslovakia.

He died so a "welfare rights" mob can agitate without fear of being dispatched to a slave labor camp, as in Siberia.

He died so his family, and yours and mine, can live in freedom and not be herded into a commune such as those forcibly instituted in Red China.

He died so the millions of us back here at home can continue to be free Americans, free to prosper in the greatest, richest society in the history of the world.

His country didn't forget Sgt. Palmer, even if he didn't make headlines in Washington or New York City.

Sen. John Stennis, chairman of the Armed Forces Committee and a fellow Kemper Countian and friend of the Palmer family, wrote a sympathetic letter to the sergeant's widow and expressed his regrets at hearing of Palmer's untimely death in the Vietnam war.

MILITARY HONORS

The military which Sgt. Palmer served so well sent an honor guard and buried him with full military honors at the family plat in the cemetery in the Preston community. The family and friends were there at the funeral, held on a bright, warm Spring day as the pines gently rustled in the breeze sweeping across the East Mississippi hill country.

James H. Palmer's final resting place was in those red hills which he grew up in as a boy, working and playing in a simple rural setting.

Men such as James H. Palmer have made the supreme sacrifice for their country.

All of us might ask ourselves one question, as we ponder the events of the times. "What have I done for my country today?"

AFFIRMATION FOR EDUCATION

Mr. DOLE. Mr. President, from the headlines the American people might be led to believe that college students are unanimously devoted to upheaval, strikes, and denunciation of the institutions of higher education and government.

I am pleased and proud to say that such is not the case. I have never believed it to be true, and from my contact with young people across the country, I know it is not true. The vast majority of young people are in college to obtain educations which will enable them to contribute to their own and the Nation's well-being in the years ahead. To their credit, they are highly concerned with events in the world outside their campuses, but chiefly they are interested in making the most of their educational opportunities.

A significant manifestation of this mainstream student attitude was to be found in the rally conducted May 15 by students of my alma mater, Washburn University, in Topeka, Kans.

Nearly 4,000 people attended the "affirmation for education" demonstration at the university's football stadium. The event made front page headlines in the Topeka Daily Capital, but, as most occurrences of this sort, it received scant national attention.

So my colleagues will have an opportunity to know of this positive and affirmative action by these Kansas students, I ask unanimous consent that the news story from the May 16 Topeka Daily Capital be printed in the RECORD.

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

STUDENTS EXPRESS THANKS FOR SCHOOL OPPORTUNITIES

A group of Washburn University students said their own "thank you" to taxpayers, parents and school officials Friday.

Dr. John W. Henderson, WU president, estimated that 3,750 adults and students attended the hour-long "Affirmation for Education" rally in Moore Bowl.

The rally was the brainchild of Bill Martin, a WU senior, who urged each person attending "to spread the word for a a constructive education. We're doing more good today in an hour than all the destructive processes across the country can do in a year."

One of the speakers, Marcus Kerr Almeida, a WU student from Brazil, said attending school at Washburn was the realization of a childhood dream to come to the United States.

He was given an emotional standing ovation when he told the crowd he "cried today of sadness because a minority of ugly Americans is trying to destroy our education system—the basic of our American greatness."

Almeida said the American educational system "is not perfect, but it is also true that it is the very best in the world. Minorities have a better chance for an education in America than have middle-class majorities anywhere else in the world."

BEAUTIFUL AMERICANS

With respect to his own education, Almeida said, "Thanks to you beautiful Americans, wherever you may be."

Other student speakers were junior Ron Hein and freshman Brad Boyd.

Hein noted that the youth of today are concerned.

"The easy way would be to let adults worry about the problems," he said. "But we have to make our views known."

PEACEFUL DISSENT

He added that peaceful dissent is the only way persons under 21 have of making their views known. He urged adults to work with college students, "not against them, in finding answers to today's problems."

Boyd drew a favorable reaction from the throng when he said, "Radicals scream freedom, but they deprive the majority of constructive education."

The freshman from Meade said, "We used the channels that exist to get this rally today. I'd like to thank the taxpayers, my parents and the educators at Washburn for making it possible for me to get a college education."

DOCKING ASSISTANT

John Ivan, administrative assistant to Gov. Robert Docking, appeared on behalf of the governor, who was already committed to attend an all-schools day in McPherson.

Ivan read a message in which Docking said the rally "reaffirmed our confidence in young people."

The message continued, "And perhaps by this expression of confidence in our state and nation they will persuade students and others across the nation to abandon those who would rather destroy than to build. As a people, we have taken one important step here today—a step away from division and a step toward unification."

HARMAN MESSAGE

Rick Harman, Fairway, a candidate for the Republican nomination for governor, was also in McPherson Friday. He sent the following message to Martin:

"I salute you on your project of college appreciation day. This attitude of young people toward education is highly significant and will be warmly received by all Kansans.

"I urge you to carry this kind of mature citizenship into involvement in the political process of Kansas. In this election year I welcome it in my own campaign. Getting down to business in education as well as in government is the goal of all Kansas. Congratulations."

NOT FOR BURNING

One group of about a dozen students carried a large sign which read, "Us New Yorkers Says: 'College is for learning, not for burning'."

A few hecklers were in the stands and there were several shouts during the rally, but the proceedings were mostly orderly and well-received.

Henderson, in response to remarks by Martin at the rally's start, said, "Many times persons have told me, 'I wouldn't have your job for a million dollars.' But we say it's not the money we're concerned about. It's the 98 per cent of our students who have the desire to get an education.

"Some," he continued, "should stop short of destroying something they really never had a thing to do with building."

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

Mr. DOLE. I yield.

Mr. MANSFIELD. Mr. President, I too, want to commend the students from Washburn College in Topeka, Kans., for making their views known and doing it in the manner in which they did.

I must say, however, in all candor, that the matter came to my attention, not from the newspapers, but through the CBS–TV show hosted by Roger Mudd, I believe, last Saturday.

Through that network television show the matter received a broad nationwide impact. I believe the program devoted at least 5 minutes, and perhaps more time to the subject.

I was very pleased that this was done because there are always two sides or more to every question. Each should be accorded consideration.

I rise at this time not only to join the Senator in his remarks, but also to say that on the basis of my having viewed the network TV program calling attention to this demonstration it must be said that it was given great recognition on a nationwide basis. Such recognition, I think, was well deserved.

Mr. DOLE. Mr. President, I thank the majority leader.

I am aware of the excellent coverage it had on the CBS. It was a well-deserved tribute to the students and to Kansas.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar Orders Nos. 870 and 872 be considered at this time and that the question of germaneness not apply to these two bills.

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

TRUST TERRITORY OF THE PACIFIC ISLANDS

The Senate proceeded to consider the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

"That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended to read as follows:

"SEC. 2. There are hereby authorized to be appropriated not to exceed $50,000,000 for fiscal year 1970, and $60,000,000 for each of the fiscal years 1971 and 1972, to remain available until expended, to carry out the provisions of this Act and to provide for a program of necessary capital improvements and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings: *Provided*, That except for funds appropriated for the activities of the Peace Corps no funds appropriated by any Act shall be used for administration of the Trust Territory of the Pacific Islands except as may be specifically authorized by law."

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. 91-867), 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. 3479, introduced by Senators Jackson and Allott as a result of an executive communication, is to authorize increased appropriations for the Trust Territory of the Pacific Islands for civil works and administrative programs. The bill, as amended, increases the present appropriation authorization of $50 million for fiscal year 1971 to $60 million for each of the fiscal years 1971 and 1972.

BACKGROUND

The islands which form the trust territory lie in three major archipelagoes to the north of the Equator in the western Pacific. The land area totals less than 700 square miles, but it is scattered over almost 3 million square miles of open ocean. About 97 of the more than 2,000 islands are inhabited; they range from low-lying coral atolls to high islands of volcanic origin. The Marianas Islands, which stretch to the north of Guam, and the western Caroline Islands, are typically high islands, although coral atolls, such as Ulithi, do occur. The eastern Caroline Islands are similarly a mixture of high islands and coral atolls. The Marshalls are entirely low coral atolls, usually a loose string of narrow sandy islands surrounding a lagoon.

These islands were governed between World War I and World War II by the Japanese as a League of Nations mandate. Converted into military bases by the Japanese, they were captured by allied forces during World War II and placed under Navy military government. Japanese colonists and military personnel were returned to their homeland after the war and in July 1947 the United States placed the former mandate under the newly established United Nations trusteeship system. In recognition of the defense value of these islands, the provisions of the United Nations Charter relating to strategic areas were brought into play, and the trusteeship agreement was concluded between the United States and the Security Council. Under the trusteeship agreement, the United States has undertaken to promote the educational, social, political, and economic development of the people of the territory.

Administrative responsibility was first vested by the President in the Navy but was transferred to the Secretary of the Interior on July 1, 1951. In 1952, administrative responsibility for the northern Mariana Islands was reassigned to the Navy, and the dual administration continued until July 1, 1962. On that date the Marianas were returned to Interior supervision, and the headquarters of the trust territory government were moved to Saipan as provisional capital of the territory.

U.S. authority is vested in a High Commissioner, who is appointed by the President, by and with the advice and consent of the Senate. The High Commissioner's legislative authority was granted to the Congress of Micronesia on the day of its first session in 1965, but the High Commissioner retains veto power over measures passed by the Congress of Micronesia.

Six administrative districts, which roughly conform to geographic and ethnic divisions, have been established and have formed basic elements in American administration of the area.

During the period of July 1, 1951, through the end of fiscal year 1970, more than $250 million has been appropriated to the Department of the Interior for administration of the area, including capital improvements. (This total is exclusive of funds appropriated to the Navy for the northern Mariana Islands during the years 1953-62.) For fiscal years 1952 through 1962 the annual appropriation ranged from $4,271,000 to a high of $6,304,000 in fiscal year 1962. These funds were within the $7.5 million authorization approved in 1954, and provided minimal basic services to a people who were largely on a subsistence economy.

Enactment of Public Law 87-541 in 1962 increased the Federal appropriation authorization for the trust territory from $7.5 to $15 million for fiscal year 1963 and $17.5 million thereafter. The funds which have been appropriated and expended under this authorization made possible an appreciable start toward bringing the physical facilities and the level of services to a minimum standard acceptable in an American community.

Enactment of Public Law 90-16 in 1967 further increased authorization for the territory from $17.5 to $25 million for fiscal year 1967 and to $35 million for fiscal years 1968 and 1969. The act of October 21, 1968 (Public Law 90-617) resulted in additional increases to $50 million for fiscal years 1970 and 1971. Unfortunately, it has not been possible to obtain all of the funds authorized in recent years and therefore an enormous amount still remains to be accomplished if the United States is to fully discharge the responsibilities it has assumed in the Pacific.

NEED

The United States under the strategic trusteeship agreement with the Security Council of the United Nations has undertaken to promote the economic, educational, social, and political advancement of the people of the Trust Territory of the Pacific Islands.

Since 1947, increasing authorizations and appropriations for the trust territory have brought about some changes and progress.

In the field of economic development of the trust territory there has been little if any progress since 1947. The principal commodities are copra, fish, and vegetables. Though small manufacturing has developed in boats, furniture, handicrafts, starch and soapmaking, the economy is still primarily one of subsistence farming and fishing. Tourism is becoming a more important industry each year.

Although increased appropriations for the trust territory in recent years have enabled important and significant progress to be made in administration and capital improvements, much remains to be done. The committee recognizes that additional funds must be made available to develop public health and education facilities, and the infrastructure of roads, harbors, water supplies, etc., without which the local economy cannot readily expand, and attract private investment. The development of these basic facilities and services has been greatly complicated by factors such as the geographic dispersion of the inhabited islands, which means an uneconomic duplication of facilities for the population; the small total land area of the islands, the high birth rate, the large proportion of children in the population, and the low level of economic and social development. Past appropriations, in the face of steadily rising administrative costs, have not encouraged development of the full potential of the islands.

The committee, recognizing these great developmental needs, feels that increased appropriations for a 2-year program of capital improvements are vital if Micronesia is to rise above a low level of subsistence and take its place in a modern world. The money authorized to be appropriated by S. 3479 would bolster health, education, water, power, and sewage services; provide better air, ground, and water transportation; modernize and extend radio and telephone communications; and carry out a needed land reform program. At the same time, the higher level of economic development produced by these improvements would enable the territory to pay for a much greater portion of its financial needs.

AMENDMENT

The committee recommends that the present $50 million ceiling on annual appropriations be increased to $60 million for fiscal year 1971, and that a $60 million authorization be set for fiscal 1972. The open end authorization for succeeding years through fiscal 1975 has been deleted. In the 92d Congress consideration will be given to further authorizations based upon needs then demonstrable.

COSTS

The committee recommends that the current $50 million authorization be increased to $60 million for fiscal year 1971, an increase of $10 million. For fiscal year 1972, the $60 million level would continue.

CONFEDERATED TRIBES OF WEAS, PIANKASHAWS, PEORIAS, AND KASKASKIAS

The Senate proceeded to consider the bill (S. 885) to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, after line 16, strike out:

SEC. 2. The Secretary shall withdraw the funds on deposit in the United States Treasury of the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Act of May 13, 1966 (80 Stat. 141, 150), in satisfaction of a judgment that was obtained by the Peoria Tribe on behalf of the Wea Nation, in Indian Claims Commission Docket Numbered 314, amended, together with the interest accrued thereon, after payment of attorneys' fees and expenses and all other expenses, and to distribute such funds in equal shares to those persons whose names appear on the roll prepared pursuant to section 1 of this Act.

And, in lieu thereof, insert:

SEC. 2. After the deduction of attorneys' fees and expenses and the administrative costs involved in the preparation of the roll and the distribution of the individual shares, the remaining funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Acts of May 13, 1966 (80 Stat. 141, 150), and June 19, 1968 (82 Stat. 239), in satisfaction of judgments that were obtained by the Peoria Tribe on behalf of the Wea Nation in Indian Claims Commission dockets numbered 314, amended, and 314-E, respectively, and the funds to the credit of the Peoria Tribe of Oklahoma on behalf of the Wea, Piankashaw, Peoria, and Kaskaskia Nations that were appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), in satisfaction of a judgment in docket numbered 65, shall be disposed of in the following manner: The Secretary shall pay $3,000 of such funds to the Peoria Tribe of Oklahoma for improvement and maintenance of the Peoria Indian Cemetery located approximately ten miles northeast of Miami, Oklahoma, and shall distribute the balance of such funds.

On page 4, line 7, after the word "procedures," insert "including the establishment of trusts,"; in line 9, after the word

"such", strike out "persons, including the establishment of trusts." and insert "persons."; in line 16, after the word "numbered", strike out "65,"; in the same line, after the letter "C,", insert the word "and"; in the same line after the letter "D,", strike out "and E,"; in line 18, after the word "expenses", strike out "and all other expenses," and insert "and all costs incident to bringing the roll current as provided in this section and distributing the shares,"; in line 25, after the word "Act," insert "but on or prior to and living on the date the funds are appropriated,"; on page 5, line 2, after the word "of", strike out "deceased enrollees." and insert "enrollees who died between the effective date of this Act and the date the funds are appropriated."; after line 4, strike out:

SEC. 5. All costs incurred by the Secretary in the preparation of the roll and in the distribution of payment of shares shall be paid by appropriate withdrawals from the judgment fund. Any costs incurred by the Secretary in connection with the distribution of future awards shall be paid by appropriate withdrawals from such judgment funds.

At the beginning of line 11, change the section number from "6" to "5"; and at the beginning of line 14, change the section number from "7" to "6"; so as to make the bill read:

S. 885

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 prepare a roll of all persons who meet the following requirements: (1) they were born on or prior to and were living on the date of this Act; (2) their names or the name of a lineal ancestor from whom they claim eligibility appears on (a) the final roll of the Peoria Tribe of Indians of Oklahoma, pursuant to the Act of August 2, 1956 (70 Stat. 937), or (b) the January 1, 1937, census of the Peoria Tribe, or (c) the 1920 census of the Peoria Tribe, or (d) the Indian or Citizen Class lists pursuant to the Treaty of February 23, 1867 (15 Stat. 520), or (e) the Schedule of Persons or Families composing the United Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, annexed to the Treaty of May 30, 1854.

(b) Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose by the Secretary of the Interior. The determination of the Secretary regarding the eligibility of an applicant shall be final.

SEC. 2. After the deduction of attorneys' fees and expenses and the administrative costs involved in the preparation of the roll and the distribution of the individual shares, the remaining funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Acts of May 13, 1966 (80 Stat. 141, 150), and June 19, 1968 (82 Stat. 239), in satisfaction of judgments that were obtained by the Peoria Tribe on behalf of the Wea Nation in Indian Claims Commission dockets numbered 314, amended, and 314–E, respectively, and the funds to the credit of the Peoria Tribe of Oklahoma on behalf of the Wea, Piankashaw, Peoria, and Kaskaskia Nations that were appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), in satisfaction of a judgment in docket numbered 65, shall be disposed of in the following manner: The Secretary shall pay $3,000 of such funds to the Peoria Tribe of Oklahoma for improvement and maintenance of the Peoria Indian Cemetery located approximately ten miles northeast of Miami, Oklahoma, and shall distribute the balance of such funds.

SEC. 3. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a share payable to a living enrollee and the Secretary shall distribute a per capita share of a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A 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.

SEC. 4. Funds that may hereafter be deposited in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea, Kaskaskia, Piankashaw, or Peoria Nation, to pay any judgment arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 99, 289, 313, 314–A, B, C, and D, and 338 and the interest accrued thereon, after payment of attorneys' fees and expenses, and all costs incident to bringing the roll current as provided in this section and distributing the shares, shall be distributed on a per capita basis in accordance with section 3 of this Act to persons whose names appear on the roll prepared under section 1, after the roll has been brought current to the date the funds are appropriated by adding names of persons to the roll who were born after the date of this Act, but on or prior to and living on the date the funds are appropriated, and by deleting names of enrollees who died between the effective date of this Act and the date the funds are appropriated.

SEC. 5. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

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: "To authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission dockets No. 314, amended 314–E, and 65, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–870), explaining the purposes of the measure.

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

PURPOSE

As introduced by Senator Harris, S. 885 would have disposed of $819,000 in judgment funds recovered in 1966. Funds to cover two additional awards by the Indian Claims Commission have been recently appropriated and they would be included in this legislation as amended. The three awards total $2,049,273.

Recently, the Claims Commission rendered favorable judgment in two other Peoria cases, in dockets 314–C and 99, in the sum of $3,620,150. Should the funds to cover these awards be appropriated before this legislation is finally enacted, the Department of the Interior recommends that disposition of these funds be provided for in S. 885.

NEED

Under a provision carried in each annual appropriations act for the Department of the Interior, funds awarded to Indian tribes may not be distributed until specifically authorized by the Congress, S. 885 would give such authorization.

The Department of the Interior has determined the beneficiacies of the awards in dockets 314, amended, 314–E, and 65 and any subsequent awards, to be the lineal descendants of members of the Confederated Tribes merged under the 1854 treaty, and not simply the members of the Peoria Tribe of Indians of Oklahoma.

The bill authorizes the preparation of a roll of all those living on the date the bill becomes law and for a per capita distribution of the funds. There is no estimate as to the total number who will be eligible to share in the judgments.

S. 885, as amended, would also authorize the disposition of any subsequent awards in the same manner. The roll will be brought current to the date the funds to cover an award are appropriated. Six claims are still pending.

The Peoria Tribe has requested that $3,000 reserved for the Peoria Indian Cemetery. Federal trust relationship over the affairs of the Peorias was terminated effective August 2, 1959, which accounts for the per capita distribution of these awards and the lack of any program planning.

AMENDMENTS

The Department of the Interior has recommended a number of amendments to S. 885 in order that the legislation will cover all present and future awards made to these Indians. Several technical amendments were also adopted by the committee.

COST

No additional expenditure of Federal funds will result from the enactment of S. 885. The total estimated administrative costs, which are to be paid out of judgment funds, will be about $55,000. Of this amount $30,000 will be necessary in preparing the base payment roll and distributing the per capita shares. To bring the base roll current in connection with future awards, under section 4 of the bill, it is anticipated that the eight pending dockets will be settled periodically at five different times, and the cost of each updating of the roll and distribution of shares will be about $5,000.

THE ATTITUDE OF COLLEGE STUDENTS

Mr. GRIFFIN. Mr. President, I listened with interest to the very appropriate remarks of the Senator from Kansas (Mr. DOLE) concerning the views and conduct of some college students, I wish to call attention to an open letter to 100 U.S. Senators, which appeared this morning in the Washington Post—a letter from college and university students expressing support for President Nixon's recent courageous decision to clean out enemy sanctuaries near the Cambodian border.

The open letter indicates that there are students—and I believe there are many students—who do support President Nixon and his determined efforts to extricate our Nation from the war in Southeast Asia on an honorable basis.

I ask unanimous consent that the open letter to which I have referred be printed in the RECORD.

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

AN OPEN LETTER TO 100 SENATORS

GENTLEMEN: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate at'ention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper Amendment and the Hatfield Amendment because the great majority of our students and the Majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech, showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL-CIO President George Meany and other leading trade-unionists have also supported the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by *President Abraham Lincoln* in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war . . . The people were weary and tired of the inconclusive bloodshed . . . There were violent anti-draft riots in New York, in which scores were shot down . . . Increasingly vicious attacks on the President began to appear in the press . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley . . . In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was convinced that his administration would not be reelected. But he persevered in his course because he was convinced of its correctness.

In modern times Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion in Great Britain was predominantly pacifist and, at a later stage pro-appeasement. The spirit of the British campus was reflected in the so-called peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "never again bear arms for King and County." As Churchill commented: ". . . In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people—perhaps more than 90 percent of the people. The verdict of history is now in on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In *Profiles in Courage*, our martyred President, John F. Kennedy, told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion, John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1; if rigidly interpreted, it would prevent the Administration from giving a single M16 rifle, or even a captured AK47 rifle, to the Cambodian government with which to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important*—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder, whether the Senators who support the amendments truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquility? We wonder whether they are not, at least, worried that the President might be right when he warned that such a humiliation, would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President

to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. The groups of the undersigned, and of other concerned young people from all parts of the country will be visiting your offices over the coming days. We hope that they will get the same respectful treatment that you have accorded to those who came before us.

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

Mr. GRIFFIN. I yield.

Mr. DOLE. Mr. President, as the Senator from Michigan indicated, opinion is changing with respect to Cambodia and it is my guess that as the debate unfolds this week, next week, and the next week, or later if necessary, there will be a further shift in public opinion by the young, as mentioned by the Senator from Michigan, but also by all Americans who give President Nixon credit for the job he is doing in Vietnam in his effort to extricate us.

Mr. GRIFFIN. Mr. President, I wish further to call attention to an article in the edition of Newsweek magazine which appeared on the newsstands today, an article focusing attention on the latest Gallup poll. The article reflects that, in response to the question, "How satisfied are you with the way Richard Nixon is handling his job as President?", 30 percent of the people polled replied that they are "very satisfied," and 35 percent indicated they are "fairly satisfied." Accordingly, 65 percent indicate approval of the way he is handling his job as President.

In response to the question, "Do you approve or disapprove of President Nixon's decision to send American troops to Cambodia?" 50 percent indicated approval, 39 percent disapproved, and 11 percent had no opinion.

Mr. President, I ask unanimous consent that the Newsweek article to which I have referred be printed in the RECORD.

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

A NEWSWEEK POLL: MR. NIXON HOLDS UP

Even after the Cambodian invasion and the killings at Kent State University, the "silent majority" appears to be alive and well in Richard Nixon's corner. A NEWSWEEK Poll conducted by The Gallup Organization last week suggests that—despite the recent intense criticism of the President by college students and academic leaders and by liberal politicians and commentators—Mr. Nixon's standing with the electorate remains undamaged. The poll indicates that Americans find Mr. Nixon's conduct of the Presidency "satisfactory" by better than 2 to 1, that 50 per cent favor the Cambodian operation and 39 per cent oppose it, that a strikingly large majority is far more willing to blame student demonstrators than National Guardsmen for the deaths of four students at Kent State, and that Vice President Spiro Agnew's rhetoric about dissenters still enjoys the approval of a silent plurality if not a majority.

To get swift results, the survey was conducted by telephone on May 13 and 14 and covered a scientifically selected national sampling of 517 persons.*

Although the poll gave the President majority approval of his decision to send U.S. troops into Cambodia, the favorable rating was by no means as high as some opinion experts have come to expect after dramatic strokes of U.S. military power, when Americans have a tendency to rally around the President. Following the air raids on North Vietnam that President Johnson ordered in 1965, for example, public approval (as measured by Louis Harris) soared to 83 per cent. And 69 per cent (polled by Oliver Quayle) favored the entry of U.S. troops into the Dominican Republic.

Women were far more dovish than men on the Cambodian issue. They opposed the President's action, 49 to 37 per cent, while men supported it, 63 to 30. Women also tended to be distinctly less enthusiastic about the Vice President's speeches on dissent: in a near even split (37 to 35 per cent), they approved the Veep's line, whereas men applauded him by a margin of more than 2 to 1. Young people, too, were predictably more skeptical of the Administration than their elders, but even in the 21–34 age bracket, 55 per cent gave the President a favorable rating and 49 per cent approved of Cambodia. And if youth was by no means arrayed entirely on the left, neither were blue-collar workers all to the right: those without a high-school education came down hard against Mr. Nixon's Cambodian policy. A hefty 56 per cent opposed it, and only 26 per cent approved.

The question on the Kent State killings produced an unusually high number of "no opinions," suggesting that the no-opinion column might harbor some people with qualms about the guard's behavior who were reluctant to say so outright. It also seems likely that some of those polled were suspending judgment about who was most to blame until the conflicting accounts of the shooting could be cleared up. But even if all those with no opinion were added to those who pinned major responsibility on the National Guard, a surprisingly strong majority of each group—by age, sex, education and political party—put the main blame on the protesters.

NIXON AS PRESIDENT

How satisfied are you with the way Richard Nixon is handling his job as President?*

	Percent
Very satisfied	30
Fairly satisfied	35
Not too satisfied	18
Not at all satisfied	13

* undecided not shown

U.S. TROOPS IN CAMBODIA

Do you approve or disapprove of President Nixon's decision to send American troops to Cambodia?

	Percent
Approve	50
Disapprove	39
No opinion	11

*Telephone surveys, it should be noted, contain a slight built-in bias—about two percentage points, in this case—in favor of Republicans, since non-telephone households are necessarily omitted from the sample and these tend to be low-income and Democratic.

WHO'S TO BLAME AT KENT

Who do you think was primarily responsible for the deaths of four students at Kent State University?

	Percent
The National Guard	11
Demonstrating students	58
No opinion	31

AGNEW'S STAND

Do you approve or disapprove of Agnew's stand on dissenters and student protesters?

	Percent
Approve	46
Disapprove	30
No opinion	24

POPULATION CONTROL

Mr. GOLDWATER. Mr. President, on February 24, 1970, the distinguished junior Senator from Oregon (Mr. PACKWOOD) introduced S. 3502, which is directed at the control of population in this country. I have long been interested in this subject. I think it is a must in our immediate future.

Mr. President, because the bill makes so much sense and because yesterday on "Meet the Press" the Senator from Oregon did such an outstanding job explaining the bill, I ask unanimous consent that an article entitled, "Focus: Senator ROBERT PACKWOOD," published in BioScience, volume 20, No. 8, be printed in the RECORD.

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

FOCUS: SENATOR ROBERT PACKWOOD

The youngest member of the Senate, Robert Packwood of Oregon, was elected to his first term in November 1968. His rise to national prominence was insured by unseating four-term incumbent, Wayne Morse. Senator Morse was a well-known congressional "watchdog" who had seniority on two powerful Senate committees: Foreign Relations, and Labor and Public Welfare. The junior Senator from Oregon, counter to expected conduct from newly elected legislators, had wasted little time in making his presence felt. He has introduced seven bills and two resolutions, in addition to co-sponsoring over 100 bills and 26 resolutions. Among the bills he co-sponsored were the eight environmental bills proposed by the White House and introduced by Minority Leader Hugh Scott last February. His concern for the environment extends to the population crisis which is facing our country. In an effort to take direct action to reduce the birth rate, Senator Packwood recently introduced legislation which allows a maximum of three children to be declared as tax exemptions. He also introduced legislation which would make abortion in the District of Columbia legal.

TAX INCENTIVES FOR SMALLER FAMILIES

In an interview with AIBS, Packwood stated: "The population crisis is here now and it affects every area of life: filth in the cities, inadequate housing, overcrowded schools, pollution in the air and water, and the decimation of recreational areas. . . . Let's not kid ourselves, something dramatic must be done if we are to stem this tide of pollution which has reached epidemic proportions, and one way to start dealing with the problem is by slowing the population growth rate."

As an incentive to limit family size, Senator Packwood introduced legislation that would allow a maximum of three children to be declared as personal tax exemptions. He said that he was taking this step in an effort

to ease the strain on an overtaxed environment. The proposal, S. 3502, introduced on 24 February, would become law in 1973 and provide that the first child in a family would qualify as a $1,000 exemption, the second child as a $750 exemption, and the third child as a $500 exemption. The legislation would affect only those children born on or after 1 January 1973. A family already having three or more children would receive the regular allowance of $750 for each child. In effect, the family with less than three children eligible for the $1000 first-child exemption would receive an annual $250 credit.

When asked what the chances for passage of this proposed legislation were, he candidly anticipated considerable initial opposition. "In its present form, it would take from between 4 to 5 years to pass both houses. Loss of revenue appears to be the primary block." He elaborated that he had received information from the Internal Revenue Service that passage of his bill would require a projected loss of $1 billion for fiscal '74 and $50 million in fiscal '75. Equalization would not occur until 1993.

The philosophy of tax incentives was the subject of strong controversy during the 1969 Senate tax reform debates. Although the House had approved a rate reduction favoring small families, the Senate passed an amendment raising personal exemptions which cut needed revenue and encouraged large families. Loss of revenue is easily understood, Senate politics is not.

Tax reform became a major, chiefly liberal Democratic issue almost overnight just before President Nixon took office 20 January 1969 when retiring Treasury Secretary Joseph W. Barr told members of Congress they were facing a "taxpayers' revolt." Popular feeling was triggered by the unpopular surtax and Barr's revelation that many high-income persons avoided taxes to a great extent—some completely—by taking advantage of tax preferences or "loopholes" in existing law.

Chairman Wilbur D. Mills (D-Ark) of the Ways and Means Committee began hearings on 18 February on reform proposal developed under the Johnson administration. President Nixon on 21 April sent his own reform proposals to Congress: they were largely based on proposals and studies left behind by the outgoing administration. These formed the nucleus of the bill which passed the House on 7 August.

Under Chairman Russell B. Long (D-La), the Senate Finance Committee at first sought to avoid action on tax reform when the bill reached the Senate. But the Senate Democratic leadership made reform an issue and threatened to hold up extension of the surtax, urgently needed to sustain government revenues during the second half of 1969, which was actually allowed to expire 30 June 1969. Long's committee held hearings and rewrote the House bill, passed by the Senate with many amendments on 11 December.

One of the hardest fought amendments concerned increasing personal exemptions. During the Senate hearings, it was driven home by administration spokesmen that if exemptions were increased, it would not only seriously cut revenue but encourage larger families at a time when we must do everything possible to reduce our population growth rate. Not only is our increasing population growth rate causing a crisis in terms of environmental degradation but the financial costs of supporting our increasing population is rapidly approaching the trillion dollar mark. Although there was every reason not to increase personal exemptions, the Senate did just that. A Senate floor amendment, introduced by Senator Albert Gore (D-Tenn), had increased the exemption to $700 in 1970 and $800 in 1971. The House bill contained tax rate reductions that would have discouraged larger families, but no exemption increase. In a compromise with the House, the Senate agreed to increase personal exemptions from $600 to $650 in mid-1970, $700 for 1972, and $750 for 1973 and subsequent years.

Why the increase? Politics won out over budgetary and environmental needs. In 1968, the Republicans gained five seats in the Senate and the average age of the new Republican Senators was far younger (47) than those they replaced (66). This meant that not only did Democrats loose seats but they also lost invaluable committee seniority, thus reducing their real power. There is no question why Senator Gore pushed for increased exemptions. He is presently engaged in an uphill struggle to retain his seat since his views are considerably more liberal than those of the electorate in Tennessee. He is given only a slightly better than even chance to win a fourth term by the *Congressional Quarterly;* therefore, he needed the political capital to give himself an advantage. Increasing tax exemptions was too good to pass up when the opportunity presented itself last fall.

It is not difficult to foresee the problem facing the Packwood bill, especially in light of the fact that it has been referred to the Senate Finance Committee chaired by Russell Long, a staunch conservative, and requires a 180 degree turn from existing Senate opinion on personal exemptions.

Knowing the political realities involved, Senator Packwood stated that he intended to introduce a new bill within the next few weeks that would alleviate some of the objections to S-3502 and, in some areas, strengthen it. First, the exemptions would be $750 for the first two children and none for successive children. Second, there would be no limitations for adopted children or multiple births as a result of the first two terms of pregnancy.

"Many Senators and Congressmen have given me verbal support," Packwood commented, "but cannot see their way clear to vote favorably on my bill, either because they face re-election or they come from districts or states whose electorate is heavily Roman Catholic or politically very conservative. Frankly, many of us on Capitol Hill are going to have to make some very important personal political decisions about population control. We cannot deny that the crisis exists and the direction we are headed toward if we do not limit our growth rate. It is not the kind of issue that can be cogently argued from different points of view as the ABM or the Haynsworth nomination, nor can it be evaded for very long. The question that concerns me the most is can we act quickly enough with strong enough controls?" The Governing Board of the American Institute of Biological Sciences took unprecedented action by endorsing Senator Packwood's efforts to control population growth. The Senator remarked that this was the first support that he had received from a national organization representing biologists and expressed the need for such support from interested scientific organizations.

LEGALIZING ABORTION LAWS

In addition to his tax bill, Senator Packwood has introduced legislation that would legalize abortion in the District of Columbia. If the woman is married and living with her husband, the bill will require the consent of her husband before the abortion is performed. If the woman is unmarried and under the age of 18, the consent of the woman's parent or legal guardian is required. An abortion also will be permitted without the husband's consent if the pregnancy resulted from rape, or if the pregnancy is endangering the woman's life or health. The legislation stipulates that an abortion must be performed by a licensed physician.

"The tenor of the times dictates that Congress must provide leadership in the field of unwanted pregnancies by accepting the responsibility for the welfare of the citizens of Washington, D.C.," Packwood said. "If I could have my way, similar legislation would be enacted in each of the 50 states. But since that is state prerogative, Congress can only exercise responsibility and provide leadership by setting an example through enactment of this legislation."

The Senator was far more optimistic about legalized abortion that he was about tax limitations, but he warned that we should not be too quick to abandon our concern where states have had existing abortion laws declared unlawful on the basis of "ambiguity or vagueness." Where this has happened, it would be relatively simple for state legislatures to reintroduce similar legislation better able to withstand the scrutiny of the courts. He pointed to Wisconsin where the abortion law was held unconstitutional because it violated the 9th amendment. This amendment states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

According to the Wisconsin court, any law that denies abortion is in effect denying the right of a woman to decide whether or not she must carry a pregnancy to full term. The decision cannot be imposed upon her by the state. If this decision is upheld by the United States Supreme Court, then all anti-abortion laws would be wiped off the books with no chance that state legislatures could reintroduce such legislation.

Our interview with Senator Packwood was a definite departure from the norm. He addressed himself directly to the problem of overpopulation and abortion without the usual "qualifying" remarks or generalizations. There is no question that he stands firmly in support of legislation that will effectively help solve environmental problems, not just study them, as evidenced by those bills he has introduced and co-sponsored. His candor is not to be confused with political naivete, as one might think, considering his newness to Capitol Hill. In 1962, he was elected to the Oregon Legislature, heading the entire ticket of Republicans and Democrats. In 1963, Packwood and Howell Appling, Oregon Secretary of State, joined forces in organizing a campaign to unseat the Democratic-controlled state legislature. They were successful in supporting 10 Republican candidates—seven were elected. In 1966, the Appling-Packwood plan saw 10 of 11 Republicans elected which turned the Oregon House of Representatives over to the Republican Party.

Not willing to wait out the apprenticeship usually imposed on new legislators by the senior members of the Senate, Robert Packwood sees a clearly defined role in tackling problems which require immediate attention, particularly when others are not willing to do so. Although such radical departures from "tradition" are not new in the House of Representatives, they are in the Senate. Packwood is one of a group of activist young senators, Republican and Democrat, but he still faces the inimical force of committee chairmen, appointed according to seniority, who still retain the power.

TOO MANY GENERALS

Mr. WILLIAMS of Delaware. Mr. President, an editorial published in the Evening Journal of Wilmington, Del., on May 14, 1970, calls attention to the confusion that could exist by making generals of the 535 Members of Congress and they point out the impracticalities of giving stars to all these generals.

Mr. President, I ask unanimous consent that the editorial entitled "Too Many Generals," be printed in the RECORD.

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

TOO MANY GENERALS

The U.S. Senate is about to begin debate on an amendment to a foreign military sales bill, restricting the use of funds for any future American military operations in Cambodia—an amendment that has some dangerous possibilities.

The restriction, which would prevent the President from sending U.S. ground and naval forces into Cambodia without congressional approval, would have no direct effect on the present Cambodian expedition, except that its adoption would be a congressional repudiation of that action. The effect would be on any potential, future Cambodian campaigns and, by implication, on any foreign military operation the President might attempt.

The State Department argues against the restriction on the grounds that it restricts the President's constitutional powers to make and carry out foreign policy, and as commander-in-chief of the armed forces. Proponents of the restriction say that it reasserts the constitutional power of the Congress to make war.

Neither constitutional argument stands very strong. Since the earliest times of the Republic, American military and naval forces have been sent abroad dozens of times, without congressional authorization, to protect American lives, American property or American interests. Former Secretary of State Dean Acheson (in "Present at the Creation") points out that Congress has never "declared war" in the aggressive sense, but rather has confirmed the fact "that a state of war exists" between the United States and some foreign power and responded to it.

On the other hand, there can be no denying the power of Congress over military spending (or any government spending), or the use of that power if a majority believes this is the expression of popular will.

This is not a question of power, either presidential or congressional. It is a question of wisdom and prudence.

While Mr. Nixon's wisdom and prudence in deciding to invade Cambodia can be questioned, it is also highly questionable that tactical or even strategic policy in an Asiatic military operation can be set by a committee of Congress or by Congress itself. The restrictions proposed in the Cooper-Church amendment attempt to do exactly that.

The congressional action would be all the more inappropriate because it is devious. It is unlikely that even the Senate Foreign Relations Committee expects Mr. Nixon to undertake another Cambodian expedition. The amendment it cleared Monday is really intended as a rebuke to the President for the current operation in Southeast Asia. But, in making the rebuke in this roundabout manner, the committee would set Congress up as the maker of military policy in advance.

Congress has the right, perhaps even the duty, to express its views and to reflect the views of the people. Why not, then, just do so, by a debate on a "sense of Congress" resolution or some similiar device? If the majority is opposed to the Cambodian initiative, let's see such a vote. That would at least avoid the confusion of rebuking a presidential decision by passing out 535 sets of general's stars to the members of Congress.

THE SNAKE RIVER

Mr. PACKWOOD. Mr. President, on the Oregon-Idaho border is a river called the Snake River. The gorge this river creates is the deepest in the world. At the moment a discussion is going on over the merits of constructing a dam on the river to generate electric power and to create a reservoir for recreational use behind the dam. I have consistently taken a position in opposition to building this dam, so the river will remain in a free-flowing state.

Mr. President, I ask unanimous consent to have printed in the RECORD a news release from the Oregon State Game Commission which shows the amount of recreational use there is of the area now.

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

HELLS CANYON RECEIVES HEAVY RECREATIONAL USE

(By Milt Guymon)

Almost unknown a decade ago except by a hardy group of outdoorsmen, Hells Canyon of the Snake River has been discovered by recreationists in the past few years, with increasing numbers of hunters, fishermen, sightseers, and others pouring into this wild and almost primitive gorge to view and enjoy its wonders.

The area of recognition is the last remaining free-flowing section of the historic middle Snake, about 80 miles of surging wild river from Hells Canyon Dam near Homestead, Oregon on the south and almost to Lewiston, Idaho on the north. The Hells Canyon portion of this stretch of river forms the Oregon-Idaho border in the deepest rock-walled gorge on the North American continent.

A major factor in this increased recognition has been the development of high-powered jet boats capable of running the river, where previously access was limited to long and arduous trail trips over the mountains or over questionable roads that dead-ended at river's edge.

A recreational use study conducted cooperatively by the Oregon Game Commission and the Idaho Fish and Game Department shows that in 1969 recreationists spent over 50,100 man-days in Hells Canyon either hunting or fishing or enjoying other miscellaneous recreational activities. Washington and Idaho are conducting a similar study in that area of free-flowing Snake that forms their border but recreational use figures are not available at this time.

The Oregon-Idaho report points out that the use figure is a minimum estimate of recreational use in Hells Canyon and includes only the boat trips on the Snake, cars and hikers along the lower ten miles of the Imnaha River, and the hikers going downriver from Hells Canyon Dam. Those who entered on foot or horseback through the Seven Devils Mountains in Idaho or the Snake River Divide in Oregon are not included.

Because the sampling was confined to the river, the total use of the Hells Canyon area is considerably greater than the boat-use study shows. As an example of additional use, Oregon big game hunters in 1968 spent 48,360 man-days hunting for deer and elk in the Chesnimnus and Snake River game management units, hunting units which include the Hells Canyon area of the Snake River. From this figure it is estimated that a minimum of 15,000 man-days was spent by deer and elk hunters in the Hells Canyon portions of these two units, with the bulk of the hunting taking place in the Snake River Unit.

The cooperative study by the two states in 1969 was accomplished with the use of a boat counter at the Oregon-Washington border, a boat checking station at Cache Creek, interviews of outdoorsmen encountered in the lower Imnaha and Dug Bar areas, and interviews and car checks at Hells Canyon Dam. The Forest Service maintained a car counter on the Pittsburgh Landing road.

Recreation use of Hells Canyon ran heavily to anglers, with hunting second in importance. Sightseeing, rock-hounding, boating, camping, and miscellaneous outdoor activities rounded out the total use figure.

Interviews at the Cache Creek checking station revealed an excellent sport fishery for anglers coming upriver by boat. Anglers checked said they fished about 20,680 hours to take 1,322 steelhead, 23 chinook salmon, 410 rainbow trout, 7,495 small mouth bass, 297 channel catfish, and 427 black crappie.

Anglers checked on the Snake River below Hells Canyon Dam revealed that they spent 332 hours of fishing per mile of river, compared with only 30 hours per mile on Hells Canyon Reservoir and 53 hours per mile on Oxbow Reservoir. The figures indicate angling intensity on the Snake River compared with that on the two reservoirs.

About 65 percent of the anglers interviewed said they preferred steelhead, salmon, and sturgeon angling—game fish species threatened by further Snake River hydroelectric developments.

Hells Canyon of the Snake is probably the wildest unspoiled area remaining in Oregon. It boasts spectacular scenery, surging rapids that require powerful boats and expert boatmen, and superb hunting and fishing. Except for three dead-end access roads, the canyon proper is reached only by boat or trail.

Mr. PACKWOOD. Mr. President, I also ask unanimous consent to have printed in the RECORD a memorandum from Bernard Goldhammer of the Bonneville Power Administration entitled "Power Needs of the Pacific Northwest in the 1970's." In the memorandum Mr. Goldhammer indicates no new dams are needed on the Columbia River in the next decade.

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

U.S. DEPARTMENT OF THE INTERIOR,
BONNEVILLE POWER ADMINISTRATION,
Portland, Oreg., October 24, 1969.

To: Don Hodel.
From: B. Goldhammer.
Subject: Power needs of the Pacific Northwest in the 1970's.

Oregon, Washington, and those parts of Idaho and Montana served by the Bonneville Power Administration will require nearly 14,500,000 kilowatts of additional power capacity during the 1970's. The 109 publicly-owned, investor-owned, and cooperative-owned utilities and the Bonneville Power Administration have developed a hydrothermal program to meet these power needs.

Through the 1970's 7,500,000 kilowatts of steam generated power is planned. The first steam-generation plant, the 1,400,000 kilowatt coal-fired plant at Centralia, Washington, is already under construction. Equipment has been ordered for the second plant—the 1,100,000 kilowatt Trojan plant to be build by Portland General Electric Co. near Rainier, Oregon.

In addition to the 7,500,000 kilowatts of thermal generation, 7,000,000 kilowatts of hydro power capacity is needed to meet the projected loads. The hydro can be supplied by completing dams such as Libby, Little Goose, and Lower Granite already under construction and by adding generation at existing dams such as Grand Coulee, The Dalles, John Day, and the second powerhouse at Bonneville Dam. No new dams need to be constructed to meet the projected load growth in the 1970's.

BERNARD GOLDHAMMER.

JOHN GRAVES

Mr. KENNEDY. Mr. President, earlier today I had an opportunity to attend the

funeral services of Mr. John Graves, who was assistant secretary for the majority in the Senate. He died last Thursday evening of a heart attack, although he was only 33 years of age.

John had performed distinguished service for the Senate for 12 years, having risen from the position of elevator operator to his responsible position as assistant secretary for the majority while at the same time pursuing a college education. He had a good knowledge of Senate procedures and was most helpful to many Members of the Senate. He carried out his responsibilties in a very creditable way.

I am sure I speak for all Members of the Senate in expressing sympathy to his wife Karen, his son and daughter, his parents and friends.

THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, recently there has been furnished on a daily basis and printed in the RECORD the results of the Cambodian sanctuary operation in terms of captured enemy equipment, weapons, ammunition, rice, and other supplies.

Mr. President, I ask unanimous consent that a summary of the results as of 8 a.m. this morning, May 18, 1970, comparing it on a 24-hour-change basis, be printed in the RECORD.

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

Terminated operations:*

Enemy KIA	1,468
POW's	270
Individual weapons	1,290
Crew served weapons	184
Small arms ammunition	92,620
Grenades	349
Mines	161
Mortar rounds	683
Large rocket rounds	365
Smaller rocket rounds	2,405
Recoilless rifle rounds	515
Bunkers destroyed	355
Rice (lbs.)	382,000
Vehicles	3

*Operation Rock Crusher IV and Operation Tia Chop

Total operations	Amount	24 hour change
Individual weapons	9,109	+455
Crew served weapons	1,233	+77
Bunkers/structures destroyed	4,651	+322
Machinegun rounds	7,812,464	+569,600
Rifle rounds	3,690,276	+1,683,272
Total small arms ammunition (rounds)	11,502,740	+2,152,872
Grenades	6,922	+1,672
Mines	1,865	+394
Antiaircraft rounds	159,047	+24,268
Mortar rounds	38,879	+23,961
Large rocket rounds	843	−33
Smaller rocket rounds	14,920	+774
Recoilless rifle rounds	14,296	+4,684
Rice (pounds)	6,610,000	+346,000
Man months	145,420	+7,612
Vehicles	211	−4
Boats	40	(1)
Generators	36	
Radios	142	
Enemy KIA	6,495	+309
POW's (includes detainees)	1,576	+13

[1] Unchanged.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE CAMBODIAN INCURSION

Mr. PERCY. Mr. President, last Thursday I introduced a sense-of-the-Senate resolution with respect to the warmaking powers of the President and Congress. It was proposed as a sense-of-the-Senate resolution.

Since that time, in talking with a number of Senators who have expressed an interest in the resolution and in cosponsoring it, the suggestion has been that I give consideration to reintroducing it either as a concurrent resolution or as a joint resolution.

I wish to place on notice those Senators who are considering cosponsorship that that possibility is being reviewed now, and that I would value the judgment of my colleagues in that respect.

FAMILIES OF POW'S FACE BLEAK EXISTENCE

Mr. PERCY. Mr. President, for the past 5 years there has been in this country a small, brave band of women and children who daily face a bleak future with courage and determination. They are the families of the 1,500 Americans being held prisoner by the North Vietnamese.

These people, women and young children for the most part, live under a constant cloud of uncertainty and doubt which would break many others. Literally, many of the women do not know day by day whether they are wives or widows. The children are aware only vaguely that one time they had a father; but they do not know now.

The reason for this uncertainty, this doubt, this cloud, is the brutal callousness of the Communist leadership of North Vietnam, which has adopted as a national policy the deliberate disregard of the Geneva Conventions on War Prisoners.

Under the Geneva agreements the captors of prisoners of war are required, as a bare minimum of humane treatment, to inform the government of those captured. They are also required to allow at least limited communications between the captives and their families.

For the most part the Communists have not notified the U.S. Government of the capture of the men we have listed as missing in action. They have refused steadfastly to permit an exchange of mail with the prisoners' families.

Many members of this small, dedicated group of woman have, at their own expense, attempted to get information about their husbands from the Communists themselves. They have traveled to Paris and to other neutral capitals to talk Communist diplomats.

At every point they have been turned away coldly and with total lack of courtesy or consideration. In fact, several times it has been suggested to these women that they could perhaps get the information they seek if they would take an active role against their own Government.

Mr. President, as Senators we cannot force the Communists to change their ways. However, we can do several things to help these women and their children.

First, we can let them know individually and as a group that their tragic plight is not going without notice.

Second, as officials of the Government we can take an active role in making certain that this brutal Communist defiance of humanitarian behavior is broadcast at every opportunity to the world. Thus we can perhaps help mold world opinion in opposition to the course the Communists have adopted.

Finally, we can make certain that every means is employed by the U.S. Government to bring all the pressure it is possible to bring on the Communists to force them to change this destructive and dehumanizing pattern of action.

We must continue to act every day and in every way possible to bring to a satisfactory conclusion this terrible episode in our history.

ADDITIONAL LEGAL SCHOLARS SUPPORT STATUTE LOWERING VOTING AGE TO 18

Mr. KENNEDY. Mr. President, recently the President circulated a handful of 11 letters, most of which were specifically solicited from legal scholars, opposing the constitutionality of the Senate's percent action in lowering the voting age to 18 by statute.

In light of these letters, and the long delay in further action on the pending statute after it passed the Senate, several points are worth emphasizing:

First, the letters circulated by the President contain not a single new argument on the constitutional issue. Each of the points made in the letters was made in the course of the hearings held before two different Senate subcommittees. Each of the points was made later in the Senate floor debate. Indeed, the author of one of the letters—Dean Louis Pollak of Yale Law School—testified at length before Senator BAYH's Subcommittee on Constitutional Amendments, and raised each of his objections at that time.

As has been pointed out repeatedly in the past, the Senate had full and ample opportunity to consider each of these arguments, but the Senate found them wanting. By the overwhelming vote of 64 to 17, we accepted the view:

First, that the denial of the vote to 18-year-olds was invidious discrimination under the Equal Protection Clause of the 14th amendment;

Second, that section 5 of the amendment gave Congress the power to lower the voting age by statute; and

Third, that Congress was therefore not required to follow the arduous route of constitutional amendment to achieve its goal.

Second, it should be unmistakably clear by now that the constitutionality

of the Senate's action in lowering the voting age by statute is strongly supported by legal authority of the first rank. To be candid, many congressional leaders with whom I talked at the outset said the eloquent support of Prof. Paul Freund, the most renowned constitutional authority in America, was all that was required to convince them that, even though objections would inevitably be raised, eminently respectable constitutional arguments completely justified the Senate's action. In addition, the constitutionality of the statute had the strong support of Prof. Archibald Cox, who served with distinction for 5 years as Solicitor General of the United States under President Kennedy and President Johnson. As Solicitor General, Professor Cox was the Nation's principal legal officer in litigation before the Supreme Court. Indeed, he was one of the most distinguished Solicitors General the Nation has ever had.

Now, the President has marshaled a group of legal scholars who support his position opposing the constitutionality of the statute. Although we do not know the actual number of scholars involved, we are told that they represent the view of the "great majority" of the scholars canvassed by the President.

Obviously, the constitutional issue cannot be resolved simply by counting academic heads. Shortly after I testified on the issue before the Senate Subcommittee on Constitutional Amendments last March, I circulated a copy of my testimony to every professor of constitutional law in America, as listed in the current "Directory of Law Teachers in Law Schools in the United States."

In recent weeks, I have received a significant number of replies—25. By far, the majority of the replies—18—support the constitutionality of lowering the voting age by statute. Only seven replies, five of which were from various authors of the 11 letters circulated by the President, opposed the constitutionality of the statute.

I believe that, as a whole, the replies I have received are strong new support from the academic legal community for the Senate's action on the voting age statute. Today, I am placing all the letters I have received, both pro and con, in the CONGRESSIONAL RECORD. I hope that all who are concerned with the issue will take the time to work their way through this correspondence. I am confident that those who do so will come away, as I have, not only with a higher level of understanding of the 14th amendment and Supreme Court precedents like the Morgan case, but also with the convincing impression that each and every objection to the Senate statute has been satisfactorily answered.

Third, an important aspect of the views of Professor Freund and Professor Cox is that, unlike all the other scholars, their views were not reached under the gun of the present debate, or in response to a call from my office, or in response to a call from the White House. Professor Freund first stated his view in 1968. Professor Cox first stated his view as long ago as 1966, only a few months after the Morgan case itself was decided, in a long and scholarly legal article in the Harvard Law Review, in which he recognized the important constitutional implications of the case.

Thus, the views of these two eminent legal scholars were reached separately and independently years ago in the thoughtful, imaginative, and unpressured atmosphere of one of the Nation's great law schools.

Fourth, in light of the President's obvious purpose in circulating the letters from the constitutional scholars who oppose the statute, some of the letters are surprisingly hedged in their conclusions. Indeed, one letter—by Prof. Herbert Wechsler of Columbia Law School—actually seems to imply that the statute would be upheld, albeit by a closely divided vote of the Supreme Court. Therefore, Professor Wechsler prefers to rest his objections to the statute on political grounds, rather than on constitutional grounds. Obviously, however, this sort of political judgment is one preeminently for us in Congress to make.

Fifth, neither the President nor any of the group of constitutional scholars he cites has ever satisfactorily resolved the inconsistency in the administration's own legal position. Two of the principal provisions in the pending voting rights bill were sponsored and strongly supported by the administration. One of these provisions proposes to abolish State literacy requirements for voting. The other proposes to reduce State residence requirements for voting. Time and again, in justifying the constitutionality of these changes by statute, the administration has relied on the Morgan case, and has used essentially the same constitutional arguments that the Senate used to justify the constitutionality of the provision changing State age requirements for voting. The administration cannot have it both ways. If it is constitutional to change literacy and residence requirements by statute, then it is also constitutional to change age requirements for voting.

Sixth, in the last analysis, it is we in Congress, not the professors in the law schools, who have the responsibility to decide the constitutional issue when we vote on this legislation. Of course, we know that the issue cannot be finally resolved until it is decided by the Supreme Court. Nevertheless, we in Congress have the obligation to cast our vote in light of our own constitutional power and responsibility, and our own best judgment as to the validity of the pending legislation.

There are many historical precedents for our action. For present purposes, it is sufficient to note that if Congress had failed to make this sort of determination and exercise this sort of responsibility with respect to President Roosevelt's New Deal legislation in the 1930's, the Nation would never have had a New Deal or any of the great social reforms of that period. Similarly, if Congress had failed to exercise its own constitutional responsibility in the 1960's, we would never have had a Civil Rights Act of 1964, or a Voting Rights Act of 1965, or a Fair Housing Act of 1968.

Yet at the time the original New Deal legislation and most of these great civil rights acts were passed, there were no Supreme Court precedents comparable in strength to the Morgan case to support them. There was far less constitutional justification for that legislation than we have today to justify the statute lowering the voting age. Yet, in these other areas, Congress went ahead, and passed this urgently needed legislation out of its own sense of constitutional power and responsibility. Essentially without exception, the constitutionality of each and every one of those great legislative actions was later vindicated completely by the Supreme Court. We in Congress today can do not less.

Indeed, the President's posture in the present legal controversy has a triple irony. It is ironic that at the very time the President is urging us to ignore deep constitutional doubts and vote for repressive crime legislation in areas like preventive detention and no-knock searches, he is also urging us to respect constitutional doubts and vote against America's youth. It is ironic that he asks us to enact a statute charging literacy and residence requirements for voting, but to reject a statute changing age requirements, even though the constitutional basis of all three statutes is the same. And, it is ironic that a President—who campaigned for his high office in large part on his view of a strict constructionist as one who would give Congress greater leeway to write laws, and who would be "very conservative in overthrowing a law passed by the elected representatives of the people at the State or Federal level"—now seeks to deprive us, the elected representatives, of the leeway he once professed.

Seventh, contrary to the suggestion of the President, it is clear that a judicial test of the voting age provision can be carried out promptly. There are many Supreme Court precedents demonstrating the speed with which the Court can act, especially in sensitive areas like the right to vote. Indeed, as I have indicated in the past, there is very good reason to believe that, if the statute is enacted soon, a final Supreme Court decision on its validity can be handed down even before January 1, 1971, the date the statute actually goes into effect.

In closing, I reaffirm my belief that lowering the voting age to 18 is the single most effective step we can take today to bring our youth into the mainstream of the political processes and institutions of America. In recent days in Washington, we have seen the enormous energy and passionate commitment of our youth, their dedication to a better America, the intense desire of the overwhelming majority of our young people to work constructively within the system.

At the very least, I think, we can agree that they have earned the right to vote. We cannot allow ourselves to be deluded by any false optimism as to the possibility of accomplishing our goal by constitutional amendment. All previous efforts in Congress to pass such an amendment have met with uniform frustration for 30 years. The pending voting rights bill is our only real chance of achieving this reform, and it is time for Congress to act.

Mr. President, I ask unanimous consent that the letters I have received be printed in the RECORD at this point.

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

LETTERS FROM LEGAL SCHOLARS SUPPORTING THE CONSTITUTIONALITY OF THE STATUTE LOWERING THE VOTING AGE TO 18

CALIFORNIA

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
SCHOOL OF LAW,
Los Angeles, Calif., April 28, 1970.

Sen. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In response to your inquiry, I am in complete agreement with your position as to the constitutionality of the Voting Rights bill, enabling 18-year-olds to vote in all elections, Federal, State, and local. By reason of *Katzenbach* v. *Morgan* it is clear that Sec. 5 of the Fourteenth Amendment authorizes Congress to enact the Voting Rights bill. One hesitates to conclude that any current issue of constitutional law is settled beyond debate, but in my judgment the *Morgan* case forecloses any viable argument against the validity of this proposed legislation.

With very best wishes.

Sincerely,

MELVILLE B. NIMMER,
Professor of Law.

UNIVERSITY OF SOUTHERN CALIFORNIA,
LAW CENTER,
University Park, Los Angeles, Calif., April 20, 1970.

Sen EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I received from your office a few weeks ago materials bearing upon the proposed legislation on lowering the voting age to 18. I think the proposal is an excellent idea and I encourage you and your staff to continue pursuing the matter. Please feel free to use my support in any way that may be helpful.

Sincerely yours,

CHRISTOPHER D. STONE,
Professor of Law.

THE CENTER FOR THE STUDY OF DEMOCRATIC INSTITUTIONS/THE FUND FOR THE REPUBLIC, INC.,
April 7, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In response to your inquiry whether it is constitutionally permissible to lower the voting age to 18 by statute rather than by constitutional amendment, let me say, as a professor of constitutional law, that I concur completely with your analysis of the situation. *Katzenbach* v. *Morgan* authorizes Congress to act in the voting field under Section 5 of the Fourteenth Amendment. I support your action and wish you every success. I am, incidentally, on leave of absence from Catholic University Law School and am currently a visiting fellow here at the Center.

Sincerely yours,

JON M. VAN DYKE,
Visiting Fellow.

UNIVERSITY OF SAN FRANCISCO,
San Francisco, Calif., April 8, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of March 18th concerning the voting rights bill sponsored by you and Senator Mansfield. I read with great interest your testimony before the Senate Sub-Committee on the question of the vote for 18 year olds. I agree heartily with your position. As a University professor who deals daily with the youth of our nation, I am convinced that they should be given the franchise. Many in the 18 to 21 year old group demonstrate more maturity and responsibility than citizens twice their age.

As a professor of Constitutional Law, I fully agree with your position that Congress may enact such legislation. In my opinion such a proposal could take effect without the necessity of a constitutional amendment.

I trust that the above information will be of assistance to you. Thank you for soliciting my comments.

Sincerely,

PETER J. DONNICI,
Associate Professor.

IOWA

THE UNIVERSITY OF IOWA,
Iowa City, Iowa, April 7, 1970.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I was pleased to receive your letter of March 18 and a copy of your remarks, delivered to the Subcommittee on Constitutional Amendments, on the question of lowering the voting age to 18 by legislation rather than by constitutional amendment. Let me say, simply, that I join you in the judgment that the voting age should be lowered, and in the arguments you advance in favor of that judgment.

The constitutional question does seem rather easy after the decision in *Katzenbach* v. *Morgan*. Although you may overstate the position on page four where you say that it is only necessary for Congress to conclude "that the justifications in favor of extending the franchise outweigh the justifications for restricting [it]," your analysis of *Morgan* is otherwise without fault. The Court in that case was clearly encouraging Congress to draw upon the vast store of federal legislative power conferred by Section 5 of the fourteenth amendment, primarily for the purpose of insulating itself from the necessity of making controversial decisions turning on difficult legislative factual determinations. Lowering of the voting age is just such a decision.

Thus, an Act of Congress lowering the voting age to 18 would be impervious to attack unless the Court backtracks on *Morgan*, and I think it dare not do that. The act would be shielded to the presumption of constitutionality that traditionally attaches to Congressional enactments, and by the Supreme Court's indication that this presumption can be overcome only by a showing that there is no "perceivable" basis for a Congressional judgment either that withholding the franchise from individuals over 18 is a denial of equal protection or that extension of the franchise to individuals over 18 is necessary to insure that these individuals receive equal protection of the law. In view of the growing sophistication and awareness of young adults, the legal treatment and responsibilities of individuals over 18 in most matters, and the burden of the present war on this age group, I think it would be impossible to make this showing.

In sum, then, I conclude with you that Congressional legislation lowering the voting age to 18 would be constitutional under *Morgan*, despite the fact that the classification involved in that case had ethnic overtones which are historically more suspect than are age classifications. Certainly, the concurrence of Professors Cox and Freund in the conclusion is extremely persuasive support for your position.

Accelerating Supreme Court review of the legislation is advisable, both because of the disastrous consequences of a determination of unconstitutionality after an election and because of the uncertainties in predicting decisions in the future if President Nixon is given further opportunity to follow his present course in selecting Supreme Court Justices. In addition, careful consideration should probably be given to the danger that large numbers of students attending school away from home will be disenfranchised by state residency requirements.

If in the future I can be of assistance to you in any way, legal or political, please call on me.

Sincerely,

DAVID J. REBER,
Assistant Professor of Law.

THE UNIVERSITY OF IOWA,
COLLEGE OF LAW,
Iowa City, Iowa, April 27, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The following is in response to your letter of March 18 asking for an opinion on the eighteen-year-old voting rights bill. It is my opinion that Congress has the legislative power under section five of the fourteenth amendment to change the voting age to eighteen in all federal, state, and local elections. A constitutional amendment is not needed; Congress can achieve this result by statute. Recent cases suggest that Congress can use at least two different theories to support a statute that would enfranchise eighteen-year-olds in federal, state, and local elections.

To some extent section five of the fourteenth amendment gives Congress the authority to define what constitutes a violation of equal protection of the laws. See *Katzenbach v. Morgan*, 384 U.S. 641 at 656 (1966). Congress could find that barring persons between the ages of eighteen and twenty-one years old from voting is an arbitrary and irrational discrimination against them, and, therefore, violates the equal protection clause of the fourteenth amendment. A legislative finding to this effect followed by a statute enfranchising all eighteen-year-olds would be presumed constitutional, and would probably be upheld by the courts on the grounds that a rational Congress could think such a discrimination is capricious. Eighteen-year-olds are currently liable for military service, are usually high school graduates, and by the standards of our contemporary society, are treated for most purposes as adults. Furthermore, they are sufficiently physically and mentally mature at that age, and have a sufficiently direct and immediate stake in most major governmental decisions, so that a reasonable Congressman could think that excluding them from the vote is an irrational act. Given these facts, and many others of which you are fully aware, such legislation as you have suggested should be deemed constitutional as a means of implementing the fourteenth amendment.

Another theory upon which the statute you suggest could be held constitutional depends upon a congressional finding that young adults between the ages of eighteen and twenty-one are in danger of being discriminated against by the larger society, or that they have in fact been discriminated against by the larger society, in a way that hurts their interests. Congress could find that enfranchising persons between the ages of eighteen and twenty-one would give them enhanced political power which would be helpful in assuring non-discriminatory and fair treatment for them from the larger society. With the right to vote, young adults would have the political power to eliminate any existing arbitrary governmental discrimination worked against them, and the political power to deter the creation of any such discriminations in the future. By analogy see *Katzenbach* v. *Morgan*, 384 U.S. 641 at 652–3 (1966).

For a good discussion of both of the above approaches I would recommend the Harvard

Law Review article by Professor Archibald Cox of the Harvard Law School dealing with the enforcement power of the fourtheenth amendment. The article may be found at 80 Harvard Law Review 91 (1966).

I think it is very important that any statute of Congress on this subject should have extensive findings of fact. These findings of fact will be most useful to a court seeking to uphold such a statute. In my opinion the Supreme Court of the United States should and would uphold the constitutionality of such a statute of Congress enfranchising eighteen-year-olds in all federal, state, and local elections as a necessary and proper means of enforcing the fourteenth amendment.

Yours truly,

ARTHUR EARL BONFIELD,
Law School Foundation Professor.

KANSAS

THE UNIVERSITY OF KANSAS,
Lawrence, Kans., April 1, 1970.

Senator EDWARD M. KENNEDY,
U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: I am writing in reply to your letter of March 18, 1970 concerning the lowering of the voting age to 18.

I favor your bill but I really do not think I have anything to add to the constitutional arguments set forth on your Senate speech of March 5, 1970. Your arguments were very complete.

Very truly yours,

LAWRENCE R. VELVEL,
Associate Professor of Law.

MASSACHUSETTS

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 7, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter of March 18, and for the reprint of your speech of March 15 on the 18-year-old voting bill.

Your admirable reasoning, the Supreme Court's opinion in *Katzenbach* v. *Morgan*, and a little thought of my own on the matter, all convince me that national legislation lowering the voting-age to 18 is both desirable and constitutional.

In the first place I do not like the idea of a voting age which varies according to State boundaries. We Americans do not differ in maturity between Massachusetts and Rhode Island, or between Maine and California.

Surely the Fourteenth Amendment's Equal Protection Clause, and that Amendment's 5th Section, authorizing the Congress to legislate to achieve Equal Protection, together validate the 18-year-old national standard. If Congress decides that an average 18-year-old can understand the issues in a modern election, (which I do not at all doubt) I see no reason why the Supreme Court should hold that decision invalid.

Your letter in this morning's New York Times states the case admirably. I hope the bill goes through.

Sincerely yours,

ARTHUR E. SUTHERLAND.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 8, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I have received your letter enclosing your remarks sponsoring the amendment to the Voting Rights bill that would enable 18 year olds to vote.

I take it from your letter that you are more interested in my views on the constitutional law questions than on the merits of the proposal. In recent weeks I have read the statement of Mr. Archibald Cox supporting the constitutionality of the amendment and the letter of six constitutional lawyers on the Yale Law School faculty attacking the constitutionality of the amendment that appeared in the New York Times on April 5, 1970. I support the former and reject the latter.

The view that the Equal Protection Clause of the Fourteenth Amendment was intended primarily to limit state restrictions on ethnic minorities, which was strongly urged by many, including some Justices of the Supreme Court, in the period immediately following its adoption, is a relic of the 19th century. The Equal Protection Clause in recent years has been applied to many types of state legislation having no relation to ethnic minorities. Therefore, to argue, as the letter does, that the doctrine of Katzenbach v. Morgan should be continued in this way is to argue for a restriction that does not appear in the Court's statement of the doctrine, and more importantly, to suggest a limitation of at least one aspect of the Fourteenth Amendment by returning to a view that was rejected in the 19th century.

The "conclusive" reason for rejecting the applicability of Katzenbach v. Morgan that is given in the New York Times letter is the reference in § 2 of the Fourteenth Amendment to the age of twenty-one in connection with voting. More specifically § 2 requires reduction of the number of Representatives from a State when the right to vote "is denied to any of the male inhabitants of such State, being twenty-one years of age." I do not believe it is wise constitutional interpretation to find in a provision requiring reduction of representation when a State denies the vote to someone who is 21 a "conclusive reason" for saying that Congress may not, under § 5 of the Fourteenth Amendment, lower the voting age to 18. Section 2 of the Fourteenth Amendment is intended to penalize state disenfranchisement of voters, not to prohibit congressional enfranchisement of voters. The reference to the voting age of twenty-one is probably best understood as reflecting the then common voting age.

Thus I do not believe that § 2 of the Fourteenth Amendment restricts the application of the doctrine of Katzenbach v. Morgan as set out in Mr. Cox's statement and in your remarks as they appear in the Congressional Record for March 5, 1970.

Sincerely yours,

ANDREW L. KAUFMAN,
Professor of Law.

BOSTON COLLEGE LAW SCHOOL,
Brighton, Mass., April 10, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for sending me the excerpt from the Congressional Record of March 5 reporting your statement to the Judiciary Committee on the bill to reduce the minimum voting age.

I believe that, under the doctrine announced in *Katzenbach* v. *Morgan*, 384 U.S. 641, a finding by the Congress that exclusion of persons in certain age groups from the voting franchise constitutes, for specified reasons, an invidious and unreasonable discrimination against such persons would be accepted by the Supreme Court as an appropriate basis for Congressional legislation in enforcement of the Fourteenth Amendment to establish a minimum voting age.

I believed, and still believe, for a similar reason that it was unnecessary to resort to the process of constitutional amendment to eliminate the poll-tax requirement as a condition to the exercise of the voting privilege. Unfortunately, this was the method chosen for removal of that abuse when the Twenty-Fourth Amendment was adopted. I do not think that this should establish a precedent to establish the disability of Congress to do away with other evils in the voting process.

With due deference to my peers at Yale Law School whose letter to the editor of the New York Times on the subject you may have seen on April 5, 1970, I do not think that the reference to voters over 21 years of age contained in Section 2 of the Fourteenth Amendment is apposite. That clause prescribed a remedy for a specific type of discriminatory practice, and should not be taken to preclude legislative action under Section 5 dealing with other forms of electoral discrimination.

Sincerely,

JOHN D. O'REILLY, Jr.,
Professor of Law.

NEW YORK

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, SCHOOL OF LAW,
New York, N.Y., April 3, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of March 18, 1970, and for the extract of the *Congressional Record* of March 5, 1970, setting forth your testimony on the proposal to lower the voting age to eighteen.

I am in complete agreement with your analysis of the constitutionality of lowering the voting age by statute. It seems to me that *Katzenbach* v *Morgan* is a remarkably close precedent, and that the case for constitutionality is extremely strong.

You may be interested in a letter which I wrote to the *New York Times* in June 1968, in which the same conclusion was set forth; I am enclosing a copy herewith. At around the same time I wrote to Senator Birch Bayh, as Chairman of the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, setting forth the same arguments at somewhat greater length.

Very truly yours,

ALBERT J. ROSENTHAL,

[From the New York Times, June 9, 1968]

FOR NATIONWIDE VOTING AGE OF 18

To the Editor: Recent news items have indicated a growing conviction among many people, including the President, that the minimum voting age should be reduced on a nationwide basis to eighteen, but that there is a general assumption that this can be accomplished only by a constitutional amendment and therefore cannot happen quickly.

I should like to suggest that the same purpose could validly be accomplished by an ordinary act of Congress, pursuant to powers conferred upon Congress by the Fourteenth Amendment.

It will be recalled that until recently New York State conditioned the right to vote upon literacy in English. But in 1965 Congress provided, in effect, that no person who had completed sixth grade instruction in Spanish, in a school in Puerto Rico, could be denied the right to vote in any election in the United States because of his inability to read or write English. Faced with a clear conflict between the Federal and state laws on the subject, the Supreme Court in 1966, in the case of Katzenbach v. Morgan, upheld the Federal statute.

The striking factor in the Court's opinion was that it assumed that the New York statute might well have been a perfectly proper exercise of the state's power to regulate qualifications for voting.

Nevertheless, the Court held that Section 5 of the Fourteenth Amendment conferred upon Congress power similar to that found in the "necessary and proper" clause, and that pursuant to such power an otherwise valid state law might nonetheless be superseded by Congress if Congress could reasonably find that such supersession was appropriate in order to accomplish a purpose for which Congress was empowered to legislate.

ENHANCED POWER

In the Morgan case the Court noted that Congress might have concluded that the enhanced political power conferred would "be helpful in gaining nondiscriminatory treatment in public services, for the entire Puerto-Rican community."

It would seem that much the same kind of argument could be made with respect to reduction of the voting age. Congress could conclude, for example, that the interests of young people and their views on such subjects as, among others, Selective Service policies and laws pertaining to education, deserved greater attention in the political process. Thus the granting of the vote to them would similarly "be helpful in gaining nondiscriminatory treatment." There is a strong hint in Katzenbach v. Morgan that the Supreme Court would accept such an express or implicit determination on the part of Congress as a basis for upholding the statute.

Some young people seem alienated from society, rejecting all involvement. Others have turned to force rather than reasoned discourse for the redress of grievances. But we have also seen a remarkable outpouring of youthful idealism into legitimate political activities. Reduction of the voting age, while no panacea, would undoubtedly strengthen this trend. Congress has the apparent constitutional power to take this step, and should exercise it now.

ALBERT J. ROSENTHAL,
Professor of Law.

COLUMBIA UNIVERSITY, NEW YORK, *June 4, 1968.*

NORTH CAROLINA

THE UNIVERSITY OF NORTH CAROLINA, SCHOOL OF LAW,
Chapel Hill, N.C., April 7, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Belatedly I acknowledge with appreciation receipt of your letter and enclosure of March 18 respecting Congressional reduction of the voting age to eighteen. The Court's historic decision in *Katzenbach* v. *Morgan* does indeed lay basis for Congressional action with repect to voting rights never before within constitutional bounds. Indeed, in combination with *United States* v. *Guest,* it suggests a reach of Federal power in civil relations possibly the equal of the seemingly limitless extent of Federal power over matters economic. If this is its import, the end of federalism as a division of policy-making power between Congress and the States is at hand and the only brand of federalism remaining will be administrative federalism, viz. policy formulation by the Congress with partially localized administration thereof. Conceivably, the very ramifications of *Morgan* might lead to judicial hesitancy concerning the extension of its doctrine despite the analogy you stress between literacy test and voting age. Doubtless this would not happen with a Warren Court, but might with one less disposed to run a major holding out to its ultimate possibilities. On this analysis, the sooner the constitutional issue reaches the Supreme Court for decision the greater the likelihood of constitutionality.

The above constitutes a response to your request for my reaction as a professor of Constitutional Law. As a citizen, I am sympathetic to reduction in voting age.

With great respect, I remain,
Sincerely,

FRANK R. STRONG,
Professor of Law.

OHIO

CHASE LAW SCHOOL,
Cincinnati, Ohio, April 10, 1970.

Sen. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I have taken the liberty to reply to your letter of March 18 to Professor Grosse, who is no longer associated with Chase Law School. I am now attempting to enlighten the students on Constitutional Law. I have waited to reply to your letter until we entertained discussion of Katzenbach v. Morgan in class.

From the reading of the Congressional Record, which you enclosed, I gather your support for the amendment of the Voting Rights Act is based on the Morgan decision. I think this is certainly a valid interpretation of the case. The Supreme Court has recently attached great import to the enabling clause, § 5 of the Fourteenth Amendment. In order to sanction this lowering of the voting age, support must be found by this reading of the Fourteenth Amendment. By Justice Brennan's majority opinion, the Court seems to give Congress the legislative discretion with respect to the enabling clause that it earlier gave Congress with respect to economic regulation through the "necessary and proper clause". Whether it is a plenary power will remain to be seen. On the whole, I believe the legislation in question is certainly supportable by Morgan and the decision also in United States v. Guest. It will remain to be seen whether any change in the constituency of the Court will affect this interpretation.

From a personal viewpoint, I think the lowering of the voting age is imperative. The facts that you quote in the Congressional Record definitely shows the desirability of the legislation. I have been enfranchised only four years, as I am only 25 years old. Whether you decide that my age affects my constitutional judgment remains to be seen. I think to correct the evils in our society which touch our youth we need to afford the youth an opportunity to work within the system, rather than without it.

I most certainly appreciate the opportunity to be of some aid in your attempt to pass this legislation. If I may be of further help, please let me know.

Yours truly,

Prof. FREDERIC S. GRAY.

PENNSYLVANIA

UNIVERSITY OF PENNSYLVANIA,
THE LAW SCHOOL,
Philadelphia, Pa., May 1, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of March 18, enclosing your testimony supporting legislation lowering the voting age to 18 in all elections.

I think your position on the constitutional question is the correct one. In my view, Congress has constitutional power, under Section 5 of the Fourteenth Amendment, to forbid States to deny the right to vote, on the ground of age, to persons who are older than eighteen. I agree, in the main, with the reasons which have been spelled out by Professor Cox in support of this view and which flow from the Supreme Court's decision in *Morgan* v. *Katzenbach.*

There is one respect in which I disagree with what you say in your testimony, although I agree with your result. While the difference between us may only be a verbal one, it may have a bearing on the constitutionality of any legislation which may be ultimately enacted. You say (p. 4) that "if Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18 year-olds." You repeat the thought later on p. 4 by saying that "if Congress weighs the various interests and determines that a reasonable basis exists for granting the franchise to 18 year-olds, a statute reducing the voting age to 18 could not be successfully challenged as unconstitutional."

I do not think that Section 5 of the Fourteenth Amendment, as interpreted by *Morgan,* permits Congress to make its judgment of what the minimum voting age should be binding on the States, even though its judgment be a reasonable one. Under the Constitution, it is the States—not Congress—which have the right to make the initial judgment about voting qualifications (at least where state elections are concerned and where the Constitution, as in Article I, Section 7, clause 1 and the Seventeenth Amendment, refers to state elections in determining those qualified to vote in federal elections). Congress does have the power, however, to determine that a State judgment about the minimum age is sufficiently unreasonable so as to violate the equal protection clause, and to forbid the States to enforce such a judgment. There is a difference between saying that a State judgment about voting age is *wrong,* in the sense that Congress would have reached a different judgment, and saying that the State judgment about voting age is so *unreasonable* as to be unconstitutionally unfair. I think that Congress has to say the latter in order to support legislation lowering the voting age.

Thus, although I believe that Congress has the power to set a minimum voting age of eighteen through statute, I think that this action must be based on the conclusion by Congress that a higher age would constitute a denial of equal protection, not merely on the conclusion by Congress that eighteen is a reasonable minimum age. *Katzenbach* v. *Morgan* suggests that kinds of findings Congress might make which would support its conclusion that an age higher than eighteen denies equal protection. It might be found, for example, that government is not equally responsive to the special interests of persons between eighteen and twenty-one because they lack the vote, and that, in view of the educational level of most eighteen year-olds, and their treatment as adults in many areas such as criminal law (the line between juvenile and adult offenders is often drawn at eighteen) and military obligation, a discrimination between eighteen and twenty-one year-olds appears invidious. At least the conclusory finding by Congress that denial of the vote to eighteen year-olds denies equal protection in view of these factors, should be incorporated into the legislation, as a preamble or otherwise, if that is possible. Such a finding would, I believe, maximize the chances of the legislation being upheld.

Sincerely,

PAUL BENDER.

PUERTO RICO

SCHOOL OF LAW,
UNIVERSITY OF PUERTO RICO,
Rio Piedras, P.R., April 3, 1970.

Sen. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Yesterday I received your letter of March 18 and a copy of testimony you delivered before a Senate subcommittee on an amendment to the Voting Rights bill to enable 18 year olds to vote in all elections. I have read your testimony with great interest and have also reexamined all pertinent cases of the United States Supreme Court and law review articles. I am in complete agreement with the opinions expressed by Professor Cox and Professor Freund which are included in your testimony. I have nothing to add to their analysis. I am also in favor of granting the electoral franchise to 18 year olds.

I have examined the text of the amendment as found in 116 Congressional Record, Senate 5950 (March 4, 1970). I find that Section 302 applies to "any State or political subdivision" and that Section 304 provides that the term "State" includes the District of Columbia. It seems, therefore, that the amendment will not apply to elections in Puerto Rico, even though Puerto Ricans are American citizens and even

though a "federal" election (that of the Resident Commissioner) is held in Puerto Rico every four years.

As a matter of policy, I believe that we Puerto Ricans should decide whether 18 year olds should have the right to vote in local elections. As you probably know, a referendum on that question is to be held in Puerto Rico next November.

However, from a constitutional point of view it is very doubtful whether Congress can exclude American citizens living in Puerto Rico from a law which is designed to guarantee "American citizens" the due process and equal protection of the laws "guaranteed to them by the 14th Amendment of the Constitution." Federal due process applies to Puerto Rico, although it is not clear whether it stems from the 5th Amendment or the 14th Amendment. Colon-Rosich v. Puerto Rico, 256 F 2d. 393 (1958); Stagg v. Descartes, 244 F 2d. 578 (1957); Mora v. Mejias, 206 F 2d. 377 (1953). There is no doubt in my mind that federal equal protection also applies to the Commonwealth. See in general Leibowitz, The Applicability of Federal Law to the Commonwealth of Puerto Rico, 56 Georgetown Law Journal 219 (1967).

With my warm regards.

Sincerely,

RAÚL SERRANO-GEYLS,
Professor of Law.

TEXAS

TEXAS TECH UNIVERSITY,
Lubbock, Tex., April 6, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of March 18 and the opportunity to express my comments on the Voting Rights bill to enable 18 year olds to vote. I share your views that the minimum voting age should be lowered to 18 for all Federal, State and local elections and that Congress, under the Supreme Court's decision of Katzenbach v. Morgan, 86 S. Ct. 1717 (1966), has the constitutional power to act by statute to achieve this purpose.

In *Katzenbach v. Morgan* the Court first discussed the scope of judicial review of congressional power. The question initially presented was: "If Congress, under § 5 of the 14th Amendment enacted § 4(e) of the Voting Rights Act of 1965 that precluded the enforcement of the New York English literacy law, would the Court be required to find the New York law in violation of the equal protection clause of the 14th Amendment before it could find that Congress had the power to enact § 4(e) under § 5 of the 14th Amendment. The Court held that its task was not to determine whether the New York English literacy requirement as applied to deny the right to vote to a person who successfully completed the sixth grade in a Puerto Rican school violates the equal protection clause of the 14th Amendment. Instead, the question for the Court was whether § 4(e) was, as required by § 5 of the 14th Amendment, appropriate legislation to enforce the equal protection clause of the 14th Amendment.

By analogy, the scope of judicial review of congressional power as discussed in *Katzenbach v. Morgan* could be applied to the Voting Rights bill to enable 18 year olds to vote. The question presented would be: if Congress, under § 5 of the 14th Amendment, enacted a Voting Rights bill for 18 year olds that precluded the enforcement of the state laws establishing the voting age at 21, would the Court be required to find the state laws in violation of the equal protection clause of the 14th Amendment before it could find that Congress had the power to enact the 18 year olds Voting Rights bill under § 5 of the 14th Amendment. The Court, under *Katzenbach v. Morgan*, should hold that its task is not to determine whether the state requirements as applied to deny the right to vote to a person between 18 and 21 violate the equal protection clause of the 14th Amendment. Instead, the question for the Court would be whether the 18 year olds Voting Rights bill was, as required by § 5 of the 14th Amendment, appropriate legislation to enforce the equal protection clause of the 14th Amendment.

The significance of this shift in question is to limit judicial review of congressional power. This is not a new doctrine but can be traced back to at least the time of Holmes in his dissenting opinions in *Lochner v. New York* and *Coppage v. Kansas*.

Once the shift in question occurred in *Katzenbach* v. *Morgan*, the Court considered three questions in order to determine whether § 4(e) was appropriate legislation: (1) Whether § 4(e) was an enactment to enforce the equal protection clause (86 S. Ct. at 1724); (2) Whether § 4(e) was plainly adapted to further the aims of the equal protection clause (86 S. Ct. at 1724–26); and (3) Whether the constitutional remedies adopted in § 4(e) constituted means which were not prohibited by, but were consistent with the letter and spirit of the Constitution (86 S. Ct. at 1726–28).

By analogy, the Court should follow the *Katzenbach* v. *Morgan* analysis to determine whether the 18 year olds Voting Rights bill is appropriate legislation. First, the answer to whether the 18 year olds Voting Rights bill was an enactment to enforce the equal protection clause, could be based on the fact that the Voting Rights bill was a measure to secure for persons 18 to 21 nondiscriminatory treatment by government in the imposition of voting qualifications. Second, a two-fold answer to whether the Voting Rights bill was plainly adapted to further the aims of the equal protection clause could be given:

(a) The practical effect of the Voting Rights bill is to prohibit the states from denying the right to vote to large segments of its community. The Voting Rights bill enhances the political power of the 18 to 21 age group which will be helpful in gaining nondiscriminatory treatment in the community. The Voting Rights bill thereby enables the 18 to 21 minority better to obtain "perfect equality of civil rights and equal protection of the law."

(b) It is well within congressional authority to say that this need of the 18 to 21 minority for the vote warranted federal intrusion on any state interests served by the state age requirements. It was for Congress, as the branch that made the judgment, to assess and weigh the various conflicting considerations. It is not for the Court to review the congressional resolution of these factors. It is enough that the Court is able to perceive a basis on which the Congress might resolve the conflict as it did. There plainly was such a basis to support the Voting Rights bill. 116 Congressional Record (March 5, 1970).

Third, the answer to the question of whether the constitutional remedies adopted in the Voting Rights bill constituted means which were not prohibited by, but were consistent with the letter and spirit of the Constitution, is based only on whether it was permissible and not whether the age should be below 18. "A statute is not invalid under the Constitution because it might have gone further than it did."

Some notice should be paid to the dissenting opinion in Katzenbach v. Morgan, 86 S. Ct. 1731 (1966), by Mr. Justice Harlan and Mr. Justice Stewart. In their view congressional power is more limited than what appears in the Court's opinion. First, the Court must determine whether the condition with which Congress has sought to deal is in truth an infringement of the Constitution. If it is, the Court would next consider whether the statute is appropriate remedial legislation to cure an established violation of a constitutional command. The dissent then found that there was no legislative record supporting the alleged discrimination and therefore it could not find that the state enactment violated federal constitutional rights. Applying this to the Voting Rights bill to enable 18 year olds to vote, the question that the dissent would consider first is whether the state enactments that set the minimum voting age at 21, 20 (Hawaii) and 19 (Alaska), do in fact violate the equal protection clause of the 14th Amendment. This question would require an affirmative answer before the dissent would consider whether it was appropriate remedial legislation under § 5 of the 14th Amendment. Viewing the voting rights for 18 year olds in this light, the case becomes substantially more difficult.

Alhough I believe that under *Katzenbach v. Morgan* Congress would have the power to enact the Voting Rights bill to enable 18 year olds to vote and action should be taken in this direction, several other factors should be mentioned that could cause the Court to hold that Congress does not have the power. First, *Katzenbach v. Morgan* was a 7–2 decision. The dissenters were Mr. Justice Harlan and Mr. Justice Stewart. With the change in Court membership and a shift of one Justice, the vote could become 4–5. Second, *Katzenbach v. Morgan* was decided in 1966 in an era when civil rights were in vogue. It was a logical follow-up to *Heart of Atlanta Motel v. United States and Katzenbach v. McClung*. The Court may, by the time a test case comes before it, be in a different mood and thus distinguish *Katzenbach v. Morgan*. Third, *Katzenbach v. Morgan* was an open-ended decision which, like *McCulloch v. Marland*, would give Congress extensive power over the states. By distinguishing future cases, the Court could limit this power drastically.

Sincerely,

MARTIN A. FREY,
Associate Professor of Law.

VIRGINIA

COLLEGE OF WILLIAM AND MARY,
MARSHALL-WYTHE SCHOOL OF LAW,
Williamsburg, Va., March 26, 1970.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of March 18, with reference to the proposed amendment to the Voting Rights Bill of 1970, lowering the voting age of 18 in all Federal, state and local elections.

I am emphatically in agreement with you that such a provision may be enacted by Congress without the need for a constitutional amendment, so far as Federal elections and primaries are concerned. Whether Congress may extend its authority over elections to state and local voting, especially where these are not held in conjunction with Federal elections, may well become a justiciable question before the courts. My personal sympathy would be with the view that the equal protection clause of the Fourteenth Amendment would be applicable, but there is reasonable doubt as to how the Court might rule. Inasmuch as there is manifestly a trend among the states toward lowering the voting age, I should have hoped that a Congressional enactment dealing solely with Federal elections would have encouraged a general movement in the same direction by the states, without the possibility of precipitating a judicial challenge to the legislation.

On the subject of the electorial franchise generally, may I take this opportunity to express my hope that the proposed amendment eliminating the Electoral College may be brought to the Senate floor and approved for submission to the people. Not only is the Electoral College an artificial device which never worked, except invidiously, but it is a glaring anachronism in the modern age of one-man, one-vote, and philosophi-

cally if not practically inconsistent with the concepts of national citizenship and equal protection in the Fourteenth Amendment.

Some of these ideas I have discussed in both volumes of my current book on *Court and Constitution in the 20th Century*. I hope you will have opportunity to examine the first volume, subtitled, *The Old Legality, 1889–1932*, which was published last year, as well as the second, *The New Legality, 1932–1968*, which will appear late this spring.

Respectfully,

WILLIAM F. SWINDLER,
Professor of Law.

WISCONSIN

THE UNIVERSITY OF WISCONSIN,
LAW SCHOOL,
Madison, Wis., April 1, 1970.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of March 18 concerning the amendment to the Voting Rights Bill which would lower the voting age to 18.

I agree that Section 5 of the 14th Amendment, as interpreted in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), supports the constitutionality of such a measure. I believe that there is a basis, which the Court can perceive, "upon which Congress might predicate a judgment that" denying the vote to citizens who have reached the age of 18 but not 21 is "an invidious discrimination in violation of the Equal Protection Clause."

Sincerely yours,

ABNER BRODIE,
Professor of Law.

CALIFORNIA

CENTER FOR ADVANCED STUDY IN
THE BEHAVIORAL SCIENCES,
Stanford, Calif., April 21, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate
Washington, D.C.

MY DEAR SENATOR KENNEDY: I appreciate your inquiry regarding my views on the constitutionality of changing the voting age by statute. I have just written to the President on this matter, and I take the liberty of enclosing a copy of that letter to give you my conclusions regarding the constitutional propriety of the route you support.

I regret this rare occasion on which I am compelled to differ from your position.

Sincerely yours,

GERALD GUNTHER,
Professor of Law, Stanford University, School of Law (on leave).

CENTER FOR ADVANCED STUDY
IN THE BEHAVIORAL SCIENCES,
Stanford, Calif., April 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am a professor of constitutional law and the author of a casebook on constitutional law widely used in American law schools. I am glad to submit a brief statement of my views regarding the proposed legislation to extend the vote to 18-year olds in all elections, national and state.

I support that extension of the suffrage as a matter of policy. I believe, however, that constitutional amendment, not congressional legislation, is the proper route to attain that desirable objective under our constitutional scheme.

I appreciate that arguments in support of the constitutionality of such legislation can be fashioned on the basis of Section 5 of the 14th Amendment as interpreted in Katzenbach v. Morgan, and I recognize that the Supreme Court might well sustain the constitutionality if the bill were enacted. This is not the end of the matter, of course: under our system, Congress and the President have an obligation to exercise a conscientious independent judgment on constitutional questions, especially on questions such as this that are not foreclosed by repeated and firm Supreme Court rulings. (See, for example, the careful discussion of the proper role of the political departments on constitutional issues in D. G. Morgan, "Congress and the Constitution" (1966).)

My main reasons for doubting the constitutional propriety of the proposal stem from my understanding of the appropriate role of Court and Congress in defining the scope of 14th Amendment rights. Section 5 gives Congress the power to "enforce" rights "by appropriate legislation," to be sure; but the primary role in articulating the content of the "rights" to be enforced belongs to the Court, not Congress, I believe. Congress may make fact findings and express its views to help inform the Court's ultimate constitutional judgment, of course. But to give to Congress a far-reaching autonomous authority to redefine the content of equal protection and due process (binding on the Court so long as a minimal rationality test is satisfied) would mark a radical and undesirable departure from our constitution traditions.

The Court's result in the Morgan case is understandable in view of the context of that case. But to press all of the language of that case to its maximum extent as a basis for legislation would be unsound for a number of reasons. To me, the most important objection is that it would open the door to congressional overturning of Court decisions in a number of areas—criminal procedure is an example that comes readily to mind. Most scholars would agree, I believe, that the unpersuasive footnote in the Morgan opinion is not a tenable, principled safeguard against the invocation of the Section 5 power to curtail constitutional safeguards. (Some of the implications of a broad, nearly autonomous congressional power to control the scope of 14th Amendment rights via Section 5 are explored in R. A. Burt, "Miranda and Title II: A Morganatic Marriage," 1969 Supreme Court Review 81, as well as in Mr. Justice Harlan's thoughtful dissenting opinion in the Morgan case itself.)

Reliance on legislation would be especially inappropriate with respect to age qualifications on voting in state elections—an area traditionally reserved to state control, an area not subject to charges of discrimination against discrete minorities that would justify national intervention. In an area such as this, constitutional amendment is surely the route which would prove least damaging to our constitutional structure. I must add that many of my constitutional doubts regarding legislation regarding age qualifications are also applicable to a provision in the Administration's own voting proposals: the elimination of literacy tests in all elections (quite independent of the background of racial discrimination that provided a legitimate basis for the literacy test provisions in the 1965 Voting Rights Act sustained in South Carolina v. Katzenbach). I accordingly hope that the political branches of our government will exercise their judgment to assure that the proper constitutional methods are followed in achieving the desirable goal of extending the vote.

Respectfully yours,

GERALD GUNTHER,
Professor of Law, Stanford University School of Law (on leave).

CONNECTICUT

YALE LAW SCHOOL,
New Haven, Conn., April 3, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of March 18, asking for my views on the 18-year old voting bill.

I am sorry to have to say that I consider this bill definitely and clearly unconstitutional. To me, Section 2 of the Fourteenth Amendment, by implication, as near inevitable as any ever is in law, establishes that it is a fixed assumption of our Constitution that the States may, if they see fit, set the age of 21 years as the minimum for voting. I would hate to have to live without all the constitutional assumptions which have less firm basis than this one has in Section 2.

Holding this opinion, I am deeply concerned as to the position in which the Supreme Court will be put if this legislation passes. It seems to me that the Court will have either to uphold a statute against which very strong—to me, absolutely conclusive—constitutional objection exists, or bear the wrath of millions of young people.

The undesirability of the Court's being put in the latter position is clear enough. If, on the other hand, the act should be upheld, then I see hardly any rational limit on what the Court must later uphold, if it is to act with consistency.

I am really worried about the Court's being tendered this alternative; that is my reason for writing so frankly.

With all best wishes,

Very sincerely,

CHARLES L. BLACK, Jr.,
Luce Professor Jurisprudence.

YALE LAW SCHOOL,
New Haven, Conn., April 7, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I appreciate your soliciting my views on the constitutionality of lowering the voting age to eighteen by statute. You may have seen a letter in last Sunday's New York Times, of which I was one of the signers, expressing the view that such a course of action would probably be unconstitutional, and that the issue was too important to run the risk of judicial invalidation.

The point is, obviously, arguable. Your testimony, which constitutes the best defense of the constitutionality of the statutory course of acion I have seen, makes a number of telling points, and the Supreme Court might very well accept the argument. The fundamental difficulty I have is with the statement of the controlling test at the top of page four, indicating that it is for Congress to weigh the pros and cons of a vote for eighteen-year-olds, and for the Court to defer unless it can label the balance struck by Congress irrational. This is, of course, the test to be applied to ordinary legislation; I therefore cannot see how it could also be the test for legislation which declares unconstitutional a state practice. I know, as you indicate, the Morgan case contains language which supports the assimilation of the two tests, but I doubt that the Court would—and think it ought not—take that language seriously in the instant case, particularly in view of what seems to me the unanswerable implication of section 2 of the Fourteenth Amendment that the age of 21 constitutes a permissible cut-off.

I know that as a lawyer you will understand why I feel it necessary to take this position despite my agreement that the voting age should be lowered. The proposed statute would put the Court in an undesirable squeeze between a politically popular position and what I think is the implication of the Constitution. And a legitimation of the law in the face of such a strong constitutional objection would carry, I fear, dangerous precedential potential—psychologically, if not indeed on the merits—for other sorts of legislation I know you would disapprove as strongly as I.

Very truly yours,

JOHN HART ELY.

ILLINOIS

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
April 13, 1970.

Sen. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for the reprinting of your testimony on the age requirements in the Voting Rights Bill. I am happy to respond to your request for an opinion, but I regret that the opinion does not accord with your own.

It seems clear to me that the power to determine the qualifications for voters in both state and federal elections is, under the specific terms of the Constitution, rested in the States. Certainly this power is limited by the Equal Protection Clause ban on improper classification and invidious distinctions. And clearly Congress has the right to eliminate such discrimination, as stated in *Katzenbach* v. *Morgan*. But I find it impossible to concur in the view that a line drawn on the basis of age between those who have attained twenty-one years and those younger is such an invalid discrimination. Certainly, if it is, the line between those who reach the age of eighteen and those who are younger is equally invidious.

I agree that the vote could and should be given to eighteen-year olds by the States. But I think that the perversion of the Constitution to accomplish this end is too high a price. One of the major problems from which this nation suffers is a spreading disdain for law, spreading from both the right and the left toward the center. Abuse of the Constitution to attain even desirable ends can only succor those who would replace law and constitutionalism with fiat and force.

I would hope that those who have taken the road of expediency in this matter by seeking to avoid constitutional requirements will recognize what they are doing soon enough to prevent the passage of the statute.

With all good wishes,
Sincerely yours,

PHILIP B. KURLAND.

MASSACHUSETTS

NORTHEASTERN UNIVERSITY
SCHOOL OF LAW,
Boston, Mass., April 2, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for sending a copy of the testimony which you delivered before a Senate subcommittee concerning a proposed amendment to the Voting Rights bill.

Some of us who share your interest in extending the vote to persons 18 years old believe that there is a serious problem concerning the means by which this can be accomplished. Any professor of constitutional law—indeed, any competent lawyer in general practice—could develop a brief supporting the proposition that your proposed amendment will be fully efficacious and wholly within the constitutional powers of the Congress. On the other hand, it would be equally possible to support the contrary position.

The fact that the constitutional issues underlying your proposal have not been clearly adjudicated so that one can say with certainty which side of the controversy will prevail should not cause one to hesitate to go forward if it were not for the serious practical complications which might ensue if one miscalculated how the Supreme Court would ultimately decide the issue. I therefore consider that it would be preferable for the amendment to be limited to granting voting rights to 18-year olds only when voting for the House and Senate. In this way, all of the constitutional arguments in support of your proposal would be buttressed by the availability of Article I section 4. The young voters thus made eligible would have some part in the political process during time necessary to adopt a constitutional amendment to secure this right for all elections. As a matter of practical politics, their participation in Congressional elections might increase their leverage in working for the full recognition of their role in the political process.

The temptation to push ahead and attempt to deal with all elections by ordinary legislation must be particularly tempting when one contemplates the awkward problem the Supreme Court would face if it were to invalidate a whole set of elections. I feel deeply that Congress ought not to force new constitutional interpretations by subjecting the Court to avoidable dilemmas. As a matter of fact, it seems to me quite improper to read the fourteenth amendment as permitting the proposed legislation. While section 2 of the fourteenth amendment does not address itself specifically to this problem, it seems to carry a clear implication that a denial of voting rights to persons younger than 21 does not offend any of the guarantees provided by that amendment. I therefore urge that any legislation on this matter be done under Article I and, therefore, be limited to the election of Congressmen and Senators.

In any event, your proposal serves the national interest by enhancing the pressure on both the Federal government and State governments to give adequate recognition to the proper role of teen-age citizens.

Sincerely,

THOMAS J. O'TOOLE,
Dean.

MICHIGAN

THE UNIVERSITY OF MICHIGAN,
LAW SCHOOL,
Ann Arbor, Mich., April 23, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In a letter received from you several weeks ago in which you enclosed a copy of the testimony which you had delivered before a Senate subcommittee on the question of the constitutional power of Congress to change voting age by statute, you indicated an interest in whatever comments I might have on the constitutional question. While this is not a direct response to that letter, it will serve the same purpose since I am enclosing herewith for your information and interest a copy of my letter dated April 20, 1970, addressed to Mr. Leonard Garment of the President's White House staff in which I discuss the constitutional issues raised by the proposed legislation to reduce the voting age to 18. As you can see from my letter I feel that this proposal does raise some very serious and substantial constitutional issues.

I remain,
Sincerely yours,

PAUL G. KAUPER.

APRIL 20, 1970.

The Honorable RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: This letter is in response to Mr. Garment's inquiry respecting my views on the constitutionality of proposed federal legislation which would establish a universal age limitation on voting in the United States and fix the age at 18 years.

This proposal has momentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial constitutional questions.

Under the Constitution it is clear that the basic power to prescribe qualifications for voting is reserved to the states. Art. I Sec. 2, respecting the election of Representatives to the Congress and the Seventeenth Amendment respecting the election of Senators recognize that the qualifications for voting are governed by state law. Moreover, the Constitution gives Congress no power, express or implied, over the general subject of voting qualifications. Congress is given the power under Art. I, Sec. 4, to regulate the times, places and manner of holding election of Senators and Representatives. But this power, construed in conjunction with Art. I, Sec. 2, gives no authority to prescribe qualifications. If then the question raised by the proposed federal legislation to reduce the voting age to eighteen were governed solely by the body of the Constitution, the proposed legislation would clearly be beyond Congressional power and this regardless of whether it was universal in its scope or limited to voting from Congressmen, Senators and Presidential electors.

Amendments to the Constitution while not abridging the basic power of the states to fix qualifications have curtailed the freedom of the state to classify in fixing qualifications and thereby to limit the voting right. The Fifteenth Amendment prohibits a denial of the right to vote on the ground of race, color or previous condition of servitude. The Seventeenth Amendment similarly prohibits denial of voting rights on the basis of sex. The Twenty-fourth Amendment prohibits the denial of the right to vote for President, Vice President, Senators and Congressmen because of failure to pay a poll tax. Apart from these specific restrictions on the power of the state to prescribe classifications in defining voters' qualifications, the equal protection clause of the Fourteenth Amendment operates to prohibit other arbitrary limitations on the right to vote. Thus in *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Supreme Court held that a state requirement of paying the poll tax as a condition of voting resulted in an arbitrary discrimination which violated this clause.

Admittedly the fixing of an age limit falls within the basic power of the states to prescribe qualifications for voting and none of the restrictions on the power to classify for voting purposes achieved by constitutional amendment as mentioned above affect the voting age requirement. Nor is it conceivable that the Supreme Court would declare an age requirement fixed by state law whether at age 21, 20, 19 or 18 as an arbitrary requirement violating the equal protection clause. This leaves for consideration then the question whether Congress has a legislative power to intrude into the states' power to fix an age limit qualification.

The only possible source claimed for such power is the authority granted to Congress under the 5th section of the Fourteenth Amendment to enforce this Amendment's restrictions and more particularly to enforce the equal protection clause. May Congress by legislative act fixing the voting age limit at 18 thereby in effect declare that a higher age limit prescribed by state law is an arbitrary classification which violates the equal protection clause?

In examining this question we may first consider the Supreme Court's decision in *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), where the Court upheld the provisions of the 1965 Voting Rights Act which prohibited the use of literacy tests in states where their use was found to achieve racial discrimination in voting in violation of the Fifteenth Amendment. Congress has the power to enforce the Fifteenth Amendment and Congress here was using its power to deal with practices which it found violated this Amendment. Since the Congress here was using its power to enforce a specific constitutional restriction and since the Supreme

Court had already recognized that state use of literacy tests as a means of racial discrimination in voting was invalid, the case has no real bearing on the power of Congress to define permissible voting qualifications under its power to enforce the equal protection clause of the Fourteenth Amendment.

The companion case of *Katzenbach v. Morgan*, 384 U.S. 641 (1966), does go to the question under consideration. Here the Court upheld the feature of the 1965 Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school or in a private school accredited by the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. This provision was designed to invalidate New York's English literacy test in so far as it resulted in the denial of the voting right to the very substantial body of New York City residents who had migrated there from Puerto Rico. The Court upheld this Congressional intrusion into the state's power to prescribe voting qualifications on the basis of the power to enforce the equal protection clause of the Fourteenth Amendment.

This case for the first time recognized that the Congressional power to enforce the equal protection clause includes a power to define the substance of equal protection by declaring a particular classification established by state law to be invalid and substituting in its place a classification fixed by Congress. The Supreme Court has made it abundantly clear that the equal protection clause forbids arbitrary or unreasonable classifications and that whether a state classification constitutes an unlawful discrimination is appropriately a matter for judicial determination. On its face *Morgan* appears to say that Congress has an independent substantial power to pass on classifications and to condemn a state classification which Congress finds unreasonable or arbitrary even though the Court itself would not have found a violation of the equal protection clause.

Given this literal interpretation *Morgan* opens up a wide power in Congress to review and to invalidate classifications established by state laws by finding that such intrusions into state power are necessary to assure the equal protection of the laws. The wide implications of such an interpretation are noted in the dissenting opinion of Mr. Justice Harlan, joined by Mr. Justice Stewart. Applied to the problem at hand, *Morgan* as so construed would be authority for Congress to fix a universal age limit for voting in the United States on the theory that any higher age limit than that fixed by Congress is a denial of equal protection.

The question then is whether *Morgan* established such a broad principle and whether it is subject to any limitations which would be relevant to the question of Congressional power to establish a universal voting age requirement at the expense of the historically established state power to prescribe voting qualifications. The majority opinion in *Morgan* said that the power given by Congress to enforce by appropriate legislation the Fourteenth Amendment's provision paralleled the power given to Congress in the body of the Constitution to pass all laws necessary and proper to carry into execution the powers delegated under the Constitution. Borrowing language from Chief Justice Marshall's opinion in *McCullough v. Maryland*, 4 Wheat. 316, in expliciating the necessary and proper clause, the Court said that the question then was whether the legislation enacted by Congress banning the use of the New York literacy test to disqualify Puerto Ricans from voting was plainly adapted to the end of enforcing the equal protection clause and whether it was not prohibited but was consistent with "the letter and spirit of the constitution." Applying these standards, the Court said that the Congressional enactment could readily be seen as "plainly adapted" to further the aim of the equal protection clause to secure for the Puerto Rican community residing in New York non-discriminatory treatment by the government—both in the imposition of voting qualifications and the provisions or administration of governmental service, thereby enabling the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." The Court said that it was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal instrusion upon any state interests served by the English literacy requirement, that it was not for the Court to review the congressional resolution of the various conflicting interests entering into the question and that it was enough that the Court was able to perceive a basis upon which Congress might resolve the conflict as it did.

The Court further said that the legislation could be justified as legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. On this question the Court said that Congress might well have questioned whether the New York literary requirement actually served the state interest claimed for it and could also have concluded that as a means of furthering the goal of an intelligent exercise of the franchise, an ability to read or understand Spanish was as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radios and television programs are available to inform them of election issues and governmental affairs.

It remains to determine whether the Court's holding in *Morgan* and the reasoning employed by the Court apply equally well to uphold Congressional intrusion into states' power to prescribe voting qualifications by fixing an age limit. It should be noted at the outset that Congress determined that an English literacy requirement constituted an improper voting qualification for Puerto Ricans living in New York City since it had the effect of disenfranchising a substantial body of citizens and since in the judgment of Congress the requirement of having completed six grades of school in Puerto Rico, although in another language, was adequate to establish the literacy required for intelligent voting in New York City. This in itself suggests an important difference between outlawing an English literacy requirement as a qualification for voting and outlawing state voting age requirements by fixing a uniform federal standard. Indeed, in *Cardona* v. *Power*, 384 U.S. 672 (1966), although the majority did not find it necessary to pass on the question, two justices expressed the view that the New York literacy requirement was applied to Puerto Ricans in New York City as an arbitrary limitation on the voting right apart from any federal legislation on the subject. But in fixing a federal age requirement at age eighteen Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

The purpose of an age limit is to assure sufficient maturity in exercising the voting right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e. whether it results in an arbitrary classification. Or to put the matter in another way does Congress have a basis for saying that a 19, 20 or 21 year age limit as may be imposed by state law does not have a rational relation to the question of whether a person is sufficiently mature to take part in the voting process?

In answering this question two considerations may be noted. The fixing of a voting age limit involves a legislative choice within a limited range, and it remains to be demonstrated that Congress because of studies it has made and investigations it has conducted has a better informed basis than the states for determining when citizens are old enough to vote. This is not a matter of determination by objective criteria. Secondly, and much more important, states have been fixing age limits for voting ever since the Constitution was adopted and even before, and until recently twenty-one years of age has been the general standard. This has never been questioned. It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1868, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age limits or to declare that any voting age limit above 18 constituted an unconstitutional discrimination. Indeed, the Fourteenth Amendment itself affirms the validity of the twenty-one year age limit as a qualification for voting. Section 2 of this Amendment, dealing with Congressional apportionment and designed to reduce the representation in Congress of states which deny voting rights to blacks speaks of denial of the right to vote "to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States. . . ." It is not to be supposed that the Fourteenth Amendment suffers from an inner contradiction and that the equal protection clause was intended as a source of power in Congress to outlaw a state voting age qualification explicitly sanctioned by this Amendment. It requires an extraordinary latitude in the construction of Congressional power to contend that Congress may brand as arbitrary and invidious a voting age standard acknowledged as legitimate by the text of the Constitution. Indeed, to use Chief Justice Marshall's language, quoted in the *Morgan* case, a federal statute, denying to states the power to prescribe a twenty-one year age limit is not consistent with the letter of the Constitution.

In summary, there are very substantial differences between the English literacy test problem presented in *Morgan* and the voting age problem. In its legislation at issue in *Morgan*, Congress was directing its attention to a voting qualification, namely, the English literacy test, which has had a limited history in this country, which Congress found to be an unwarranted discrimination against a discrete ethnic group, and which for all practical purposes was limited in its operation to one state in the country. Moreover, Congress has a special federal concern with protection of Puerto Ricans against discrimination in view of the historic relationship between the United States and Puerto

Rico, and the Congressional policies which have encouraged migration from Puerto Rico to the United States. Also it is not clear that the Supreme Court would not have invalidated the New York literacy test required as to Puerto Ricans even without the federal statute as an invidious discrimination violating the equal voting clause had it proceeded to face this question in the *Cardona* case. The voting age question, on the other hand, presents no factor of this kind. On the contrary, state voting age limits have a long unbroken history, they deal with a qualification which does not enter into the sensitive area of race, nationality, ethnic affiliations or economic status, they present no distinctive aspects related to matters of federal authority and concern and, indeed, the authority of the state to fix an age limit is confirmed in the very language of Section 2 of the Fourteenth Amendment. Here the factors are so heavily weighted in favor of the state power and the basis for Congressional intrusion into this area is so tenuous, that I cannot regard *Morgan* as determinative of the constitutional issue raised by this proposed legislation.

Morgan as literally construed opens up vast potentials of expanded Congressional power in the name of enforcement of the equal protection clause to intrude upon state legislative power and to substitute for it legislation which Congress deems more desirable. Virtually every state statute embodies a series of classifications. Take, for instance, a state income tax law. Such a law is full of classifications relating to such matters as rates, exemptions, etc. If Congress may at will invalidate classifications it finds unsatisfactory or undesirable by stamping them as arbitrary, and in turn to substitute its own notion of suitable policy, the way is open for Congress to assume the role of super-legislature for the states. It could then prescribe the permissible classifications in a state income tax and thereby in effect rewrite the state's law.

Morgan requires further critical study and examination by the Court before its implications can be fully determined. The fact that two justices dissented and the intervening change in Court personnel indicate the likelihood of such a critical reexamination. But apart from this, the question of the power of Congress to prescribe a universal voting age limit involves consideration totally different from the question presented in *Morgan*. For the Court to uphold this proposed legislation would require a considerable stretch of the judicial tolerance of Congressional legislation manifest in *Morgan*.

In summary then it is my opinion that substantial grounds support the conclusion that the proposed Congressional legislation fixing a universal voting age limit of 18 years is unconstitutional on its face as an intrusion by Congress into an area of admitted state authority. The holding and the opinion in *Morgan* do not furnish either compelling or even persuasive support for this legislation. Indeed, the legislation flies in the very face of the constitutional text. Certainly, at the very least the proposed legislation raises very serious and substantial constitutional questions not foreclosed by the *Morgan* decision.

If Congress is satisfied that it is desirable national policy to establish a universal voting age limit of eighteen years, the way is open to achieve this result through the process of constitutional amendment. It seems to me far preferable for Congress to deal with the matter in this way rather than enact legislation which raises serious constitutional issues and would engender all the uncertainty and confusion arising from constitutionally suspect legislation.

I remain,

Respectfully yours,

PAUL G. KAUPER.

PENNSYLVANIA

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., April 9, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Your letter of March 18th and the enclosure anent the voting age reached me a few days ago.

I do not agree that Congress has authority to establish an eighteen-year voting age for all elections—Federal, State and local. The equal protection argument, tied to the implementation clause of the Fourteenth Amendment, is quite attenuated. It is totally unhistorical and proceeds on some vague notion that the spirit of equal protection is violated by a higher voting age. As some of my Yale confreres have noted, moreover, Section 2 of the Fourteenth Amendment, which was ignored by the majority in the one-man, one-vote cases, provides a sanction for denial or abridgement of the right to vote of males over twenty-one years of age. Surely, this must be read with Section 1 of the Amendment for present purposes. For me, it destroys the equal protection argument.

Sincerely,

JEFFERSON B. FORDHAM.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled 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, and it was signed by the Acting President pro tempore (Mr. ALLEN).

COMMUNICATION FROM THE PRESIDENT—PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA, FISCAL YEAR 1970 (S. DOC. NO. 91-82)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a communication from the President of the United States, transmitting proposed supplemental appropriations for the District of Columbia for the fiscal year 1970 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PETITION

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Labor and Public Welfare, as follows:

RESOLUTION No. 177

Concurrent resolution memorializing Congress to amend the Federal Fair Labor Standards Act to increase to one dollar and eighty-five cents the hourly minimum wage

Whereas, It is a matter of the most serious concern to the Legislature of the State of New York that many thousands of citizens of this State are paid only the minimum wage of one dollar and sixty cents per hour, an amount which is insufficient to maintain an adequate standard of living; and

Whereas, The steady increase in the cost of living since the last minimum wage adjustment makes it necessary to increase the basic rate now if the State is to continue to meet its responsibilities to its working men and women; and

Whereas, It is the desire of the Legislature to amend the appropriate provisions of New York's Labor Law to increase the minimum hourly wage of persons covered thereby to one dollar and eighty-five cents; and

Whereas, It is imperative that the Federal Fair Labor Standards Act be promptly amended to increase the hourly minimum wage rate thereunder to one dollar eighty-five cents per hour in order that wage-earners throughout the country be adequately protected so that they may maintain an adequate standard of living; now, therefore, be it

Resolved (if the Senate concur), That the Congress of the United States be, and it hereby is, respectfully requested with all convenient speed to amend the Fair Labor Standards Act by increasing to one dollar and eighty-five cents the hourly minimum wage thereby prescribed; and be it further

Resolved (if the Senate concur), That copies of this resolution be transmitted to the Secretary of the Senate and Clerk of the House of Representatives of the Congress of the United States, and to each member thereof from the State of New York, and that the latter be urged to devote themselves to the task of accomplishing the purpose of this resolution.

By order of the Assembly,

DONALD A. CAMPBELL,
Clerk.

Concurred in, without amendment, by order of the Senate.

ALBERT J. ABRAMS,
Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

S. 3594. A bill to authorize the acquisition of certain property in square 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the United States Senate or for the purpose of addition to the United States Capitol Grounds (Rept. No. 91-877).

By Mr. EASTLAND from the Committee on the Judiciary, with amendments:

H.R. 4204. An act to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict (Rept. No. 91-878).

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Horton Guyford Stever, of Pennsylvania, Herbert E. Carter, of Illinois, Robert Alan Charpie, of Massachusetts, Lloyd Miller Cooke, of Illinois, Robert Henry Dicke, of New Jersey, David Murray Gates, of Missouri, Robert W. Heyns, of California, Frank Press, of Massachusetts, and Frederick P. Thieme, of Colorado, to be members of the National Science Board, National Science Foundation.

BILLS INTRODUCED

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

By Mr. BYRD of Virginia:

S. 3847. A bill for the relief of Tasia Tsaroucha; to the Committee on the Judiciary.

By Mr. YARBOROUGH (for himself and Mr. TOWER):

S. 3848. A bill to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18 and May 11, 1970; to the Committee on Public Works.

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

By Mr. MURPHY:

S. 3849. A bill to amend section 8e of the Agricultural Marketing Agreement Act of 1937 so as to make the provisions of such section, relating to restrictions on imported commodities, applicable to strawberries; to the Committee on Agriculture and Forestry.

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

S. 3848—INTRODUCTION OF A BILL TO PROVIDE EMERGENCY RELIEF FOR 11 TEXAS COUNTIES AFFECTED BY THE LUBBOCK AND PLAINVIEW TORNADOES

Mr. YARBOROUGH. Mr. President, I introduce for myself and Senator TOWER, for appropriate reference, a bill which would provide specific emergency relief to the areas devastated by the Lubbock tornado of May 11, 1970, and the Plainview tornadoes of April 17 and 18, 1970.

My bill, which would provide special emergency disaster relief, is patterned on the bill S. 2853, introduced by Senators EASTLAND, STENNIS, LONG, ELLENDER, RANDOLPH, BYRD of West Virginia, BYRD of Virginia, SPONG, ALLEN, and SPARKMAN, for assistance to the victims of Hurricane Camille and the Omnibus Disaster Assistance Act, S. 3619. My bill's principal features are:

First, authorization to the SBA to cancel up to $5,000 of any loan made under the disaster loan program for repairing and rebuilding damaged homes;

Second, authorization to the Farmers Home Administration to cancel up to $5,000 of a loan for the purpose of rebuilding or repairing agricultural property;

Third, special temporary housing provisions which would provide up to 12 months of relief; and

Fourth, authorization to the Secretary of Commerce to make direct grants of money to the cities and political subdivisions in the affected areas in amounts equal to tax or bond obligations outstanding at the time of the tornado which now cannot be met because of the disaster; and

Sections 4(b) (1) and (2) of my bill are directed at assisting the Mexican Americans and other low-income citizens of Lubbock in retaining their homes by authorizing the SBA to make loans to refinance any mortgage and other liens on these people's property and for payment of the installments on obligations of contracts of sales, and leases. To qualify for these loans, all that would be necessary is that the individual be in financial difficulty as a result of the disaster. No application for this relief would be denied because of insufficient proof unless the SBA made written fact findings that the cause of the individual's financial difficulty was not related to the tornadoes. These provisions will help these people to retain their homes and preserve their community.

The tornado which struck the city of Lubbock on May 11, 1970, at 9:45 p.m. was of tremendous force. This prosperous agricultural and commercial center had less than 2 minutes warning of the approach of this tornado. The tornado touched ground and destroyed an area approximately 8 miles in length and 1 or 2 miles in width. Heavy damage was suffered in the central business district, in the airport area, and in some residential subdivisions. There are no words that can accurately describe the devastation that was done to this city.

According to present estimates, there are 23 known dead and approximately 10,000 people homeless as a result of this storm in Lubbock, Tex. The number of injured has reached approximately 500 with more being reported daily. Unofficial estimates report the following with regard to property damage: dwellings destroyed, 460; dwellings with major damage, 489; dwellings with minor damage, 764; trailers destroyed, 80; trailers with minor damages, 30; and small businesses destroyed, 250.

These tragic statistics continue to rise as more damage is reported. It is estimated that at least 10 percent of the city's tax base has been destroyed.

I have just returned from a tour of the devastation in Lubbock, and I am sad to report it is one of the worst natural disasters that I have ever seen. The problems confronting the people of the area cry out for fast and effective remedies. Local, State, and Federal authorities are on the scene and are doing what they can within the limitation of the law. Unfortunately, our present disaster laws do not afford the means to do all that should be done in natural disasters of this magnitude.

From my visit, I discovered that the most difficult problem in the hours after the tornado struck was communication. Local authorities did the best that they could to try to obtain relief for the people in the devastated areas of this city. Unfortunately because of lack of communication, it is reported that some injured people were unable to find hospitals and clinics that could treat them. The local authorities supported by State and Federal representatives are working hard to treat the injured and the sick. However, confusion still exists and reports as late as Thursday indicate that some people are having difficulty in obtaining medical treatment. These problems are not the fault of the officials and health specialists that are working in this area. They are doing all they can under very limited and trying circumstances. The source of the problem is lack of effective emergency disaster legislation which would bring emergency teams into an area quickly to establish communication and transportation systems which would get people to treatment centers.

One of the most tragic features of this terrible picture of destruction is the devastation of the Guadalupe section of Lubbock. This area is the historic Mexican-American barrio of the city of Lubbock, which is the home of the majority of the Mexican-American citizens of this city.

The majority of these people are in lower income or poverty brackets and many of them cannot speak English. The tornado took no pity on these people and destroyed a large portion of their community. Because of the language difficulties, these people were probably the most confused and bewildered of any group in Lubbock.

I wish to commend the splendid efforts of the American Red Cross, the Seventh Day Adventists, stuednts from Texas Technological University, and other religious and civic groups which have moved into the Guadalupe area and are feeding and clothing these people. Their work has been excellent, and they deserve the highest praise.

The principal problem that the people of this area now face is housing. Many of their homes have been partially or completely destroyed and they are forced to live in churches, with neighbors, and in the city's coliseum. It is imperative that the Federal Housing Administration move quickly to settle these people into temporary housing which is available in the area. Temporary housing, however, is not the solution to the problem. It is present Public Law 91–79, which was only a temporary remedy. These people must have Federal assistance in rebuilding and repairing their homes. The present law is not sufficient to meet the needs created by a disaster of this nature. The present Public Law 91–79, which was passed after Hurricane Camille, allows only $1,800 on SBA loan to repair and rebuild a home to be canceled. This amount is totally unrealistic in view of the cost of home repairs today. Furthermore this bill fails to provide for loans to people for the purpose of making their house payments or paying their rent while they are unemployed or in financial difficulty as a result of this disaster.

The most recent amendments to the natural disaster relief law, contained in Public Law 91–79, which were passed after the Hurricane Camille disaster, are not broad enough to provide the relief that is needed as a result of these disasters. New laws must be enacted to fill and expand this gap. Presently pending before the Public Works Committee is S. 3619, the Omnibus Disaster Assistance Act. This bill which was introduced by Senator BAYH and which I am cosponsoring, would greatly improve our capability to deal with disasters of the magnitude of Hurricane Camille and the Lubbock and Plainview tornadoes. I support this measure fully and urge Congress to act quickly on it.

So that my colleagues may have the benefit of the news report on the Lubbock tornado, I ask unanimous consent that newspaper stories from the Washington Post, Wednesday, May 13, 1970, entitled "Lubbock Left 'A Dead City' by Tornado"; the New York Times, Wednesday, May 13, 1970, entitled "Lubbock Tornado Kills 20, Destroys Buildings and Derails a Train"; and the Washington Evening Star, Tuesday, May 12, 1970, entitled "Texas Tornado Toll Placed at 19

to 26" be printed at this point in the RECORD.

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

[From the Washington Post, May 13, 1970]

LUBBOCK LEFT "A DEAD CITY" BY TORNADO

LUBBOCK, TEX., May 12—A nighttime tornado that struck again and again along an eight-mile path of death and destruction in this west Texas town, left 20 dead, as many as 1,200 injured and another 10,000 homeless today.

"Lubbock at this time is a dead city," said Mayor Jim Granberry, elected only three weeks ago. "The destruction is so extensive it defies the imagination."

The twister tore large chunks of concrete and marble from the 21-story Great Plains Life building and a huge gash was ripped through the bricks about halfway up. Police feared for a time it would topple or collapse.

A bus was smashed broadside into another building. Entire rows of warehouses became twisted masses of metal.

The First National Bank Building "looked like somebody had been shooting at it with cannon," an observer said.

Larry Teaver, aide to Gov. Preston Smith, told his office: "I've never seen anything with the force equal to this thing . . . One place a boxcar was blown through a grain storage elevator . . . Through the area known as Little Mexico there were about 600 homes, mostly of wood construction, and that is almost flat now, just piles of rubble . . . There's got to be more dead found . . . there are so many homeless, thousands and thousands."

Looting began before the winds died, said one policeman, and 300 National Guardsmen and 45 highway patrol units moved in quickly to patrol and direct traffic away from the city.

The flimsy homes of Little Mexico were not the only ones to suffer extreme damage. Half a dozen homes in the $200,000 class were demolished with their debris scattered over the greens and fairways of the nearby Lubbock Country Club.

More than 100 airplanes at the city airport were damaged or destroyed and two motels on the road to the airport were wiped out.

The Texas Insurance Advisory Association and preliminary surveys at the scene indicated at least $100 million in property damage. The Small Business Administration declared Lubbock, a city of 170,000, a disaster area.

It was the worst tornado in Texas since a twister reeled out of a thunderstorm in 1953 and killed 114 persons at Waco on the same date—May 11.

Lt. Gov. Ben Barnes, serving as acting governor in the absence of Smith, who was vacationing in Switzerland, toured the city today with other officials shortly after dawn.

The lieutenant governor inspected the city from a helicopter and said the area of damage was a mile wide and 8 miles long. Four hundred blocks suffered some destruction, with 100 blocks severely hit, he reported.

The dead included one family—Kenneth and Mary Jean Medlin and their two children, Alan Ray, 5, and Dusty, 18 months. Their home was destroyed.

Smiley Wilson Junior High School was turned into a morgue. Bodies were put in rubber bags, tagged and numbered, and lined up in the school gymnasium.

A large, round clock in the gymnasium stood silent and still with its two black hands at 9:27—the time the tornado struck Monday night.

Methodist Hospital kept track of the injured until the figure reached 302, then nurses ran out of medical forms. But they went on treating cuts, bruises and broken bones.

The downtown area was demolished. Fourth Street—a main thoroughfare lined with shops and plants—was stripped to the foundation. Not a building was left standing.

As one survivor described it:

"I told my mother it was a train coming and then my mother said it was not a train—it was the wind. We put the table over the head of the kids and then they (debris) hit me in the back and then I didn't see for a little while. It was real dark and then my babies started crying."

Oliva Gonzalez and her nine children fled to safety in a nearby storm cellar. The tornado demolished her house.

At Texas Tech, all light poles on the east side of Jones Stadium were blown down and there was doubt whether the stadium could be used for the Coaches All-America college football game on June 27.

Dr. Grover E. Murray, Texas Tech president, opened two large dormitories that had been closed for summer vacation to those left homeless.

Texans also gave shelter to the homeless at Amarillo, Big Spring, Midland, Odessa and smaller towns nearby.

[From the Washington Evening Star, May 12, 1970]

TEXAS TORNADO TOLL PLACED AT 19 TO 26

LUBBOCK, TEX.—A tornado so powerful it ripped chunks of concrete from buildings has turned this city of 170,000 into a disaster area, with death estimates today ranging from 19 to 26.

State authorities counted 19 bodies, while newspaper and radio surveys reached a total of 26. Texas Safety Department officers said some dead may still be under debris.

Authorities said 300 or more suffered injuries when the tornado struck just before 10 o'clock last night. Property damage was estimated in the millions.

"There is no doubt in anybody's mind around here," said a veteran newsman, "that it is one of the biggest and most prolonged tornadoes ever to strike Texas."

AREA IS SEALED OFF

All persons except rescue workers were kept out of the downtown area. The National Guard called out 300 men, including a medical unit. The State Safety Department sent 45 units. The Red Cross dispatched six disaster teams with 10 mobile vans.

Cars lay flattened to within two or three feet of the pavement. A bus was slammed broadside into a building. The ground floor of the Lubbock Avalanche-Journal was awash from a cloudburst which came with the twister.

The width of the destruction was the greatest from any tornado observers could remember.

The storm left a path of destruction eight miles long.

It was several hours after the tornado struck before state and city police could find time to begin searching the wreckage.

STORE FRONTS BLOWN OUT

Damage centered in the downtown area, where virtually all store fronts were blown out and a policeman said, "Looting started before the wind died down." Police patrolled the streets to curb further thefts.

Beverly Williams, a housewife, said her first warning of the tornado came when "I heard a tremendous whomp." She and a neighbor piled mattresses on top of themselves and waited out the storm.

Mrs. Williams said, "A neighbor woman kept yelling 'Oh, God, we're going to die!' and I just tried to calm her down. I was scared, but I never thought I was going to die."

After a brief lull, she said the wind began kicking up again.

"This time we climbed into the bathtub, but the second tornado never came."

A. W. Voight, executive director of the American Red Cross in Lubbock, said, "Official reports are virtually nonexistent.

"We have no estimate of the number of homes or buildings destroyed because our efforts have been aimed at rescue and relief work.

"We have one shelter open and we have people going into our municipal coliseum."

The twister tore concrete chunks off skyscrapers and whipped broken glass through the streets, causing many injuries.

Electrical power went out. Southwestern Bell Telephone Co. rushed 300 men into the area to restore service on 35,000 telephones.

Mayor James Granberry described the damage as "massive, just massive."

Hospitals were quickly jammed with the injured and two of the city's largest had to turn patients away after filling corridors with beds and cots for those who arrived earlier.

Near 19,000-student Texas Technological College two apartment buildings were shattered. Injured, many bleeding from facial wounds, lined the streets waiting for help. A big brick wall at the college blew down, demolishing a number of parked cars.

Damage was heavy and injuries numerous in the Mexican-American section of the city, where buildings generally were of flimsy construction.

"We are trying to set up some sort of evacuation system for the injured," Granberry said. "I guess we'll try to get them into Midland-Odessa area to the south and Amarillo to the north."

The wind tore great sections of concrete siding from the 15-story First National Bank building and the Pioneer Natural Gas building in the downtown section, leaving both virtually windowless.

Also damaged heavily was the Lubbock Avalanche-Journal plant.

Jay Harris, managing editor of the newspaper, said a second story wall of a major addition just completed at the Avalanche-Journal building was blown away—"destroyed in seconds."

"I heard it coming," Harris said, "I was talking on another matter to the AP in New York. The noise came in a rising crescendo and reached such a pitch that you could hear nothing else.

"Then all the lights went out.

"Winds along each side of the funnel and following it were clocked at more than 100 miles per hour.

"It looks like somebody has been shooting at the First National building with cannons."

Braniff International said it had canceled flights into the Lubbock airport because the control tower was destroyed.

The Smiley Elementary School was turned into a temporary morgue.

Several city water pumping stations were knocked out and during the early morning hours officials declared a water emergency, advising that it be used only for drinking and cooking.

[From the New York Times, May 13, 1970]

LUBBOCK TORNADO KILLS 20, DESTROYS BUILDING AND DERAILS A TRAIN

(By Martin Waldron)

LUBBOCK, TEX., May 12.—The storm that devastated much of downtown Lubbock on the South Texas plains last night was so powerful that it blew a freight train off its track and left a 21-story downtown office building gashed, its supports weakened.

The tornado was more than a mile wide and had hurricane force winds extending three miles to the east.

Officials said that 20 persons died and more than 300 were seriously injured by the storm that dipped down into the center of town and rumbled across the north side, smashing homes, stores, motels, automobiles—everything in its path.

At the airport, north of town, scores of privately owned planes were twisted together and destroyed by the wind, estimated un-

officially at more than 200 miles an hour. The airport was closed to traffic and the field tower was destroyed.

"I have been covering tornadoes in this area for 30 years," said Jay Harris, the executive editor of The Lubbock Avalanche-Journal. "I've never seen anything like this."

NEWSPAPER DAMAGED

Mr. Harris was in his office when the tornado hit at 9:47 P.M. The newspaper building was in the storm's path and was badly damaged, a portion of it falling onto a truck in which a driver was taking a nap.

"The tornado lasted several minutes, and the wind after it blew at hurricane force for five to 10 minutes," Mr. Harris said. "I walked from one side of the building to the other and watched the debris flying through the air."

The editor noted an eerie addition to the thunder and lightning that accompanied the tornado. "In this lot across the street, an automobile dealer has a bunch of new Fords, and the lightning caused a short circuit in the cars and their lights began to blink off and on and their horns started blowing in all that wind," Mr. Harris said.

The storm pelted the area with golf-ball-sized hail and several inches of rain.

Lieut. Gov. Ben Barnes, who flew to Lubbock to direct emergency rescue operations, estimated the damage at $25-million to $30-million. But State Senator H. J. Blanchard, who was bruised when a chair hit him in the back at the Lubbock Club on the 14th floor of the First National Bank Building, said that there was at least $100-million in damages.

Marble veneer on the outside of the bank building was peeled away by the wind, as were bricks on the outside of the 21-story Great Plains Life Building, Lubbock's tallest structure. The Great Plains building and the Pioneer Hotel across the street were evacuated and declared to be too dangerous for occupation.

Some officials expressed concern that the Great Plains building, which was bowed on one side by the wind, might collapse. Windows and walls on the southwest corner were blown away.

National Guardsmen and state highway patrolmen joined the local police in guarding the downtown area. There were reports of minor looting.

The damage to Lubbock was so extensive that many spectators could not believe that only 20 persons were killed.

"I couldn't believe what I saw," said Representative George H. Mahon, chairman of the House Appropriations Committee. Mr. Mahon, who lives in Lubbock, flew from Washington to survey damage and to lend his influence to get President Nixon to declare the vicinity a major disaster area so that it would qualify for low-cost Government loans.

COMPARED TO BOMBED CITY

Senator John G. Tower, who compared the downtown section of Lubbock to a Japanese city he had seen bombed after World War II, said that he could not believe the death toll was no higher than it was. He said that the sheets of tin and other metal, that were flung as far as a mile by the howling wind could easily have decapitated a person.

The death and injury toll was held down because many of the 170,000 residents of Lubbock took shelter in storm cellars.

"I didn't know there was a tornado," said Mrs. Katheren Chaney, whose modest frame home was in the path of the storm near the airport. "I guess the good Lord was with me, because something told me to go to the cellar."

She said she gathered her eight children together and took refuge. Her husband, a truck driver, was not at home.

Mrs. Chaney said the storm, which caused heavy damage to the airport facilities as it passed her house, sounded like "a bunch of freight trains."

The tornado formed out of thunderstorms that began building late in the afternoon along a wind sheer line between masses of air flowing from the southeast and the southwest.

BEGAN BUILDING UP

"It was hot and pretty yesterday afternoon," said a Lubbock Patrolman, Mitch Blount. "But it began building up in the late afternoon and about seven o'clock it began thundering and lightning."

By nine o'clock, the clouds, lit from behind by the setting sun, glowed green and blue-black.

"At first there was hail, and then came this wind and then came the water," said Patrolman Blount. "It was a regular cloudburst. It was a lake here in the downtown section."

Patrolman Blount said that the Santa Fe freight train blown off the tracks by the wind had a crew of "eight or ten," all of whom were injured.

On Highway 87, north of Lubbock, a row of motels were splintered by the tornado that stayed on the ground about six miles.

The second floor of the new Ramada Inn was blown away and 20 cars and one truck in the parking lot were destroyed. Patrolmen moved mattresses and furniture from the highway this morning to open it to traffic.

Block after block of shanties in the Mexican-American section of Lubbock were leveled.

"I honest-to-God don't know why hundreds of them weren't killed," a woman said, staring out over the debris where dazed men and women were poking through rubble. Officials said only four persons were killed in the Mexican-American section where hundreds of families were left homeless.

A half dozen agencies set up refugee shelters to take care of the homeless.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the bill I have introduced today be printed at this point in the RECORD.

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

The bill (S. 3848) to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18 and May 11, 1970, introduced by Mr. YARBOROUGH (for himself and Mr. TOWER), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes that the State of Texas suffered extensive property loss and damage as a result of tornadoes occurring on April 17 and 18 and May 11, 1970, including loss and damage from wind and flooding caused by such tornadoes, and that there is a need for special measures designed to aid these States in their efforts to reconstruct highways and public works projects, and to otherwise rehabilitate these devastated areas.

SEC. 2. (a) As used in this Act, the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g).

(b) The provisions of this Act shall apply only to those areas of the State of Texas covered by the President's proclamation of May 13, 1970, that a major disaster resulted from the tornadoes which struck certain areas within the State of Texas on April 17 and 18, and May 11, 1970.

SEC. 3. Notwithstanding any other provision of law, trailers provided as temporary housing for persons whose dwellings were destroyed by such tornadoes, including, but not limited to, destruction by flood, high waters, wind-driven waters, and high wind, under section 3(d) of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" as amended (42 U.S.C. 1855b), may be sold directly to the persons who are the occupants thereof at prices that are fair and equitable.

SEC. 4. (a) In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)(1)), the Small Business Administration, in the case of loans to assist persons suffering property loss or damage in the State of Texas as the result of such tornadoes, and to the extent such loss is not compensated for by insurance or otherwise, shall—

(1) on that part of the Federal share of any such loan in excess of $500 and, (A) cancel up to $5,000 of the loan, and (B) waive interest due on the loan in a total amount of not more than $5,000 over a period of not to exceed four years;

(2) make such loans without regard to any limitation on the maximum amount of the Small Business Administration's share or guaranteed percentage of any disaster loan established by regulation or otherwise; and

(3) in the administration of the disaster loan program under section 7(b) of the Small Business Act, as amended, the Administrator if he determines that such action is necessary to avoid severe financial hardship may in the case of the total destruction or major property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such refinancing is for the repair, rehabilitation, or replacement of property damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, without regard to whether (A) the required financial assistance is otherwise available from private sources, or (B) such person has personal or business assets which could be used to alleviate the loss or damage sustained.

(b) (1) In the administration of the disaster loan program under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), the Small Business Administration, if necessary to prevent the dispossession or eviction of any person from his residence as a result of the foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written, of the property which is such person's residence, and if such foreclosure, cancellation, or termination is related to circumstances arising out of the effects of such tornadoes, shall make such loans for the refinancing of such mortgages or liens and for the payment of installments on such contracts and leases, under the terms and conditions set forth in such section of the Small Business Act as modified by subsection (a) of this section.

(2) No application for a loan under this subsection which states that such loan is made necessary by circumstances arising out of the effects of such tornadoes shall be denied for insufficiency of proof of such statement unless the Small Business Administration finds, and sets forth its findings in

writing, that such loan is made necessary by circumstances not related to the effects of such tornadoes.

(c) In the administration of the disaster loan program under sections 7(b)(1) and 7(f) of the Small Business Act, as amended (15 U.S.C. 636(b)(1) and (f)) the Small Business Administration may accept applications from, and make loans to, a privately owned school which suffered damage from such tornadoes, on the same terms and conditions as are applicable under such section to a privately owned college or university.

(d) No application for a loan under section 7(b)(2) of the Small Business Act, as amended (15 U.S.C. 636(b)(2))—

(1) filed with the Small Business Administration by a small business concern which has suffered substantial economic injury and is located in an area in which there was suffered property loss or damage in the State of Texas as the result of such tornadoes; and

(2) stating that such injury was the result of such tornadoes;

shall be denied for insufficiency of proof that such injury was the result of such tornadoes; unless the Small Business Administration finds, and sets forth its findings in writing, that such injury resulted from causes other than such tornadoes.

SEC. 7. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–67), in the case of property loss or damage in the State of Texas resulting from such tornadoes, or uninsurable crop loss due to such tornadoes, the Secretary of Agriculture shall, to the extent such loss or damage is not compensated for by insurance or otherwise, that part of any loan in excess of $500, (1) cancel up to $5,000 of the loan, and (2) waive interest due on the loan in a total amount of not more than $5,000 over a period not to exceed four years.

SEC. 8. (a) In the administration of the disaster loan program under section 7(b) of the Small Business Act, any application for a loan thereunder may be granted, if such loan is for the repair, rehabilitation, or replacement of property damaged or destroyed as the result of a major disaster, without regard to whether the required financial assistance is otherwise available from private sources.

(b) In the administration of subtitle III of the Consolidated Farmers Home Administration Act of 1961, relating to emergency loans, any application for a loan thereunder may be granted, if such loan is for the repair, rehabilitation, or replacement of property damaged or destroyed as the result of a major disaster, without regard to whether the Secretary of Agriculture finds that the required financial assistance can be met by private, cooperative, or other responsible sources (including loans the Secretary of Agriculture is authorized to make or insure under any other provision of law).

SEC. 5 (a) The Director of the Office of Emergency Preparedness is authorized—

(1) upon application, to make payments to any person in reimbursement of expenses not otherwise compensated, which were incurred by such person in the removal of debris deposited on privately owned lands as the result of such tornadoes; and

(2) to provide by contract for the removal, at the request of the landowner, of debris deposited on privately owned lands as the result of such tornadoes.

(b) In the awarding of contracts under this section, preference shall be given to those persons who reside or do business primarily in the locality in which the debris is to be removed. If time is of the essence competitive bidding may be waived by the Office of Emergency Preparedness.

(c) As used in this section, the term "person" includes an individual, corporation, association, firm, organization, or local public body.

SEC. 6. Upon application by any political subdivision of the State of Texas, the Secretary of Commerce is authorized to make direct grants of money to such political subdivision in amounts equal to the tax or bond obligations outstanding at the time of such tornadoes, upon a showing, to the satisfaction of the Secretary of Commerce, that such obligations cannot be met due to damage or destruction, resulting from such tornadoes, of the revenue sources for meeting such obligations.

SEC. 7. (a) The President is authorized to provide dwelling accommodations for any individual or family whenever he determines—

(1) that such individual or family occupied a house (as an owner or tenant) which was destroyed, or damaged to such an extent that it is uninhabitable, as the result of such tornadoes; and

(2) that such action is necessary to avoid severe hardship on the part of such individual or family; and

(3) that such owner or tenant cannot otherwise provide suitable dwelling accommodations for himself and/or his family.

(b) Such dwelling accommodations, including mobile homes, as may be necessary to meet the need, shall be provided through acquisition, acquisition and rehabilitation, or lease. Dwelling accommodations in such housing shall be made available to any such individual or family for such period as may be necessary to enable the individual or family to find other decent, safe, and sanitary housing which is within his or its ability to finance. Rentals shall be established for such accommodations, under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be comprised or adjusted for a period not to exceed twelve months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

(c) In the performance of, and with respect to, the powers and duties conferred upon him by this section, the President may—

(1) prescribe such rules and regulations as he deems necessary to carry out the purposes of this section;

(2) exercise such powers and duties either directly or through such Federal agency or agencies as he may designate;

(3) sell or exchange at public or private sale, or lease, any real property acquired or constructed under this section;

(4) obtain insurance against loss in connection with any such real property;

(5) enter into agreements to pay annual sums in lieu of taxes to the State of Texas or any local taxing authority thereof with respect to any such real property; and

(6) include in any contract or instrument made pursuant to this section, such conditions and provisions as he deems necessary to assure that the purposes of this section will be achieved.

SEC. 8. (a) If the President determines that, as a result of such tornadoes, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to provisions of the Food Stamp Act of 1964 or as said Act may be amended and to make surplus commodities available pursuant to the provisions of section 3 of Public Law 875 of the Eighty-first Congress.

(b) The President is authorized to continue through the Secretary of Agriculture to make such coupon allotments and surplus commodities available to such households so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be constructed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as it relates to a Presidential determination regarding availability of food stamps under the provisions of this Act.

SEC. 9. The President is authorized to provide to individuals unemployed as a result of such tornadoes such assistance as he deems appropriate while they are unemployed. No individual who is receiving unemployment compensation or the proceeds of private income protection insurance shall be eligible for such assistance. Such assistance as the President shall provide shall not exceed the amount and the duration of payments under the unemployment compensation program of the State of Texas.

SEC. 10. The President is authorized to make grants to the State of Texas or any political subdivision thereof for the purpose of lake clearance in cases where, as a result of such tornadoes, any lake has been contaminated by debris which has created conditions hazardous to health and safety.

SEC. 11. This Act shall not be in effect after January 1, 1971, except with respect to payment of expenditures for obligations and commitments entered into under this Act on or before such date.

SEC. 12. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 3849—INTRODUCTION OF A BILL TO AMEND THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Mr. MURPHY. Mr. President, I introduce a bill to amend the Agricultural Marketing Act of 1937 to permit the inclusion of imported strawberries under any marketing order regulating strawberry grade, size, quality, and maturity.

Strawberries grown in California now are subject to a marketing order under a California State law. This order proscribes certain standards for size and quality and, naturally, compliance with these standards increases the farmer's cost of production. Under the State statute, these standards cannot be imposed upon imported strawberries. As a result, lower quality imports selling at a lesser price are depressing the market in California. For example, the 1970 season opening price for domestic strawberries was $4.50 per 12-pint crate while lower quality imported strawberries were selling for $2.50 per 12-pint crate. In 1969, imports were 1,779 carload equivalents. This year, imports to date were in excess of 2,000 carload equivalents and heavier importation is anticipated for 1971. As a result, I am introducing this amendment that will not prohibit importation of strawberries, but only require that those imported are of equal grade, size, quality, and maturity as those marketed under marketing orders adopted pursuant to the Agricultural Marketing Act of 1937. This amendment will protect the consumer's right to expect a high-quality product, while at the same time allowing for competition for the consumer's dollar.

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

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

The bill (S. 3849) to amend section 8e of the Agricultural Marketing Agreement Act of 1937 so as to make the provisions of such section, relating to restrictions on imported commodities applicable to strawberries, introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting "strawberries," immediately before "tomatoes".

SENATE CONCURRENT RESOLUTION 67—SUBMISSION OF A CONCURRENT RESOLUTION TO PROVIDE FOR THE DESIGNATION OF NATIONAL HALIBUT WEEK

Mr. BYRD of West Virginia (for Mr. MAGNUSON) submitted a concurrent resolution (S. Con. Res. 67) to provide for the designation of National Halibut Week, which was referred to the Committee on the Judiciary.

(The remarks of Mr. BYRD of West Virginia when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 410—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO REDUCED AIR FARES FOR YOUTHS

Mr. STEVENS. Mr. President, several weeks ago I wrote to student body presidents all over Alaska asking for their comments about airline youth standby fares. The Civil Aeronautics Board is presently considering whether or not airlines will be permitted to continue discount fares for young people between 12 and 22 years of age. I wish to bring to the attention of my colleagues a positive, constructive example of American youth, in this case the youth of Alaska, effectively participating in an issue of vital concern to them.

My purpose for bringing this matter before the Senate is twofold. First, it is a bona fide issue of significant importance to youth. Second, by our cognizance of the matter we may illustrate to the young people of our Nation that they can be heard—they can accomplish their objectives—and their presence can be felt by us in Government through their exercise of legitimate procedure for redress.

Briefly, the background on this matter is that a circuit court of appeals ordered the Civil Aeronautics Board to consider a bus company's petition that youth discount rates are "unjustly discriminatory." The case was remanded to a board examiner who decided in favor of the petitioner. Upon review, the Board tentatively determined that discount rates for youth are not unjustly discriminatory and remanded the case back to the Examiner for further consideration and accumulation of evidence on other matters.

Since then, the Youth Standby Fares and other discount rates have been incorporated into the overall Domestic Passenger-Fare Investigation — Civil Aeronautics Board Docket 21866. As part of the overall investigation, the Civil Aeronautics Board will conduct hearings in June that will determine whether or not airlines may continue Youth Standby Fares.

Response from students in high school and college has been overwhelming. They have discussed the matters among themselves, with teachers and parents and have written letters to the CAB expressing their views. Many students have written to me and their letters have been answered and forwarded to the Board to be made part of the official record on this matter. In addition, the Senate Commerce Committee has received a substantial amount of mail supporting S. 1179. This bill, which I had the opportunity of cosponsoring with the senior Senator of Illinois (Senator PERCY), would provide a legislative basis for airlines to adopt youth discount rates if they desire. It would extend the privilege to military personnel, elderly people, and those who have physical handicaps.

Mr. President, youth standby fares normally represent about a 50-percent savings on airline tickets for young people between 12 and 22. Justification of this policy is best stated by the students themselves. Of course, there are too many letters to quote from each one, but I would like to share with my colleagues just a few of the insights these young people have provided me in this matter.

Mark Bear, a student of East Anchorage High School, points out that:

> Due to Alaska's unique position, the education of Alaskan students would suffer. Alaska does not have the different education facilities that are offered in the Lower 48. This losing of Student Standby Fares would make the cost of education to Alaskan students soar.

Linda Olsen, from Anchorage, plans to attend Pacific Lutheran University in Tacoma, Wash., next year. She offers the following thought:

> I would think that out of three students it would be better to have three flying student standby than one student flying full fare and two empty seats.

Sandy Huffnagle of West High School in Anchorage agrees and says:

> That empty seat on the airplane might as well seat a student at half fare than no one at all.

Here is what young Alaskan Macey Jo Winn says about the importance of youth standby fares:

> If these rates are taken away we will not be able to self-educate, we'll become the product of "Well, I heard" or "Well, I read"! Not, "Well, I know"! We are the ones who are going to run the world. Do you want the "I heard" or the "I read" to do it?

Peggy Webb noted that students who live in the lower 48 can drive or take a bus home for vacations or emergencies, but Alaskans must rely on air transportation. Speaking of the added expense of a full fare airline ticket, Miss Webb says:

> This money could mean a month of meals to a college student.

Thomas Briggs will be attending college 3,000 miles away from his home in Alaska. He writes of the discount fares:

> If they are abolished, I won't see my family again for at least five years. The effect on my family will be bad. The effect on my college performance will be bad.

Another Alaskan, Clark Silcox, says:

> To many, a lower travel fare means the opportunity to consider other colleges or universities outside the realm of the state boundary.

Jeffries Nickerson, writing from Klawock, Alaska, to the Senate Commerce Committee on S. 1179, notes students' expenses for books, lunch, clothes, and transportation. He writes:

> They have these expenses but only three months to get a job in which to earn hardly enough money for these expenses.

Janna Cooley from Anchorage wrote to tell us that only Youth Standby rates enabled her to participate in swimming meets in Fairbanks, Seattle, and Hawaii.

Denise Bousely of Metlakatla, Alaska, came to Washington, D.C., this year to attend the Presidential Classroom for Young Americans. Denise says of the student fare:

> If I did not go Standby, our town, which sponsored me, would not have been capable of sending me.

Finally, we have a plea from Chris Maas of Anchorage who wrote to ask:

> Please think before changing the student fares.

Mr. President, hundreds of young people have made known their views on this matter by letters and petitions to the Civil Aeronautics Board, the Senate Commerce Committee, my office and, I am sure, many other Senate offices. I am proud of these young people. They are activists in an issue of national significance.

The means they have chosen to accomplish their end are the logical and legitimate means our system provides. It is important that we respond by more than mere acknowledgment.

As the Civil Aeronautics Board convenes its hearings on Youth Standby Fares June 10, this body has the opportunity to support our young people by expressing itself on this matter. I am today submitting a resolution and ask that it be printed in the RECORD immediately following my remarks.

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

The resolution was referred to the Committee on Commerce, as follows:

S. RES. 410

Resolved, That it is the sense of the Senate that the regulations of the Civil Aeronautics Board authorizing air carriers to grant reduced air fares to youths are consistent with the purposes and provisions of the Federal Aviation Act of 1958.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 409

Mr. PERCY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of Senate Resolution 409, expressing the sense of the Senate regarding the combat use of U.S. Armed Forces as an instrumentality of foreign policy.

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

OFFICE OF EDUCATION APPROPRIATIONS BILL, 1971—AMENDMENTS

AMENDMENT NO. 632

Mr. KENNEDY submitted amendments, intended to be proposed by him, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which were ordered to lie on the table and to be printed.

JURISDICTION FOR THE U.S. DISTRICT COURT FOR THE DISTRICT OF ALASKA TO HEAR AND DETERMINE THE CLAIM OF THE STATE OF ALASKA FOR A REFUND OF A SUM PAID TO THE UNITED STATES FOR FIREFIGHTING SERVICES—AMENDMENT

AMENDMENT NO. 633

Mr. STEVENS submitted an amendment, intended to be proposed by him, to the bill (S. 3258) to confer jurisdiction on the U.S. District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services, which was referred to the Committee on the Judiciary and ordered to be printed.

ADDITIONAL STATEMENTS OF SENATORS

FACT OR FANCY: THE DEPARTMENT OF JUSTICE PREVENTIVE DETENTION STUDY AND THE DEPARTMENT OF JUSTICE PREVENTIVE DETENTION BILL

Mr. ERVIN. Mr. President, the controversy over preventive detention during the past 2 years has been unique in one respect at least. While there have been repeated claims of a pressing need for preventive detention, there has not yet been any accurate assessment of that need, much less proof that a crisis exists which justifies such an extraordinary departure from constitutional principles as preventive detention.

Some of the claims made on behalf of preventive detention have stressed particularly shocking instances of crimes committed by individuals on bail. Each time these incidents have been reported, they have produced dismay and anger among judges, police, lawmakers, and the public at large. I confess that I, too, share the dismay and anger that these reports evoke. From time to time I have personally investigated the worst of these reports. Very often, more often than not, I have found that the actual facts of these incidents do not amount to a case for preventive detention. All too often, the individual charged had been free on bail for many months while no serious effort had been made to bring him to trial. Or, we find that the man had a previous record, and the prosecutor, had he known of this, could have asked for deterrent action perfectly consistent with existing law but short of preventive detention. We find that often the judge could have taken steps to prevent such recurring crime had he been requested to do so by the prosecutor, and had he employed some of the means now available under the law to control and supervise persons on bail.

These cases, all too often, demonstrate that faulty and inadequate information was available to the judge and prosecutor, that the trial court machinery was inadequate or had broken down, or that there was a failure to use the available tools of the law. These, and not the Bail Reform Act, were the real causes of the failure to prevent the outrage. Very often in these cases it develops that the accused was on probation or parole, that he had been charged with prior capital offenses, or that he had a long string of as yet untried crimes. If the law enforcement officials had known what they should be expected to know, had they employed the tools already given them, the shocking crime could have been prevented. These cases do not prove the case for preventive detention. They demonstrate the need for long-delayed reform and improvement of the criminal justice machinery.

Other claims on behalf of preventive detention are based upon general statements of rising crime rates, upon an alleged connection between the passage of the Bail Reform Act and increased crime, or upon other misleading statements designed to whip up public support but not well-calculated to enable an impartial observer to make an accurate judgment of the need for preventive detention.

Finally, the case for preventive detention has relied heavily on bald assertions of the amount of crime committed by persons on bail. References have been made to the experience of judges, police, and prosecutors who "know" that preventive detention is needed and justified. We are asked to take their expertise on faith, and not to bother too much with our own independent assessment.

I greatly respect the views of these experts on many matters in the field of law enforcement. I believe that in matters of this sort, their views should be given great weight. But we in the legislature have an obligation to make independent assessments of the need for new laws. We may not merely act at the request of others, and abdicate our responsibility for independent judgments, and certainly not when a law like preventive detention is proposed, a law which would be a repudiation of centuries of Anglo-American concepts of due process, and which is fraught with constitutional defects and opportunities for abuse.

The debate on preventive detention thus far has had to rely on totally inadequate information. At the constitutional rights hearings in January and February 1969, almost every witness both for and against preventive detention, acknowledged that adequate and reliable data on pretrial crime was lacking. Almost every group which has studied the problem of bail has stressed the need to get some reliable indication of the true state of affairs.

For example, the Judicial Council Committee to study the operation of the Bail Reform Act of the District of Columbia, the Hart committee, commissioned the Bureau of the Census to canvass the available information on the need for preventive detention. After this survey, the Bureau reported:

> A thread that runs through the reports, the debates, the public statements is simply that there are not enough data, or there are no data, or the data which exist are either incomplete, the wrong type of data, out of date, or inadequate for one reason or another.

The Hart committee itself said:

> Data which shows the precise extent of crime on bail is not available. Neither private research organizations nor government have undertaken the necessary work. No one has assembled the financial resources, the computerized analysis and the professional direction which are necessary for a comprehensive or fully adequate study.

When the Department of Justice first began to discuss its intention to submit a preventive detention bill, it recognized that it had a responsibility to Congress and the public to support its legislation with facts. Thus it was that in April 1969, the Department began steps to commission a study to gather facts in support of the bill it was drafting. The legislative work on the bill was easier to do than the gathering of supporting data, however. The bill was completed and submitted to Congress in July 1969, only 6 months after the Department began its work. The commissioning of the study took longer, and arrangements were not completed until August of last year.

Working through the Department's Law Enforcement Assistant Administration, the National Bureau of Standards of the Department of Commerce was selected to make a study of the Washington, D.C. courts with a view to assessing the need for preventive detention, isolating the critical facts which would be needed if such a program were authorized, and devising a method by which a reliable system of preventive detention could be implemented.

The facts which the Department of Justice sought are essential prerequisites for an accurate judgment of whether preventive detention is justified. The study also is necessary if a preventive detention system is to accomplish the goals assigned to it. Thus, even if a need for preventive detention can be

shown, it is still necessary to fashion the legislation to meet the problem of pretrial crime. More is required than merely a program of denying bail to every person arrested for a crime, and putting him in jail for the indefinite duration until the court gets around to trying him.

The Department's own proposal, S. 2600, acknowledges that preventive detention must be carefully fashioned to meet a special problem. The bill is based upon a series of untested assumptions about the amount and nature of pretrial crime, and the ability of judges and prosecutors to predict those defendants who are predisposed to crime while on pretrial release. For example, the bill defines certain special classes of offenses, and certain special types of defendants who will be subjected to pretrial detention proceedings. It utilizes a theory of predicting dangerous behavior based on certain facts about the individual and his background. It presumes a knowledge of the frequency of crime, the information about defendants available to the police, the prosecutors, and the judge. It makes other assumptions about the capacity of the courts to handle additional work, and the jails to accommodate additional defendants.

It is extraordinary that the Department should have first drafted a preventive detention bill, and then set out to analyze the problem. It would appear to me that the path of responsible legislating is first to assess the problem, and then to draw legislation to meet the true situation.

In proceeding as it did, the Department took a great many risks. First, there is the risk that the study it commissioned will demonstrate that preventive detention is not justifiable upon the facts. But there is the additional risk that even if preventive detention as a concept can be supported, it may be that it will have to be approached quite differently from the way Department proposes in S. 2600.

In my judgment, the Deartment of Justice study has demonstrated that S. 2600 fails on both accounts. To me, it demonstrates first that preventive detention cannot be supported on a fair reading of the facts. But it also demonstrates that were the Department's bill to be put into effect, it would not accomplish the goals assigned to it. The study shows that many of the assumptions upon which S. 2600 is based are either refuted by the facts, or that no facts exist upon which such assumptions can fairly be based.

The Department of Justice study is the only reliable information now available to us against which preventive detention, and the Department's specific proposal, S. 2600, can be tested. An examination of the study shows that there is a wide gap between the Department's assumptions and the facts developed by the Department's own research. For this reason, it is important to analyze this study, and to discuss its findings.

The Department of Justice study began in August, 1969. It was conducted by the National Bureau of Standards of the Department of Commerce, the U.S. Government's expert in technical and scientific analysis. The actual work was done by the Bureau's Technical Analysis Division. This was a nonpartisan operation insofar as the National Bureau of Standards was concerned. They were not concerned with advancing or hindering preventive detention. Their only concern was with doing an accurate, reliable, thorough and scientific job. As the report states:

> It was emphasized from the outset that the study should not try either to support or to counter the advisability of the notion of preventive detention, but rather should assemble any data existing within the Criminal Justice System which would have a bearing on the subject.

The study was conducted from August 1969, until late winter 1970. The initial report, due first in January, was thereafter delayed until March 31. For as yet not completely explained reasons, the actual release by the Department of Justice did not occur until April 8.

The Bureau of Standards selected four representative weeks in 1968 for its pilot study. The researchers obtained every piece of recorded information relating to the criminal cases in the courts during that time. Extraordinary efforts were made to determine the accuracy of the data collected. Completeness and accuracy were "key considerations" in the study.

The 4-week study produced 910 defendants on the rolls, and analysis disclosed 712 defendants actually charged during the period. Something more than half, 426, were released prior to trial. The study group gathered 50,000 items of information on these cases and used a computer to analyze the data.

The first analysis of the information gathered from this data was published a few weeks ago. In a few more weeks from now, a more completed analysis will be published. Still to come is a wealth of data showing how the Bail Reform Act of 1966 has worked, and how the proposed preventive detention bill might be expected to work.

While the first report is preliminary and tentative in nature, it still tells us quite a bit about the nature and amount of crime on bail. It shows persuasively that many of the assumptions upon which the Department has based its proposal are not borne out by the data.

Let us see how well the Department's assumptions stack up against the findings:

ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

The rate of pretrial dangerous and violent crime is very high, high enough to warrant preventive detention.

FINDING IN THE DEPARTMENT OF JUSTICE STUDY

Rearrests of so-called dangerous defendants are too low to justify a system of preventive detention.

The study's most valuable information about crime on bail may be its overall statistics. The National Bureau of Standards traced the subsequent arrest records of the 712 defendants falling in three categories, those arrested for all felonies, those arrested for so-called dangerous crimes, and those arrested for violent felonies. The latter two categories are artificial ones used by the Department of Justice in their preventive detention bill. They are catchall phrases for defined groups of crimes listed in the bill. Although the bill is not perfectly clear, I assume the definitions apply only to felonies, and do not include misdemeanor versions of these offenses.

Briefly, the dangerous category consists of robbery with use of force, burglary, rape, arson of property used for dwelling or business, and sale of drugs. Violent crimes consist of all types of robbery, burglary, rape, all types of arson and drug crimes—in other words, an expanded definition of the dangerous category—plus homicide, kidnaping, and assault with a dangerous weapon.

It should be noted that many of the offenses in these categories are capital, and under the law as it has existed from the founding of the country until now, and as preserved by the Bail Reform Act, defendants in capital cases have no right to bail and may be detained pending trial. Special preventive detention is not needed for such cases. The inclusion of these categories of cases, however, tends to overstate the problem of crime on bail when one looks at the study results to gauge the need for preventive detention. As appears often in the analysis of the Bureau, the study has erred on the side of overstating, rather than understating, the data in favor of preventive detention.

Looking first to all felony arrests, the study shows that the overall rearrest figure was 17 percent. That is, one in six persons arrested for a felony was rearrested for either a felony or a misdemeanor while on bail. As low as this figure is, however, it is by no means the most pertinent fact for the purposes of estimating the seriousness of crime on bail or the effect the preventive detention bill will have on such crime. When one looks at this 17-percent figure more closely, it turns out that only 7 percent can be attributed to a second felony arrest. The balance, more than half of the rearrests, represents misdemeanors, or is unknown. Thus, when considering serious offenses, using the felony-misdemeanor distinction, only one in 14 persons arrested for a felony and released on bail is rearrested for a subsequent felony.

The Department of Justice preventive detention bill does not, however, propose to subject all persons arrested for felonies to preventive detention. The bill is directed to the smaller arbitrary categories of dangerous and violent crimes as defined by the Department. When the Bureau analyzed the data according to the Department of Justice categories, it found equally interesting results.

In the violent crime category, the rearrest rate overall is 17 percent, or one in six. However, even this low recidivist rate overstates the case for the Department's preventive detention. Two-thirds of these rearrests are for nonviolent crimes, presumably misdemeanors and all felonies other than the defined violent kind. The percentage of persons arrested for violent crimes and released who are later arrested for subsequent violent offenses is only 5 percent, or only five persons in the group of 106 released on bail. In other words, for every 100 persons arrested for a violent crime and subjected to the jeopardy of imprisonment without bail, only five can be expected to be risks warranting detention.

A similar result is disclosed when the other major category, dangerous crimes, is examined. Here the overall rate for rearrests is somewhat higher, 25 percent. But by far the greater number of these subsequent arrests are for nondangerous crimes. For dangerous crimes, the rearrest rate is again 5 percent, or four of the 68 total released on bail.

It cannot be stressed too often that the figures in this study which are relevant to preventive detention must be those which conform to the assumptions and procedures underlying the actual bill before Congress. Even if there were shown a very high rearrest rate for all persons arrested, no matter what the charge, this would not be especially relevant to the evaluation of a bill which did not presume to authorize preventive detention for all these persons. The Department bill does not presume to authorize preventive detention for all persons arrested, whether on traffic offenses, misdemeanors, felonies, or what have you. The bill assumes that persons committing certain kinds of serious crimes have a high probability of committing subsequent crimes of similar kind and seriousness.

For these purposes, the 17-percent overall rearrest rate for felonies, even if considered high, is not pertinent. Nor, indeed, is the 7-percent felony rearrest rate pertinent, low as it is. The Department does not propose to detain all felony arrestees.

By the same token, the overall rearrest rates for violent crimes—17 percent—and for dangerous crimes—25 percent—is not pertinent. The Department does not justify its deprivation of liberty on the grounds that we must protect society against subsequent misdemeanors, or even subsequent felonies, whatever their type. The Department's justification for preventive detention is limited to preventing persons arrested for dangerous and violent crimes from committing additional alleged offenses of equal seriousness. Thus, the bill must be evaluated on the basis of the frequency of repeat crimes in these categories. As the study shows, the rate is 5 percent—five out of every 100. To pass the Department's bill means that 100 people stand the risk of deprivation of liberty in order to protect society against the five in their midst. It means that due process, fair trial, and pretrial liberty may be sacrificed for 95 in order to get the five. Viewed from the perspective of the Department's bill, and adopting all its procedures and policy as true, it still turns out that the Department is prepared to accept 19 wrong decisions in order to get the one.

The first assumption, that persons arrested for dangerous or violent crimes have a high propensity to be arrested for subsequent offenses of a serious nature, turns out to be wrong. The rate is very low, too low to justify preventive detention.

ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

Persons arrested for serious crimes must be detained because they have a prediliction to commit equally serious crimes if released.

FINDING IN THE DEPARTMENT OF JUSTICE STUDY

An arrest for a dangerous crime is no indication that the defendant will be rearrested for a similarly serious offense.

Another assumption of the Department's bill is that persons arrested for serious offenses who are charged with subsequent crimes will have a tendency to commit crimes equally as serious as the first. Put another way, a person charged with dangerous or violent crime who is "dangerous," is dangerous because he has an increased prediliction to commit additional dangerous or violent crimes. Inherent in the bill is the idea that an arrest for these crimes is a reliable indicator of a subsequent arrest for a similar offense.

The study gives us valuable insight into the nature of the offenses for which defendants are rearrested and shows that this assumption is not borne out. When the class of felony defendants who were rearrested while on bail was examined, it was discovered that they were arrested for misdemeanors about as often as for felonies. Significantly, the rates were low in both cases—7 percent. The study concluded that there is "striking evidence that defendant initially charged with a felony is about as likely to be rearrested for a felony as for a misdemeanor." As a matter of fact, the data shows that felony arrests are followed by misdemeanor arrests slightly more often than by a second felony arrest. Of the 53 cases in which a felony arrest was followed by a second arrest, in only 23 instances, less than half, was that second arrest for a felony.

The study figures suggest strongly that even were it possible to isolate those defendants who a judge might predict will possibly be rearrested during the bail period, there is no assurance that the second offense will be a serious one, or one which under any suggested plan of preventive detention would justify the extreme step of pretrial imprisonment.

Thus a second assumption, that persons arrested for serious felonies have a tendency to be arrested for an equally serious charge, is not substantiated by the study.

ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

Judges have enough experience and will have enough information at the preventive detention hearing to predict which defendants are likely to commit serious offenses if released.

FINDING IN THE DEPARTMENT OF JUSTICE STUDY

There is no reliable means by which these predictions can be made.

A fundamental assumption underlying the Department's bill is that judges have sufficient experience with the criminal population to be able to discover, with reasonable accuracy, which of the defendants who appear before them are likely to be dangerous and so should be detained. This is an asumption based on faith and, I believe, on blind faith.

Prediction of criminal behavior is an extremely difficult undertaking. It has not been marked with conspicuous success whenever it has been attempted. For instance, a celebrated experiment here in the District tested the assumption that judges can distinguish the dangerous from the nondangerous defendant. Two judges' performances under the Bail Reform Act were studied. One judge has the reputation of imposing strict bail conditions and releasing very few of those who appear before him. Many observers are of the opinion that the potential danger of a defendant is a prime consideration in his bail decisions.

His record was compared with that of another judge, whose reputation for leniency is equally as renowned as is the other's for strictness. The surprising result was that the strict judge had no better success in his predictions than the lenient judge.

Even though the strict judge B had more cases than the more lenient judge A, he released only half as many defendants on personal recognizance. All told, less than half the defendants appearing before the strict judge were released, as opposed to almost 80 percent before the lenient one. The survey showed that 9 percent of the persons released by the lenient judge were rearrested and 8 percent of those released by the strict judge were. The difference is only 1 percent—a 1-percent "reduction in pretrial crime" measured against the difference in pretrial release of 79.9 percent and 49 percent.

This experiment is a very rough test of the claim that judges can accurately spot the dangerous defendants and can reduce pretrial crime by predicting their future illegal conduct. A special goal of the Department of Justice study was to see if a scientific system could not be devised which would enable the courts to have a reliable means of predicting subsequent criminal behavior or, as the Department of Justice would phrase it, a means of predicting subsequent arrests and equating that with actual criminal behavior.

The study first surveyed past attempts at predictions. It said, however:

> Prediction devices developed by others and described in Chapter III offer insight into the problems of prediction, but these devices offer little hope in the near future for a practical tool for the prediction.

It particularly cautioned against using predictions made under parole and probation systems and those used by bail agencies as a way of answering the problems inherent in prediction for preventive detention. In the case of parole and probation, much more information is available about the person, the offense, the individual's behavior, and the like. Further, guilt has already been determined by a trial and conviction. In the case of bail agency predictions, the important fact to keep in mind is that dangerousness is not the focus of the prediction. The prediction is one of possible flight, and the prediction determines the kind of conditions that will be imposed to prevent or deter flight.

In the case of predictions for the purposes of preventive detention, the information available to the judge is likely to be no more adequate, reliable, or complete than that available to the bail agency. On the other hand, the consequences of an error in prediction are

much worse—liberty is at stake; fairness of the trial is involved.

The Department's bill assumes that accurate predictions can be based upon an evaluation of information available to the judge on the offense charged, the evidence on hand, the individual's personal circumstances, such as family and community ties, financial condition, and employment, and his past criminal records. In large part these are the same factors which are now used to help guide the court in setting bail conditions. The factors employed in making bail decisions were developed after experience with a number of pilot bail projects in Washington, New York City, and elsewhere in the years before the Bail Reform Act was enacted. Their usefulness for the purpose of setting bail conditions was proven before the Bail Reform Act was passed. Experience with the act since then has substantiated their value for that purpose.

The usefulness of such indicators for predicting future criminal behavior is quite another thing, however. As the study itself makes clear:

> Data collected in current pre-trial release programs appears to be inadequate for the type of in-depth studies needed to develop and validate a high quality prediction device. Even if an adequate past-data base could be secured, the present procedures for collecting information do not appear to be adequate. The information now being collected is intended to give some measure of the defendant's likelihood of appearing for trial. Assuming that the same factors are relevant to the defendant's likelihood of committing crime while on pre-trial release does not seem to be valid; such prediction may require quite different hypotheses on the identities and relative "weights" of the important factors. The one pretrial release program visited in this study which attempted to predict a defendant's "dangerousness" used subjective judgment, rather than statistical data, to reach a conclusion.

The researchers attempted to find possible leads to a prediction system using the evidence available from a search of the records it examined. They analyzed such factors as age, education, community ties, employment, skills, family ties and previous records. It should be emphasized that the researchers had the advantage of being able to check all the sources of information in these categories, that they had an opportunity to verify them, and that they had a considerable amount of time and technical assistance in making their analysis. None of this would be available to the judge making the preventive detention prediction. He is required to make a prediction of future crime within a few hours or days of the defendant's arrest. In all likelihood the judge will have little more to go on than the word of the prosecutor, and what incomplete and inaccurate records as can be gathered in a short period of time.

The study's analysis shows that the theory of prediction used in the Department's preventive detention bill provides no helpful guidance for developing a reliable method of prediction.

Considering the factors in order of their treatment the study shows:

First, persons arrested for more serious crimes tend to be younger than average, while those who are rearrested for serious crimes are older.

Second, there is no significant relationship between the amount of education and critical arrests, although those who were rearrested tended to have slightly less schooling.

Third, those who were rearrested were found to have lived longer in the city than those who were not, perhaps because they were also older.

Fourth, there was a low rate of employment among those rearrested for a dangerous crime. On the other hand, no conclusion could be made respecting the relationship of working skills and the occurrence of rearrests.

Fifth, no correlation was shown between rearrests and the closeness of family ties.

Sixth, no relationship could be detected between rearrests and prior criminal records.

When the report's section on predicting "danger to the community" is thoroughly analyzed it becomes clear that at the minimum, the factors listed in the Department's bill cannot be substantiated as reliable guides for actual use in a preventive detention procedure. Certainly, it is most significant to note that the key element in the Department's prediction mechanism—prior record—does not survive analysis.

The Bureau stated:

> Differences in personal characteristics vary in their usefulness and significance. Taken singly, they do not appear to be outstanding predictors, but their actual value as predictors will require continued analysis and correlation.

Viewed very generously, the study demonstrates the need for considerably more work on theories of predicting crime. The report concluded:

> Thus, we conclude that the development of an accurate predictive instrument must depend upon the acquisition of a sufficient data base and upon more adequate testing of the predictability of criminal behavior from specified factors. The information-related activities of the Criminal Justice System would require expansion, and the continuing cooperation of that system in further analyses would be prerequisite to progress in developing a reliable prediction mechanism.

In my opinion, the study demonstrates that the predictive theory employed by the Department in its legislation is not substantiated by the facts. In order to justify a system of preventive detention, the Department should have to shoulder a heavy burden of proof. The study shows that none of its assumptions about prediction survive that test.

The third assumption, the judges can accurately predict those who will be dangerous if released, turns out to be unsupported by the study's findings.

ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

The critical period in which pretrial crime must be stopped is the 60 days following release on bail. Those detained can be tried within a 60-day period.

FINDING IN THE DEPARTMENT OF JUSTICE STUDY

The critical period for rearrests is long after the first 60 days from release. The courts are incapable now of trying people within 60 days of release.

One of the most important questions to be answered in analyzing the usefulnes for preventive detention is the relationship of repeated arrests to the lengthy periods of time that occur between the initial arrest and the granting of bail and trial. The time period is important both from the point of the Department and from that of those who oppose preventive detention.

The Department's bill is predicated on assumptions: First, that the most critical period in which recidivism must be controlled is the first 60-day period following initial release, and second, that speedy trials, within 60 days of arrest, can be conducted for persons detained.

The timing of pretrial crime is also significant for those who, like myself, see preventive detention as not only unhelpful as a means of fighting crime, but also as a real hindrance to our efforts. It is our contention that speedy trial is the means by which this problem can and should be handled. If trials can be held within 60 days now for even a few defendants, as the Department presumes in its bill, we should try speedy trial first for these special categories. Then we can assess the need for preventive detention, if it should still exist. Preventive detention ignores, except on paper, the need for prompt trials. Worse than that, however, it also will make more difficult the accomplishments of this necessary reform.

One important fact should be kept in mind while considering the National Bureau of Standard's study and the light it sheds on these assumptions behind the Department's preventive detention bill. While the Department would have us believe that its bill authorizes preventive detention only for the first 60 days following arrest, it is by no means clear that this will be so in practice. The bill, it is true, authorizes preventive detention only for 60 days. However, if trial is not held at the end of that time, the defendant will not necessarily be released. At this point he will be returned for a new bail hearing under the modified procedures of the bill. While theoretically the detained defendant may be released at this point, as a practical matter it is doubtful how often, if at all, this will actually be the case.

It is hard to believe that any judge will release a man whom he has previously found to be so dangerous as to require preventive detention. The bill allows the judge to set bail conditions based upon suspected "danger to the community"—the same standard employed in the preventive detention hearing. While money bail may not be imposed on the grounds of "danger," it still may be imposed with respect to "flight," as is now the law. There may be a theoretical difference between imposing high money bail to deter "flight" but not for "danger." There is no difference in practice. Even now, under the Bail Reform Act, money bail is set on more than half the defendants charged with felonies. More than 30 percent of felony defendants are not released. Spokesmen for the Department's

bill have argued that preventive detention now exists sub rosa because judges impose high bail to deter dangerous offenders in the guise of deterring flight. It is disingenuous to argue that a formal system of 60-day preventive detention should be instituted to end this "extra-legal" form of preventive detention when the same bill would retain and actually encourage "extra-legal preventive detention" after the initial 60-day formal detention.

We can expect that money bail will be imposed after the 60-day period is up, and that it and other conditions will be set so as to assure, as a practical matter, the continuing imprisonment of the preventive detention defendant for however long it takes for him to come to trial. The Department's bill must be evaluated not on the basis of a "little bit" of imprisonment without trial, but as guilt by arrest, with an indeterminate sentence of up to 2 years.

The Department's bill, however, is presented as intending to authorize only a 60-day detention in the immediate post-arrest stage. The assumption, to repeat, is that this is the critical time to prevent additional offenses. Let us take the Department's bill at face value and look at the facts as developed by the Department of Justice study.

In order to measure the amount of pretrial crime as a function of time, the National Bureau of Standards' study developed what it called a Recidivist Index; that is, the number of arrests as a function of the total number of days all the defendants were free on bail. This total was termed "man-days of release."

The first finding which the study discloses is that persons arrested for felonies are free on bail for a much longer time than those arrested for misdemeanors. This is just the reverse of what we should be aiming for. Our goal should be the speedy trial of the more serious cases, and a resulting decrease in the amount of time that these defendants are free on bail between arrest and trial. Persons arrested for misdemeanors are presumably less dangerous. If we must tolerate delays in trial, it would be better to delay the less serious cases and speed up the trials of the felonies.

The next fact which emerges strikingly from the study is the period of time that occurs between the first arrest and release and a subsequent arrest for a serious crime. In making this calculation, the study examined those persons who were arrested and released, and who were then subsequently rearrested. It made various measurements, each based on the number of arrests calculated as a function of the number of defendants released and the total time in days they were free. The study found:

First, very few rearrests occurred within the first few months after release.

Second, if the frequency of second arrests is calculated from initial presentment by the grand jury the critical time segment is the fourth month for all felonies. This is especially true for the categories of dangerous and violent crimes.

Third, when we look from the trial date back in time toward the date of arrests or grand jury action, second arrests begin to appear only in the eighth month before trial.

The study further shows that more arrests are made in the period between 4½ and 8 months after release than in the period from initial release to 4½ months after. The critical period for those classified as "dangerous" is between 5 and 8 months.

These various findings are based on different tests to determine the frequency of bail arrests as a function of time. Taken together, the study confirms what most have assumed about the frequency of arrests of persons released on bail. The longer the delay between arrest and trial the greater the amount of crime. Frequency of crime is also higher when trial is delayed more than 4 months. Finally, the critical period when rearrests occur is definitely not in the first 60 days following arrest, which is what the Department's bill presumes. Rather, the need, if indeed one exists, is to prevent recidivism in the period beyond 2 months, and particularly beyond 4 months from release. If trials could be held within a 4-month period from arrest and release pretrial crime could be reduced substantially.

If the Department's bill were soundly based on a realistic evaluation of pretrial recidivism, then it would frankly admit either of two things. One, the Department would admit that it proposes preventive detention not only for the first 60 days when recidivism is lowest, but for the entire time between release and eventual trial, no matter how long that might be. Or, the Department could present a proposal for preventive detention which was designed to authorize preventive detention after 60 or 120 days from release, but not immediately after release. The first the Department does not dare admit to be asking for, even though I believe that will be the practical result of this legislation. The Department knows full well Congress would not even consider a bill which frankly and openly calls for permanent prevention detention. The second alternative—preventive detention after 4 months of release—is unworkable.

The figures on the timing of bail recidivism show that preventive detention is not an answer to pretrial crime. On the contrary, these facts again indicate that the answer to this problem lies in assuring speedy trial. The Department of Justice study vividly demonstrates that the highest rates of second arrest for dangerous categories occur after 140 days of trial delay. Overall, the rate is especially high after 280 days. We should no longer tolerate a system which cannot dispense justice in 140 days, much less the 280 days, or 9 months, that is the average here in Washington.

Thus, the fourth assumption, that the critical period for deterring recidivism is the first 60 days after arrest, is shown to be wrong.

ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

Among the serious crimes which should be prevented by preventive detention, robbery is the one in which the need is greatest.

FINDING IN THE DEPARTMENT OF JUSTICE STUDY

The study does not show a special need for preventive detention for robbery defendants.

Much of the rhetoric heard in favor of preventive detention makes reference to robbery cases. The robbery cases have been treated as a particularly serious class of crimes which are committed regularly by a small and fairly practiced part of the criminal community. Statements have been made that there are only a few hundred individuals who commit most of these crimes, that the police and judges know fairly well who they are, and that many of them are driven to repeated crimes because of the need to obtain money for drugs. Some of the more excited claims about the need for preventive detention for robbery defendants cite a supposed figure of 70 percent recidivism.

In contrast to this rhetoric, the Department of Justice study gives us some accurate and reliable information about robbery and burglary offenses.

First, it is possible to review the class of persons involved in crimes against property to see if they tend to be rearrested for the same offenses. The study disclosed 40 robbery arrests, 34 burglary arrests, and six larceny arrests in the felony classifications. Of the total of 80 defendants, there were only nine rearrests, five misdemeanors and four felonies. One rearrest was for another felony robbery, and a second was for another felony burglary. The other two were for stealing cars. Thus, of the 80 total in this class, only two were rearrested for crimes of a similar nature and severity. If stolen vehicle offenses are included, we get a total of 99 felony cases, five felony rearrests, and five misdemeanor rearrests.

Here again the study explodes another myth propounded in favor of preventive detention—the myth that robbery and burglary offenders tend to repeat these same crimes if released on bail. In fact, the two of 80 figure for repeat robbery and burglary felonies is so low as to show there is no probable relationship at all in this class of defendants.

The Department of Justice study made a special analysis of the 40 robbery cases because the proponents of preventive detention have laid such stress on this group. The entire sample of 910 defendants turned up only 40 persons facing charges of robbery, attempted robbery, or assault with intent to commit robbery. Of these, the police had prior records on only 17, suggesting at least that the claim of police familiarity with these individuals is open to considerable doubt. Six more had juvenile records. Twelve of the 17 had prior felony arrests, but only four were shown to have been convicted. The incompleteness of police records, upon which the Department's preventive detention bill rests heavily, indicates that actual prior records and convictions might be higher. Interestingly, not one of the 17 with a prior police record had been involved with narcotics.

Several interesting facts emerge from the study's close examination of the 40 robbery cases. First, 30 percent of the individuals were not released on bail at

all. Eight of these 12 were convicted. Of the 23 who were free on bail at least part of the time, 13 were convicted and a 14th fled. Thus, amongst robbery defendants, the conviction rate for those detained is 66⅔ percent. For those released, the rate dropped to 60 percent.

What is most shocking about the robbery cases is that the average time from grand jury presentment to trial was 200 days, or about 7 months. Despite the great hue and cry about the need to deal with robbery cases, the criminal court system still could not better a 200-day average. How the Department expects to make good on its 60-day speedy trial provision for those it would detain, I do not see. Especially shocking is the fact that of the four defendants held in jail because they would not make bail, and yet who were not convicted, the time in jail ran from 45 days to an outrageous 250 days.

The need for speedy trial can be illustrated not only by the great length of time defendants spend in jail before being found innocent, but also by the great amount of time defendants were left free before a trial which eventually found them guilty. Not one person free on bail and later convicted was tried in less than 100 days. Only three were tried in less than 150 days; five took between 200 and 300 days to try; three took between 300 and 400 to try, and one took 492 days to try. In each case, I repeat, the defendant was found guilty at trial. There is no excuse for a system which allows persons to remain out on bail for over 16 months before they are tried and convicted of robbery. Clearly, a special effort should be directed at speeding the trial of persons arrested for serious crimes such as robbery. The study figures show that even at the height of the public outrage over robberies the average time to trial was 7 months.

Another common claim made by proponents of preventive detention is that there is a special connection between drugs and robbery cases. The assertion is that persons arrested on drug charges, if released, will commit numerous subsequent crimes, especially robbery and burglary, and will go on to subsequent drug offenses. The reverse is also commonly believed—that most, or at least many acquisitive crimes have drugs as the cause. These beliefs are reflected in the provisions of the Department of Justice prevention detention bill dealing with addicts.

The study sheds interesting light on these assumptions. For example, an examination of all felony cases showed that there were no subsequent arrests for serious drug offenses. That is, out of 217 felony defendants released, not one was subsequently arrested on a felony drug charge. Only five were arrested on misdemeanor charges related to drugs. Among the 80 arrests for the felonies of robbery, burglary, and larceny, only two were rearrested on drug charges, both times as misdemeanors.

Examination of the subsequent crime patterns of persons initially arrested on serious drug charges discloses equally surprising facts. Of the persons arrested on felony drug charges, only two were subsequently charged with another felony. One of them was for robbery. Only three others were charged with misdemeanors, one of which was a larceny.

What these figures indicate is that in the category of drugs, the picture is spotty, there is no discernible pattern, and the frequency of rearrests on serious charges is extremely low. So far as the study shows, no case has been made to show a special relationship between robbery, burglary, and larceny and drug offenses. What the study does indicate is that the facile assumptions commonly made about the characteristics of robbery defendants and drug defendants may be like so many other assumptions made in the area of crime—they are not easily substantiated by objective analysis of the data.

In sum, we find from the study that yet another assumption, that robbery defendants are a class for which preventive detention is especially justified, finds no support in the study.

ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

The arrest of a person can be considered a sufficient indication of ultimate guilt for the purposes of preventive detention.

FINDING IN THE DEPARTMENT OF JUSTICE STUDY

An arrest for a dangerous crime is not the equivalent of guilt of a dangerous crime, in theory or in practice.

Thus far in the discussion of the study's findings, I have continually referred to "arrests" rather than to "convictions" as the basis for making judgments about the need for preventive detention. In the entire preventive detention controversy we have tended to equate arrest with conviction, accusation with guilt. Thus, when reference is made that 5 percent of persons committing dangerous crimes commit a second dangerous crime while on bail, the actual fact is that these are figures only for arrest. All that has been determined is that a policeman has concluded, and a magistrate has confirmed, that there was probable cause to arrest for a crime. All that we know is that 5 percent of persons charged with a dangerous crime and released on bail are thereafter charged with another such offense. We know nothing yet about actual guilt. We cannot yet say that 5 percent of persons who "commit" dangerous crimes, "commit" a second dangerous crime when released.

The Department's preventive detention bill equates arrest with conviction, and makes the deprivation of liberty turn not on a determination of guilt after a fair trial, but merely on the judgment of the policeman and the committing magistrate of probable guilt. This judgment is made before trial. The very concept of preventive detention is a repudiation of the time-honored principle that no man should be deprived of liberty without due process, that every man is presumed innocent until proven guilty.

We have learned after a long and difficult struggle for liberty that personal freedom is so precious the State should not be permitted to deprive a citizen of this freedom until it has been put to the most difficult tests of proof. The whole panpoly of trial procedure and defendant's rights, with which we sometimes grow impatient and call legal technicalities, was created after hundreds of years of experience with the uncertainties of discovering truth, of judging guilt and innocence. So, while the debate on preventive detention has centered around arrests, it is very instructive to examine the facts, and see with what justification we can equate accusation with guilt.

The Department of Justice study examined the cases it had to determine the frequency of actual convictions and to make some correlations between arrests on bail and actual convictions. First, the study found 128 cases in which rearrests were made of persons released on bail. It found that in 56 cases, or in less than half, the original arrest was for a felony. Of these 56, fully 15 did not result in conviction. In other words, in about 25 percent of the cases, the original felony arrest was not the equivalent of conviction. Furthermore, of the 41 convictions, 12 were for misdemeanors. In total, of the 56 original felony cases in which rearrests were made, only 23, or less than half resulted in a conviction for the same or some other serious charge.

The preventive detention proposal assumes that there is enough basis in an arrest for a serious offense to justify subjecting the defendant to the risk of imprisonment at the initial bail stage. Yet the study shows that half of the serious charges made ultimately will not be substantiated when trial is finally held.

The study also examined the ultimate disposition of the rearrest charges in these cases. The disposition of the rearrest cases is important because the prediction required by the judge is whether the individual will commit a dangerous crime if released. Of course, the rearrest of a defendant does not mean that he was in fact "dangerous." All it means, again, is that probable cause exists to believe that he committed a second offense. In an actual fact, it turned out only 38 of the rearrests were for felonies, out of a total of 128. Of these 38 felony rearrests, 17 or almost 50 percent did not result in convictions. Of the remaining, five were either still pending or could not be determined. Only 13 of the total 38, or 33 percent resulted in conviction for a felony. Thus, we have a situation in which the study found that only 50 percent of initial felony arrests resulted in felony convictions, and that only 33 percent of the felony rearrests resulted in felony convictions. When the initial arrest and rearrest cases were correlated, it turned out that of the 23 cases of arrest for two successive felonies, there were convictions of both charges in only four.

When the felony arrests and rearrests are examined more closely according to the definitions of dangerous and violent charges, more interesting conclusions emerge. Of the 56 cases in which two arrests were made, the first of which being a felony, 41 of those initial felony charges were "dangerous." Of these 41, 27 were eventually convicted, but only 17 of these were for the original or some

other "dangerous" crime, or a conviction rate of about 40 percent. Of the rearrests for a second felony, 19 were for a dangerous crime. Only five of these charges were sustained, or about 25 percent. Where two successive "dangerous" crimes are charged, it turns out that convictions on both were obtained in only about one-third of the cases, or six of 19 double arrests. Similar results were obtained when the definition of violent crime used in the Department's bill was applied to the data.

The goal of preventive detention is to protect society against the commission of dangerous crimes by persons arrested and otherwise eligible for bail. The Department's bill assumes that it is possible to predict accurately who amongst those arrested for dangerous crimes will be rearrested for a second dangerous crime. The study has shown first that in only 5 percent of all arrests for dangerous or violent crimes were second arrests made upon the same serious kinds of charges. It also informs us that in only 16 percent of the cases in which successive arrests are for felonies, are convictions obtained for both. It informs us that when the 5 percent of cases involving successive arrests for "dangerous" or "violent" crimes are considered, convictions are obtained in both in about one-third to one-quarter of the cases. That means that of every 200 people arrested for a dangerous or violent offense and released on bail, about 10 will later be rearrested for a second dangerous or violent crime. But only two or three of these 200 will eventually be convicted of two successive dangerous or violent crimes. And, it should always be remembered that the judge has no reliable means of selecting those two or three from the 200 who will appear before him in jeopardy of preventive detention.

Thus, another and very critical assumption—that arrest is the equivalent of guilt and so justifies preventive detention—is not proved by the facts.

CONCLUSION

This discussion of the Department of Justice study and the light it sheds on the Department's preventive detention bill has been necessarily summary. The entire report is over 200 pages long. I am mindful of the fact that the value of it for the purposes of evaluating preventive detention cannot be exhausted in one single discussion. The facts are too plentiful, the subject too complex, the qualifications and interpretations too many, for me to contend that a short speech is the last word on the study. I am also mindful of the warning contained in the report itself:

The reader is particularly cautioned against a casual use of the averages reported in this executive summary, since the richness of the narrative supporting material in the court records and the judgmental decisions of persons in the administration of justice require an interpretive summary to accompany each result. The reader is urged to probe deeply in the body of the report to assure proper interpretation and use of the numerical results presented here.

For illustration: One can deduce from statements 6, 7, and 8 in the above summary that if the "dangerous" criterion (as defined in this report) has been fully applied to the sample defendants, then 68 fewer releases and 17 fewer recidivists would have resulted. Thus, the total number of recidivists would have been reduced by one-third (47 decreased to 30), a significant reduction. Yet, because *recidivism* in this study denotes *rearrest* only—a released defendant as a suspect for a later crime—the above analysis does not provide direct information on the number of fewer crimes that would actually have been committed or fewer convictions resulted.

With this warning in mind, I believe that the Justice Department study seriously undermines the basis for the Department's preventive detention bill. In my opinion, the proposal is more than unconstitutional. It is based on unsupported theories of criminal behavior. It presumes a need for preventive detention which has not been shown to exist in any substantial amount. It claims an effectiveness for reducing crime which is asserted but unproved. It promises to make extremely difficult the achievement of those reforms which can help to improve criminal justice.

It is important that the Department of Justice and its supporters acknowledge the study and its findings, and meet the points raised against the bill squarely and honestly. The Department may deserve high marks for clever legislative maneuvering—it managed to get its preventive detention bill included in the District of Columbia crime bill before its study was released and without having to run the gamut of the normal legislative process. But the Department has a responsibility to be more than clever. It has a responsibility to the law, to the Congress, and to the people to defend this legislative proposal on its merits. Hearings will be held soon by the Constitutional Rights Subcommittee on S. 2600, the Department's national preventive detention bill. The Senate and the people of the country have a right to demand no enactment of preventive detention, whether nationally or for the District of Columbia, until the Department defends its bill on the merits.

SALARIES OF MANAGEMENT-OFFICE EMPLOYEES OF SENATE RESTAURANT

Mr. ALLEN. Mr. President, under the Federal Salary Act of 1970, the President pro tempore of the Senate is authorized and directed to issue certain directives in implementation of the salary comparability policy set forth in the law.

I ask unanimous consent that a directive affecting the salaries of management-office employees of the Senate restaurant, dated April 27, 1970, and certain related correspondence, be printed in the RECORD.

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

ARCHITECT OF THE CAPITOL,
Washington, D.C., April 27, 1970.

Hon. RICHARD B. RUSSELL,
President pro tempore,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: As you are aware, pursuant to Public Law 87-82, approved July 6, 1961, the Architect of the Capitol operates the Senate Restaurants as an Agent of the United States Senate. The Comptroller General of the United States has recognized that employees of the Senate Restaurants are employees of the Senate (rather than employees of the Office of the Architect of the Capitol).

Accordingly, it is necessary and proper for you, as President Pro Tempore of the Senate, to issue an order implementing the salary increases authorized by section 3(a) of the Federal Employees Salary Act of 1970 for management-office employees of the Senate Restaurants.

These increases are the same as those authorized for other Senate employees by section 1(a)(1) of your Order which appeared in the Congressional Record of April 15, 1970.

The enclosed order covers 22 management-office employees of the restaurants. It does not cover restaurant foodworkers who are employed and compensated under a different wage system (a wageboard system).

An appropriate order, which I recommend, is enclosed for your consideration and approval.

With best regards, I am
Sincerely yours,
MARIO E. CAMPIOLI,
Acting Architect of the Capitol.

I concur:
JAMES B. ALLEN,
Chairman, Subcommittee on the Restaurants, Committee on Rules and Administration, U.S. Senate.

ARCHITECT OF THE CAPITOL,
Washington, D.C., May 12, 1970.

Hon. JAMES B. ALLEN,
Chairman, Subcommittee on the Restaurant, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing, herewith, copy of order dated April 27, 1970, issued by the President Pro Tempore of the Senate upon my recommendation and with your concurrence, providing for an increase in the compensation of management-office employees of the Senate Restaurants in accordance with Section 3(a) of the Federal Employees Salary Act of 1970.

I would appreciate your having this document inserted in the Congressional Record in order that it might be a matter of record.

Sincerely yours,
MARIO E. CAMPIOLI,
Acting Architect of the Capitol.

ORDER PROVIDING FOR INCREASE IN COMPENSATION OF MANAGEMENT—OFFICE EMPLOYEES OF THE SENATE RESTAURANTS

By virtue of the authority vested in me by Section 3(a) of the Federal Employees Salary Act of 1970 (84 Stat. 196; Public Law 91-231), it is hereby

Ordered, That (a) effective retroactively to December 28, 1969, subject to Section 5 of the Federal Employees Salary Act of 1970 (84 Stat. 197; Public Law 91-231), the annual rate of gross compensation of each management-office employees of the Senate Restaurants (such employees having been recognized by the Comptroller General of the United States as employees of the United States Senate) subject to Section 214 of the Federal Salary Act of 1967 (81 Stat. 635-638; Public Law 90-206) whose compensation was increased by Section 214(a) of the Federal Salary Act of 1967 (81 Stat. 635; Public Law 90-206) and the Orders of the President pro tempore of the Senate of June 29, 1968, and June 26, 1969, issued pursuant to Section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90-206), is hereby increased by 6 percent; and

That (b) for the purpose of arriving at the "annual rate of gross compensation" on which the increase of 6 percent is to be applied, (these employees being compensated on a weekly, rather than an annual basis), the weekly gross rates of compensation shall be converted for the purpose of this Order, to appropriate annual gross rates.

Pursuant to Section 9(a) of the Federal Employees Salary Act of 1970 (84 Stat. 198; Public Law 91-231), the provisions of this Order shall become effective retroactively to December 28, 1969.

RICHARD B. RUSSELL,
President pro tempore,
U.S. Senate.

APRIL 27, 1970.

WALTER REUTHER—ADDRESS BY SENATOR KENNEDY

Mr. KENNEDY. Mr. President, it was my honor last Thursday to address the 21st annual Albert Lasker medical journalism awards luncheon in New York. This responsibility fell to me when the original speaker, my friend Walter Reuther, died in an airplane crash in Michigan. I took a great part of the period allotted for my remarks to pay tribute to Mr. Reuther's unexcelled talents and his contributions to American labor and American society.

I ask unanimous consent that my remarks be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE 21ST ANNUAL ALBERT LASKER MEDICAL FOUNDATION AWARDS CEREMONY, NEW YORK CITY

It is a sad and melancholy occasion that brings me here. The sudden and tragic death of my friend Walter Reuther has robbed the nation of one of our greatest leaders.

We could ill afford to lose him. Never before in my memory has there been such a crisis of confidence in our national leaders, such deep division among our people, such a prolonged loss of our sense of national purpose.

Abroad, we have the nightmare of Cambodia and its mad label of "Operation Total Victory." The Middle East moves to the brink of war. Hundreds of millions of human beings in Africa and Latin America struggle to survive the ancient evils of tyranny, poverty, ignorance, and disease.

At home, our universities are on strike. War and death come to the campus. A Cabinet officer complains, and the Administration asks him to sit tight, because the crisis, they say, will blow over.

The ugly face of racism stalks the land. White America mourns its dead at Kent State, and the nation is moved to massive protest. Black America remembers Orangeburg, and asks, Why not before? Drug traffic moves from the ghetto to the suburb. White America is aroused and black America asks, Why not before?

Our cities decay. Our environment is defiled. Our schools don't teach. Our doctors don't heal. Our economy is in turmoil as prices rise and unemployment soars.

All our institutions are under attack, and justifiably so, because they have committed the greatest sin of public life, the loss of responsiveness to the people. The storm over the Supreme Court has become a storm over the President. Many feel that the stand we are beginning this week in the Senate is the only way out of Asia abroad, the only way out of our constitutional crisis at home.

Now, another giant leader has been taken from us, a man who knew our people well, a man who could guide us along the path we sought. Time and again, he demonstrated the priceless qualities of judgment and leadership that seem all too rare in public life at this crucial moment in our history.

Today, I know, Walter Reuther was to have told us of his plan for better health care in America, but we would have seen far more. The room would have been filled with all the eloquence and passionate commitment that made him respected and admired by generations of Americans. We would have seen the Reuther we knew, challenging America again, as he had so often in the past, to live up to its promise of equality and social justice for all our citizens.

More than others, Walter Reuther had a vision of a better America, and he dedicated his life to the quest. His vision began with the worker. The slogans of his battles captured the imagination of us all—"too old to work and too young to die," "wage increases without price increases," "let's take a look at the books."

His career was marked by more than a quarter century of magnificent achievement at the bargaining table and throughout the labor movement. As much as any other single person, he wrote American labor history in the era since World War II.

He was the ardent foe of communism and corruption in the labor unions. His achievements are legendary. The guaranteed annual wage, the cost of living escalator, the supplemental unemployment benefit, the profit-sharing plan—these are but a small part of the rich legacy he left to his union and to every American working man.

His vision began with the worker, but it did not end there. It was broad enough to embrace our whole society. He reached out to us all, rich and poor, black and white, skilled and unskilled. "We believe there are no white answers or black answers," he said—"only American answers." He sponsored Martin Luther King's March on Washington in 1963. He was there in Delano when Cesar Chavez began the upward struggle for the grape workers. He was in the forefront of the peace movement, and the movement for better programs for the poor, better health for our people, better housing for the cities, a better environment for our children, and equal opportunity and racial justice for every citizen.

Now, he is gone. But the strength of his commitment will sustain us as we carry on his work. The tragedy of this death is compounded by our knowledge that his life was cut short at its prime, when he was on the threshold of achieving one of his greatest social goals, a national health insurance program to bring adequate health care to every American.

From cruel personal experience, he know the ordeal of prolonged hospitalization. He was not a recent convert to the cause of better health. For more than three decades, he was one of the most powerful advocates of health care as a matter of right. He worked to fulfill that right at the bargaining table in Detroit, and in the halls of Congress in Washington. For a generation, he was one of the most articulate and effective voices of the health consumer in America.

Just as Mary Lasker and her outstanding foundation have done so much to educate Americans and to catalyze the new awareness of our health needs, so Walter Reuther's career is marked by a long line of distinguished achievements in the field of health care. Just as the great physicist, Lord Rutherford, when asked how he always happened to be riding the crest of the wave of modern physics, is said to have replied, "I made the wave, didn't I," so Walter Reuther made the wave of the health revolution that is cresting now in America.

It is entirely appropriate, therefore, at this Lasker Awards Luncheon, to recall Walter Reuther's brilliant accomplishments in the field of medical care.

To the five million members of the United Auto Workers family, he brought a generation of imaginative health care and health insurance programs that have influenced the entire nation. He vigorously supported the principle of consumer participation in Blue Cross and Blue Shield. His Community Health Association in Detroit was a far-reaching program of comprehensive pre-paid group practice.

For the Auto Workers, he negotiated the nation's first out-of-hospital benefit program for psychiatric care. After its initiation, the President of the American Psychiatric Association called it a great step toward the goal of making adequate psychiatric care available to every citizen. He negotiated the first national program of pre-natal and post-natal care under basic health insurance, and the program became a model for similar coverage elsewhere. Long before Medicare, he helped secure skilled nursing home care as a right for members of his union of all ages. Most recently, in 1969, he established a major prepayment program for prescription drugs.

To the nation as a whole, Walter Reuther brought a long and distinguished career of public service to the cause of better health for our people. In the 1940's he served on President Truman's Commission on the Health Needs of the Nation. In the 1960's, he was one of the most enthusiastic and effective supporters of President Kennedy's medicare program. As President of the Citizen's Crusade Against Poverty, he helped to develop the devastating report "Hunger, U.S.A." demonstrated the presence of malnutrition in America, and revealed the plight of millions of our citizens starving in the midst of affluence.

In 1968, he embarked on what has now tragically become his last great health crusade. By creating the Committee of One Hundred and assembling its fine technical staff, he gave the movement for national health insurance a new clarity and political visibility that it had never had before. In all his major endeavors, Walter Reuther was consistently ahead of his time, and never was his foresight more clearly demonstrated than in his eloquent advocacy of national health insurance. Long before others saw the defects of Medicare and Medicaid, he realized what has now become the standard truism of health reform—that a dollar ticket is not enough to bring us into the mainstream of modern medicine. He saw that we cannot simply pour more money into the existing system of health care. He saw that we must bring fundamental change to the organization and delivery of health care as well. Most important of all—and this, I think, was the true genius of his insight—he realized that the financing mechanism of national health insurance might well be the only available key to comprehensive health reform, since it offered the only real hope of building incentives strong enough to change the system.

At the founding of our American republic, Thomas Paine declared, echoing the words of the ancient Greeks, "Give us a lever and we shall move the world." Walter Reuther's view was, give us the lever of national health insurance, and together we shall move the medical world and achieve the reforms that are so desperately needed.

You who receive the Lasker Awards today share Walter Reuther's vision of the gulf in our society between the promise of health research and the performance of health delivery. As Mr. Bylinsky and Miss Randal, Mr. Kleinerman and Mr. Cooper have so well reported, we have great talent for discoveries in medical science, but we have not yet found the talent and the will to put them into practice.

We know, and Reuther was among the first to tell us, that health care in the United States is the fastest growing failing business in America—a $70 billion industry that fails to meet the needs of our people. Nowhere is the impact of the inflation that grips our economy more obvious than in the rising cost of medical care and health insurance.

The private health insurance industry, which oragnized labor and men like Reuther helped create and support, has failed us. It provides sickness insurance, not health

insurance; acute care, not preventive care. It gives partial benefits, not comprehensive benefits. It fails to control costs. It fails to control quality. It ignores the poor and the medically indigent. In 1969, in spite of the fact that health insurance was a giant $12 billion industry, fully 40% of the bills for personal health expenditures in America were paid by direct payments from patients.

Far too often, the catastrophe of serious illness is accompanied by the very real fear of financial ruin. Health insurance coverage in America today is more loophole than protection. Hundreds of insurance carriers compete with each other in providing thousands of different types of benefits. Yet, in 1968, of the 180 million Americans under 65:

13% had no hospital insurance.

20% had no surgical insurance.

34% had no in-patient medical expense insurance.

50% had no out-patient X-ray and laboratory insurance.

57% had no insurance for doctors' office visits or home visits.

97% had no routine dental care insurance.

In spite of the fact that our vaunted research and technology is unequalled by any other nation in the history of the world, America is an also-ran in the delivery of health care to our people. In areas like infant mortality, maternal mortality, life expectancy, and death rate for middle-aged citizens, America lags far behind almost every nation in Western Europe.

At the same time, the billions of dollars we pour into our inadequate health system are more than is spent by any other nation in the world, either in absolute terms or as a percent of gross national product. In light of this dismal record, one thing is certain. In America today, no one is getting full value for his health dollar.

The answer is clear. We cannot go on subsidizing the present waste, patching the existing system beyond any hope of repair. We must begin the long journey toward real reform, toward revolutionizing the system, toward comprehensive change in the organization and delivery of health care in America.

I share Walter Reuther's belief that the way out of our health crisis today is the establishment of a program of comprehensive national health insurance, capable of bringing the same amount and high quality of health care to every man, woman and child in America.

As a member of Reuther's Committee of One Hundred for National Health Insurance, Mary Lasker and I and many others had the honor and privilege of working with him to achieve that goal. Today, he was to have told us the broad results and new directions that have emerged from his two-year labor of love for the health of us all. He was to have told us the essence of his program to end our health care crisis. You would have heard new proposals to conserve and develop health manpower; to weed out waste and reduce costs; to assure a higher quality of care; to promote greater consumer participation in health affairs; and to reorganize the health delivery system through the development of primary health care and group practice programs. Equally important, he would have told you that all his proposals, taken together, would cost us no more than our present annual outlays for personal health services.

Today, however, is not the occasion to elaborate his program. What we can do is to pledge ourselves to fulfill his quest. In the days to come, when the Reuther proposal for national health insurance is put forward in detail, I believe it will become the single most important, imaginative and far-sighted legislation introduced in the 91st Congress, whether in health or any other area. In the years to come, when Congress finally responds to the demand of the American people for better health, the legislation we enact for national health insurance will be a living memorial to Walter Reuther. More than any other, he is responsible for its present public momentum. Strange as it seems, future historians of America may well record that in the United States of the Nineteen Sixties, it was Walter Reuther who first saw that the time had come to bring American medicine into the twentieth century.

To be so cruelly deprived of his extraordinary talent, especially now when this aspect of his work was nearing fruition, is a heavy loss to all of us concerned with the quality of health care in America.

More than this, his tragic death is a loss to all of us concerned with the quality of our American society. No man's work is ever finished. If today we see further, if today we see more clearly the need of America for peace, for better health, for better education, for better cities, it is because we stand on the shoulders of giants like Walter Reuther. We who live will carry on his work. We will rededicate ourselves to his ideals, and to the ideals of the other great leaders we have lost. We can succeed, but only if we make this commitment our commitment, his dream our dream.

In closing I would like to honor Walter Reuther with a brief tribute, by reading from the passage near the end of "Pilgrim's Progress," which tells of the death of Valiant:

"Then, he said, I am going to my Father's; and though with great difficulty I am not hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, and I have fought his battle who now will be my rewarder.

"When the day that he must go hence was come, many accompanied him to the river side, into which as he went he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side."

TVA'S 37TH ANNIVERSARY

Mr. SPARKMAN. Mr. President, today we celebrate a memorable anniversary in our national life.

Almost two score years ago Congress brought into being a bold, new concept relating to the natural resources of the Nation. I refer to the Tennessee Valley Authority program, which became law 37 years ago on May 18, 1933.

I do not need to remind Senators that the TVA has been good for the U.S.A. The record speaks for itself.

The TVA was one of the great reforms of the early New Deal. While the Wagner Labor Relations Act and collective bargaining were a magna charta for the working man of that day, TVA was a magna charta for the consumer and the farmer, long oppressed by the high cost of electricity—and, I may add, the lack of electricity in many cases.

Its famous "yardstick" principle set in motion a wave of electric power rate reductions felt all over America, not just in the Tennessee Valley. TVA also triggered new flood control and erosion control projects throughout the land, projects which harnessed our rivers and made our farmlands bloom as never before.

Nowhere in the world had such a vast, multipurpose undertaking—for electric power, flood control, navigation and erosion control—ever been attempted before, and none has been so fabulously successful. The results are everywhere apparent in our economy and a shining symbol to the rest of the world.

The Tennessee Valley Authority helped America to help itself, to pull itself together after a disastrous depression. It was championed by leaders in all walks of life, but the principal sponsors in Congress, the men who spearheaded enactment, were Senator George Norris of Nebraska and former Senator Lister Hill of Alabama, then a Member of the House of Representatives.

I recall how Norris and Hill went to the White House for a conference with President Franklin Roosevelt before the TVA legislation was introduced in Congress.

Roosevelt was completely sold on the idea. He insisted that the multipurpose program should be administered by an agency that was strongly independent.

"What will we call it?" he asked, leaning back in his chair. Suddenly he said, "I know. We'll call it an authority—the Tennessee Valley Authority."

Hill and Norris agreed, and that is how the TVA got its name.

It had some difficult times in its early days, for not all of our citizens supported the program at first and saw it as the Nation, and the world, look upon it today. It was fought bitterly by the big private utilities, which envisioned TVA as a dangerous competitor.

There were loud protests that private utilities had to pay taxes, while the TVA, as a Federal agency, was untaxed—and that this constituted an unfair subsidy by the Federal Government. Lawsuits and injunctions multiplied and seriously threatened the sale of TVA electric power until the U.S. Supreme Court upheld the constitutionality of power sales from Wilson Dam in the landmark Ashwander case decision in 1936.

In the years since, the major power companies not only have learned to coexist with TVA, but to join hands with it in the volume distribution of electric power at lower rates. The TVA now serves as a backup for private electric systems from Oklahoma to the Atlantic seaboard. To help prevent blackouts this summer, it plans to sell 720,000 kilowatts of power to hard-pressed utilities east of the Mississippi River.

However, the TVA power system itself is somewhat hard-pressed at the moment, due to the shortage of coal. The average coal supply for the entire TVA system usually runs from 60 to 90 days, but it is now down to 30 days' supply.

Although the TVA Act emphasized the public aspects of electricity and recognized it as an important tool in the development of our resources, TVA power projects were required to be self-supporting and self-liquidating. In other words, the power program pays its own way.

From 1933 through fiscal year 1969, TVA power revenues amounted to a total of $5.1 billion. The accumulated net income of the power program in this period,

after deduction of all expenses, totaled over $1 billion. The TVA has returned almost $700 million of this to the U.S. Treasury. It paid back $68.1 million in fiscal year 1969, and will return an estimated $72.6 million in the current fiscal year of 1970 and an estimated $80 million in fiscal 1971.

State and local governments also have received considerable payments from the TVA and its power distributors in lieu of taxes, including $37.4 million in 1969.

But much of the power earnings have been reinvested in new construction in the Tennessee Valley. As a result, the Federal Government is the sole proprietor of an electric system which services over 2 million consumers and has a net worth of about $2 billion.

Other TVA programs besides electric power—such as flood control, navigation, reforestation, and so on—are financed largely at public expense for the public benefit, in the same way that other Federal agencies provide similar services for all of us with taxpayer money.

The TVA fertilizer development program, which makes an outstanding contribution to American agriculture, and to the private fertilizer manufacturing industry, partly pays its own way from the sale of fertilizer.

TVA also has a fine record in antipollution and recreational endeavors. Land Between the Lakes, a TVA showplace for outdoor recreation and conservation education in Kentucky and Tennessee, is one of the top vacation spots in mid-America. Over 1 million people from all over America visited this scenic area in 1969 to camp, fish, boat, hunt, hike, and study nature.

Despite these many services, the appropriation request for the entire TVA for nonpower purposes in the next fiscal year is only about $50 million. This is considerably less than the TVA annually pays back to the Federal treasury in power revenues. It also represents about 25 cents for every $1,000 in the total Federal budget.

The transformation the TVA has wrought in the Tennessee Valley itself—once a desolate and neglected area—has been fantastic. Fertile farms and prosperous businesses abound. More than 1 million acres of land have been reforested. The valley is almost completely self-sufficient, so that young people no longer must emigrate to find employment.

Industrial growth in the valley area, served by TVA power, continued its upward spiral in the last decade. A record 618 new industrial plants and plant expansions were announced in the valley in 1968. Annual electric bills for all-electric homes there range from $168 to $221, or from 29 percent to 46 percent less than the national average of about $311 a year.

TVA has developed the Tennessee River and its tributaries to a degree without parallel anywhere in the world for navigation, flood control, hydroelectric power generation, and other related uses. Tennessee River traffic totaled almost 23 million tons and over 2.6 billion-ton-miles in fiscal 1969, more than 10 times the traffic in 1945.

The savings in flood damage that has been averted since the TVA's first flood control project went into operation in 1936 totals over $350 million. Its water control system helps prevent floods in the lower Ohio and Mississippi Rivers as well as in the Tennessee basin, thus protecting large areas outside the Tennessee Valley.

It has stimulated interregional commerce through a 9,000-mile inland waterway system touching 20 States.

TVA development of new fertilizers, with the cooperation of land grant universities, has been a boon both for American farmers and those in food-deficient countries. Focal point of this activity is the National Fertilizer Development Center at Muscle Shoals, Ala., the world's foremost installation for researching and developing new fertlizers.

Some critics have claimed that Federal money has been poured into the TVA region, far more than other parts of the Nation. Nothing could be further from the truth. If you take the period from 1934 to 1965, total Federal expenditures amounted to $11,907 per capita in the Nation as a whole. In the Tennessee Valley, in the same period, Federal expenditures for all purposes amounted to $6,982 per capita, or only 59 percent of the national average. And TVA funds accounted for only one-tenth of this.

Yes, the TVA has been good for the U.S.A. But, more than that, it is the greatest and most profitable investment ever made by a nation in the natural resources God has given us, which, if wisely used, will bring security, health and happiness to all of us.

WALTER P. REUTHER

Mr. PACKWOOD. Mr. President, a man who stood out among men is dead at the age of 62. Walter P. Reuther, president of the United Auto Workers, died May 9 in a plane crash. Mr. Reuther was truly a giant in the American labor movement. He was a man who felt strongly about the cause of freedom and about the cause of the common man. He rose from a humble beginning to become president of the Nation's largest industrial union. He was a man with vision, constantly seeking social changes which would result in a better and more fulfilling life for human beings.

I ask unanimous consent that an article published in the Washington Evening Star of May 11 be printed in the RECORD.

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

REUTHER SPENT HIS LIFE FURTHERING A CAUSE

(By William J. Eaton)

Union negotiators in the 1967 contract talks with General Motors grew tense during a recess in the final hours of bargaining.

Only Walter P. Reuther, president of the United Auto Workers, appeared serene, scrawling notes on more than a dozen pages of yellow foolscap.

"Are you writing a press release?" asked an anxious aide.

"No," Reuther replied. "GM is going to agree to what we want. Don't worry about that. I'm writing a plan to rebuild the slums of America, using the people who live in them to do the work."

That vignette captures the spirit of Walter Philip Reuther, an authentic American radical who fought his way to the top of a powerful labor union, then used his power in the interests of social justice.

PRIORITY TO RANK AND FILE

His first priority was securing wages and benefits for the rank-and-file, but he never performed simply as a bread-and-butter unionist.

Reuther's vision led to breakthroughs such as a guaranteed annual wage for the assembly line worker and company-paid pensions for those who were "too old to work and too young to die," a slogan he coined in the 1950 battle for retirement pay.

Reuther's conscience also kept him in the forefront of drives for racial equality, aid to the poor, nuclear disarmament, improved medical care, better housing and a cleaner environment.

His leadership within the labor movement routed Communist elements from his own union and later helped expel Red-led unions from the CIO.

SYMBOL OF UNION VIRTUE

Personally and financially, he became a symbol of trade union virtue. The UAW was rarely tarnished by corruption.

Reuther's politics, originally Socialist, became Democratic in the 1936 re-election campaign of New Deal President Franklin D. Roosevelt.

Unhappy with Harry S. Truman, he briefly supported presidential boomlets for Dwight D. Eisenhower and/or Justice William O. Douglas in 1942, but returned to his adopted party and remained there for the rest of his life.

Reuther made enemies. At the outset of his labor career, he was beaten by Ford Motor Co. thugs in the notorious "battle of the overpass" in 1937 for daring to circulate organizing leaflets at Ford's River Rouge plant. Later, he was labeled "the most dangerous radical in America" by George Romney, who was then chief spokesman for the auto manufacturers.

ATTACKED FROM TWO SIDES

When Reuther directed a 133-day strike against General Motors in 1945–46, he was accused of undermining the free enterprise system.

The Kremlin once called him a "lackey of Wall Street" although, as a young tool and die maker in a Ford plant at Gorki, Russia, Reuther was attacked as an "establishment man" by youthful revolutionaries and black militants—just as Communist foes within the union labeled him "the bosses' boy" in his 1946 fight for the UAW presidency.

ALIGNED WITH KING

"We will reject the voices of extremism, whether they be white or black, because we believe there are no white answers or no black answers," Reuther said. "There are only American answers.

He aligned himself with the late Martin Luther King, Jr. and his nonviolent crusade for racial integration, often offending many UAW members who did not approve of King's activities. Reuther was one of the ten sponsors of the 1963 March on Washington attended by a quarter-million Americans who heard the famous "I have a dream" speech by the black clergyman.

The march drove a wedge between Reuther and George Meany, AFL-CIO president, who had urged that orgnaized labor adopt a hands-off attitude toward the massive demonstration. When the AFL-CIO Executive Council passed a resolution to this effect at Meany's urging, Reuther fumed: "That resolution is so anemic it will need a transfusion to get through the mimeograph machine."

Reuther's dispute with Meany, which led to the UAW's break with the parent federation in mid-1968, seemed to be a mixture of

principle and personality. In Reuther's eyes, the labor movement should always be "on the march" in the front ranks of groups seeking social change. In Meany's eyes, the AFL–CIO can obtain better results through more conventional lobbying for federal and state legislation.

Reuther had headed the UAW since 1946, and became CIO president in 1952. In 1955 he joined Meany in forging the AFL–CIO, giving labor its first united front since John L. Lewis pulled out his United Mine Workers in 1937 and founded the Congress of Industrial Organizations as a rival to the American Federation of Labor.

But in 1968, Reuther pulled out his 1.6 million-member UAW, claiming the federation had become practically inactive. It joined the Teamsters in forming the Alliance for Labor Action, whose avowed goal was to organize the working poor into labor unions.

INDOCTRINATED AS A BOY

It may be necessary to go back to Reuther's boyhood in Wheeling, W. Va., where he was born on Sept. 1, 1907, to understand his labor philosophy. His father, the late Valentine Reuther, was a German immigrant, a socialist, an official of the Brewery Workers Union. Valentine raged against injustice he found all around him in that industrial town and preached labor's story to Walter and his three brothers.

Misfortune struck the family when Valentine lost an eye in a freak accident, forcing Walter to drop out of high school at age 15 and become an apprentice toolmaker at the Wheeling Corrugating Co.

"I made 11 cents an hour," Reuther recalled later. "We worked 11 hours a day."

On weekends, Walter and his brothers were coached in debate by Valentine, who assigned them research on such topics as the eight-hour day and then supervised the arguments in an upstairs bedroom. It was good training for the soap-boxing that Walter, Victor and Roy Reuther were to do later in the auto capital of Detroit.

IGNORED BY COWORKERS

Even before he left Wheeling, Walter started agitating against Sunday and holiday work, but his fellow workers paid little heed to the red-haired apprentice.

He went to Detroit at 19, and landed a job in the Ford tool and die department. He finished his high school education while working full time, often studying until 4 a.m. and stuffing textbooks in his tool box to finish his homework.

The Great Depression's impact on Detroit—with long lines of unemployed and soup kitchens—reinforced the socialist doctrines taught at home. Enrolled at Detroit City College, Walter and Victor formed a social problems club, took its members to picket lines and fought against an ROTC unit there.

In 1932 the Reuther boys stumped Michigan for Norman Thomas, the Socialist candidate for president, with an enormous "repeal unemployment" banner on their car. (Walter ran on the Socialist ticket for the Detroit City Council, losing decisively, in 1937).

FIRED BY FORD

Walter's political views perhaps led to his dismissal from Ford in early 1933, and he lost no time leaving with his brother Victor on a round-the-world tour that included a 22-month stint in a Ford plant in the Soviet Union. At the time, the two young men seemed to be staunch supporters of the Communist experiment that had captured the imagination of so many American liberals.

A letter attributed to the Reuthers, allegedly signed "Yours for a Soviet America," plagued them for years to come. Various versions of this "Vic and Wal letter"—many obviously forgeries—were employed in intra-union battles long after the brothers had declared war on the Communist party elements within the UAW.

Returning to the United States in 1935, Reuther set up shop as an unpaid organizer, got elected to the executive board at the Auto Workers' founding convention and quickly became a major figure in Detroit auto labor. With the aid of Victor and others boring from within, Reuther led a sit-down that brought a contract at Kelsey-Hayes Wheel Co. in late 1936, his baptism of fire in that turbulent year.

FIGHT WITH GM

Although his brothers had more prominent roles, Walter helped fight General Motors in the great sit-down at Flint in the winter of 1936–37 that produced an historic agreement on recognition of the union in the citadel of the open shop.

The UAW, rocked by factional fights, nearly fell apart in 1939 and GM tried to take advantage of the split. Reuther shrewdly timing a midsummer strike of tool and die makers that delayed production of 1940 models, managed to preserve the UAW's bargaining rights with the auto industry giant.

Reuther again showed his creative ability when he unveiled a plan for production of "500 planes a day" to help Britain survive the Nazi blitz in 1940.

The essence of the Reuther plan, which attracted national attention and almost got Roosevelt's approval, was to convert unused auto production capacity to build airplanes. Industrialists said it couldn't be done but later boasted of how they had used more than 90 percent of their machinery to build warplanes, not cars, during World War II.

SPOTLIGHT AFTER WAR

It was in the postwar era, however, that Reuther's negotiations with the auto industry began to command wide interest.

The bitter 1945–1946 strike against GM—highlighted by Reuther's slogans of "wage increases without price increases" and "let's take a look at the books"—received sympathetic attention from a presidential fact-finding board. The slogans represented an effort by Reuther to make bargaining more rational and more dependent on economic facts rather than power, and the strike paid dividends later.

In 1948, former GM president Charles E. Wilson introduced the "annual improvement factor" to reflect rising productivity in wages and the cost-of-living escalator to protect the buying power of a worker's paycheck. The UAW accepted these principles and they formed the basis for a five-year contract in 1950.

Reuther forced renegotiation of that contract when the Korean war sent prices soaring in 1953. He did this by striking key plants and then, under the theory that labor contracts are "living documents," reopened the provisions on wages with the grudging agreement of auto management.

LANDMARK IN 1955

But it was the 1955 bargaining, however, that may make Reuther's name live in labor history. He won a system of "supplemental unemployment benefits," or SUB, from Ford Motor Co. to increase the out-of-work payments to regular Ford employes who were laid off periodically.

With patience and determination, he built on those agreements until, in 1967, a regular Ford worker could collect 95 percent of his weekly pay for up to a year if he got a layoff slip.

It was the same kind of determination that Reuther displayed following an unsuccessful assassination attempt in 1948 that almost severed his right arm.

After the shooting, doctors said the odds were a million to one against his ever using his right hand again. But Reuther squeezed a hard rubber ball and underwent therapy until movement was restored, then took up carpentry to aid his recovery.

"I drove nails and sawed wood until tears came to my eyes. . . . I got a good house and a good hand," he recalled.

LESSON IN PRACTICAL POLITICS

Mr. METCALF. Mr. President, election laws vary from State to State, but by and large they are similar. In Montana we elect our precinct committeewomen and committeemen at the primary election. Those voting the Democratic ticket vote for their precinct representatives; those voting the Republican ticket do likewise.

All one has to do in Montana to run for precinct representative is to file at the county courthouse with the clerk and recorder and be a registered voter. There is no filing fee. If a personal reference will be pardoned, my first office was precinct committeeman. I filed as soon as I was a qualified voter and won in a contested election.

Roger Hawthorne, a staff writer for the Billings, Mont., Gazette, has written a thought-provoking article on how those opposed to war, those seriously concerned about our environment, and those with other causes are voluntarily surrendering their chances to "turn the system around."

As Mr. Hawthorne states, it is the precinct officer who determines the direction of the political party he represents. The county convention is composed of the percinct committeemen and committeewomen. The county convention elects delegates to the State platform convention and in presidential years elects delegates to the State convention who in turn designate the delegates to the national presidential nominating convention.

Here is a little lesson in practical politics. The activists who are demonstrating about the issues of the day have an opportunity to particpiate in the solution of national problems insofar as Montana is concerned by merely walking down to the courthouse and filing for precinct office. This is the way the system works in Montana. I would wager that it works in a similar way in most States.

For those who are not satisfied with the people now in office but do not wish to seek a party post or office through the manner set forth in the Hawthorne article, a viable alternative is offered in an article written by James D. Barber and David R. Mayhew and published in the New Republic magazine. The Barber-Mayhew article outlines how the energy dissipated in street demonstrations could be more effectively used if converted into political muscle.

Responsible young people, and those who are not so young, but with causes to advocate, should look at the way the political system works and try to operate within it. If it is not democratic, change it. But where there is an opportunity to direct and control, there is no excuse for neglect of that opportunity—unless one just wants to protest.

I ask unanimous consent that the articles to which I have referred be printed in the RECORD.

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

THOSE WITH CAUSE MISSED A CHANCE

(By Roger Hawthorne)

The anti-war people, the environmentalists, indeed all the people with a cause to push that in any way relates to the political process (and what doesn't?) last week volun-

tarily surrendered their one chance to do something about it.

That is, to do something effective about it.

Of course, they can always hold their fasts, their demonstrations, their teach-ins.

None of that has been effective in the past, and it's not too likely to be effective in the future, but accomplishing something doesn't seem to be of much genuine concern to the cause-pounders.

What they could have done—but didn't—was to go to the clerk and recorder's office in the courthouse before the filing deadline April 23, take out nominating petitions for a precinct position, and sign them.

All they would have had to do is to be registered voters and reside in the precincts filed for. And just sign their names in many cases.

On the Republican side, 86 people did that. On the Democratic side, 106 people did that. Two Republicans and two Democrats will be eliminated in contested precincts.

Everyone else who took the time to sign his or her name on a nominating petition will be elected as either a precinct man or woman.

There are 81 precincts in Yellowstone County; 81 men and 81 women could be precinct workers.

There are 78 vacant precinct positions in the Republican Party—only four short of an absolute majority. On the Democratic side, there are 58 open positions, 24 short of an absolute majority.

And what is true in Yellowstone County is also true in varying degrees in every county in the nation.

For the politically naive, the precinct man or woman is the most elemental term in the political process. Ultimately the precinct worker decides the party's platform on both the state and national levels. Ultimately the precinct worker controls all patronage to be administered through the party.

The precinct worker is the one who delivers the votes, chooses the county central committee's executive committee, determines who will compose the state central committee, and the state central committee in turn determines who will compose the national central committee.

With all the vacancies in the two parties in Yellowstone County, it would have been an easy matter for the cause-pounders to have gained control of both parties.

In short, had any one really cared, they could have—in nearly every case—simply signed their names to finally decide what the political policies will be, all the way from City Hall to the White House.

They didn't do it.

Of course, the cause-pounders wouldn't have had to have an absolute majority to control the internal workings of the two major parties.

One young Republican estimated to control the central committee of his party would require only 15 people, 15 people who would ritually attend all central committee meetings.

Most people holding precinct positions don't go to the central committee meetings, and in actuality a miniscule number of cause-pounders could have—without any contest—seized the party apparatus of both parties.

They could still do it, only now it will be somewhat harder.

They can wage write-in campaigns or try to arrange with a party apparatus they voluntarily surrendered to be appointed to the vacant precinct positions.

It would have been so simple on Earth Day for the genuinely concerned environmentalists to go to the courthouse to sign the nominating petitions that would put them in a position to shape and guide both major political parties in this, the most populous county in the state.

It would have been so simple for those people fasting against the war in front of the federal building to cross the street to the courthouse to sign their names.

They didn't do it.

Kind of makes you question just how seriously they should be believed when they say they care about anything, doesn't it?

FROM THE STREETS TO THE POLLS

(By James David Barber and David R. Mayhew)

Tell a hawk congressman you are planning a peace march through his district, and you're likely to get a cold rebuff. Tell the same man you have organized a thousand volunteers to canvass his district in the next primary in support of a dove opponent, then his attention picks up. Show him you know the law, the ins and outs of the nominating process. Show him a substantial campaign fund already available for peace candidates. Tell him the name of the popular citizen who has agreed to contest his nomination if necessary. At this point he is listening hard . . . Perhaps there is something to that Goodell Resolution after all.

The next step for the peace movement is from the streets to the polls. The massive Moratorium of October 15 and the immense (and 99 and 44/100ths percent pure nonviolent) march of November 15 made their point: a majority of Americans recognize that the war in Vietnam is a mistake. The job now is to translate that sentiment into political power. The President can always back up his popularity by appealing for personal support in time of crisis. He may yet discern in the flux of opinion the difference between allegiance to the flag and acceptance of his slow and secret policy. But he has nearly three more years for maneuver before he faces the electorate. Four-hundred thirty-five representatives and a third of the senators face that test in the coming year.

The machinery for '70 is already in motion. Incumbents are watching the election calendar, wondering if challengers will let the key dates pass without action. In Connecticut, for example, registration to vote in party primaries in 1970 closes on January 9. In other states candidates must file as early as the first or second week in February. Normally, all this early maneuvering takes place in obscurity; the public is not much interested, and the politicians are willing to leave it that way. But unless the peace forces want to wake up next November to congressional contests of the Humphrey vs. Nixon type, the time to shape the choices is upon us.

Success in a campaign for a peace Congress depends on mobilizing quickly to implement a plan with at least the following elements:

1. *Money*. It is an old political maxim that a dollar in January is worth $5 in July. The shift in public confidence from newspapers to television has escalated the cost of campaigning far beyond what most candidates can afford. A national effort to elect a peace Congress will cost millions, but in the early days of the campaign it is the thousand-dollar checks which count. Before a candidate takes on an intrenched opponent, he needs—and deserves—to know whether he has a realistic chance. Money helps that confidence.

2. *Candidate Recruitment*. In some states and districts, registration and petition efforts will have to get started before candidates appear, simply because the deadlines are approaching so rapidly. As soon as possible, however, these actions must be organized around specific candidates who articulate and lead the cause. The overriding criterion must be the man's determination to take an active, aggressive role, in cooperation with other congressmen, to stop the war. That comes first. But reactionaries, ideological wild men, and political inepts—however loudly they proclaim their dedication to peace—have to be screened out. The point is to win and get the U.S. out of Vietnam.

3. *Leg Power*. Personal contact with voters—canvassing—is probably the most effective way to bring out the votes. In the hoopla of Presidential campaigns other factors may be more important, but congressional primaries are prime targets for personal politics. Primaries can be won by small margins: in many of them, only 20 to 25 percent of eligible voters make it to the polls. There is much room for education at the doorstep: Gallup found in 1965 that 57 percent of American adults did not even know their congressman's name; 70 percent did not know when he would next stand for election—much less how he stood on the war. If the peace forces in both parties can mobilize the kind of volunteer effort we saw in New Hampshire, Oregon, Wisconsin and California in 1968, Congress can be turned around on its grassroots.

It won't be easy. Target states and districts will have to be carefully picked—although there is hardly a district in the country in which a serious challenge cannot be mounted if the war drags on. The national mood seems volatile; Representative Sam Steiger of Arizona and 14 of his colleagues read it one way when they call on the President to order a "sudden and major escalation" of the war. Furthermore, incumbents have been hard to beat; they hang onto their seats as if they owned them. In the current House, only 9.2 percent of the members are freshmen, the lowest percentage of new blood in the history of the U.S. Many are too busy climbing up the little ladders in their committees and subcommittees to grasp the urgencies felt among the people back home. That can change. A locally based movement for a peace Congress will know best the races on which to concentrate.

Take Rep. John Rarick, Democrat from Louisiana. Rarick has termed peace demonstrations "a public manifestation of disloyalty." Of three of Louisiana's eight Representatives who were opposed in the last election; Rarick was one. In the midst of his district, the Sixth, stands Louisiana State University, with more than 16,000 students and their teachers. What are the chances for defeating Rarick in a primary next year?

Consider Mr. William E. Minshall, Republican of Ohio's Twenty-Third District, Minshall is the second-ranking Republican on the Department of Defense subcommittee of the House Committee on Appropriations. He has not been what you might call an energetic advocate of prompt withdrawal from Vietnam. In November, 1968, Minshall squeaked through with 52 percent of the vote, defeating a liberal Democrat by a margin of 8,000 in 200,000 votes. Suppose that among the 40,000 students at Ohio State University, and those from other colleges, a thousand canvassers could be discovered, trained and transported to Minshall's district for a primary in May. Somewhere along the road Rep. Minshall might change his mind.

Why have we not heard of leadership for peace from the House Committee on Armed Services? Ranking right next to Mendel Rivers on that committee, and chairman of its subcommittee number one is Rep. Phil Philbin, Democrat, of Massachusetts' Third District. Mr. Philbin was not among the more than 80 members who spoke up for the Moratorium; so far he cannot be called a leader for peace. Philbin's district nests among one of the most thickly settled hotbeds of student power in the United States—the Harvard-MIT-University of Massachusetts-Brandeis complex. In the last election

he faced two challengers and won with a bare 47.8 percent of the vote. Should there be an alternative to Philbin in 1970?

The House has a Committee on Foreign Affairs, a fact that may be news to those who have noticed the leading role of the Senate Foreign Relations Committee. The ranking Republican there is E. Moss Adair, who won in Indiana's Fourth District with a shaky 51.4 percent of the vote. What could be accomplished by a team from Notre Dame, backed up with volunteers from Indiana University's nearly 50,000 students?

In districts like these, a double-barreled strategy may make sense: primaries in *both* parties, to raise the odds that a peace candidate will get on the ballot in 1970.

There are targets elsewhere. Hébert of Louisiana, Meskill of Connecticut—even the Rivers and Mahons may be challengeable. In the Senate, four seats are being vacated, their incumbents retiring, so the field is open; Holland of Florida, McCarthy of Minnesota, Young of Ohio, and Williams of Delaware, Dodd of Connecticut deserves to go, as does Murphy of California. Prouty of Vermont is being challenged by an attractive, outspoken Robert Kennedy-Eugene McCarthy, supporter, ex-Governor Phil Hoff, in a state increasingly attuned to change. Alaska could replace Republican-appointed Theodore Stevens and return to its Gruening tradition. Hawaii—strongly Democratic in Presidential voting—might replace Republican hawk Hiram Fong. Meanwhile, senators who *have* taken courageous leadership for peace need strong support: Gore of Tennessee, Hart of Michigan, Yarborough of Texas, Goodell of New York and others.

Realistically, present U.S. policy, dependent as it is on the Saigon junta, the NLF and Hanoi, may drift into re-escalation or widely spaced mini-withdrawals. The war may be worse by November, or drag on as now. Or it could be over by November. The campaign for a peace Congress must be ready, before it is too late to effect real changes in Washington. Act One is a visit to each incumbent senator or representative by a top delegation of citizens, urging him to join with his colleagues in a common move for a quick end to the war, and describing to him the organized peace forces developing in his constituency. Act Two is the nominating process—the registration drive, petitions, conventions, and primaries. Act Three is November. To play out this drama with hope in the results requires a special dedication which may be too much for the older generation. It means hour after hour of work few will notice. It moves beyond the excitement of provocation to the exhaustion of persuasion. There will have to be speeches by those who have never made speeches, lonely encounters with hostile voters, cold feet and missed recreations, chances taken in a cloud of uncertainty. No one can say how it will turn out. But if the alternative to politics is acquiescence to killing and dying, we have a responsibility to try politics.

WITHDRAWAL FROM VIETNAM

Mr. FULBRIGHT. Mr. President, Life magazine for May 22, 1970, contains one of the wisest and most perceptive statements on our involvement in Southeast Asia—an article entitled "Set a Date in Vietnam. Stick to It. Get Out," written by Mr. Clark Clifford.

Mr. Clifford is, of course, uniquely qualified to write on this subject, having served as Secretary of Defense in 1968–69. He was an adviser to Presidents Truman, Kennedy, and Johnson and coordinated the transfer of power from Eisenhower to Kennedy. His article advocating the beginning of withdrawal from Vietnam, published in Foreign Affairs a year ago, received wide attention. President Nixon said then he hoped to better Clifford's proposed timetable.

Mr. President, I hope that Senators and the public will carefully consider Mr. Clifford's suggestions and conclusions. 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:

SET A DATE IN VIETNAM. STICK TO IT. GET OUT.

(By Clark Clifford)

On the evening of April 30, I heard President Nixon inform the American people that in order to "avoid a wider war" and "keep the casualties of our brave men in Vietnam at an absolute minimum," he had ordered American troops to invade Cambodia.

My mind went back to a day in April 1961 when I received a telephone call from President Kennedy. He asked me to come to the White House to discuss the Bay of Pigs disaster which had just occurred. He was agitated and deadly serious. I shall never forget his words: "I have made a tragic mistake. Not only were our facts in error, but our policy was wrong because the premises on which it was built were wrong." These words of President Kennedy apply with startling accuracy to President Nixon's decision to invade Cambodia. Unfortunately, it is clear that President Nixon's action is an infinitely greater mistake than President Kennedy's, because more than 400,000 American boys remain involved in Vietnam, and far graver damage has already been done to our nation, both at home and abroad.

Like most Americans, I welcomed President Nixon's promises to end the Vietnam war and bring our boys home. Like most Americans, I applauded the President's action in withdrawing 115,000 of our troops so far, and have noted his intention, with some qualifications, to withdraw 150,000 more in the next 12 months. Like most Americans, my sincere inclination is to support our President in times of crisis. However, I cannot remain silent in the face of his reckless decision to sent troops to Cambodia, continuing a course of action which I believe to be dangerous to the welfare of our nation. It is my opinion that President Nixon is taking our nation down a road that is leading us more deeply into Vietnam rather than taking us out.

George Santayana once said: "Those who cannot remember the past are condemned to repeat it." In my personal experience with the war in Vietnam, I have learned certain basic and important lessons. It has been my hope that the present administration would study the past and determine not to repeat certain actions previously taken. However, I must express the deepest concern that it is now apparent that President Nixon has not grasped these vital lessons which seem so blazingly clear as we look back at the last five years of our substantial participation in the Vietnam conflict.

I have learned three fundamental lessons from my personal experience with Vietnam and I shall present them in this article. I shall then discuss how these lessons apply to the Cambodian situation. Finally, I will suggest a specific plan for our extrication from Vietnam.

The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there.

The basis of our original participation in the conflict in Vietnam was the general acceptance of the so-called "domino theory." If South Vietnam were permitted to fall, then other nations of Southeast Asia, and possibly even in the Asian subcontinent, might topple, one after the other. If this occurred, it was alleged, the national security of the United States would be adversely affected. At one time, I accepted the reasonableness of this theory, but my own personal experience has led me to the conclusion that it is now unsound.

One of the major reasons for the change in my own thinking has been the attitude, evidenced over the last five years, of the nations in Asia that would be most seriously affected if the domino theory were applicable. These nations are infinitely better acquainted with the political, military and diplomatic facts of life in that part of the world, for they have lived with them for hundreds of years. As one looks at the map of the area, it is interesting to fan out from South Vietnam and ascertain the number of troops that these countries have sent to help South Veitnam because, in the final analysis, that is the most accurate test of the degree of their concern.

Burma, Laos and Cambodia, to the west, have sent no troops to South Vietnam. Singapore and Malaysia have sent no troops, while Thailand has sent only token forces.

The Philippines have sent no combat troops. The personnel of the engineering units and hospital corps it did send have been largely withdrawn. Indonesia, India and Pakistan have sent no troops.

These are the closest dominoes, and should be the first to fall.

As far as Laos and Cambodia are concerned, their behavior hardly justifies any sacrifice of American lives or treasure on their behalf. The situation existing in these countries is incredibly sleazy, and should be known and understood by all Americans.

Most of the men and materiel of war used to fight against American forces in South Vietnam come down the Ho Chi Minh Trail through Laos. Is Laos prepared to make any sacrifice to prevent the use of the trail? Certainly not! In fact, the exact opposite is the case. On March 6, 1970, Souvanna Phouma, prime miniser of Laos, had a press conference and said:

"I told the ambassador from North Vietnam last year that we will accept the *use of the trail by North Vietnamese troops* with the condition that those troops withdraw from the important regions of Laos."

While American pilots, on a sharply escalated basis, are fighting and dying in support of Laotian forces engaged with Communist troops, the ruler of Laos suggests a deal that would permit the North Vietnamese free use of the trail through Laos to transport troops, guns and ammunition to kill Americans in South Vietnam.

In Cambodia, for years, enemy supplies have come into the port of Sihanoukville and have been transported across Cambodia into South Vietnam, to be used against American forces.

Laos and Cambodia have not been prepared to jeopardize their own interests to prevent North Vietnam from conquering the South. In fact, at least until Sihanouk's recent fall, both countries have been helping the North Vietnamese, and maneuvering to make their own deals. The United States has become involved in the age-old intrigue and chicanery that are traditional in the area.

I feel strongly that we have met, many times over, any obligation or commitment that we had in that part of the world, and I believe that the developments of the last five years should persuade us that the time has come to disengage in Southeast Asia and bring our men home.

I believe most Americans agree, but from what he says and does, President Nixon continues grossly to exaggerate Vietnam's importance to our national security.

In giving thought and study to this enigma, I have reached the conclusion that President Nixon has a curious obsession about Vietnam and Southeast Asia. Back in 1954, in a speech to the American Society of Newspaper Editors in the East Room of the White House, then Vice President Nixon said: "If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk now of putting American boys in . . . I personally would support such a decision." This is particularly startling because Mr. Nixon was recommending that we send American troops into Indochina to help the French who were engaged in war there to retain their colonial territories.

In 1965, President Nixon, then a private citizen, wrote a letter to the New York *Times*. In that letter, he declared that "victory for the Vietcong . . . would mean ultimately the destruction of freedom of speech for all men for all time, not only in Asia but in the United States as well." In his speech of Nov. 3, 1969 he referred to the "great stakes involved in Vietnam," and asserted that they were no less than the maintenance of the peace "in the Middle East, in Berlin, eventually even in the Western Hemisphere."

I want very much for the President of the United States to be wise, mature and to exercise good judgment, but a statement of this kind shakes my confidence to its very core. I cannot remain silent when President Nixon acts as though he believes that a certain political result in a small underdeveloped country of 18 million persons in Southeast Asia is somehow crucial to "the future of peace and freedom in America and in the world."

I have learned these past years that the war in Vietnam is a local war arising out of the particular political conditions existing in Southeast Asia. I consider it a delusion to suggest that the war in Vietnam is part of a worldwide program of Communist aggression.

President Nixon continually argues that we must fight in Vietnam now to avoid "a bigger war or surrender later." But it is clear to me that the only real danger of a "bigger war" would come from the continued escalation of the rapidly widening conflict in Indochina.

We cannot win a military victory in South Vietnam, and we must, therefore, cease trying to do so.

The goal of winning a military victory in South Vietnam has proved to be a will-o'-the-wisp that has led us from one military adventure to another. I have reached the clear conclusion that we are not winning such a victory, nor can we win it in the future.

Certain restraints have been placed upon our military activity by the political realities that exist. We have been unwilling to invade North Vietnam, or to engage in indiscriminate bombing or mining of its harbors. As a result, we have been occupied in the most difficult type of guerrilla war and probably what is the most difficult terrain in which to fight. Our enormous firepower and our airpower are seriously limited and restricted by the fact that most of the fighting takes place in the deepest jungles in Southeast Asia.

In warfare, a nation has three major goals. The first is to kill as many of the enemy as possible on the field of battle. The second is to destroy the enemy's war-making potential, and the third is to seize and hold enemy territory. In the present conflict, a substantial number of the enemy have been killed but the troops from the North continue to come down in an uninterrupted flow. The enemy is well armed, well equipped and well trained, and is expert in guerrilla warfare. And Hanoi has made clear beyond any reasonable doubt its willingness and ability to accept substantial casualties for as long as necessary.

As the second goal, we have been unsuccessful because we are wholly unable to destroy the enemy's war-making potential. The factories turning out guns, rockets, mortars and the materiel of war are not located in North Vietnam, but in Red China and the Soviet Union. We cannot destroy the factories in those countries. We attempted instead to impede the flow of weapons into South Vietnam by a bombing campaign in the North. In my opinion, the results did not warrant the enormous cost to us.

We have been no more successful in pursuing the third goal of seizing and holding territory. The enemy does not operate along a battle line; his objective is not to hold territory. When we attack, the enemy yields, but he returns when we move out.

In the pursuit of these goals, we have lost the lives of close to 45,000 Americans, had more than 275,000 wounded, spent over $125 billion, lost close to 7,000 planes, and we have dropped more tonnage of bombs in this conflict than we did in World War II and the Korean War combined.

Our problem in Vietnam is due not only to our inability to attain the military goals, despite our great effort, but to the fact that the struggle is basically a political one. The enemy continues to symbolize the forces of nationalism. The regime which we support is a narrowly based military dictatorship.

President Nixon has repeatedly asserted that the only alternative to his Vietnamization program is the "defeat and humiliation" of the United States. He has announced his determination not to accept this "first defeat" in our nation's history. The President's view constitutes in my opinion, a complete misreading of the nature of the conflict in South Vietnam, of our role and purpose there and of the American national interest. The alternatives in Vietnam are not military victory on the one hand, or defeat and humiliation on the other. We did not intervene to conquer North Vietnam, but solely to extend a shield for South Vietnam. We did not intervene to impose any particular government on South Vietnam. The interests of the South Vietnamese people will be served and our objectives will be achieved by a realistic political settlement. A program for orderly disengagement will create the conditions in which productive negotiations become possible. Such a program is the only way to peace, and peace in Southeast Asia is the only victory that we should seek.

One of the deepest concerns I have about our present policy in Vietnam is that President Nixon, while he proclaims his dedication to a political settlement, by his actions still seeks to gain the military victory that cannot be won.

We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country.

The effect of the war on the young people in the United States is a virulent one. They feel especially affected by the war because they are the ones who have to fight it. Many of them do not believe in it and they are at a loss to understand why they must fight and die in a remote corner of Southeast Asia when they know their country is in no peril whatsoever. One of the poisonous effects of the conflict is the disunity and bitterness, and in some instances violence, it has brought about in our country.

The war has confused many Americans and has caused a continuing loss of confidence because the institutions of our government have not dealt with the pressing problem of national priorities. Every domestic problem we have, including poverty, inadequate housing, crime, educational deficiencies, hunger and pollution is affected adversely by our participation in the Vietnam war, and I do not believe these problems will be brought under control until we have disengaged from that conflict.

The war is a major contributor to the inflation that is hurting every citizen in our nation. We are also in the midst of a serious setback as far as business is concerned. The effect of the war on our economy is dramatic. Almost immediately after our foolhardy entry into Cambodia, the Dow-Jones industrial average declined over 19 points.

What troubles me is that President Nixon continues to give priority to policy in Indochina and to ignore its consequences at home. His actions are dividing the nation when we need desperately to be united and to devote our energies to our critical domestic problems.

The Cambodian invasion ignores these three lessons. The President ordered up to 20,000 American troops into Cambodia, and has now promised to have them out by July 1. I know already, in my own mind, that the operation will achieve little. The enemy will fade into the jungles of Cambodia, which are just as impassible and impenetrable as those in Vietnam. Any military gains will be temporary and inconsequential.

This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam, the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.

Also, there is a curious psychology I cannot understand that attaches importance to capturing territory even though it is held for a temporary period. A perfect illustration is Hamburger Hill. We drove the enemy off Hamburger Hill at great loss of life to our troops, and then later on withdrew. As soon as we pulled out, the enemy reoccupied Hamburger Hill and we went back and repeated the process. I do not know who holds the hill today, I am sure it doesn't matter.

After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

President Nixon, in his address to the nation of April 30, informed the American people that the invasion of Cambodia is indispensable to the withdrawal of our troops from South Vietnam, that it will serve the purpose of ending the war in Vietnam, that it will keep our casualties at a minimum, and that it will win a just peace.

These contentions violate every lesson that we have learned in the last five years in Vietnam. The bitter experience of those years demonstrates clearly to me that our incursion into Cambodia will delay the withdrawal of our troops from South Vietnam because it spreads the war and intensifies it. This decision will not end the war, but will lengthen it because of the reactions of the enemy to this new development. It will not keep our casualties down but will increase them, not only because of the men killed in Cambodia but because of the increased level of combat which I predict will be the other side's response in Vietnam. It will not achieve peace but will postpone it or destroy entirely the chances of obtaining it. Even though we pull out, the damage has been done, and the bankruptcy of our present Vietnamization program has been exposed.

The thrust of President Nixon's position in his speech of April 30 was that if we escalated our efforts into Cambodia, it would aid our program of Vietnamization.

How unfortunate it is that President Nixon did not heed the congressional testimony of Secretary of State William P. Rogers when he testified on April 23, just one week before the President spoke. Secretary ROGERS said:

"We have no incentive to escalate. Our

whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program [Vietnamization] is defeated."

I anticipate that in the period of the next few weeks glowing reports will flow back from Vietnam regarding the outstanding success of the drive into Cambodia. Figures will be proudly presented showing the number of tons of rice captured, bunkers and staging areas destroyed, substantial numbers of weapons and quantities of ammunition found. A determined effort will be made to portray the entire adventure as a success, even though no major engagements will have taken place and the number of enemy casualties will be woefully small. This has happened time and time again, and our hopes have been raised only to be dashed by new enemy offensives. The capture of supplies and equipment, in the past, has been met by an increase in the supply of such equipment by the Soviet Union and China, with resulting increased flow down the pipeline from North Vietnam.

A further worry I have is that this ill-advised move into Cambodia could create a whole new set of problems. The open violation of Cambodian neutrality on the part of our troops could well constitute an open invitation to the North Vietnamese to expand their efforts further over Indochina on the pretext of defending independence. Our march into Cambodia now jeopardizes the ancient capitals of Phnom Penh and Vientiane. I do not have the prescience to visualize what may take place in this regard, but I know that we have greatly expanded the danger of the conflict spreading throughout Cambodia and Laos, and even further.

Although I consider the attack on Cambodia to be fraught with the most serious military consequences, I attach even greater danger to the diplomatic results that will flow from it.

Many of our friends around the world are shocked at this imprudent expansion of the conflict. They had hoped that they would see a contraction of the area of conflict and instead they learn, with deep apprehension, that it is being widened. The Cambodian adventure ignored the request of Foreign Minister Malik of Indonesia that no action be taken to extend arms support to Cambodia pending a regional conference to find ways of preserving that country's neutrality.

The decision appears to have been made so precipitately that the proper consideration was not given to the effect of the action on Communist China. The action was taken right after the recent conference of Communist representatives from China, Cambodia, Laos and North Vietnam. This conference ended with an agreement of mutual support and cooperation in combating American and other enemy forces in Indochina.

The predictable Soviet reaction was also apparently discounted. Premier Kosygin, on May 4, called a special news conference to warn of the worsening in Soviet-American relations. Mr. Kosygin stated that the Cambodian move raised serious doubts about President Nixon's sincerity in seeking an "era of negotiation." Mr. Kosygin went so far as to suggest that President Nixon's statements could not be trusted. This does not mean that either China or Russia will intervene directly, but it does mean that they will give North Vietnam all the aid it needs to neutralize our action.

Another unfortunate result of our action is to imperil the success of the strategic arms talks now being held in Vienna. Mr. Kosygin stated that our actions put the Soviet Union on guard and decreased their confidence, without which it is difficult to conduct negotiations.

Domestically, the re-escalation of the war has gravely increased the disaffection of young Americans, and the disruption of our society.

The active invasion dramatizes another facet of President Nixon's statements on the war which has caused me the deepest concern. In his speech of April 30, President Nixon again warned the North Vietnamese that, if they accelerated the fighting, he would take stern action in response. He has done this on at least four or five occasions and, in each instance, the enemy has responded by some type of military action. I suggest that this is the road to utter chaos. While announcing the withdrawal of a limited number of troops on the one hand, the President keeps threatening the enemy by assuring him that we are perfectly willing to raise the level of combat. This is not the path to peace. It is the path that will lead to more and more fighting and more and more dying.

It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina.

President Nixon has described his program of Vietnamization as a plan for peace. I believe, however, that it can never bring peace in Southeast Asia, and that it is, in fact, a formula for perpetual war.

This war can only be ended by a political settlement. Nothing that the Administration is now doing holds any promise of bringing one about. And our present program for indefinite military presence in Vietnam makes such political settlement impossible. So long as our withdrawals are conditioned on the ability of the South Vietnamese to assume the combat burden, Hanoi cannot be expected to believe that we are genuinely interested in, or would even accept, the kind of political compromise that a peaceful settlement would require. The present Saigon government, on the other hand, will never make the necessary accommodations so long as it is secure in the belief that American forces will remain in sufficient numbers to keep it in power.

It seems clear that the Administration believes it has proposed in Paris a genuine basis for compromise. In my opinion, however, these proposals are not realistic, nor will they lead to any progress.

Accordingly, what we need is a program that will Vietnamize the peace rather than prolong the war. In July 1969, in an article in the magazine *Foreign Affairs*, I recommended the definite, scheduled withdrawal of our ground combat forces from Vietnam by the end of 1970. I now propose to go further, and set a final date for our complete disengagement. Such final date might even be advanced if certain agreements are reached. The following is my specific three-point plan:

1. Announce publicly that all U.S. forces are to be removed from any combat role anywhere in Southeast Asia no later than Dec. 31, 1970, and that all U.S. military personnel will be out of Indochina by the end of 1971, at the latest, provided only that arrangements have been made for the release of all U.S. prisoners of war.

2. Move promptly to end B-52 attacks, all search-and-destroy missions, and all other offensive operations, except as necessary to protect the security of U.S. forces, as disengagement proceeds.

3. Inform Hanoi and Saigon that *we are prepared to negotiate an even more rapid withdrawal* if the safety of our forces is assured by a cease-fire or other arrangements in South Vietnam, and if there is an understanding regarding the cessation of military pressures in Laos and Cambodia.

President Nixon has maintained that, were he to announce a withdrawal schedule, Hanoi would lose all incentive to negotiate a settlement. It is abundantly clear, however, that Hanoi feels no incentive to negotiate at the present time. The President has also asserted that North Vietnam would then simply wait until our troops have been reduced in number and launch attacks. But this potential exists whether a withdrawal program is announced in advance, or simply in installments. A third objection has been that the South Vietnamese forces may not be ready to assume the full combat burden and that a military conquest and bloodbath may ensue. But our objective should be to establish the conditions that will lead, not to the continued necessity for combat capability, but rather to a political compromise that will bring peace and stability to that troubled land.

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" argument. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fled to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,710. This is significant because the President overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President bases his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Control Commission disclose that in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed, and the best estimate are that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war. We should not forget that, in South Vietnam's election of 1967, and under circumstances that could hardly be described as favorable, a candidate advocating accommodation for the purpose of peace secured 17% of the votes counted, while the winning military ticket fell far short of a majority.

The North Vietnamese negotiators have indicated their willingness to talk seriously if the United States declares the total and unconditional withdrawal of its troops from South Vietnam. Their suggestion of a six-month period of such withdrawal need not be accepted, but their acceptance of the principle should not be ignored.

The obvious advantage of the three-point plan proposed herein is that it will specifically and unequivocally have all U.S. forces out of Indochina by the end of 1971 at the latest. It also frees the President from military pressure to slow or stop the withdrawal process. The plan takes account of the plight of the Americans now held captive and gives them and their families the hope of early release. No such hope can exist while the war continues and even intensifies. It offers also an immediate reduction in the level of violence throughout Vietnam. The ending of B-52 raids and search-and-destroy missions

so long as the other side does not act to jeopardize the security of our troops, will lower casualties and create a climate far more hospitable to the process of political settlement. This approach could serve to get negotiations started again, and as they progress, this diminution in hostilities can develop into a complete cease-fire.

The time has come for us to grasp the initiative in making the necessary and vital decisions. President Nixon's policy of making our withdrawal dependent on his three criteria is a grievous error. These criteria are: (1) the level of enemy activity; (2) progress at the peace talks in Paris, and (3) the speed with which the South Vietnamese take over the fighting. Even a cursory study discloses that items one and two are controlled by Hanoi, while item three is controlled by Saigon.

We should no longer allow our own perception of our own interests to be distorted or deflected by our apprehensions as to what may occur politically in Saigon. American national interests require American disengagement from South Vietnam. I am convinced that, as presently enunciated, the Nixon program will not bring this about.

We should, instead, decide now to get out of Vietnam on a scheduled and orderly basis no later than the end of 1971. We should, at the same time, make known our readiness to negotiate a much earlier withdrawal and we should move now to scale down the level of violence. Only in this way can we achieve the peace that all Americans want, and that American military might can never win.

The present policy must be changed. The only effective method to accomplish this is sustained pressure from the public. The enormous upswing in antiwar sentiment, following the Cambodian transgression, must be maintained and strengthened and continuously brought to the attention of our country's leaders.

The solution is within our hands—if we will but use it.

Mr. FULBRIGHT. Mr. President, I also invite the Senate's attention to two articles published in the New Yorker magazine of May 9 and May 16. They provide a most succinct analysis, particularly with regard to the Constitution. The logic of these articles is irrefutable. I ask unanimous consent that they be printed in the RECORD.

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

NOTES AND COMMENTS

President Nixon's decision to invade Cambodia and the speech he gave to justify it have precipitated one of the most dangerous crises in the nation's history. The arguments by which the President attempted to make this fateful escalation of the war appear a move toward de-escalation contained such extreme inconsistencies and such fundamental violations of logic that it becomes almost impossible to carry on rational debate in its aftermath. For example, the President was apparently unable to decide whether his action was designed to take advantage of what some members of the press have called a "golden opportunity"—afforded by the Cambodian government's momentary and highly doubtful support of our war effort—to eliminate a long-standing threat from North Vietnamese troops or whether he was responding to some fresh threat. He decided finally to have it both ways, and told us at the beginning of his speech that "in the last ten days" a new threat had appeared, and, later on in his speech, went to his map to prove that the threat had existed for five years. Our own guess is that the government is using recent political developments in Cambodia as an argument for once again chasing after the mirage of military victory. As for his contention that "once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw," we have had half a decade of bitter experience with this line of thinking in Vietnam, and the Army's announcement that the enemy appears to have learned of our attack in advance and withdrawn from the area before we arrived hardly comes as a surprise. (It is true that the enemy does not appear to have escaped with quite all his supplies. When Vice President Agnew was asked on "Face the Nation" what the objective of the mission was, he answered that it was not to kill enemy soldiers but only to destroy their bases and headquarters. As an example of the mission's early success, he pointed out that the Army had captured a "laundry facility" and a large store of "freshly laundered uniforms." How will the enemy manage to continue with his uniforms unlaundered?) The enemy's disappearance, combined with the news from Cambodia that thirty per cent or more of the troops fighting the dispirited Cambodian Army are thought to be native Cambodians, makes it look more likely that even opponents of the war could have predicted that civil war has begun in Cambodia and that our troops will soon be fighting in a "second Vietnam." Indeed, it is probable that we will soon face a powerful combined force of North Vietnamese, South Vietnamese, Laotians, and Cambodians. If this happens, and if the North Vietnamese and their indigenous allies are able to overthrow the current regimes in Cambodia and Laos, it may well be that most, or all, of Southeast Asia will become the new battleground and China the "Sanctuary." And at any point in the course of such a development the Chinese may choose to enter the war directly.

What must have come as a particular shock to the Cambodians, who have now said that they had no advance notice of the invasion, was the President's failure in his speech even to mention the interests of either the Combodian government or the Combodian people, who will, after all, suffer most immediately from the invasion. (The Vice-President's remark that "we have no responsibility to the Cambodians" cannot have reassured them.) There have already been reports of bombings and burnings of Cambodian villages, and the Administration's contention that the areas we are invading are "completely occupied and controlled by North Vietnamese forces" indicates that the scorched-earth tactics of the "freefire zone" and of the "hundred-percent V.C. area" are in effect. Very soon after the invasion, Cambodia's Premier Lon Nol denounced it, perhaps because he has learned from the experience of Vietnam that few fates are as terrible for a country as American military support in a civil war. The President's statement, on the very night of the invasion, that our respect for the neutrality of Cambodia was demonstrated by the fact that we maintained fewer than fifteen diplomats in Phnom Penh was a path-breaking non sequitur. The crowing paradox in the President's speech, however, came when, just after announcing that American troops were crossing the Cambodian border, he said, "This is not an invasion of Cambodia." Cambodia—a country we have gone into uninvited and unannounced. A similar problem arose when, a day after we had resumed the bombing of North Vietnam, Defense Secretary Laird threatened that if the enemy "reacted" in Vietnam to our operation in Cambodia we would resume the bombing of North Vietnam. Yet, terrible as it is to know that, with no apparent justification, we are beginning the destruction of a second nation in Asia (or, considering our massive bombings in Laos, perhaps we should say a third), it is the implications of these events for the world at large that, seen in the context of several alarming developments here at home, must be the cause of our greatest unease.

The invasion of Cambodia comes at a time when our republic is already seriously imperilled by the increasing use by many sections of government of a broad range of repressive measures, and by a growing impatience on the part of a significant section of the citizenry with any form of dissent. Impatience has been growing among the dissenters as well, and a minority of them have turned to violence to achieve their ends. This violence is dangerous in itself and damages the cause of peace. However, the government possesses virtually unlimited resources for repression, whereas the violent opposition is small and weak, and this means that the potential threat from the authorities is immeasurably graver than the threat from the rebels. The greatest dangers stemming from a turn to violence and illegal protest arise from the likelihood that it will provoke repressive retaliation from the government.

Before the invasion of Cambodia, only a few politicians had spoken out against these trends, but their predictions were of the most alarming kind. A few months ago, while the war was still confined to Vietnam, Senator Fulbright said that a continuation of the Administration's current war policy could lead, in the long run, to "a disaster to American democracy," and he added, "What a price to pay for the myth that Vietnam really mattered to the security of the United States." Mayor Lindsay declared that America was entering "a new period of repression." Senator Percy, Senator Goodell, Senator McGovern, and former Vice-President Humphrey were among the others who warned against the perils of growing repression. The Administration's attempt to rally the "silent majority" against the press, and the subpoenas it served on the press demanding the release of information received from confidential sources, had already damaged the press' access to news of dissenting groups, and has since caused many newsmen to think twice before they publish or broadcast controversial views or news stories. At the same time, dubious charges brought by members of the Administration against the organizers of anti-war demonstrations, and inflammatory and insulting remarks made about dissenters in general, have sent a chill of fear through the nation. Legislation has been passed by Congress to abridge the rights of people suspected of crime. Also, there is strong evidence that a national campaign by law-enforcement agencies to destroy the Black Panther Party is underway, and the Black Panthers have begun to experience the terror of facing a government they believe is bent on jailing or killing them.

In recent months, the campaign against dissenting citizens, which has jeopardized almost the entire Bill of Rights, has been paralleled by a considerable blurring of another fundamental provision of the Constitution; namely, the division of powers among the branches of government. There have been many cases in which the Senate challenged the authority of the Supreme Court. In passing the Omnibus Crime Control and Safe Street Act of 1968, it specifically contradicted the Court's Miranda decision. This left law-enforcement officials with two contradictory rulings to follow in their dealings with criminal confessions. Currently, many congressmen are engaged in a political move to impeach Justice Douglas for, among other things, espousing a "hippie-yippie style revolution." The President also showed an insensitivity to the need for a strong and authoritative Supreme Court when he persisted in pushing the nomination of G.

Harrold Carswell to the Court long after it was known that roughly half the Senate opposed the nomination. *And during his campaign to have Carswell confirmed the President displayed a deep misunderstanding of the powers of the Senate itself.* The trend toward executive usurpation of the powers of the other branches of government came close to receiving official justification in a letter that President Nixon wrote Senator Saxbe urging the Senate to confirm the nomination. In the letter, the President described himself as *"the one person entrusted by the Constitution with the power of appointment"* of Supreme Court justices, and asserted that a Senate rejection of the Carswell nomination would put "the traditional Constitutional balance" in "jeopardy." As many observers have pointed out, the Constitution provides that the President *"shall nominate,* and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court . . ." *The President simply left out the part about the Senate.* The reasoning in his letter, which also accused senators of substituting "their own subjective judgment" for his judgment, was of a piece with the *Administration's entire campaign against dissent.* The message to the press, to dissenting citizens, and to the Senate has been the same: You may express yourself freely until you begin to disagree with us.

These tendencies become all the more troubling when one reflects that the first sixteen months of the Nixon Administration has been marked by an actual slackening of opposition to government policies. President Nixon has not had to face a fraction of the bitter personal criticism that President Johnson faced, and his Administration has not had to deal either with ghetto riots or with the often violent large-scale demonstrations that characterized the Johnson years; nor, for that matter, has he been faced with anything like the volume of opposition in Congress that Johnson was faced with. But it is clear that with the invasion of Cambodia all this has been changed at a stroke, and that opposition will now revive, probably with unprecedented vigor. Immediately after the Cambodian speech, the students and faculties of universities and high schools all over the country decided to go on strike. Scores of newsmen and large numbers of political leaders of both parties who had remained silent since 1968—and many who had been silent even then—immediately expressed their alarm over the expansion of the war. One must now have apprehensions about how an Administration that has made threats against civil liberties in a period of relative calm will respond in a period of what might well be the most intense opposition faced by any recent Administration. The country will be fortunate if protest is so vast and comes from so many quarters that the Administration will become convinced that the cause of peace and the cause of protecting our democratic institutions will be best served by a reversal of our new course of action in Southeast Asia. There were, however, several passages in the President's speech that made such a turn of events seem doubtful. At one point, he said, "We live in an age of anarchy, both abroad and at home. We see mindless attacks on all the great institutions which have been created by free civilizations in the last five hundred years. Even here in the United States, great universities are being systematically destroyed." If this Administration believes that what we have now is anarchy, what will it think of what may come? Later in his speech, the President said, in reference to past wars, "The American people were not assailed by counsels of doubt and defeat from some of the most widely known opinion leaders of the nation. I have noted, for example, that a Republican Senator has said that this action I have taken means that my party has lost all chance of winning the November elections." And still later in his speech he said, "I realize in this war there are honest, deep differences in this country about whether we should have become involved, that there are differences to how the war should have been conducted. But the decision I announce tonight transcends those differences, for the lives of American men are involved." Does the President believe that the lives of American men were not involved in the decision to enter the war? Does anyone have to remind the President that because of that earlier decision more than forty thousand Americans have already died in Vietnam? The President has no monopoly on decisions that involve the lives of Americans—to say nothing of the lives of Vietnamese, Laotians, and Cambodians. Our legislators and even ordinary citizens also have decisions to make. The President has impugned both the right of our citizens and the right of our senators to question our war policy. The unnamed senator who made the remark about the November elections is Senator Aiken, the senior member of the Republican Party in the Senate, the President's reference to him is a signal that virtually no one is immune to the charge of betrayal who openly disagrees with the President.

One sentence in the President's speech brings up an entirely new theme. His statement that "any government that chooses to use these actions as a pretext for harming relations with the United States will be doing so on its own responsibility and on its own initiative, and we will draw the appropriate conclusions" can be read as a threat to our allies. And such a threat serves to remind us that behind the issue of the survival of freedom in America there is a still more fundamental issue, and that is the survival of freedom throughout the world. The invasion was carried out not in the name of protecting Cambodia, or even in the name of protecting America, but in the name of the principle of protecting American troops. We are forced to consider in a new light the dispersion of millions of American troops in many free countries (and also in a steadily increasing number of countries that are not free), and the deep penetration of America's enormous economic power into the economies of all free nations. We must ask how many democratic governments could withstand economic sanctions by the United States, and how many democratic governments, whose plans for defense are so tightly interwoven with American military power, could withstand *withdrawal* of our support—never mind an invasion. There would be nowhere for them to turn but to Russia, which is already a totalitarian state, and has recently demonstrated in Hungary and Czechoslovakia the quality of its respect for the independence of nations within the sphere of its power.

If the United States government fails to honor the freedom of its own people, who are protected by the American Constitution, it will not honor the freedom of any people. This is the true relationship between the invasion of Cambodia and the survival of the free institutions that President Nixon mentioned in his speech, and for this reason the invasion of Cambodia and its consequences within America are the urgent concern not only of Americans but of all mankind.

NOTES AND COMMENT

As the defeated British regiments marched past the files of French and American troops at Yorktown, the British bands, in detached resignation, played "The World Turned Upside Down." The same tune would have been an appropriate accompaniment to the events of last week. For the two-hundred-year-old American system came under its most serious attack in modern times, not from the poor, the blacks, or the students but from the White House—the fount, the pinnacle, the keystone of the established order. President Nixon became 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 or support. This order was in disregard of the Constitution, the tempering strictures of our history, and the principles of the American democracy. It was, therefore, an act of usurpation.

Few prohibitions are more clearly set forth in the Constitution. It makes the President Commander-in-Chief, and explicitly states that only Congress shall have the power to declare war or raise armies. The Federalist Papers reaffirm what the law makes clear: the term Commander-in-Chief meant only that the President could direct the conflict after Congress had decided to make war. Hamilton wrote that the President's power would be much less than the power of the British King, for "it would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature." This was no casual division. The fear of military power under the control of a central government was one of the most serious popular objections to the establishment of the new nation. The only way this could happen, the founders responded, was by a "continued conspiracy" between the executive and the legislature. In this case, Hamilton advised, "the people should resolve to recall all the powers they have heretofore parted with out of their own hands . . . in order that they may be able to manage their own concerns in person." As sophisticated men, the Founding Fathers foresaw some of the dangers that lay ahead. They recognized explicitly that formal declarations of war were going out of style, but they still required our legislature to declare war. They saw "how easy [it] would be to fabricate pretenses of approaching danger," but they said that this would demand "a combination between the executive and the legislative, in some scheme of usurpation." In other words, the Constitution would protect the American people against the misuse of military power by prohibiting the executive from going to war without congressional approval and prohibiting Congress from directing the war it had started. Even this was dangerous, they acknowledged, but it was the best that could be done.

For over a hundred and sixty years, the Constitution was followed. Congress declared the War of 1812, the Mexican War (even though there had been a somewhat provoked attack on our troops), the Spanish-American War, and both World Wars. In the period after the Second World War, things began to change. The development of Soviet atomic power, the military impotence of Western Europe, and the shock of Korea impelled us toward the creation of a large peacetime standing Army—the first in our history. It was seen that a sudden emergency might require instant action, with no time to go to Congress. This implied exception to Constitutional principle was based on the technological realities of atomic war, and it has been invoked only once—when we intervened in the Dominican Republic. That intervention, however, was based on the claim that action within hours was necessary to protect the lives of Americans trapped between the contending forces—simply a traditional rescue operation. This claim may well have masked other motives, but American forces were not committed to combat, and support of the congressional leadership was sought and received within hours of the order to intervene and before the Marines had actually landed. In Korea in 1950, President Truman acted pursuant to a resolution of the Security Council, whose powers had been confirmed by the Senate when it consented to ratification of the United

Nations Charter. In addition, Truman met with the congressional leadership of both parties before ordering combat forces into action, and received their unanimous support, along with that of the defeated Republican nominee, Thomas Dewey. Nor was there any doubt of the overwhelming public and congressional approval of his action—at least in the beginning. (The same week, the draft was extended with only four dissenting votes.) Still, the Republican candidates in 1952—including Senator Nixon—were critical of Truman's failure to get more formal congressional approval. So President Eisenhower sought, and received, congressional resolutions authorizing him to act in the Middle East and in the Formosa Strait. President Johnson himself asked for a resolution at the time of the Gulf of Tonkin incident, and it was the literal verbal scope of this resolution that was construed as authorizing all subsequent action in Vietnam. Yet such a construction was clearly an evasion. and it was at this point that the great Constitutional principle began to decay.

Now President Nixon has taken a giant step. Not only has he evaded the spirit of the Constitutional division of powers but he has deliberately ignored its plain meaning and intent. He has decided that he will go to war in Cambodia because he feels it necessary, no matter what Congress wants or what the people think. He has even implied that such willful disregard of the people and their elected representatives is an act of noble self-sacrifice, and has hinted that we should admire his courage in exceeding the limits of his Constitutional powers. The war in Cambodia was not an emergency. There was time enough to present the matter to Congress for a swift decision. Indeed, unconcealed debate within the executive branch went on long enough to permit the Vietcong to evacuate the threatened area. But the President did not follow the precedent of all his postwar predecessors by seeking assurance of congressional support, either formally or through meetings with the leadership. Rather, he made war by fiat. He has thus united in himself the powers that the Constitution divides and that have remained divided through our history. This comes from an Administration that proclaims its devotion to "strict construction."

This is not a technical, legal question. In import, it transcends the question of the wisdom of the war itself. The President, in effect, says, "I, and I alone, have decided to go to war in Cambodia." Where does he get that power? The Constitution denies it to him. He is not acting under the necessary of instant reaction. He has the power only because he asserts it, and because the armies follow. In a world in which conflicts are interrelated, there is no limit to the possibilities of his reasoning. He can invade Laos and Thailand, in both of which countries Communists are active. He can enter North Vietnam itself. He can attack China, which is both a sanctuary and a source of supply for the North Vietnamese. Nor is the Soviet Union exempt, since it, too, helps our adversaries in Vietnam. Such an assertion of authority is not among the prerogatives of a democratic leader in a republic of divided powers. Our democracy is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers. Suppose the President said he was going to change the tax laws, because the rates were unjust. What an outcry we would hear. Yet how trivial such an act would be, compared to concentrating the power over war and peace in a single office. The light of democracy depends on a common acceptance, by people and government, of the limits of power. What if, two years from now, the President should cancel the elections, on the ground of national need?

Footnotes at end of article.

Would it be easy to revolt against an armed force of three and a quarter million men if they remained obedient to their Commander-in-Chief? The possibility now seems absurd. But it illuminates the fact that our system works only because men have felt constrained by its assumptions; courts and legislatures have neither guns nor treasuries to enforce their will. Now one of the most basic of these liberating assumptions has been swept away. It must be restored.

The first duty of resistance lies with the legislative branch. For years, its members have been abdicating their responsibility, watching almost without protest while their authority was eroded and their mandates were evaded. They have allowed their power to be usurped. Now they are scorned and ignored, because the President is confident that they have neither the courage nor the will to challenge his action—that each, looking to his own interest, will allow the common cause to decay. If this is a true judgment and the President's act is not repudiated, then they will have denied the oath they took to uphold the Constitution. For Congress is the people's guardian. The authors of the Federalist Papers reassured the doubtful that "in the only instances in which the abuse of the executive authority was materially to be feared, the Chief Magistrate of the United States would . . . be subjected to the control of a branch of the legislative body. What more could be desired by an enlightened and reasonable people?" What more indeed?

The other possibility is the Supreme Court. In 1952, President Truman seized the steel mills, because, he claimed, a steel strike was endangering the war effort in Korea. The Supreme Court decided that he had no such power and ordered him to return the mills. That opinion concluded, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand." How much more does this invasion transgress those same hopes and fears.

There are many ways to bring the issue to the Supreme Court. The Senate itself might instruct its leaders to bring an action to restrain the President or the Secretary of Defense from ordering further combat in Cambodia. This would be an unprecedented response to an unprecedented act. The issue is Constitutional, and is thus within the jurisdiction of the federal court. And surely no individual or institution has greater standing to bring such an action than the very body whose powers have been taken away. Another route lies through the recent Massachusetts statute that makes it unlawful to require any resident of that state to serve outside the United States in an undeclared war. The Attorney General of Massachusetts has been instructed by the law to bring an action in the Supreme Court in order to prevent such service from being required. In relation to Vietnam, the passage of the bill was a symbolic action. In the case of the Cambodian invasion, the law could be a vehicle for resolving a momentous issue. Would the Court decide? No one can be sure. But it alone can decide, and that is its responsibility. Discussing the Supreme Court, Hamilton wrote that it must have the power to invalidate all acts by the other branches of government which are contrary to the Constitution. "To deny this," he said, "would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize but what they forbid."

The President has now declared himself superior to the people, to the legislature, and to the laws. We have lasted as a functioning democracy for almost two hundred years. The foundation of that democracy has been a vigilant regard for the principle that no one man or institution shall impose an unrestrained will on the decisions that shape the nation. If the American people now let this principle be eroded, while the capacity for resistance still remains, then we will deserve our fate. For we will have lost the ultimate protection of liberty, stronger than governments, more enduring than constitutions—the will of a people to be free.

THE LEASE GUARANTEE PROGRAM

Mr. SPARKMAN. Mr. President, the April 1970 issue of the Business Lawyer, published by the Corporation, Banking and Business Law Section of the American Bar Association, includes an article by Tim C. Ford, a member of the staff of the Senate Small Business Committee, on the lease guarantee program as it is administered by the Small Business Administration. This article resolves many of the questions raised in an article published in an earlier issue—July 1969—by Rosario Grillo, general counsel for Equitable Life Assurance Society. I was the original sponsor of title IV of the Small Business Investment Act of 1958—Public Law 89-117—and a subsequent amendment—Public Law 90-104—which extended this program to all small businesses so I find it particularly significant that the program has attracted the attention of mortgage lenders, lawyers, and insurance underwriters.

With lease guarantees the Small Business Administration in the presently tight money market provides small business with a valuable tool with which it can compete for prime space on main streets, in industrial parks and shopping centers. By insuring the rentals of small businesses SBA provides a new form of collateral which is of value not just to the landlord but to his financier. But more importantly it affords small businesses a chance to compete with big businesses which have acquired triple A credit ratings.

I commend to your attention the excellent analysis of the lease guarantee program as discussed by Mr. Ford in this article. 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:

ANOTHER VIEW OF THE SBA "LEASE" GUARANTEE PROGRAM

(By Tim C. Ford, member of the District of Columbia bar)

The Small Business Act,[1] which created the Small Business Administration (hereinafter referred to as SBA) in 1953, provides that its primary mission is to foster free enterprise, encourage competition and help the economy to grow—and to do all of this specifically by helping small firms.

Since then, Congress, by enacting successive amendments to the Small Business Act and the Small Business Investment Act,[2] has expanded the Agency's responsibilities and programs so as to enable it to better meet the needs of the small business community.

One of the recurring problems of small businesses brought to the attention of SBA and Congress was their inability to secure commercial or industrial long-term leases of prime facilities. This handicap which

small businesses face in competing for prime locations is a fact of life that has been well substantiated. For more than six years, Committees of the United States Congress who were deeply concerned about it conducted the hearings on the problem.[3]

During these public hearings, witnesses affirmed the national preference which Landlords hold for Tenants with backgrounds of large volume, a high credit rating, and a strong financial statement.[4] They testified that because of this preference on the part of Landlords, small business was often at a very great disadvantage in competing with larger firms for space in new developments, particularly in shopping centers and industrial parks.

To remedy this situation, Congress authorized the Lease Guarantee Program.[5] The initial legislation was limited to small firms that had been forced to relocate because of Federally-financed urban renewal, highway or other programs, or to small firms that could qualify for assistance under Title IV[6] of The Economic Opportunity Act, administered by SBA.

New legislation which became effective on January 9, 1968, extended this program to all small businesses that can qualify for assistance under SBA's regular business loan program.[7]

The Lease Guarantee Program is novel, without a precise precedent in the business world. Because of its novelty, the program has attracted the attention of the mortgage lenders, lawyers and insurance underwriters. Because of its potential benefit to small business on an expanded national scale, trade associations, developers and construction contractors constantly seek more information regarding its operation but really little has been written on the subject.[8]

A recent article entitled, "The Small Business Administration 'Lease Guarantee Program'" appeared in the July issue of this publication[9] which pinpointed some questions regarding the practical aspects of the program. Subsequent to publication of the article, the author and SBA discussed the constructive criticism and several modifications in the recently published Regulations are based on that discussion.

As presently structured, the program is based on the following premises:

PREMISE NO. 1

The program is intended to cater to the Lessee of an existing location or premises as well as the lessee of premises being developed. It is contemplated that guarantee applications for leases of the premises already in existence will be more numerous than those where the premises are to be developed. Where a Lessor of existing property may be negotiating directly with a lending institution for a mortgage loan, it is unlikely that his success will depend as much upon the basis of rents which are to be guaranteed as upon existing leases and the general appraisal of the premises by the Lender.

Whether the number of guarantees issued for existing property will be in the majority is debatable, but it is generally thought that the number of such cases will be sizeable. The program is not designed solely to suit the developer of new projects and his institutional lender. In those instances where the relationship of the Lessor to a lending institution is direct and the premises are to be developed, as in the case of a shopping center or an industrial park, the benefits of the lease guarantee are intended to run primarily to the Lessee and not to the Lessor or his Assignee. Uultimately, it is the Lessee who pays the premium for the insurance policy issued to guarantee the rentals.

There is no provision in Title IV of the Small Business Investment Act, nor in the Regulations issued pursuant thereto, nor in the policy which purports to establish any privity of contract between the Guarantor of the lease and a Lessor's lender. A Lessor, who is developing a shopping center or industrial park, well might give consideration to the benefits that flow to his Lender if he adopts the program. The lease guarantee policy is assignable to a mortgage lender and as such is additional collateral.

In implementing the program, it appears that SBA has assumed that the principal concern of the Borrower or Lessor in assigning his policy to a lender or purchaser would be that his assignees or successors in interest are assured that they would receive the sums specified in the lease contract as rent over the term of the lease.

As has been noted, the assignment of the guarantee policy constitutes additional security to the Lender. However, SBA as Guarantor, under existing Regulations and policy provisions, does not assume all of the risks of a Lessor or of his assignee, whether the assignee be an institutional lender or a purchaser. There is presently no provision by which SBA could relieve the Lessor from his liability under the lease. The concept of a mortgage guaranty was rejected by the Committees of Congress when they were drafting the Lease Guarantee Program.[10] It was proposed at the Hearings[11] that the "traditional mortgage guarantee" be adopted instead of a lease guarantee program. But after consideration of that proposal,[12] the Congress enacted the law creating the lease guarantee program.

It is recognized that a "guarantee of the entire lease . . . would undoubtedly be much more attractive to landlords and lenders" as indicated in the Article,[13] but it is equally clear that SBA's authority to do so is lacking under the present statute. As SBA has interpreted the existing Act, the benefits are intended to flow primarily to small businesses.

PREMISE NO. 2

The program, by direction of the Congress, must be self-supporting. The premium schedule established by SBA MUST be sufficient to cover losses. But, at the same time, it must not be prohibitive for the small businesses who are the beneficiaries.

The Act itself provides three limitations or restrictions that the Administrator may require "in order to minimize the financial risk assumed under such guarantee"[14] and authorizes the Administrator to incorporate "such other provisions, not inconsistent with the purposes of this title, as the Administrator may in his discretion require.[15]

One restriction which affects the minimization of risks is that the program is limited to the guarantee of rent payments and does not cover any other obligations of the Lessee. The other risks which a Lessor undertakes when he signs a lease with a Lessee are not included in the guarantee. The assumption of these risks by the Lessor constitutes a kind of "co-insurance." In many types of casualty insurance, the provision for co-insurance is common. The protection it gives the Insurer against voluntary acts of the Insured is essential to the limitation of the Guarantor's or Insurer's liabilities.

In a new program such as that of Lease Guarantee, no statistical data existed on which actuarial schedules can be based in the establishing of the schedule of premium rates. In order to comply with the Congressional mandate that the premium rates be established in accordance with "sound actuarial practices and procedures,"[16] SBA used numerous actuarial studies,[17] recognizing that it was not possible to establish firmly out of experience the parameters of risk involved in the Lease Guarantee Program. These parameters had to be based on such information as is available regarding the life expectancy or failure rates of businesses and other data not directly applicable but relevant.

A maximum premium charge of 2½ percent per annum of the rent guaranteed by SBA is fixed in the Act. This rate must be sufficient to make the program self-supporting. If additional risks were to be assumed by the Guarantor, the premium rates would have to exceed 2½ percent, and according to the best estimates obtainable, probably would be prohibitive for the many small businesses which the program is intended to assist. In brief, the premium required must represent a balance between the risks assumed by the Guarantor and the ability of the small business to pay.

PREMISE NO. 3

The third premise on which the Regulations and policy form are based is that the program is intended to benefit the small business Lessee, not the Lessor nor his institutional lender.

Nowhere in the Act does a reference to the Lessor's institutional mortgage lender appear. There are few references to Lessor and those establish his obligations rather than his benefits.

In a lease guarantee policy as presently issued there is no privity of contract between the Guarantor and the Lessor's institutional lender. It is questionable whether SBA by Regulations could create a relationship between the Guarantor and the assignee of the Lessor which does not exist between the Guarantor and Lessor.

This follows the basic legal premise that an assignee acquires no higher rights than the assignor held under the original contract.[18] Further, an assignee who acquires all the benefits of the policyholder, must assume all the responsibilities to which the original policyholder (Lessor) obligated himself when he received the policy. This is not only an equitable and fair arrangement but also one that is generally supported by the law.

PREMISE NO. 4

The last premise of this program is that private business including both casualty insurance companies and institutional lenders must be used, in terms of the Act, "to the greatest extent practicable."[19] The role of Government is to supplement rather than to supplant the operations of private business concerns. But, this mandate should not be interpreted to mean that no program should go forward without such participation of private companies.

This premise is spelled out in the Act. Section 401(a) provides: "any such guarantee may be made or effected either directly or in cooperation with any qualified surety company or qualified company through a participation agreement with such company.[20] It is further provided in Section 401(a)(1) that "No guarantee shall be issued by the Administration (1) if a guarantee meeting the requirements of the applicant is otherwise available on reasonable terms."

In the Article cited *infra*[21] there are suggested changes purportedly needed "to improve the endorsement" to the lease guarantee policy which are obviously intended to convey to the assignee on assignment by the Lessor *all the benefits* of lease guarantee without any of the responsibilities. If these suggestions were adopted, the result would make an assignment of the guarantee policy a straightforward and unconditional guarantee of the rents to the assignee except for fraudulent misrepresentation by the assignee. Such a modification of the guarantee contract would obviously increase the risks of the Guarantor. But since the assignee is giving no consideration for such a modification of the contractual obligations of the Guarantor, it is doubtful whether these modifications would be held binding in case the Guarantor chose to challenge them in court.

Footnotes at end of article.

As indicated above in connection with other items, there are means available to the assignee lender by which he can protect his interests as assignee and beneficiary of the guarantee policy. These means, however, depend upon the content of the mortgage contract or mortgage instrument. Since the Guarantor is not privy to this contract or instrument, he cannot dictate its terms. He can refuse to accept the responsibilities which the proposed conditions of the endorsement to the policy would impose upon him.

SBA appears to have made every effort to develop the Program in such a way as to maximize its conformity to current business policies and practices. The program will supplement rather than supplant the actions and operations of private business concerns whether sureties, casualty insurance companies, or institutional lenders.

The various topics in the Article are examined seriatim in the light of these four basic premises. The Small Business Administration already has adopted some of the changes suggested in the Article. It seems reasonable to assume that it may adopt others. Those most concerned are hopeful that none will be adopted which are inconsistent with the four premises discussed above. To adopt them when they fail to agree with these premises would be a direct violation of the intent of Congress.

1. FORM OF LEASE GUARANTEE

A. Preliminary observations

SBA's function is to help the small business concern, so its "guarantee" must run to the small business concern. Issuance of a mortgage guarantee would require new legislation by Congress. Accordingly, SBA (and guaranties reinsured by SBA, and all references herein to SBA as Guarantor encompass such participating surety or qualified companies) cannot issue a traditional mortgage guarantee but does issue instead a Lease Guarantee Insurance Policy.

The earlier Article observes that "the Landlord is looking for a Tenant who will be able to pay the rent and who will be an asset to the property in his operations. The lender is looking for a secure loan; one in which there is a sufficient and secure rent flow from the leases to cover the mortgage charges and other expenses. The lender will accordingly desire that the lease, and, of course, the guarantee of the rental payments, be collaterally assigned to it, and that no act by the Landlord which the lender is powerless to control will destroy the guarantee." [22]

However, the SBA Administrator is authorized by the Act to "guarantee the payment of rentals under leases of commercial and industrial property entered into by small business concerns . . . ." [23] There are some provisions in the Act that must be complied with in a lease to be eligible for a guarantee and there are other provisions that set forth the actions which "the Lessor shall" take in order to qualify for payment of a claim. Nowhere in the Act is there any reference to a lender. Under the Regulations the lender can become a beneficiary of the guarantee only by assignment from the Lessor but the Lessor's negligence may destroy the guarantee.

B. Change in tenant, his space, or in lease, etc.

The Regulations and insurance policy do not state that any change of Tenant terminates the guarantee. However, an assignment by the Tenant with the consent of the Lessor, as required by the lease, shall terminate the guarantee if the Lessor's consent is given without notice to and consent of the Guarantor.

The purpose of these provisions in the Regulations is to establish the limits of the Guarantor's risks. Obviously, an assignment of the Lessee's interests can very greatly affect the risks of the Guarantor. If such an assignment could be made without the Guarantor's consent and the benefits of the guarantee be retained, a Landlord and Tenant who were having difficulty might make such an assignment, or agree to such an assignment, and very greatly increase the risks of the Guarantor. After all, one of the elements of risk to a Guarantor is the Tenant.

SBA's short track record does not indicate that these controls create a "potential undue servicing problem, requiring constantly knocking on SBA's door on routine operating matters." [24]

SBA would not cancel the policy in case of a change in Tenant which occurs as a result of death; or in a partnership Tenant, on change in partners by death as these changes could not be controlled by the tenant.

The recently published revised Regulations do provide that the interest of the lessee in the leased premises shall not be voluntarily assigned or transferred by corporate merger or capital stock transfer to a new lessee without the prior written consent of the lessor and insurer.[25]

It is my understanding that SBA would not be adverse to an amendment to the Regulations to provide that minor changes such as redecorating or moving partitions in the premises would not necessitate the consent of the Guarantor. In fact, SBA has already accepted some of the suggestions included in the Article including those regarding limitations or consent in the case of the subletting of a minor portion of the premises when such subletting is common practice in the trade.

SBA has indicated that there are no objections to making the guarantee indefeasible in the hands of an assignee because of actions on the part of the assignor or Lessor after the assignment has been made and the Guarantor has been notified of the assignment. But, it should be noted that the assignment carries to the assignee the obligations which the guarantee places upon the Lessor for protecting the Guarantor against risks against which he is protected by the Lessor before assignment. Otherwise, the premium schedule would have to be revised to compensate for the additional risk assumed by the Guarantor.

C. Breach of lease by landlord

This is a difficult issue. It obviously is impossible to provide that the Landlord shall receive payment of rents when he is in default and the Tenant has refused to pay the rent because the Landlord has failed to perform his obligations under the lease. No one would hold, on the other hand, that the Guarantor should be exonerated from rent liability for three months because the Landlord neglected a minor repair. This gray area continues to receive study by SBA and participating companies.

D. Representations and concealment

SBA has advised that the observation in the Article that where the guarantee policy is in the hands of an innocent assignee, the guarantee should be indefeasible except for concealment or misrepresentation on the part of the assignee, is sound.

E. Damage to premises

Apparently, the purpose of the proposal in the Article concerning the condition in the policy regarding damage to premises is intended to insure or guarantee the Lessor, and the Assignee, against any loss of rent on account of damage to the premises from whatever cause. With this contention, of course, SBA does not disagree entirely. The purpose of the lease guarantee is not to relieve the Lessor or his Assignee of all risks but to insure their receipt of rent for the use of the premises by the Lessee (or by a substitute tenant) in case he defaults and the Guarantor assumes possesssion and payment of the rent. It may be that to protect himself the Lessor should require in the lease that the Lessee carry casualty insurance in sufficient amount to cover the rent due in case of damage to the property for the period of time needed for restoration to prior condition.

SBA Regulations require that, in the event of a casualty, the rent abates in proportion to the unusable portion of the premises.

Practically every program participant concurs in the suggestion that the premises should be restored to their condition prior to the casualty rather than to their condition at the time the guarantee is issued.

F. Construction, remodeling and refurbishing

Frequently the leases upon which guarantees have issued the author's suggestion that the Landlord neither remodel nor refurbish the premises by providing that the Tenant assume that responsibility.

It should be noted, however, that the Guarantor should be notified if the proposed remodeling or construction or refurbishing appears to the Guarantor to increase his risks. In such event, perhaps an additional premium might resolve the matter.

G. Minimizing rent losses

Section 401(c)(2) of the Small Business Investment Act provides "That upon occurrence of a default under the lease, the Lessor shall, as a condition precedent to enforcing any claim under the lease guarantee, utilize the entire period for which there are funds available in escrow for payment of rentals, in reasonably diligent efforts to eliminate or minimize losses, by releasing the commercial or industrial property covered by the lease to another qualified Lessee, and no claim shall be made or paid under the guarantee until such effort has been made and such escrow funds have been exhausted." [26] Under this authority, the escrow funds may be used only to meet rental charges "accruing in any month for which the Lessee is in default." [27] So, the prompt obtaining of vacant possession by the Lessor is essential to mitigate the possible losses to the Guarantor.

The Regulations provide that in case of default and filing of a claim the Landlord must make a reasonable effort to obtain a new Tenant, so as to minimize the losses or amount of his claim against the Guarantor.[28] To prevent a Lessor's leasing to a new Lessee who would only pay a part of the rent in default, and charging the balance against the Guarantor, the Regulations require the acceptance of the new Lessee by the Guarantor for the Lessor to retain the guarantee. If this acceptance were not required, the Lessor would be free to rent or re-rent at any figure he pleased, charging the difference between the rent he collects and the guaranteed rent against the Guarantor. This, of course, is an unacceptable risk. But, the minimizing of the rent loss by securing a substitute Lessee cannot be left entirely to the diligent efforts of the Lessor. He might display seemingly considerable effort but not really seek a substitute tenant if he deemed his guaranteed rent was sufficient to meet all of his running expenses, for substitute Tenant would not be in his best interest.

The Regulations, therefore, require that the Lessor must give vacant possession to the Guarantor when he files a claim for payment of delinquent rent after the escrow fund has been exhausted.[29] The Guarantor after gaining vacant possession is in a position to find a substitute Tenant. If he succeeds, the Lessor may not object to the substitute Tenant so long as his use of the premises is not for any purposes prohibited by the original lease.

This provision in the Regulations [30] would not permit the Guarantor to place in occupancy a Lessee who, because of the nature of his business, is objectionable to the Lessor. But, it does not seem judicious to give the Lessor a blanket authority to veto a substitute tenant for he, in some instances, might increase thereby the risks of the Guarantor. Perhaps this point could be expressed more

Footnotes at end of article.

accurately than as presently stated in the Regulations.

In neither of the instances mentioned is there a "substitute lease." There is an extension of the privilege of occupancy to either the Tenant discovered and authorized by the Landlord with consent of the Guarantor or a Tenant found and placed by the Guarantor. In either case, the guarantee continues effective.

But, if the Lessor wishes to place his own Tenant without consent of the Guarantor and gives a new lease to such a Tenant, then the guarantee terminates.[31] If the Lessor wants a new guaranteed lease, then he and his prospective Lessee must apply anew for a guarantee and pay the appropriate premium charges. SBA or the Guarantor must consent and accept the proposed Tenant before he is given his lease or occupies the premises.

It is difficult to see how the obligation to pay a new premium on a new lease "would cast an unfair burden on the Landlord since a premium for the entire lease period has already been paid."[32] This prepaid premium had been paid by the original Lessee and not by the Landlord or his substitute Lessee. SBA again must seek the fair deal for the small business tenant.

H. Increased coverage due to increased real estate taxes

The statement, "A much preferable scheme would be to have the premium initially paid calculated to cover this item (of tax escalation) rather than to be left with a potentially annual additional charge which the Tenant may refuse to meet, and which then would have to be paid by the Landlord or lender,"[33] raises a calculation and administration problem and has been given some thought. In the first place, one cannot calculate a premium for covering an item which is unknown in amount, such as an escalation of taxes. Secondly, a premium, if collected in advance for this item, would not cover additional charges which the Tenant may refuse to pay. The penalty for a refusal to meet the charge should be provided for in the lease, *i.e.*, failure to pay it would be a failure to pay a part of the rent and a failure to perform a term or condition of the lease. This is the generally accepted interpretation of the present Regulations.

However, items of additional cost incurred by the Landlord because of failure of the Lessee to fulfill any of its obligations other than payment of rent apparently cannot be covered by the guarantee under existing legislation. This constitutes a part of the risk which is left in the hands of the Lessor and his Assignee.

SBA, by Regulations, has eliminated the problem of percentage rent or overages.[34]

I. Inspection and audit

SBA recently has indicated that the failure of Tenant to permit inspection of the premises by the Guarantor will not affect the guarantee.

J. Processing of claims

The suggestion is made that the Guarantor be made liable for rent falling due during the period of restoration of the property to its original condition. Should the Guarantor assume liability for all risks of the Lessor or his Assignee? Apparently, this is not feasible under the present schedule of premiums. The requirement that the Landlord wait out the period necessary to disposses the Lessee is not an unfair burden on the Lessor. The Regulations do provide that after the possession has been secured or eviction has been effected, the claim for rent can date back to the first default. Again, this risk on the part of the Lessor is a part of this co-insurance.

In nearly all forms of insurance except life some form of co-insurance protects both the insurance company or the Guarantor. It would make computation or estimate of the parameters of risks most difficult if a Lessor were given the right to collect from the Guarantor before he has dispossessed or evicted the Lessee whose tenancy is guaranteed.

The requirement in the Regulations that the payments received by the Landlord from the Tenant after default must be applied to the rent default as against all other payment requirements may need some clarification. As presently stated, it simply leaves in the hands of the Lessor the risks of the Tenant's failure to fulfill other provisions of the lease than that of the obligation to pay rent.

K. Special endorsements to the guarantee

Some modification of the lender's special endorsement in the policy as discussed in the Article is well deserving of consideration by SBA. Perhaps it could be developed so as to protect against an increase in the risk of the Guarantor which is out of proportion to the premiums collected. The Author's other proposals in this area should also be reviewed and measured by the same criteria,[35] and perhaps found feasible.

L. Miscellaneous SBA requirements

It is my understanding that SBA is no longer requiring the lease rider which is substantially a restatement of the Regulations.

M. Special lease provisions for the lease guarantee program

(1) Casualty and Condemnation

The changes suggested by the Author regarding casualty and condemnation have been resolved in the revision of the Regulations[36] published in September 1969.

N. Desirable accessory documents

The issuance of a guarantee policy by SBA is a representation that the Tenant is an eligible small business; that there is a reasonable expectation that the Tenant will not default in payment of his rent under the lease; and that a private insurance company guarantee is not otherwise available on reasonable terms; otherwise, the issuance of a lease guarantee would be in violation of the Act.

Each policy of guarantee is backed by the full faith and credit of the U.S. Government. One cannot see the need for SBA Counsel to issue an opinion to that effect in each case. Before accepting an assignment, however, it might be feasible for the assignee to request an opinion of Counsel regarding the validity of the assignment.

O. Utilization of the program, present and future

It is unlikely that either the Administration or the Congress would allow the program to languish and its benefits to be denied to small businesses solely because institutional lenders refuse to accept the guarantee as additional security for loans.

Congress intends that small businesses should be able to compete with the large business concerns for prime commercial or industrial locations. If institutional lenders will not participate in the program without an unconditional guarantee of mortgage loans, there is the likelihood of Congressional legislation in this program similar to that passed in the thirties when lenders, especially large life insurance companies, hesitated to participate in traditional mortgage guarantee programs; namely, the Acts creating the Federal Housing Administration[37] including the FNMA[38] and the Veteran's Home Mortgage Programs.[39]

And, whether Congress decides on either course, it must be noted that an unconditional guarantee of a loan made by the traditional institution lenders would probably be accompanied by a limitation on the interest rate which such loans will bear.

Finally, it seems reasonable to suppose that in striving to get access to prime business locations for small business, if it is necessary to give both the Lessor and his lender an ironclad guarantee against all risks, the cost of such a program to the government would be greater than that of the simple guarantee of rents.

Certainly a program of developing prime locations for commercial and industrial purposes and making them available to small business concerns carried on by the Federal Government with the cooperation and participation of local public authorities, analogous of the local agencies now carrying on the programs of urban renewal and public housing in cooperation with the Department of Housing and Urban Development, would be less expensive to the Federal Government than the assumption of all risks of lessor and mortgagee without being able to participate in any of their profits.

FOOTNOTES

*Member of the District of Columbia Bar.

[1] Small Business Act, 15 U.S.C. § 631 et seq. Originally enacted as Title II of Act, July 30, 1953, Ch. 282, 67 Stat. 232.

[2] 15 U.S.C. § 661.

[3] Hearings on "Shopping Centers" before the Senate Select Committee on Small Business, 86th Congress, 1st Sess., April 28–29, 1959. Hearings on "Lease Guarantees" before the Senate Select Committee on Small Business, 87th Congress, 1st Sess., December 18–19, 1961.

[4] Hearings on "Lease Guarantees" before the Senate Select Committee on Small Business, 87th Cong., 1st Sess. 1961, pp. 5, 21, 26, 30, 47, 55, 60, 80–81, 85.

[5] PUBLIC LAW 85–699, TITLE IV §§ 401–3 as added by PUBLIC LAW 89–117, TITLE III, § 316 (a), August 10, 1965, 79 Stat. 482. Title IV was amended by PUBLIC LAW 90–104, TITLE II, § 209, October 11, 1967, 81 Stat 271. Title IV as amended is codified at 15 U.S.C. §§ 692–4 (Supp. III, 1956–8). (Hereinafter referred to as "Program").

[6] 42 U.S.C. 2901 et. seq.

[7] P.L. 90–104, Title II, § 209, October 11, 1967, 81 Stat. 271. Title IV, as amended, is codified at 15 U.S.C., § 692–4 (Supp. III, 1965–8).

[8] Ford & Suss, *Lease Guaranties for Small Firms*, THE BUSINESS LAWYER, Vol. 23, No. 2 (1968).

[9] Grillo, *The Business Lawyer*, Vol. 24, No. 4 (1969) (hereinafter cited as Article).

[10] Small Business Lease Guarantees, S. R. No. 1532, 87th Cong., 2nd Sess. (1962) 23–28.

[11] *Supra* Note 4 at 107, 108.

[12] *Supra* Note 9.

[13] Article, 1193.

[14] *Supra* Note 9, Sec. 401(c).

[15] Cit. Note 9, *Supra* Sec. 401(c)(4).

[16] *Supra* Note 9, Sec. 401(b).

[17] Inter alia—E. Friend, *Actuarial Analysis of the Underwriting Risk in the Guaranty of Leases* (1966); M. Le Vita, *Insurance for the Guarantee of Leases;* E. Friend, *"An Extension of the Actuarial Analysis of the Underwriting Risk in the Guaranty of Leases* (1966).

[18] Gillette v. Murphy, 7 Okla. 91, 54 p. 413; Simmons v. Smith County Bk. 225 Miss. 384, 83 S. 20441, 83 So. 2d 441 (1955) U.S. v. Bland 159 F. Supp. 395 (1958) W. Jaeger, Williston on Contracts §§ 432, 438.

[19] Id. Note 5, Sec. 401(a)2.

[20] Id. Note 5, Sec. 401(a)2.

[21] Article 1204.

[22] Id. 1197.

[23] Id. Note 5, Sec. 401(a).

[24] Article 1198, (e).

[25] 34 C.F.R. 14881 (1969), Part 106, § 106.13 (a).

[26] Id. Note 5.

[27] Id. Note Sec. 401(c)(1).

[28] Id. Note 25 § 106.11(d).

[29] Id. Note § 106.11(c).

[30] Id. Note 25 § 106.12(b)(1).

[31] Id. Note 25 § 106.11(e).

[32] Article, 1201.

[33] Id.

[34] Regulations. Note 25 Supra § 106.3(j).

[35] Article, 1205.

[36] Regulations. Note 25 Supra, §§ 106.9(a), 106.9(f), 106.16(a) and (b).

[37] 12 U.S.C. § 1702 (June 27, 1934) Ch. 847, Title I, § 1, 48 Stat. 1246; Aug. 23, 1935 Ch. 614, § 344(a) 49 Stat. 722; Mar. 28, 1941, Ch. 31, § 2, 55, Stat. 61; June 28, 1941, Ch. 261, § 6, 55 Stat. 365; Reorg. Plan 3 Eff. July 27, 1947, 12 F.R. 4981, 61 Stat. 954; Aug. 10, 1948, Ch. 832, Title IV, § 402, Title V, § 501(a), 62 Stat. 1283; Aug. 8, 1949, Ch. 403 § 2, 63 Stat. 576; Oct 25, 1949, Ch. 729, § 2, 63 Stat. 905; Apr. 20, 1950, Ch. 94, Title I, § 122, 64 Stat. 59; Sept. 1, 1951, Ch. 378, Title II, § 202, 65 Stat. 303.

[38] 12 U.S.C. § 1716 (June 27, 1934 Ch. 847, Title III, § 301, 48 Stat. 1252; May 28, 1935, Ch. 150, § 30, 49 Stat. 300; Feb. 3, 1938, Ch. 13, §§ 4, 5, 52 Stat. 23; June 3, 1939, Ch. 175, §§ 15, 16, 53 Stat. 808; Mar. 28, 1941, Ch. 31, § 5, 55 Stat. 62; 1947 Reorg. Plan No. 3, § 3, eff. July 27, 1947, 12 F.R. 4981, 61 Stat. 954; July 1, 1948, Ch. 784, § 1, 62 Stat. 1206; Aug. 10, 1948, Ch. 832, Title II, §§ 201, 202, 62 Stat. 1275; Aug. 8, 1949, Ch. 403, § 4, 63 Stat. 576; Oct. 25, 1949, Ch. 729, § 7, 63 Stat. 906; Apr. 20, 1950, Ch. 9, Title I, §§ 116, 122, 64 Stat, 57, 59; 1950 Reorg. Plan No. 22, eff. July 9, 1950, 15 F.R. 4375, 64 Stat. 1277; Sept. 1, 1951, Ch. 378, Title II, § 205, Title VI, § 608 (b), 65 Stat. 303, 315; Apr. 9, 1952, Ch. 173, 66 Stat. 51; July 14, 1952, Ch. 723, §§ 3(a), 10(a)(2), 66 Stat. 602, 603).

[39] 38 U.S.C. Supp. IV 1964 Ed. 1802, as amended Pub. L. 90–19, § 25(1), May 25, 1967, 81 Stat. 28; Pub. L. 90–77, Title IV, § 403(a) Aug. 31, 1967, 81 Stat. 190; 38 U.S.C. § 694 (June 22, 1944, Ch. 268, Title III § 500, 58 Stat. 291; Oct. 6, 1945, Ch. 393, § 11(b), 59 Stat. 542; Dec. 28, 1945, Ch. 588, § 8, 59 Stat. 626; Aug. 10, 1948, Ch. 832, Title I, § 103, 62 Stat. 1275; Apr. 20, 1950, Ch. 94, Title III, § 301(a-c), 64 Stat. 74; July 16, 1952, Ch. 875, Title III, §§ 301, 302, 66 Stat. 682.

SENATE OF MARYLAND RESOLUTION ON RED TREATMENT OF AMERICAN POW'S

Mr. MATHIAS. Mr. President, one of the tragedies of the current war in Southeast Asia, about which all Americans can agree, is that the Government of North Vietnam is totally wrong in its handling of American prisoners of war.

The Government of North Vietnam and the National Liberation Front, regardless of their rhetoric about U.S. policies, should recognize that these prisoners of war were military men carrying out orders given to them by their Government. To date, the Red treatment of prisoners has been in total disregard of the Geneva Convention relative to the treatment of prisoners to which North Vietnam acceded in 1957.

I would hope that the Government of North Vietnam would provide information on the status of prisoners of war and give evidence that they are being treated humanely.

The Senate of Maryland recognized this serious violation of fundamental human rights in its passage of Senate Resolution No. 78. The State Senate called for compliance with the Geneva Convention relative to POW's.

The resolution coincides closely with the thinking of many of my colleagues and myself. I ask unanimous consent to have the resolution printed in the RECORD.

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

SENATE RESOLUTION No. 78

Senate Resolution strongly protesting the treatment of American servicemen and civilians held prisoner by North Vietnam and by the National Liberation Front of South Vietnam and calling upon them to comply with the 1949 Geneva Convention

Whereas, more than 1,400 members of the U.S. Armed Forces, plus 35 civilians are known or believed to be prisoners of North Vietnam and the National Liberation Front of South Vietnam as a result of the conflict in Southeast Asia; and

Whereas, the families of forty-nine of these servicemen are residents of the State of Maryland; and

Whereas, North Vietnam and the National Liberation Front of South Vietnam have repeatedly refused to release the names of the prisoners that they hold, to allow inspection of prison facilities by neutral parties, to permit a regular exchange of mail between prisoners and their families, to release seriously ill or injured prisoners, and to engage in negotiations for the release of all prisoners; and

Whereas, these actions on the part of the enemy are in direct and flagrant violation of the requirements of the 1949 Geneva Convention on prisoners of war which North Vietnam has ratified and by which it is bound; and

Whereas, the refusal of North Vietnam and the National Liberation Front of South Vietnam to identify members of the United States Armed Forces and civilians who are in their custody has caused immeasurable distress, agony and uncertainty in the hearts of their loved ones; and

Whereas, all evidence indicates inhumane treatment of United States servicemen and civilians by their captors, which violates fundamental standards of human decency and deviates from civilized concepts concerning the treatment of prisoners of war; and

Whereas, the twenty-first International Conference of the Red Cross, on 13 September, 1969, approved by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to prevent violations of the Geneva Convention on prisoners of war; and

Whereas, the House of Representatives, on 15 December, 1969, adopted by a roll call vote of 405 to 0 a resolution calling on North Vietnam and the National Liberation Front of South Vietnam to comply with the provisions of the 1949 Geneva Convention; and

Whereas, the United States of America has always abided by these provisions; now, therefore, be it

Resolved by the Senate of Maryland, On behalf of the residents of the State and United States citizens generally, strongly protests the treatment of American servicemen and civilians held prisoner by North Vietnam and the National Liberation Front of South Vietnam, and calls on them to comply with the requirements of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, and endorses efforts by the United States Government, the United Nations, the International Red Cross, and leaders and peoples of the world toward attaining that objective; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives, the Department of State, the Department of Defense, all Maryland Senators, all Maryland Congressmen, and William Michael Tolley, 1206 Briggs-Chaney Road, Silver Spring, Maryland.

Read and adopted.

By the Senate, March 27, 1970.

By order, Oden Bowie, Secretary.

WILLIAM S. JAMES,
President of the Senate.
ODEN BOWIE,
Secretary of the Senate.

FEDERAL PROGRAMS TO ASSIST HIGHER EDUCATION

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Rhode Island (Mr. PELL), today spoke to the faculty of Brown University on a subject which I know is of great interest to the Senate, the future of Federal programs for assistance to higher education.

The Senator meaningfully discussed not only the present program and pending administration proposals, but also described his own view of what the thrust of Federal programs should be in the future; and happily, I note that he calls for programs of broad scope and one which makes Government assistance a matter of right.

Mr. President, I believe this speech should be read by all Senators; I therefore ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY SENATOR CLAIBORNE PELL

I should like to express my thanks for according me the opportunity to meet with you to discuss my work as Chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, it is most fortuitous that I stand before you speaking on this subject at this point in time. All too often I find myself giving interesting general statements to generalized audiences on a subject matter which, while meriting public attention, is not currently before us in the Senate. However, my discussion today on the Federal role in higher education is one which I can speak of with great familiarity, for the Subcommittee on Education is presently conducting a series of hearings on this very subject—the role of the Federal Government in higher education.

I used the word fortuitous a few sentences back, and I must turn to it again, for a set of circumstances has occurred which succinctly brings to public view the whole question of Federal support of higher education. The various pieces of legislation comprising our national governmental approach to support of colleges and universities expire next June (1971). With the need for legislation prior to the Appropriations Committee consideration of a fiscal year budget I personally like to handle needed authorization work a year before it is actually necessary. In conjunction with our plans, the Administration has presented us with its proposal for higher education. It is embodied in a bill entitled S. 3636, introduced by Senator Javits of New York.

The timing of this bill's introduction and our plans for legislative activity have very clearly brought before us the major philosophical question of what is to be the Federal Government's role with regard to higher education. A question which when acted upon will set the course of Federal aid for years to come.

A major debate, admittedly not in the public view, is now taking place, for the Administration proposal would redirect the thrust of Federal activity from present aims and goals to one, which if I may borrow a phrase is, to my mind, "benign neglect".

To gain some perspective, perhaps we should review the present Federal programs. In effect, we have a many-tiered system of assistance. Leaving aside the categorical grants, the major thrust of the programs go to making college available to as many students as is possible. For the most needy there are the educational opportunity and work-study grants. The key word here is "grants", which, in the aggregate, can total up to $1,800.

Supplementing this grant program is a two-part loan program. The National Defense Student Loan Program provides for direct loans from the Federal Government to the student at three percent interest during the repayment period on the loan with certain forgiveness provisions. Coupled with this is a program of guaranteed loans with an interest subsidy provision while the student is in college.

The Administration, while retaining certain of the direct grant programs—as subsidies, would limit the top amount to be granted to approximately $1,400, and would make these available only to those whose families have an income of under $10,000. The proposal would do away with the National Defense Education Act loan program entirely; would change the major government program to one of guaranteed loans, but the loan would be made at the prevailing market rate.

You will also be interested to learn that the Administration would repeal the Higher Education Facilities Act.

What I see here is a change in the basic philosophy of Federal assistance from one which states that there is a Federal responsibility toward making college education universally available, to one of saying that there is a limited Federal role to play. For the Administration proposal would, when the rhetoric is stripped away, put the cost of education clearly on the student, causing him to borrow today at a market rate which, sadly, does not seem about to go down, and saddles him with a debt, which in the case of a young couple who both finance their way through college, could amount to about $40,000 upon attainment to a bachelor's degree; and coupled with this is no provision for a cost of education allowance to the institution.

To my mind, the present programs of direct NDEA loans and grants is infinitely better than the proposals of the Administration. However, it is my belief, and I think I represent a certain membership in the Senate when I say, that the Federal responsibility must be even greater. It is time we recognized that there is to be a right, if one can cope with it, for a person to pursue higher education, not Harvard, not Yale, not Brown, but at least some school of higher education in which he can hone his skills and abilities. And this right must be underwritten by the Federal Government.

What I would envision as the future structure of higher education is embodied in my own bill, S. 1969. This proposal establishes a program of direct grants to students—direct grants, as I envision them, coupled with an income tax factor. For example, the grant would be $1,200 from which would be deducted the amount of income tax a student's family or the student himself, pays. If a family paid no taxes, the student would get $1,200. If the family pays $1,200 in taxes he would get no grant. I would retain the present program of direct NDEA loans, and with some amendments to assure that the loans were available to all rather than bank favorites, retain the guaranteed loan program.

In the case of deserving needy students who are accepted at one of our more expensive schools, there remain—as a supplement—educational opportunity and work-study grants and, coupled with this would be a cost of education allowance of $1,000 for each of the grant students the university accepted.

What we are doing here is getting away from a question of need to a question of right and recognized responsibility. I believe the Federal Government should be responsible for a floor for higher education. I do not believe that a student should have to demonstrate how poor he is to get a grant. What we are saying here is that the Federal Government should not merely set up a system of loans through which the private banks would gain income, but should be directly involved in the education of its youngsters.

In fact, I think we are at a crossroads right now as to Federal support of higher education. A system of funding higher education through loans and the money market with little or no Federal support is one which will defeat the American dream of the opportunity of education for all. It is also, I should add, one that would play hob with private colleges and universities. For these schools are the ones most feeling the crunch of rising costs. There is a great possibility that in years to come, without a change in Federal activity, the private colleges would be the bastions of the very rich and the very poor. The middle class student would be priced out of the market.

Now is the time for a thorough thrashing out of this philosophic question—our hearings are going on, a decision will in all probability be made this year. That decision will turn on the question of: will the Federal Government have an activist role in higher education or a passive one, creating what one person has termed a natural aristocracy. I cannot impress upon you my concern about this vital issue, and my hope that the academic community of this nation will make its thoughts known about this.

It is my belief that the future of our nation calls for an activist approach to higher education assistance. This view was summed up quite succinctly by John F. Kennedy in his 1961 Education Message to the Congress, when he said—

"Our twin goals must be: a new standard of excellence in education—and the availability of such excellence to all who are willing and able to pursue it."

BRUNO BITKER PRESENTS COMPELLING REASONS FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the recent hearings held by a special Senate Foreign Relations Subcommittee covered the Genocide Convention in great detail. Senator CHURCH's subcommittee heard from many excellent and well-qualified witnesses, the majority of whom, I am pleased to say, spoke in support of the treaty.

Testimony presented by Bruno Bitker was extremely informative on issues of extradition, site of the trial, the international penal tribunal mentioned in article VI, enforcement of the treaty, and jurisdiction of the World Court under the convention. His testimony establishes, I believe, that ratification of the convention is in the national interest.

The high point of his testimony was the conclusion of his presentation:

The United States was a leader in the drafting of and securing the adoption of the Genocide Convention. It is a paradox that we continue to be inhibited from signing on the dotted line.

The political ideology under which absolute sovereignty allows a nation to do with those what it will, as exemplified by the Nazi regime, should have lost any claim to support with the death of Hitler. The sovereign power to commit mass murder, if ever it existed, must be outlawed.

It is in the interest of the interntional community and in the interest of the United States that we join with the family of nations in outlawing the crime of Genocide. I therefore urge the Senate to give its advice and consent to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

I could not agree with Mr. Bitker's conclusion more.

Mr. President, I ask unanimous consent that a portion of Mr. Bitker's testimony be printed in the RECORD.

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

THE SITUS OF THE TRIAL AND EXTRADITION

Article VI provides that the trial of an accused shall be "by a competent tribunal of the State in the territory of which the act was committed." This expresses recognized international law. In addition, Article VII requires each party "to grant extradition in accordance with their laws and treaties in force."

As this affects the United States, the question is what are the laws of the United States respecting extradition, with whom do we have such agreements, and what are the terms thereof. As of now no such treaty "exists" as to Genocide. When the time comes for considering such new treaty (or supplementing an existing one) the advice and consent of the Senate must be first obtained before it could come into force. Perhaps the same rules would apply to extradition on a charge of Genocide as they would to any other extraditable crime. But certainly no order of extradition is going to issue from the executive or the judicial branch of the government without our being satisfied as to the substantiality of the charge and the likelihood of a fair trial. If the request comes from a nation with which we are at war, obviously no extradition will be ordered: none would be sought and none would be granted.

An unfriendly nation, including any with which we are at war, if it holds American prisoners of war, can physically detain them for any or no reason. It can charge them with whatever crime it wishes. It could allege burglary, rape, theft, or murder. If Genocide is recognized as a crime, the unfriendly nation would merely add another count to the charges. This could not be prevented under any circumstances while the war is in progress.

The arguments advanced on what would, could or might conceivably happen if Genocide were charged by an unfriendly nation are completely unfounded. But they have an emotional appeal to those not fully informed on how extradition actually functions. Suffice it to repeat the words of the Genocide Treaty that extradition must be "in accordance with their laws and treaties in force."

THE NON-EXISTENT INTERNATIONAL TRIBUNAL

Article VI provides for a possible alternative trial court: such "international penal tribunal as may have jurisdiction with respect to those contracting parties which have accepted its jurisdiction". No such tribunal exists. It is not mandatory for any party to participate in such a court. If, however, at some future date one is created under a United Nations treaty, the then President of the United States, if he desires to ratify it, must submit it to the Senate for its advice and consent. At that time the Senate will determine whether or not it is in the interest of the United States to accept the court's jurisdiction.

ENFORCEMENT

There are those so pessimistic about the state of man that they believe it is futile to go through the formality of making Genocide an international crime. They would insist, as a prior condition to ratification, that we must be assured in advance that there will be enforcement of the treaty provisions. This, of course, is impossible. It is equally impossible to assure the observance of any treaty commitment by any contracting party. The same pessimistic outlook might apply as to any legislation on

crimes: there is never any guarantee of compliance or assurance of enforcement. To insist that a treaty should never be adopted unless it prevents another Hitler from committing the crime of Genocide, is like demanding in advance of the enactment of a State Statute against homicide, that it must guarantee prevention of murder.

There is, however, a measure of international enforcement provided for in the Treaty. Article VIII recognizes that any party "may call upon the competent organs of the United Nations to take such action under the Charter . . . as they consider appropriate for the prevention and suppression" of the crime. In addition, there is the moral force which is attached to any contract, and the persuasive power implicit in every international agreement. The requirements of morality are more likely to be recognized if they are also the requirements of the law. Who dares now assert that the existence of such a treaty would have been without any effect on the international community, and more specifically on the United States, in the earlier days of the Nazi regime?

SUBMISSION OF DISPUTES TO INTERNATIONAL COURT

Article XI provides that certain disputes between the ratifying nations can be submitted to the International Court of Justice. These are disputes relating to "interpretation, application or fulfillment" of the Convention. Similar provisions have been included in other treaties approved by the Senate and ratified by the United States. These include the Treaty on Slavery in 1967 and, more recently, the Treaty on Refugees in 1968 (Senate Executive Report No. 14, p. 11 90th Congress, 2d Sess. Sept. 30, 1968).

In Digest of International Law, vol. XI, (1968, Whiteman, ed.) Article XI is set out in full and thus commented upon: "Insofar as this article provides for the settlement of disputes relating to the interpretation, application or fulfillment of the Convention, it is a stock provision not unsubstantially unlike that found in many multipartite instruments".

CONCLUSION

The United States was a leader in the drafting of and securing the adoption of the Genocide Convention. It is a paradox that we continue to be inhibited from signing on the dotted line.

The political ideology under which absolute sovereignty allows a nation to do with those under its jurisdiction what it will, as exemplified by the Nazi regime, should have lost any claim to support with the death of Hitler. The sovereign power to commit mass murder, if ever it existed, must be outlawed.

It is in the interest of the international community and in the interest of the United States that we join with the family of nations in outlawing the crime of Genocide. I therefore urge the Senate to give its advice and consent to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I would like to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a listing of crimes committed within the District yesterday, as reported by the Washington Post. Whether this list grows longer or shorter depends on this Congress.

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

MAN FORCES WAY INTO DISTRICT OF COLUMBIA HOME; RAPES 27-YEAR-OLD WOMAN

A 27-year-old woman was raped at knifepoint early Sunday by a man who forced his way into her Southeast Washington home, police reported.

The woman told police that the man awakened her about 5 a.m. as she was sleeping on a couch in her living room. As the intruder was warning her not to scream, her children entered the room, she said.

Repeating his threats, the armed man told the woman to send the children back to their bedrooms, according to reports. He then forced her to disrobe, raped her and ordered her to get dressed again, police reported.

Her assailant then warned the woman that he had a rifle outside and that if she watched him from the window as he fled, he would shoot, according to police.

She was treated at D.C. General Hospital and released.

[Other crimes]

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

High's dairy store, 3308 11th St. NW., was held up about 4:55 p.m. Friday by two boys concealing guns in their pockets. They approached the clerk and ordered her to put the money into a bag. Taking the sack full of cash, the pair escaped along the 1100 block of Park Road NW.

Ronnie Humphrey, of Alexandria, was held up about 4:10 a.m. Saturday by two young men in a green car who offered him a ride as he walked in the 600 block of Park Road NW. One of them drew a knife, which he held at Humphrey's back as they drove around Washington for about an hour. "Give me all you got," the armed man demanded and forced Humphrey to give him his clothes, cash and credit cards. Leaving him in the rear of the 600 block of Park Road NW., the men drove off.

Samuel Peterson, of Landover, was treated at Washington Hospital Center for head and facial injuries he suffered about 12:20 a.m. Saturday when he was beaten and robbed. Several men approached him at 18th Street and Columbia Road NW., struck him over the head with an unidentified object and escaped with his wallet containing money and papers.

Calvin L. Dahncke of Washington, was held up about 8:55 p.m. Saturday by three youths who surrounded him in the 600 block of Independence Avenue SE. One of them drew a revolver and said, "This is a holdup." While the gunman held Dahncke at bay, another youth frisked him and took his wallet from his pocket. Taking the bills and papers, the trio fled on foot.

Beatrice Moore, of Washington, was robbed of a large amount of money by two men who confronted her at 13th Street and Otis Place NW., and forced her to give them her pocketbook.

Albert C. Winefield, of Washington, was held up inside a restaurant in the 800 block of K Street NW at about 7 p.m. Saturday. A man approached Winefield pushed him into the men's room and forced him to turn over a large amount of money from his pockets.

David E. Rust, of Washington, was held up about 1:40 a.m. Saturday by two men who approached him at the corner of 28th and O Streets NW. "Do you know what this is? Give me the money," one of the men demanded after pulling out a gun. Rust handed the pair his cash and travelers' checks as well as numerous credit cards.

Clyde Frazier, of Alexandria, was treated at Cafritz Hospital for facial injuries he suffered during a robbery about 3 a.m. at the rear of Douglass Junior High School, Pomeroy and Stanton Roads SE. A man attacked Frazier, knocking him to the ground and hitting him in the face. His assailant fled on foot with $3.

Sharon D. Smith, Carolyn L. Cowen and Mary L. Homes, all of Pittsburgh, were held up about 7:50 p.m. Saturday as they were walking north in the 2000 block of 19th Street NW. Two young men, one brandishing a handgun, approached the women from the rear and escaped with a purse from Miss Smith, a purse and watch from Miss Homes and a wallet from Miss Cowen.

George Ginsberg, of Silver Spring, was held up about 12:15 p.m. Saturday by two men who entered his store at 547 42d St. NE. One of them displayed a revolver and warned, "Don't move. Put the money in the bag." After Ginsberg handed them the sack full of cash, the pair thanked him and fled from the store into an alley on Foote Street NE.

James Green, of Washington, was treated at Rogers Memorial Hospital for ear injuries he suffered during a robbery about 4:30 a.m. Two men approached him at 13th and D Streets NE and demanded, "Give me your money." When Green replied, "I don't have any," the men began hitting him in the face and body. A third man then approached Green from behind, stabbed him in the ear and fled with the money from his pockets.

William R. Alberger, of Washington, a Senate staff member, was held up about 12:10 a.m. as he was walking at 2d and C Streets NE by two men, one wielding a gun. "All your money," the gunman said and Alberger handed them his wallet. After they had removed the money, Alberger asked them to return the wallet, which they did before fleeing into the 700 block of C Street.

Naomi F. Taylor, of Washington, was robbed of a large amount of money about 8:50 p.m. Saturday by three boys who confronted her at South Capitol and 1st Streets SE. One of them pushed her to the ground from behind and the trio escaped with her pocketbook containing the cash.

Jack A. Hill, of Omaha, Neb., was beaten and robbed about 9:50 p.m. Saturday by two men who approached him in the 1700 block of South Capitol Street NE. "Do you want trouble," they inquired and then knocked Hill to the ground and hit him in the face and body. Taking his wallet, the pair fled, leaving their victim with a bloody nose.

Arnold Lee Milburn, of Washington, was robbed and kidnaped by three men who approached him when he stopped for a traffic light in Northwest Washington about 4:30 a.m. Saturday. The men forced their way into the car at gunpoint, robbed Milburn of $5 and ordered him to drive around. One of the abductors began driving Milburn's car and crashed into a utility pole. The three men fled, leaving Milburn semi-conscious. Unable to drive, Milburn hailed a taxi and went to Cafritz Hospital.

Frank Allen Creaser, of Gaithersburg, was beaten and robbed about 10 a.m. Saturday by three young men who approached him while he was walking in the 1400 block of Pennsylvania Avenue SE. The three struck him over the head, knocked him to the ground and took his wallet containing a large amount of money, credit cards and papers from his pockets. The trio then forced Creaser to give them his shoes and fled on foot.

Emanuel N. Dotch, of Washington, was held up about 11:10 p.m. Saturday by two young men who approached him from behind as he was walking in the unit block of 46th Street NE. One of them placed a hard object at his back and demanded, "Give me your money," then fled with the cash heading north on 46th Street.

O. R. Shelton, of Washington, was robbed about 4:30 p.m. Saturday by two men who approached him at 14th and G Streets NW and told him he was a suspect in a holdup. Warning him not to move, the two began searching Shelton, removing the money from his pockets. After they had frisked him, the two suddenly began running from the scene, heading east in the 1200 block of G Street.

Kirk J. Young, of 4120 14th St. NW, was

held up about 6:30 a.m. as he was riding his bicycle in front of his apartment building. A youth armed with a knife forced him to get off the bike and then climbed on and rode away on it, along the 4100 block of 14th Street.

John Heslop Canavan, of Washington, a Georgetown University student, was held up about 1:20 a.m. Saturday by four men and a woman he invited to join a party in progress at Harbin Hall. They accepted the invitation, then one of the men pulled out a pistol and said, "This is a holdup." The five escaped with money and a lamp from Canavan, money and a watch from Martin Everson, cash and a watch from Gregory Miksa, and a wallet from Susan J. Wold. All other three victims are Georgetown University students, also.

Malvin Skiner, of Washington, was held up and stabbed in the 700 block of Florida Avenue NW by two men who approached him, one of them demanding, "Give me your money." When Skiner replied that he had none, they began beating and stabbing him and escaped with his wallet.

High's dairy store, 4601 Sheriff Rd. NE, was held up about 9:45 p.m. Saturday by two youths, one brandishing a sawed-off shotgun. "This is a holdup. Give me all the money, and hurry," the gunman ordered and held the clerk at bay while his companion vaulted the counter. Taking the money from the register and stuffing it into a bag, the pair fled on foot.

Deryle J. Battle, of Washington, was held up about 6:55 p.m. Friday while he and Jackson Williams were walking in the 600 block of H Street NE. "Give me your money or I will kill you with a knife," threatened a boy, wielding the weapon. While the armed boy held the two men at bay, another boy searched them and took their cash. The pair escaped into an alley on the side of the block.

Harry Wood, of Washington, a cab driver, was held up about 8:35 p.m. Friday by three youths who hailed his taxi at 58th and East Capitol Streets NE. When Wood had driven them to 3d and Parker Streets NE, one of the passengers drew an automatic and told him, "This is a stickup." The hacker handed them his keys and wallet and the trio fled on foot.

Mildred E. Ashton, of King George, Va., was held up about 9:20 a.m. Saturday in the hallway of a building in the 3400 block of 18th Street SE by a man armed with a revolver. The gunman forced Miss Ashton to hand over her pocketbook and ran from the building.

STOLEN

Fifty-seven hand-made Italian sweaters valued at $626.50 were stolen between April 6 and May 9 from the surplus shop at 918 H St. NE. The sweaters, in assorted colors and sizes, were stored in a large cardboard box.

Three overcoats, 15 pairs of pants, a man's suit, three blazer jackets, two pairs of shoes, two watches, a television set, a radio, a wedding ring, a shotgun, a camera and bottles of whiskey were stolen between 2 and 4 p.m. Friday from the home of Robert I. Artist, 1352 Otis St. NE.

A camera and case and assorted lenses and photographic equipment, with a total value of $600, were stolen about 6:45 p.m. Saturday from the car of Omar Salinas, of Brooklyn, while the car was parked at 16th and Church Streets NW.

ASSAULTED

Agnes Bell, of Washington, was admitted to Cafritz Hospital with a gunshot wound in the head that she suffered during a fight with a man armed with a gun. The man fired one shot at her about 8:50 a.m. Saturday in the 2600 block of Wade Road SE, then drove off in a black car.

Percy Venable, of 510 7th St. NE, was treated at Rogers Memorial Hospital for a gunshot wound in the upper arm that he received when a man fired at him about 6:05 p.m. Saturday as he was walking in front of his apartment building.

Harry Nixon, of Washington, was admitted to George Washington University Hospital for head injuries he suffered, about 4:35 p.m. Saturday when three youths attacked him on a D.C. Transit bus in the 900 block of F Street NW. They pushed Nixon from the bus, kicked him in the head, then fled on foot.

Phillip Christopher Simms, of Washington, was admitted to Rogers Memorial Hospital with a gunshot wound in the chest. Simms was shot during a fight about 12:25 p.m. Saturday in the 100 block of 11th Street NE with two young men armed with revolvers. One of the gunmen fired three shots at Simms, then fled with his companion.

John Booth, of Alexandria, was treated at Washington Hospital Center for a gunshot wound in the back that he suffered during a fight with a man wielding a shotgun. The man asked Booth and his friend to leave a room inside an apartment building in the 2100 block of New Hampshire Avenue, then drew his gun when they refused to go. Frightened by the weapon, Booth and his friend fled from the building and the gunman fired at them as they escaped.

A 46-year-old woman was raped and robbed in her Northwest Washington home by a man who awakened her in her bedroom about 4 a.m. After the assault, the man, who had apparently entered through a bedroom window, took a gold watch and a television set and fled from the home. The victim was treated at D.C. General Hospital.

TWO ARRESTED IN ASSAULT

Two Baltimore men were arrested yesterday by Prince George's County police and charged with assault with intent to rape.

Police said that Edward Ellison, 29, and Alvin E. Robertson, 25, were being held on $10,000 bond each following an alleged 1 a.m. assault on a Brentwood woman.

Police said that after two men were invited into the victim's home by her husband, they struck him on the head with a wooden mallet, knocking him unconscious.

They said that while one man attempted to rape the 28-year-old woman, the other, in another bedroom, prevented her children from calling police.

[Other court and police actions]

In other area court and police actions reported by 6 p.m. yesterday:

SENTENCED

By U.S. District Court Chief Judge Edward M. Curran: Jack W. McRae, 23, of 624 15th St. NE, nine years under the Youth Corrections Act for assault with a dangerous weapon; James E. Lowery, 36, of D.C. Reformatory, one to three years for escape from custody.

By U.S. District Court Judge June L. Green: James T. Cogdell, 30, of 1221 T St. NW, 40 months for four counts of attempted forgery; William C. Hancock, 19, of 512 3d St. NW. committed for an indeterminate time under the Youth Corrections Act for robbery; Bernard Reese, 28, of 1712 1st St. NW, one to five years for possession of narcotics.

By U.S. District Court Judge Leonard P. Walsh: Sherman L. Winston, 23, of 831 3d St. NE, 10 months for receiving stolen property.

By U.S. District Court Judge Aubrey E. Robinson: Haywood Ballard, 19, of 4617 Kane Pl. NE, one to three years for second-degree burglary; Melvin G. Sheffield, 22, of 438 Burbank St. SE, 5 to 20 years for armed robbery, 3 to 9 years for assault with a dangerous weapon, one year for possession of a prohibited weapon, to be served concurrently; Irving Wright, 20, of 3442 Oakwood Ter. NW, committed for an indeterminate time under the Youth Corrections Act for unauthorized use of a vehicle; Fayette E. Felder, 24, of 1219 10th St. NW, suspended sentence with probation for three years for attempted robbery and escape from custody.

By U.S. District Court Judge John H. Pratt: Tony Koonce, 18, of 1521 Massachusetts Ave. SE, committed under the Youth Corrections Act for attempted robbery, simple assault and armed robbery; Oddie V. Padden, 21, of 1803 Burke St. SE, committed under the Youth Corrections Act for attempted robbery, simple assault and armed robbery.

By U.S. District Court Judge Oliver P. Gasch: Carl L. Stokes, 26, of Lorton Reformatory, 3 to 10 years for assault with intent to commit robbery; James B. Borum, 29, of 3625 New Hampshire Ave. NW, 8 to 24 years for armed robbery; Stanley H. Thornton, 26, of Lorton Reformatory, 10 years to life for armed robbery, 3 to 10 years for assault with a dangerous weapon; Harry Reid Gaskins, 28, of 2523 Savannah St. SE, 4 to 15 years for assault with intent to kill while armed, 3 to 10 years for assault with a dangerous weapon and 3 to 10 years for carrying a dangerous weapon, to be served concurrently.

By U.S. District Court Judge John Lewis Smith: Larry C. Ellerbe, 35, of 522 14th St. SE, suspended sentence with probation for five years for assault with a dangerous weapon and possession of narcotics; Samuel J. Armstrong, 21, of 912 Varney St. SE, two to six years for second-degree burglary and grand larceny; Daniel J. Brown Jr., 20, of 3113 Nichols Ave. S.E., committeed under the Youth Corrections Act for robbery.

By U.S. District Court Judge William B. Bryant: Sara M. Scott, 43, of 9332 Annapolis Rd., Lanham, suspended sentence with probation for two years for forgery and uttering; Nathan DeVaughn, 21, of 411 56th St. NE, committed under the Youth Corrections Act for robbery; James L. Watkins, 23, of 78 T St. NW, suspended sentence with probation for two years for assault with a dangerous weapon and carrying a dangerous weapon; Willie Odel Bowden, 21, of 1432 Girard St. NW, suspended sentence with probation for two years for petty larceny and second-degree burglary; Michael S. Thomas, 18, of 5401 13th St. NW, committed under the Youth Corrections Act for robbery; Jacques K. Robinson, 36, of 6806 Central Avenue, Seat Plesant, one year for false pretenses and one year for petty larceny, to be served concurrently; George Davis, 54, of 5004 Illinois Ave. NW, six months to five years for violating the Uniform Narcotics Act.

By U.S. District Court Judge Gerhard A. Gesell: Everett F. Buchwald, 22, of Baltimore, suspended sentence with probation for two years, $500 fine, for fraudulent sale of altered coins; Norleen Vaughn, 40, of 3715 Donnell Dr., Forestville, 5 to 20 years.

CONSERVING AMERICA'S FISHERIES

Mr. STEVENS. Mr. President, I have spoken on several previous occasions on the problem of protecting America's fisheries. I have continually urged that the United States take steps to exert jurisdiction over fisheries adjacent to our coasts and institute a regime of conservation coupled with enforcement based on the maximum sustained yield principle.

The Alaska State Legislature has indicated its desire to see Congress take similar action. I ask unanimous consent that Joint Resolution 89 of the Alaska State Legislature be printed in the RECORD at this point.

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

JOINT RESOLUTION 89

Joint resolution relating to the establishment of an exclusive fisheries zone for the United States

Whereas the present 12-mile exclusive fisheries zone of the United States is not adequate for the conservation of the stock of fish which this country will need to utilize fully in order to remain a major fishing nation; and

Whereas the United States has slipped to sixth place in world fishing behind such nations as the Soviet Union and Communist China, which intend to expand their fishing efforts in the North Pacific; and

Whereas the commercial fishermen of the Pacific Northwest, as well as the economy of the United States as a whole, are being detrimentally affected by the heavy flow of imported foreign seafood products, gear conflicts and other competition from the massive foreign fleets on the fishing grounds, and by the depletion of precious resources because of over-fishing and destructive fishing practices of foreign fleets; and

Whereas the United States has failed to implement fully two provisions from Geneva Conventions which would give our nation valuable bargaining tools in fisheries negotiations with other nations, the first of which states that sedentary species of fish on the Continental Shelf are part of the shelf and are considered to be the exclusive property of the coastal nation and the second of which provides for conservation of the living resources of the high seas and allows the United States to designate conservation areas and promulgate conservation measures to protect these resources;

Be it resolved that the Congress of the United States is respectfully requested to enact legislation declaring that this nation's exclusive fisheries zone is expanded to a depth of 300 meters or to 100 miles off the coast of the United States, whichever is greater.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable Donald L. McKernan, Special Assistant to the Secretary of the Interior for Fisheries and Wildlife; the Honorable John W. McCormack, Speaker of the U.S. House of Representatives; the Honorable Richard B. Russell, President Pro Tempore of the U.S. Senate; all Governors of the Coastal States in the United States; the International North Pacific Fisheries Commission; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

Passed by the Senate April 13, 1970.

BRAD PHILLIPS,
President of the Senate.

Attest:

BETTY HANIFAN,
Secretary of the Senate.

Passed by the House April 10, 1970.

JALMAR M. KERTTULA,
Speaker of the House.

Attest:

CONSTANCE H. PADDOCK,
Chief Clerk of the House.

KEITH H. MILLER,
Governor of Alaska.

STUDENT UNREST

Mr. PACKWOOD. Mr. President, the president of the University of California, Charles J. Hitch, delivered some timely and thought-provoking remarks on student unrest March 20, 1970, at a meeting of university regents. I ask unanimous consent that the remarks be printed in the RECORD.

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

REMARKS ON STUDENT UNREST

(By Charles J. Hitch, President, University of California)

It is said that for individuals and for societies, civilization is merely an outward appearance, a thin veneer covering a barbarian heartwood. If this is true—and the twentieth century has seen enough barbarism to give it at least some validity—all of us must share a mounting apprehension over the wearing away of our collective veneer. I am alluding here to many things—the bombings in New York City, alleged atrocities in Vietnam, the polarization of races—but I want to address myself particularly to more local abrasions, the various incidents of incivility and violence that have happened recently on or near our campuses . . .

Several Regents were in the audience when I spoke last November at a dinner honoring the Hoover Institution's fiftieth anniversary, and I will quote briefly from my remarks that evening. I spoke about "a new threat of conformity on campus, a pressure for orthodoxy generated ironically enough, on behalf of—or at least in the name of—change and freedom. Thus, we are confronted with a philosophy where subjectivity would replace objectivity, opinion would replace fact, emotion replace reason, and strength of voice supplant strength of argument. The ends come to justify the means, and any tactic is appropriate when the cause is just. Belief somehow becomes translated into fact, and the true believers feel it their duty to make converts by any means necessary.

"So classrooms are disrupted in the name of education, speakers are shouted down in the name of free speech, job recruiters are driven from the campus in the name of morality, and demands for total conformity to a particular line of thought are made in the name of nonconformity and dissent.

"This is wrong. If it is wrong for one group to seek to limit freedom of expression, it is wrong for another. Dogma is dogma, and it does not belong in a university, regardless of its origin and regardless of how many people agree with it."

I don't want to suggest, however, that the new conformity is joined in or even tolerated by all students. Indeed, there are refreshing signs to the contrary. For instance, the *Daily Californian* asked in a recent editorial for tolerance on campus of all political views, and the *Daily Bruin* has characterized window-breakers as having the mentality of ten-year-olds. And an anti-violence petition at Santa Barbara has garnered thousands of student signatures. No, rampant self-righteousness has not caught everyone's fancy, but there is enough of it floating around to burn down a bank in Isla Vista, to mob the Governor at Riverside, and to cause thousands of dollars of damage at Berkeley. Incidentally, I want you to know that I have apologized to Governor Reagan for the rudeness of part of our community—a rudeness which I am sure was opposed by the great majority of our community.

Some acts of violence that occur in American cities are no doubt the work of emotionally disturbed people whose reasons for lashing out at the society around them lie deep in their own individual mental and emotional illness. People like this are, as we have always known, a danger both to themselves and to society. We also know from much previous experience that when tensions increase and fires or bomb-scares occur, there can be an epidemic of additional incidents because borderline, emotionally disturbed people are pushed over the line of restraint by the attractive excitement that publicity causes. The University community shares with every other part of society the problem of how to deal with the risks that these disturbed people represent.

But, two other kinds of recent events involve the University with the community in a much more direct and different way. These are the instances in which assemblages of people turn into spontaneous, mob action and the instances in which extreme ideological rhetoric turns into the commission of criminal acts against persons and property.

University campuses, and the densely populated student housing areas near them, automatically present occasions for the gathering together of large crowds of young people. When these crowds become excited by a triggering event or statement, the result can be and has been to bring about mob behavior. The law enforcement authorities with whom the University must cooperate then face a very difficult problem; and the University itself is held responsible in the public's eyes for the results of mob behavior. As the President of the University, I must lay down the warning to the University community that it is wrong to resort to easy rationalizations about the impotence of words. We really do not believe that words are impotent. The foundation of universities is that ideas and the words to express them can be more powerful than any bomb. In the University, above all other institutions of American society, we have a profound duty to resist and oppose shoddy thinking, lies, and rhetoric which inflames and shocks but does nothing for the truth. Free speech means careful and skeptical listening, not taking a rhetorical trip. Free expression includes, especially in the University, the duty to oppose cant, dogma, and ideological harangue by reasoned and disciplined counter-argument. The crowd that turns into a mob is an insult to the principles of democratic society, and it is a moral insult to the fundamentals of a university. . . .

The university teacher has not only the obligations of his academic competence but also the duty to be the representative of mature wisdom in this troubled time. It is not enough to argue that all speech and doctrine has the minimal constitutional protections of the First Amendment, which of course, is no less true within the universities than in American society at large. The University must at one and the same time be even more zealously libertarian than the community at large *and* a great deal more alert to the philosophical and moral content of speech than is the community at large. And when rhetoric translates into violence upon the university or the surrounding community, we must treat that violence with particular vigor, not only as destructive of democratic institutions but as peculiarly poisoning to the moral foundations of the university and to its responsibility for the maturation of the young. The university teacher who participates in coercive revolutionary organization and action is betraying—in a special and particular sense beyond his normal obligations as a citizen—his charge to act as a responsible teacher. He must be the object of disciplinary attention by his colleagues.

So also must we oppose the revolutionaries and the vigilantes of Left and Right who take the law into their own hands. Their doctrines and their actions have no place in the university, for they and their organizations are peculiarly sinister in any institution having special responsibility for the young. History has many harsh lessons for us, and in the academic world we have a special obligation to remember and communicate them: the trial and death of Socrates; The Holy Inquisition; the Nazi Fifth Column; the Communist takeover of Czechoslovakia in 1948; and the saddening second betrayal of a re-emerging spirit of liberty in that same country.

It has become part of the style to put down history, as if these hard lessons did not exist for the young person who wants the galvanic release of his own energy on the feeling of the moment. Perhaps it is my own nature, but I am nauseated by the support that some of my academic colleagues give to this indulgent irrationalism. As a teacher myself, I have nothing in common with it, and yet it is the condition of many young people now, and as a teacher, I must try to find a way to speak to their condition.

If some of these are the problems of parents and of teachers with the young, I want to say with equal vigor that America's young generation has provocation to be indignant, and this is directly based on the failure of its elders to do the right thing at the right time. Our affluence, while there is poverty and deprivation within our own country which we have knowledge and ample resources to correct, but not the willingness; our resort to war while we say that it is both irrational and immoral to move for any other goal than peace; our failure to deal courageously with racial injustice—all of these give a real basis for the indignation of an intelligent, morally sensitized and committed young generation. We must learn to welcome the pain of being called to account by our children. Instead we apply to them a double standard in the realm of both personal morals and group responsibility. No wonder this is galling to them.

Our time and place and our society, imperfect as they are, are what we and the young must deal with. There needs to be a far greater exercise of both courage and restraint than the adult world has given to the task of renewal of American society.

One very moralistic quality that is peculiarly destructive in all this is the *selective* indignation of both the young and the old. The young condemn police brutality while practicing verbal and even physical assult. Their elders cry for law and order while flouting the Supreme Court of the United States.

If we must oppose polarization when practised by the young in the name of moral principles, let us have the honesty to oppose it no less when the representatives of the Establishment turn to baiting and provocation.

I was greatly impressed by the bluntness and the good sense of Mr. A. W. Clausen, President of the Bank of America. One of the triggers to our obvious and deep concern at this meeting of The Regents was the burning of the Isla Vista branch of that Bank. I want to quote and endorse these words of Mr. Clausen on March 17 to the annual meeting of the Bank:

"In the circumstances we now find ourselves we would like to make two things very clear, both to you our shareholders, and to the California public. The first of these is that we have great respect for the young people of America. We admire their integrity, their moral courage and their willingess to dissent. We need these qualities in America. We view our re-opening in Isla Vista as a demonstration that the participation of a few students in a destructive act will not deter us from attempting to serve the financial needs of the majority of students on the Santa Barbara campus.

"Our quarrel, therefore, is not with the young and not with the fact that they dissent. Rather our quarrel is with those who would perpetrate violence for any cause, whether it be violence in Isla Vista or violence in another small community 3,000 miles away called Lamar, South Carolina. Violence from either the right or the left cannot be tolerated in America.

"A troublesome factor involved in the current problem is the tendency of many of our citizens to seek to punish the universities for the actions of the violent few. Let us make our position clear on this issue also. We believe punitive action against the university or repression of dissent is as dangerous as violence. We owe a great debt to our universities and colleges. Our future is dependent upon them.

"Certainly the educational process cannot be carried on in an atmosphere of anarchy. But as we battle the anarchy which plagues our campuses, let us be certain that we do not damage our educational system in a more subtle and insidious way—by destroying the freedom of thought, inquiry and action which constitutes the only soil in which true education can flourish.

"Therefore, while we use every means at our disposal to strengthen the hands of the administrators of our colleges and universities in order that they may cope with and effectively put down anarchy, and in order that they may expel any outside agitators that may be plaguing our campuses, let us also be judicious and thoughtful in seeing that it is anarchy and unlawful disruption that we put down and not academic freedom, nor the right of students and faculty to dissent. Let us be sure that we do not go beyond that boundary which will destroy the freedom of inquiry that is the essence of a great university. For make no mistake about it, our educational system can be destroyed every bit as effectively, and perhaps more completely, by those forces who would, in whatever name, trample upon the universities' freedom to inquire."

BIG THICKET'S IVORY-BILLED WOODPECKER

Mr. YARBOROUGH. Mr. President, for many years I have urged this distinguished body to act to establish the Big Thicket National Park, the last known habitat of the famous ivory-billed woodpecker.

The ivory-billed woodpecker has become a symbol of our endangered species. This great bird is dangerously close to extinction, and the preservation of its last-known habitat is one of the many reasons why we should preserve the Big Thicket of southeast Texas as a national park.

The ivory-billed woodpecker once existed from North Carolina to east Texas. It is larger than a crow, with a white bill, large patches of white on its wings, and white lines on either side of its neck. It calls a single note like the sound of a toy tin horn.

Too few people have ever had the opportunity to see the magnificent ivory-billed woodpecker. In my office rests a stuffed ivory-billed woodpecker, on loan from the Smithsonian Institution. I invite Senators and their staffs to come by the office and view this rare specimen, the symbol of our endangered species.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Baltimore Sun of May 5, 1970, on page C-1. It is entitled "Is Ivory-Billed Woodpecker on the Way to Extinction?"

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

IS IVORY-BILLED WOODPECKER ON THE WAY TO EXTINCTION?

LAUREL.—Will one long-time resident of the United States—the ivory-billed woodpecker—be here to mark the 200th anniversary of the founding of the Republic?

"No one knows," said Dr. Ray C. Erickson, assistant director for Endangered Wildlife Research, with the Department of Interior's Bureau of Sport Fisheries and Wildlife. Its continued existence or demise is difficult to demonstrate; we can't cover its whole habitat."

If this woodpecker, the country's largest, does eventually become extinct, it will follow 32 other American birds (24 from Hawaii) to disappear since 1776. It will vanish from the nation as finally as have the eight mammals doomed by industrial society and burgeoning humanity.

Among the American species forever lost: the great auk bird, Labrador duck, passenger pigeon, heath hen, Merriam and Eastern elk, the California, Texas and plains grizzly bears, the Eastern forest and mountain bisons, giant sea mink, plains wolf, San Gorgonio trout, plus several etceteras.

AT RESEARCH STATION

Dr. Erickson is one of six scientists at the five-year-old Patuxent Center's Endangered Wildlife Research Station, a 355-acre complex in the woodlands near here.

While it may be too late to save the ivory-billed woodpecker, Dr. Erickson and his colleagues believe there is still hope for some other American creatures—such as the whooping crane, Aleutian geese, key deer, Nene goose of Hawaii and black-footed ferret (cousin to the weasel) of the Dakota Badlands, and many others currently listed as endangered.

The ivory-billed woodpecker once existed from North Carolina to east Texas. The Bureau of Sport Fisheries and Wildlife Redbook of rare and endangered fish and wildlife describes the bird as "larger than a crow, with a white bill, large patches of white on its wings and white lines on either side of its neck. . . . It calls a single note like the sound of a toy tin horn."

MANY WERE SHOT

Countless of the birds were shot and those remaining are disappearing with their habitat. Another Bureau publication description of the bird reads like an obituary:

"Too few people living have ever had an opportunity to see the magnificent ivory-billed woodpecker, with its shining black plumage and great scarlet crest. It is a shy, wild bird that lives in mature, broad-leaved forests of our Southern swamps and river valleys.

"It was doomed when loggers began cutting the great trees in the river swamps; its chief food, a beetle grub, lives under the bark of very old trees. There have been no authentic records for years."

Without the research center at Patuxent, we might soon say "R.I.P." to other spectacular North American birds—the Southern bald eagle, whooping crane and masked bobwhite quail.

"The station's program is designed to provide a measure of insurance against extinction by maintaining breeding stocks in captivity of as many endangered forms as possible, both birds and mammals," explained Dr. Erickson.

BUDGET OF $350,000

The station has had $350,000 annually, for the past three years, a sum that a few other Federal departments would consider subway fare. It now has facilities to study in captivity 6 of the 60 rare and endangered American birds and one of the 32 imperiled mammals.

However, there are 22 various endangered species—including 22,000 alligators—living on the 329 wildlife refuges maintained by the Bureau of Sport Fisheries and Wildlife. The refuges cover approximately 29 million acres and contain species as diverse as key deer and the whooping crane.

The new Endangered Species Act, signed by the President December 5, 1969, will affect the nation's program in that it increases the amount of money that can be paid for land destined to hold endangered creatures.

INTERNATIONAL ACTIVITIES

The authorization, previously $750,000, is now $2.5 million. The law will also make it

a Federal offense to poach alligators and sell their hides in areas where they are protected by state law.

The Bureau of Sport Fisheries and Wildlife "coordinates and sparks" the nation's Endangered Species Program, said Eley P. Dennson, Jr., who handles international activities for the bureau.

"The Endangered Species Program involves everything from individuals to government agencies. The Nature Conservancy, buying an area for the blind salamander in Texas, is just as much a part as the Research Station at Patuxent."

He said the program's goal "is to protect and preserve species of fish and wildlife in their natural environment."

What's the difference between a rare or an endangered creature? A rare form is one with few numbers in its habitat. A rare species can survive if its environment is not destroyed.

There are approximately 90 endangered mammals, birds, fish, reptiles and amphibians in this country—species "in immediate jeopardy." The rare forms—which include the prairies chicken and Puerto Rican whippoorwill—number 45.

MASKED BOBWHITE QUAIL

One of the birds now at Patuxent, the masked bobwhite quail, no longer exists wild in the United States. Most of the 300 quail there are the offspring of 36 birds captured in Mexico a year ago. In a few months, some of these quail will be flown from Patuxent and quietly released in part of the Arizona desert.

Large cattle drives and droughts in the late 1800's destroyed the Western habitat of of bobwhite. The ones to be released in Arizona will be the first to live there in 50 years.

The quail produce more young at Patuxent than they do in the wild. Dr. Erickson explained why:

"In the wild, the quail will lay a clutch of eggs and then stop at 12 or 15. We put a couple of male bobwhites in with several females, as a measure of insurance, in case one of the males is infertile.

EGGS REMOVED FREQUENTLY

"We remove eggs frequently, so that no clutch is formed, the eggs go into a period of storage at 55 degrees, until we get enough to move into an incubator. Last year, we got more than 80 eggs from one female . . . It doesn't hurt the birds, and we need the maximum number of eggs."

Dr. Erickson believes that wildlife is an irreplaceable natural resource. "Only if the public really insists that these values be preserved, can we save our wildlife. It's too bad that it's necessary to bring any animal into captivity in order to save them; their needs are so simple and yet the solutions to their problems are often complex."

Dr. Erickson once wrote that "Low populations and prolonged periods of adversity eventually may pass and conditions then become more favorable for a species, if only some stock survives. For example, successful propagation methods for passenger pigeons were known in the late 1800's.

NO SUSTAINED EFFORT

"Apparently, no sustained effort was made to preserve a reservoir of captive breeding stock during their final decline, so their loss is permanent."

STATEMENT OF NET WORTH BY SENATOR MATHIAS

Mr. MATHIAS. Mr. President, Mrs. Mathias and I believe that one way to renew confidence in the institutions of government is to share with the public all information that may throw light upon the interest or disinterest of those who participate in making public decisions. Therefore, in addition to filing the confidential financial reports required under the Senate rules, we are making available to the public an identification of our assets and our creditors and a statement of our net worth, and our income in 1969 over and above congressional pay and allowance.

I ask unanimuos consent that my report, which has been submitted to Senator STENNIS, chairman of the Select Committee on Standards and Conduct, and the letter accompanying the report, be printed in the RECORD.

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

MAY 14, 1970.

Hon. JOHN STENNIS,
Chairman, Select Committee on Standards and Conduct, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Senate Rules 42 and 44, I have submitted the information required. In addition to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be submitted to the Congressional Record and to the press.

During the calendar year, 1969, I withdrew from the practice of law, from all relationship with legal firms and resigned from the only corporate directorship that I retained, Mutal Insurance Company of Frederick County. Any fees, retainers or honorariums from these sources received and reported are terminal.

Sincerely yours,
CHARLES MCC. MATHIAS, Jr.
U.S. Senator.

DISCLOSURE OF FINANCIAL INTERESTS—CHARLES MCC. MATHIAS, JR., AND MRS. MATHIAS—MAY 12, 1970

ASSETS

Equity in Federal Retirement System.
Life Insurance.
Livestock and Farm Machinery.

REAL ESTATE

House: RFD 2, Frederick, Maryland.
House: 3808 Leland Street, Chevy Chase, Maryland.
Half interest in forty-acre farm in Frederick County, Maryland.
Half interest in 306 Redwood Avenue, Frederick, Maryland.
Lease for 373-acre farm, expiring in 1973.

STOCKS

Farmers & Mechanics National Bank.
Capitol Hill Associates.
Citizens Bank of Maryland.
Foote Mineral Company.
Frederick Medical Arts.
G. D. Searle & Company.
Investors Loan Corporation.
Massachusetts Investors Growth.
The Detour Bank.
The Great Atlantic and Pacific Tea Company.
Warner Lambert Pharmaceutical Company.
Maryland National Corporation.

LIABILITIES

Debts due on mortgage, collateral and personal notes to:
Farmers & Mechanics National Bank, Frederick, Maryland.
First National Bank of Maryland, Baltimore, Maryland.
Frederick County National Bank, Frederick, Maryland.
Walker & Dunlop, Washington, D.C.
Net worth: computed to May 12, 1970—$157,678.78.

Year	Investment income	Interest	Honorariums	Net rents	Legal fees
1969	$1,543.43	$7.41	$8,250	$253.83	$3,450

VOCATIONAL REHABILITATION: A BOON TO THE MENTALLY RETARDED

Mr. YARBOROUGH. Mr. President, I am always delighted to see or hear of programs or projects which help the retarded become gainfully employed members of their communities, the Rehabilitation Record of March and April 1970, a Federal Government publication contains an article by June Kendrick and Jack Sudderth which discusses such a program.

In an article entitled "But It Doesn't Look Like a School," written by June Kendrick, rehabilitation writer with the Texas Rehabilitation Commission in Austin, and Jack Sudderth, vocational rehabilitation counselor with the commission in Dallas, describe a project of rehabilitation which must be measured a success by any standard.

Ten years ago the mentally retarded amounted to only 2.9 percent of the total rehabilitations of the Texas Vocational Rehabilitation Division. Last year they amounted to 19 percent. How did this come about? Let me summarize.

After some discussion, a group of vocational rehabilitation professionals concluded that a special facility that would give meaningful vocational training to educable mentally retarded youth was a prerequisite for success. Just such a facility was already in existence and was a part of the Dallas public school system.

The Dallas Vocational School—a huge hangar-like structure—had a 21-year history of teaching war veterans, construction apprentices, Indians, trainees in vocational nursing, and adults wanting to complete their general education. And J. T. Goode, the school principal, had long wanted to do something for young people who were not academically competent.

With a Federal extension and improvement grant, the facilities of the Dallas Vocational School, the cooperation of a host of concerned individuals, the project got underway in January of 1959 with 12 mentally retarded young men. A unit for girls was begun the second semester. The program proved to be very popular with the students. They had fun and yet they learned a trade.

The success of the program can best be gaged by the results. Of the total 925 students enrolled in the project up to this school year, 65 percent have been employed on a full-time basis. The average hourly wage of this group is nearly $1, but many of them earn over $1.30 per hour and a limited number earn $2.50 to $2.75 per hour.

Mr. President, I have obviously left out many of the details of this fine project. For the benefit of those who might be interested in the full report, I ask unanimous consent that the article on pages 28 through 31 of the March and April 1970 Rehabilitation Record be printed in the RECORD.

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

BUT IT DOESN'T LOOK LIKE A SCHOOL . . .

(By June Kendrick and Jack Sudderth)

When 12 mentally retarded young men and their teacher painted themselves out of a corner and into the world of work, a unique cooperative training effort progressed. It was 1959 in Dallas. How the fellows got themselves into a corner was an accomplishment that requires explaining.

Ten years ago in Texas, mentally retarded clients amounted to only 2.9 percent of the total rehabilitations of the Vocational Rehabilitation Division (VRD) in 1 fiscal year. Many professionals in guidance and education, as well as many parents, thought retarded people could do nothing vocationally. Optimists thought 10 percent of them might be helped to learn to work.

Others thought this group had not been reached for lack of the right approach; the watered-down academic approach obviously had failed. Some of these like-minded people—vocational rehabilitation counselors, regional rehabilitation professionals and special education teachers—kept talking to each other. An idea sprouted to have a special family that would give meaningful vocational training to educable mentally retarded youth.

A facility that could be adapted to this end was already in existence and was a part of the public school system. The Dallas Vocational School, located in the center of the city, had a 21-year history of teaching varied groups—war veterans, construction apprentices, Indians, trainees in vocational nursing, and adults wanting to complete their general education.

The school building, a huge hangar-like structure, was not the conventional school setting. But conventional educational approaches had not benefitted the retarded. Its industrial, buisness-like atmosphere conveyed a desirable quality for a vocational project. Containing about 60,000 square feet of open ground floor space and about 4,000 square feet on an upper floor, the building suggested flexibility. Another promising feature was that the principal of the school, J. T. Goode, had long wanted to do something for young people who were not academically competent.

To develop a project in this special facility, VRD applied for a Federal extension and improvement grant. The primary goal of the project would be to assist in the rehabilitation of educable physically and mentally handicapped young people between the ages of 16 and 21 by providing appropriate adjustment training, evaluation, and other services which would help them bridge the gap between what normally is offered by the public school and employment.

In January 1959, assisted by the grant, the VRD, the Special Education Division of the Texas Education Agency, and the Dallas Independent School District began cooperative action. Although generous space was available in the Dallas Vocational School, finding any young men for the first semester's class was a problem.

At that time in Dallas, special education classes were limited to a few elementary schools. High school offered nothing to retarded students but continued frustration. These youngsters usually left school at age 16 and often had not been diagnosed as retarded by the school. Later, after the Dallas Independent School District developed procedures to identify them—and the project's potential was demonstrated—enrollment difficulty vanished. Initially, when a few prospective students were located, parents were often dubious about their son's or daughter's working and were reluctant to put them in another school situation where they might fail again. And, too, they were apt to observe, "The Dallas Vocational School just doesn't look like a school."

Twelve boys, though, did enroll the first semester. They were assigned a corner of the facility and expected to stay clear of any vocational classes in progress. Having no fixed curriculum, the teacher had to be resourceful. Using some surplus paint, he and the boys painted everything in the facility that looked like it might need a coat, including a section of the wall. Then the paint ran out. Frantic for something to do, the teacher appealed to a colleague. She turned over some old furniture for refinishing. The boys kept busy.

A unit for girls was started the second semester. Learning good grooming habits was the first assignment for these new students. Their presence caused some nervousness on the part of the school administrator, who had them fenced into a private section. Eventually, with their teacher's help, they won more freedom and a social vote of confidence.

Those first years with the project represented on-the-job training for all the professionals involved. A curriculum evolved that was as flexible as possible in order to meet individual needs. The students had so many vital things to learn—how to use public transportation, how to get along with people, and how to have desirable work habits and attitudes. Many had never been given any responsibilities at home. The teachers sent notes to their parents suggesting chores the students be allowed to do.

Then, few people thought the retarded could hold a job other than dishwashing or carwashing. The instructors of vocational trades at the school were reluctant to accept retarded students into their classes. Choosing some who appeared capable of learning more sophisticated skills, the rehabilitation counselor persuaded trade instructors to take them into classes. Gradually, the students won over the instructors.

Success required strenuous cooperation. The principal of the Dallas Vocational School administered the two units—one for young men and one for young women. The office of special education processed applications and worked in a consultative capacity with the teachers. A counselor from VRD received the applications, secured diagnostic data, established eligibility, counseled and planned with the client and parents, and secured on-the-job training and employment for the clients as they were ready for these steps.

Placement for the job-ready retarded required a tremendous selling job. Persistently calling on friends and keeping in touch with many community resources, the VR counselor gradually opened employment opportunities.

At the conclusion of the students' first 6 weeks, parents were invited to a school meeting and were asked to report on any changes in their children's behavior that they had noted since the project began. Some of the comments were:

"He comes home, hungry and tired, ready for dinner and sleep."

"He tells us that we have not been taking care of our lawn mower, as the oil is supposed to be changed regularly."

"She tells me that I should be more saving in buying groceries."

"She wants to help me more."

"She acts more independent, actually has a feeling of worth."

"She does her own clothes and fixes her own hair."

"He never wanted to go to regular school, but he can't wait to get to the vocational school."

At the end of its 3-year grant, the project had gained school and community acceptance as well as statewide and regional recognition. Of all the students completing the project's program during this period, 61 percent were considered successes. The VRD and the school district decided to continue their joint undertaking with a pro rata plan for financing. The Texas Education Agency was encouraged to extend this successful venture by initiating a statewide cooperative, school-work program for handicapped high school students. The VRD, the Special Education Division, and the school districts joined resources to start what is generally considered to be the first such statewide cooperative venture. However, the Dallas Vocational School remained a unique facility where students could particiate in a vocational, individualized curriculum in an industrial setting.

Administering a vocational rehabilitation program for retarded youth is not the only responsibility of the Dallas Vocational School. In 1960 a program for school dropouts was started. Called the coordinated vocational academic program, it offers trade-type training to young men between the ages of 15 and 21. This program receives some Federal financial assistance through the Texas Educational Agency. VRD places a few boys in this program to teach them a specific trade. Some of the boys are juvenile offenders who have not profited from their other public school experiences. A large program, it currently has about 160 students. The two groups coexist smoothly and sometimes participate in the same classes.

The list of courses offered at the school shows the broad range of vocational choices. Training is available in auto body repair, auto painting, auto seat covers, bricklaying, crafts and plastics, dry cleaning and laundry, duplicating devices, furniture upholstery, home appliance repair, homemaking and handicrafts, machine operations, power mechanics, service station training, sheet metal layout and practice, supermarket operations, and combination welding.

Carlos M. Johnson, assistant principal and chief administrative officer of the two groups at the school, insists that all students be treated like men and women "on the job" and expects them to respond in like manner.

As students do everywhere, though, they manage some fun. After the instructor in bricklaying had his students build a brick planter in their work area, some neighborhood foliage appeared, transplanted to the new container. The planter remains, a pleasant green mascot amid the bricklaying and mortar-pouring activities in a corner of the facility.

Some students in the retarded group become employable after 3 to 6 months' training. Occasionally, a student spends as long as 3 years. The average length of time in training is 1 year. One boy who had an IQ of 55 and was hard of hearing, received personal and work adjustment training and tried nearly all vocational areas. His counselor and teachers nearly gave up on him, but today he is employed as a sander. He earns $1.25 per hour and has been holding the job 1 year.

The curriculum for the retarded is based on research findings indicating that the attitude of the mentally retarded worker and how he reacts socially with his coworkers and supervisors is more important for success on a job than is knowing how to do a specific job. To aim for the acceptable attitudes and social traits is the purpose of those activities labeled "personal or work adjustment training." Students who show a capability for learning the specific skills of a trade are given the opportunity to do this. Often they do not get their first jobs in vocations for which they have had training; still, the structured experiences at the school helped them gain confidence and other assets they needed to hold a job.

As there are no walls inside the school, a student can easily observe different types of

vocational training and widen his occupational knowledge. Only chain link fences or cabinets separate one training area from another. A boy can have a chance to try welding, for example, even though his test scores may indicate his chances for learning welding are poor. Sometimes the retarded will surprise everyone, including themselves, with what they can achieve. One memorable young man won third place in a contest sponsored by a welding machine company with specifications and photographs of his arc welding project.

Most project students do find some level at which they can be successful. If the student fails on his first outside job, he can return and get help to find out what went wrong and what can be done about it.

Of the total 925 students enrolled in the project up to this school year, 65 percent have been employed on a full-time basis. The average hourly wage of this group is nearly $1. Many of them earn over $1.30 per hour; while a limited number earn $2.50 to $2.75 per hour. For the most part, the jobs these students hold involve routine tasks. Most of the boys, and many of the girls, get their first jobs in the restaurant business.

Eventually, vocational adjustment coordinators (VAC's)—one for the boys and one for the girls—were added to the project's staff. The VAC's give daily, full-time supervision to the students, recommend or find job training stations, and otherwise assist the VR counselor in carrying out rehabilitation plans for each individual. The school has seven full-time teachers. Some are trained in special education, some in industrial arts, and some come from industry.

A student enters the VR project through referral by his teacher or by a VR counselor. Every referred person is accepted for an initial evaluation. For the girls, this takes place in the homemaking unit, where sections exist for living, kitchen, and laundry areas. Modern kitchen and laundry equipment are being used. The girls learn valuable lessons by serving lunch, brought in from an outside cafeteria, and cleaning up after meals.

They also learn the rudimentary social and personal traits required for adequate living or holding a job. When ready, they are moved into vocational training—primarily in dry cleaning or duplicating machines. Sometimes they are trained on the job, often in food service or packaging and assembly work outside the school.

Boys get their first evaluation in a crafts section. Here, interests and abilities to use tools can be determined. While the boys get attitudinal shaping, they work on tasks involving custodial work, furniture refinishing, maintenance, painting, and service station work. If a boy indicates by his work habits and performance that he is capable of doing work of a more technical nature, he may be transferred to one of the many regular vocational training areas.

Through cooperation with industry, the school offers training geared toward the immediate needs of employers. An example of this cooperation is the duplicating equipment placed in the school by business firms. The substantial equipment inventory includes mimeograph, dry-photo copiers, thermofax copier, plastic bookbinding machine, electronic scanner, silk screen mimeograph, A. B. Dick 360 offset, Multilith 1250 offset, Diazo copy machine, sign press, liquid copy machines, electric hole punch, electric paper cutter, spirit duplicator, and modern typewriters.

With this equipment, the school can handle contract work and give the students real job experience. Actual customer work is also done in dry cleaning, auto repair and painting, and upholstery.

Students who are competent on the duplicating machines can often get civil service jobs. And competent they can get. Mary Lee McLaughlin, who has been with the VR project since the first girl's unit started and is now a VAC at the school, enjoys recalling the time when a new instructor for the machines began work without knowing how to operate all of the machines. He was soon checked out on all of them by two retarded girls.

A realistic mockup of a supermarket, with stocked shelves and produce bins, was set up in the school by local grocery stores. This gives students a realistic setting for learning skills such as using a scale, stocking, and cashiering.

The school is conducted on the same time schedule as the other junior and senior high schools. All instruction is related to job and community living, however, with a minimum of formal classroom work. A learning center is being developed to include equipment for individual programed learning. A teacher is available to assist students in the center.

During the past 10 years, various approaches to the vocational rehabilitation of the mentally retarded in Texas have been used. The results have been impressive. In the fiscal year 1969, rehabilitated retarded clients amounted to 19 percent of the total VRD rehabilitations for the year.

Since 1964, one hundred or more students have been enrolled each year in the Dallas Vocational School VR project. Many other retarded youth are served through cooperative VR units in their local public schools or through other programs. The Dallas school continues to be a unique public school facility in the State with its many vocational opportunities available to the retarded and to other nonacademic oriented youth.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

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

The BILL CLERK. An act (H.R. 15628) to amend the Foreign Military Sales Act.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

Under the previous order, the Chair recognizes the Senator from Wisconsin for not to exceed 30 minutes.

THE ECONOMIC CONSEQUENCES OF CAMBODIA

Mr. PROXMIRE. Mr. President, the Cambodian intervention has raised many questions involving congressional responsibility for spending, budgeting, and in many other vital respects. Today I intend to discuss these significant economic implications.

It is now clear that the forecast of a budget surplus of $1.3 billion for fiscal year 1971 will not occur. This small estimated fiscal year 1971 surplus has disappeared even before fiscal year 1971 has begun.

While no new official budget figures have been given, the decline in corporate profits will bring a major fall off in receipts. And several of the gimmicks and jerry-built estimates on which the $1.3 billion surplus was based, have now been exposed for all to see. One example alone will suffice. The President's wholly unrealistic budget request for a postponement until January 1971 of the postal and civil service pay raises due on July 1, 1970, has been replaced by a pay increase which added $1.2 billion to fiscal year 1970 outlays and will add additional amounts to the 1971 estimates of expenditures.

We should face the facts. Instead of a $1.3 billion surplus for fiscal year 1971, we now face both an increase in expenditures—pay increases, interest payments, farm price supports—and a decrease in receipts—from corporate profits, offshore oil leases, a delayed postal rate increase—which have turned around the fiscal year 1971 estimate from a slight surplus to a deficit of several billions. While the details have yet to be made public, this basic truth has been admitted by the administration and by the Secretary of the Treasury. Unofficial estimates are that the deficit from these causes alone will run as high as $5 billion.

WE ARE NOW IN A RECESSION

The figures released Friday by the Department of Commerce indicate that we are now in a recession as reportedly defined by the National Bureau of Economic Research. The gross national product has now declined for two successive quarters.

The first quarter figure has now been revised downward by some $2.6 billion from the preliminary estimates. It now stands at $959.6 billion. In constant 1958 dollars it fell from $730.6 billion in the third quarter of 1969 to $724.3 billion in the first quarter of 1970. This is very disheartening economic news.

The figures for corporate profits show a sharp decline in the first quarter of 1970. The figures released Friday show a seasonally adjusted annual rate of $85 billion for the first quarter of 1970. This is $6¼ billion less than in the fourth quarter of 1969 and more than $10 billion below the record high profits attained in the first two quarters of 1969.

But there is more fiscal bad news. We must face up to the economic consequences of Cambodia. There will be additional increases in spending because of war.

Unfortunately, administration spokesmen, including the Secretary of the Treasury and the Director of the Bureau of the Budget, stubbornly and foolishly refuse to admit it. They persist in stating that the military operations in Cambodia are not expected to add to total defense spending in 1970 or 1971. Such a judgment was made by the Secretary as late as May 9 in his speech at Hot Springs. But that is merely putting their heads in the sand.

The President's actions in Cambodia will raise the cost of the war. Military expenditures in Southeast Asia will rise. Whatever views we as individual Americans may hold about the President's action in launching the Cambodian expedition, we can be sure that as night follows day the costs of the war will go up. We must face that fact.

Mr. President, a little later I shall document that, and indicate exactly why the costs of the Cambodian war are sure to rise.

The question then becomes, What can we do about it? How can we prevent inflation from continuing, restore confidence in the business community, and

provide for our starved domestic needs at the same time that military and other costs rise and receipts go down?

The Secretary of the Treasury in a speech before the Business Council at Hot Springs, Va., on May 9 said that for the administration to remain fiscally responsible may require either rigid economics or an enlargement of our tax base, which is a polite euphemism for a tax increase.

And the Washington Star reported on Sunday, May 10, that administration officials indicated Saturday that Federal spending increases probably will compel President Nixon to ask Congress to raise taxes next year.

But I say that it would be unconscionable to raise taxes now. The country is sliding into an economic recession. Taxes are already too high. Furthermore, in my judgment, the country would not accept a tax increase to pay for the military adventures in Vietnam and Cambodia, in the present public attitude. It is difficult enough to raise taxes for a war which has the support of the American people—even in World War II, only about a third of the cost of the war was paid for through increased taxes, while the remaining two-thirds was paid for through borrowing or inflation.

But it would be impossible to raise taxes to pay for an unpopular and controversial war which is deeply opposed and strongly resisted by a very, very large proportion of the American people.

The suggestion of the Secretary of the Treasury that we could or should raise taxes to avoid a deficit is both wrong and wholly unrealistic.

In the present circumstances there is only one way to meet these problems. That way is to cut spending. Unfortunately, the Secretary did not specify where we might impose rigid economics.

But there is one place and only one place where big spending can be cut. That is the $75 billion defense budget proposed for next year.

It is therefore incumbent upon us to make big cuts in the regular military budget in order to offset the certain increase in the cost of the Vietnam war and the decrease in revenues from the slump. Unless that is done, we are bound to have a new round of price increases, a huge unbalanced budget, and a new economic crisis.

Let me develop the arguments both as to why the costs of the war will increase and why cutting the regular fiscal year 1971 military budget is the only feasible way to meet the new and serious problem of the budget deficit and the escalation in the costs of the Vietnam war.

THE COSTS OF THE WAR WILL INCREASE

On April 30, the President of the United States ordered American troops into Cambodia. Here is the indication and the documentation that this Cambodian adventure is going to cost money in a substantial amount. Reports are that some 20,000 American and 20,000 South Vietnamese troops are involved in military operations into North Vietnamese-Vietcong sanctuaries along the South Vietnamese-Cambodian border.

Some solace for those of us who oppose this action has come from the President in his promise that he will limit the penetration of troops into Cambodia to 19 to 21 miles and that he will withdraw the American troops entirely from Cambodia by July. 1 In addition, he has justified the Cambodian operation, in part, on grounds that it will make it possible to carry out his pledge to remove an additional 150,000 American troops from Vietnam by next spring.

We all hope that events will make it possible for the President to adhere to these limits and that the Cambodian expedition will become, in fact, a means to advance the date when our troops can leave Vietnam entirely.

But, in the meantime, the thrust into Cambodia, the troops and ammunition involved, the planes, tanks, and supporting helicopters, and the supplies needed to support them are bound to cost money and to raise the costs of the war.

In addition to the ground troops sent into Cambodia, at least four new major bombing missions over North Vietnam have taken place since April 30. Fifty to 100 planes flew 240 miles deep into North Vietnam during each of them.

Furthermore, in any military expedition of this kind, every commander will insist upon adequate reserves of ammunition, troops, planes, tanks, and supplies. There are, therefore, not only built-up costs involved in this endeavor, but reserve and replacement costs as well.

An increase in the costs of the war is also indicated by the casualty figures. The weekly casualty report released May 14 showed the highest American casualties in 8 months and the highest South Vietnamese casualties in 27 months.

While American troops were only indirectly involved and were very careful to avoid exceeding the 19-mile limit, the cost of the forays up the Mekong River by a flotilla of ships was obviously borne to some considerable degree by the United States.

Finally, we propose to support the South Vietnamese troops even after we leave Cambodia and withdraw further troops from Vietnam. And there is as yet no guarantee that the South Vietnamese and even the United States will not be involved in further forays, incursions, and expeditions. At least, the administration is arguing that we should not tie their hands, in arguing against the pending amendments.

All of this will cost money. In my judgment, tens of millions of additional funds are at stake. Unless some unusually fortuitous events take place, we should not be surprised if the additional costs of the Cambodian expedition and the stepup in fighting in Vietnam are several billions more than has been budgeted.

And if the Cambodian operation ties down our troops for a period longer than anticipated, or if it leads to an escalation of the war, then the costs will go up even more.

With the shift in the 1971 budget from precarious surplus to an admitted and growing and substantial deficit in the context of a situation where we have already failed to stop inflation and where prices are continuing to rise, the one thing that could really put a strain on the economy at this time is a rapid increase in spending as a result of the Vietnam-Cambodian War.

The huge inflation brought about by the escalation in the Vietnam war in the fiscal year 1966–67 period has not yet been brought under control. The pessimism engendered by the failure of the administration's anti-inflationary policies—if indeed they have carried out any meaningful anti-inflationary policies—has rocked the financial community and sent the stock market into a tailspin.

DREAM WORLD

But already the administration appears to be living in a dream world. The assurances of the Secretary of the Treasury, Mr. Kennedy, at Hot Springs, that the economic and budgetary impact of the escalation in Cambodia would be negligible, are impossible to accept.

This is where many of us came in. The same thing was said when the Vietnam war was escalated. In fiscal year 1966, new obligational authority for Vietnam was $14 billion more than the estimate in the budget. In fiscal year 1967, new obligation authority for Vietnam was $12 billion in excess of the budget figure.

And the same thing happened to spending. Vietnam spending in fiscal year 1967 rose from a $10 billion estimate in the budget to $20 billion before the year was out.

As a result, when the bills became due we incurred an $8 billion deficit in fiscal year 1967 and a $25.2 billion deficit in fiscal year 1968. The inflation from which we are still suffering, was induced by the failure to act at that time and because too many officials viewed the world through rose-colored glasses.

At that time, just as we are hearing now, we received assurances from the President and his advisers that the economic and budgetary impacts of the Vietnam war would be much smaller than they were.

There is an old Chinese saying which admirably describes the danger we face of once again underestimating the economic consequences of the Indochinese war.

Fool me once, shame on you. Fool me twice, shame on me.

It cost us a $25 billion deficit and massive inflation to learn our lesson once. Let us not make the same mistake twice.

WHAT TO DO ABOUT IT

In situations of this kind, certain elementary steps can be taken. They are familiar to every businessman, economist, and Budget and Treasury official. If this were merely a classroom exercise one might recommend taking any one or a combination or all of the following actions. They are, first, decrease the money supply and tighten monetary policy; second, increase taxes to decrease spending in the private sector and pay for the increased cost of the war in the public sector; third, resort to guidelines and persuasion and forms of credit restrictions in an effort to keep prices and wages and credit in line; and fourth, reduce spending in order to compensate for the increased spending for the war.

Those are the classic classroom things to do. But the problem we face now is that not all of them are available to us.

Because of past policies, administration reluctance, preconceived predilec-

tions, and public opposition to the war, the options are now limited—and I mean very limited.

In the present circumstances, there is only one clear course of action. That is to cut the regular military budget and to cut it hard in order to pay for the increased costs of Cambodian expedition, balance the budget, prevent runaway inflation, release funds for housing and construction in the private sector, and restore confidence to the business and economic community.

That this is so is clear from a statement of the facts.

TIGHTER MONETARY POLICY IS NOT POSSIBLE

We do not now have the option, which in other circumstances might be available to the economic authorities, to tighten money. Money is now as tight as it can possibly become. There is no more room to act.

The prime interest rate—the rate banks charge to their best customers—is now at 8 percent.

In March, mortgage rates were at 9.29 percent for FHA mortgages. We are already in a housing depression but with the greatest backlog of housing needs in the history of our country.

Four to 6 months prime commercial paper is at 8 percent. High grade municipals are bringing more than 6.5 percent and, of course, they are tax exempt.

From June of 1969 to February of 1970, there was virtually no growth in the money supply in this country. Since then, there has been a change in policy and some growth is taking place, as well as some limited monetary growth.

But the fact is that there is no way to tighten money now. To further tighten money, raise interest rates, and reduce the limited funds now available for housing would be unconscionable.

Tightening the monetary screws at this time is no option.

In fact, what we need is to make certain that the opposite policy is carried out. We need a relaxation in the tight money policy and a reduction in interest rates. The recent policies have not only brought a housing crisis but have in part—a significant part—been responsible for a level of unemployment of 4.8 percent and rising, according even to the testimony of the administration's own witnesses. Arthur Burns told us, just this past week, that he anticipated unemployment would continue to rise.

That is the highest level in 5 years. It means there are 1.3 million more men and women out of work than in January 1968 when President Nixon took office. But it means even more as well for certain individuals and groups.

Unemployment for Negroes and other minorities is double that for whites, or 8.7 percent as against 4.3 percent.

Teenage unemployment is over 16 percent. Construction workers unemployment is at 8.1 percent, and 8.8 percent of nonfarm laborers were out of work in April.

We should decrease, not increase, interest rates. A reduction in interest rates could spur housing which in turn has extremely healthy ramifications for the entire economy. An increase in housing construction not only benefits those who need a home, it stimulates almost every industry and every trade—lumber, brick, and cement. It stimulates the market for plumbing, hardware, carpets, and furniture. It helps the sale of durable goods—refrigerators, stoves, furnaces, and air conditioners.

A loosening of money, a reduction in interest rates, and the stimulation of housing production has effects and permutations of a thousand fold.

This in turn stimulates employment—especially employment for construction workers and for blacks and for laborers and teenagers—all those categories now hard hit and suffering from unemployment.

If we build housing, we can put the unemployed to work and stimulate almost every sector of the economy. And to do this does not require huge Federal outlays. Instead, it requires a cut in expenditures which will help stop inflation, relax money, and reduce interest rates. More than any other activity, housing can put men to work, stimulate the economy, help reduce prices, take up the slack from a fall off in Government or military spending, and satisfy urgent social needs.

There is an old saying which applies particularly to this situation; namely, that a rising tide floats all the boats.

TAXES ALREADY TOO HIGH

The Secretary of the Treasury said that fiscal responsibility may require an enlargement of our tax base—in effect, that we should raise taxes to pay for the increased costs of the Vietnam war and to offset the fiscal year 1971 deficit. In my view, as I have said, that is neither practical nor desirable. Let us look at the facts.

The burden of taxation on the average American is now much too high. Instead of raising taxes, we should be trying to find ways to reduce taxes.

At the Federal level we now collect about $91 billion in personal income taxes, $35 billion in corporate income taxes, although, as I have indicated, that will fall because of the recession, because they are vulnerable to a cutback in economic activity, and $26 billion from excises, customs, estate taxes and others, which are regressive sale taxes, by and large. In addition, social security taxes and contributions take another $49 billion. That is a very large tax burden which is borne by the citizens of the United States with remarkable equanimity.

THE BURDEN OF INCREASED STATE AND LOCAL TAXES

But that is not all. What is really causing the consternation is the terrible burden of taxation at the State and local level. In addition to the $200 billion tax bill paid by American citizens to the Federal Government, they paid over $82 billion to State and local governments in 1969. This was an increase in taxes of over $9 billion from the $73 billion paid in 1968 or a 13-percent increase in State and local government taxes.

At the State and local level, between 1968 and 1969, there was a 9.5-percent increase in property taxes, a 14.4-percent increase in general sales taxes, a 24-percent increase in individual income taxes, a 33-percent increase in corporate income taxes, and an 8- to 12-percent increase in other taxes such as motor vehicle licenses, and motor fuels.

Altogether, there was an enormous increase in the tax burden at the State and local level between 1968 and 1969. It fell most heavily on those least able to pay because in almost every instance these are regressive taxes.

The slight reduction in Federal income taxes passed in 1969, by no means offset the increase in State and local taxes. Especially, it does not offset the terrible sense of injustice generated because of the increase in these regressive taxes and because so many wealthy individuals at all levels escape their fair share of the tax burden.

Thus, it is not desirable to raise taxes when such high rates exist and when such inequities exist. But it would not be possible to do so even if it were desirable.

With the great ferment in the country and the intense and growing opposition by a very large proportion of the American people to the war, a proposal to raise taxes to offset the increased costs of the Vietnamese war and the Cambodian expedition would merely pour fuel on an already incendiary situation.

For any one even to suggest a course would be ridiculous on the face of it.

PERSUASION AND JAW BONING

The President, if he would, could resort to various forms of persuasion, to the institution of wage and price guidelines, and to various forms of credit controls.

For months, some of us have been pressing him to do some or all of these things. We have passed major legislation—the Proxmire bill—giving him authority in these areas, especially the authority to put a ceiling on interest rates and to roll them back. But the President and his advisers have eschewed all these forms of action. They refuse to act.

One can have little confidence that they would now be used by an administration which has steadfastly refused to use them in the critical months which have just passed.

CUTTING MILITARY EXPENDITURES ONLY REASONABLE ALTERNATIVE

In the face of new inflationary pressures which will inevitably flow from the prospective budget deficit and the action in Cambodia, it is both impossible and undesirable to tighten money, because money is now already too tight and interest rates are excessive. This would merely wreak more havoc on housing and raise unemployment. It is neither desirable nor possible to raise taxes, because taxes are now at an intolerable level, are unjust in their application, and the vast opposition to the war itself would prevent any increase to pay for expenditures which a very large and intense minority believes to be bad policy or immoral. The President and his advisers have steadfastly refused to use other more gentle forms of persuasion, such as credit controls, or guidelines. There is, therefore, only one policy left by which the new inflationary pressures can be offset.

That policy is to cut expenditures.

And the only area of expenditures which can be cut and cut decisively in a big and significant way are those for the on-going, regular, military budget.

DETAILED PROPOSALS MADE REPEATEDLY

Where these cuts can be made has been detailed time and again. The Congressional Quarterly, in a survey of Defense Department officials, set forth $10 billion in cuts which could be made without cutting back on military muscle.

Robert Benson, formerly in the Office of the Comptroller of the Defense Department, indicated where almost $10 billion could be cut, also without affecting the basic strength or security of the country.

We have held detailed hearings into procurement, and especially the procurement of weapons systems where billions upon billions of dollars in overruns exist. The General Accounting Office indicated to my subcommittee last December that the overrun on 38 weapons systems alone was $20 billion. Savings can and must be made here.

I think that sufficiently detailed areas where military spending can be cut have been pointed out in the past so that one need not repeat them here.

The military budget is the only logical place for major cuts in spending. The Pentagon is asking for $71 billion next year. The additional funds for national defense for military assistance, military construction, and atomic energy raise that figure to almost $75 billion.

Of the Federal budget of $200 billion, almost half of it is what the Budget Bureau calls "uncontrollable." That means about $100 billion is composed of social security payments, interest on the national debt, veterans payments, or expenditures such as CCC payments which cannot be cut except by changing the laws of the land.

Of the $100 billion in "controllable" items—what we can cut—$75 billion is for national defense. If there is to be any major cutting of the Federal budget it must be made here.

The logic of the situation calls for cutting the military budget. It is only by cutting back on the military budget that we can stop inflation, stimulate housing, restore some sense of confidence in the business community, and meet even a modicum of the priorities and needs of the civilian economy of the country.

NO REWARDS FOR EXCESSES

Even before the escalation of the war in Cambodia, the military budget was out of control. The military received a disproportionate share of the resources of the country.

Now they will want even more.

But the military budget already contains areas of excesses and unnecessary expenditures. To continue the wastefulness is wrong. To escalate military expenditures is unconscionable.

If the military is intent on additional forays into the jungles and swamps of Asia, let them pay for it out of their existing budget. They must not receive budgetary rewards for their military excesses.

A cut in the military budget is the only means by which we can reduce the budget deficit and pay for the additional expenditures which the Cambodian expedition will generate.

The military excesses are already so great that large cuts can be made without endangering the effectiveness of our forces or the lives of our soldiers. In fact, the fighting strength of this country could be enhanced by stopping the gold plating, increasing the ratio of combat to supply troops, and reforming the entire system of military procurement and supply.

We should cut the military budget. It is no longer just a desirable end. It is now a necessity.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. PROXMIRE. Mr. President, I would be very happy to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I have been concerned about the economy and our present economic problems. However, I cannot really imagine that in a trillion dollar economy, the Cambodian incursions have put a strain on the economy.

The implication of the Senator from Wisconsin is that this incursion is leading to a broadening of the war and involves a great deal more in expenditures. I cannot see that at all. I think the implication is very strong that this is a very short-term situation.

I take the President at face value when he says that we will be out of there by June 30.

I cannot imagine that the expense involved will have a material effect upon the economy if the business community and financial interests recognize that the President will stick to his word. And I do not doubt that for a moment.

So, I do not look upon this as having a materially adverse effect upon the economy. I hope that business leaders and financial leaders will not use this as a reason for saying that the outlook in the future is bleak.

We have some real problems to face. But I do not believe they are caused, other than psychologically, by the incursion into Cambodia.

Mr. PROXMIRE. Mr. President, I appreciate the observations of the Senator from Illinois. He has gone on record, as I understand it, as being against the Cambodian action. Considering the Senator's position that takes great courage.

The Senator from Illinois understands the economy extremely well. He is a member of the joint committee. And he has a brilliant record in business.

We have been through this again and again in Vietnam. We were assured by the President—not President Nixon, but President Johnson—that the costs would not be excessive. They underestimated the costs by $10 billion in 1966. The New York Times called that the economic blooper of the past 10 years. Most people recognize that much of our present inflation was caused by that deficit.

I am not saying that the Cambodian situation will be as bad as that. But once we begin to escalate and as we have done, pour 20,000 troops into Cambodia to back up the South Vietnamese and escalate our bombing, and support the Vietnamese when flotilla costs increase.

I do not want to exaggerate the matter. I think the Senator's remarks are most helpful and help to put the matter in the proper perspective.

But a sharp increase in war costs is something that can happen. We were fooled repeatedly before. We should not be again.

Mr. PERCY. Mr. President, I appreciate the Senator's comments.

It is why I emphasize that there can be a psychological factor. It is why I feel that the action of the Senate is very important at this time.

We do not doubt the word of the President.

I talked face to face Saturday evening with the Secretary of Defense. He assured me that we would be out of there by June 30. I do not doubt his word one bit.

I think, however, that we have the responsibility to take into account the fact that there has been a psychological factor involved.

There may be those who feel that we are broadening the war and getting deeper into the quicksand of Southeast Asia.

Possibly by resolution of the Senate, such as the Cooper-Church amendment, it might be that we could reinforce the belief of the citizens of the country that we will be out of Cambodia by June 30 and that this will not constitute a broadening or a deepening of the war. We do believe what the President had to say.

Mr. PROXMIRE. Mr. President, I think there is possibly nothing that the Senate could do that would give the country greater confidence in the belief that the action in Cambodia would be limited than to pass the Church-Cooper amendment. That would be enormously helpful.

We were not told the truth in the past, or, perhaps I could say, there have been misunderstandings in the past. And until the people get confidence in the fact that we are making an accurate estimate of what our military costs will be, we will be in great trouble with an inflation psychology based on the expansion of more military spending. They will not believe us, and that uncertainty will have adverse consequences.

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

Mr. PROXMIRE. I yield.

Mr. CHURCH. Mr. President, I do not suppose that anyone speaks with greater authority than the senior Senator from Wisconsin when it comes to Government finances. I think he has made a worthy contribution this afternoon by pointing up the impact of this continuing war on the finances of the Government.

President Nixon had no more cherished objective than to balance the budget. And as this war has poisoned the hopes and aspirations of his predecessors before him, so it now poisons the best laid plans of President Nixon.

The war is causing great economic distress in the United States. It is the single most important cause for the inflation which still remains unbridled.

It is the central cause for the failure to which the Senator alludes, Nixon's failure to balance his budget.

It is the cause for the special war taxes that have been laid upon the people, and it doubtlessly accounts for the precipitous slide in the stock market that has so disturbed the entire financial community.

Now, I think from the standpoint of the economy alone, from the fact we have spent over $100 billion on this pointless war, it honestly can be said that never in the history of our country has so much been spent for so little.

I think that the Senator's address today should remind us of how much we are spending, and of our need for defining the outer limits of American participation in a widening Indochina war. The Senator from Wisconsin knows his subject, as shown by the accuracy of the positions he has taken in the past, and the way his own forecasts have been borne out. This gives special weight to his message today. I extend to the Senator my compliments for the timeliness of his address.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Idaho for his comments. He and the distinguished Senator from Kentucky (Mr. COOPER) are leading the fight in the most significant and important debate we have had in the Senate, certainly this year, and perhaps for a long, long time.

Mr. CHURCH. I thank the Senator.

Mr. PROXMIRE. Mr. President, briefly on another subject related to this matter, 176 days ago, on November 22, 1969, I wrote to the Department of Justice asking for an immediate investigation into the firing of A. E. Fitzgerald after he testified before a committee of the Congress.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. Mr. President, I wish to say to the Senator I am not absolutely sure that his statement is germane to the unfinished business that has been laid before the Senate.

Mr. PROXMIRE. I think it is germane but I understand the objection of the Senator from West Virginia. He is very consistent in this matter. He is a good friend of mine. For that reason I will have to find another time of day in which I can make the statement.

Mr. BYRD of West Virginia. If the Senator will assure me the matter is germane I will not question it.

Mr. PROXMIRE. I would prefer to make this statement later.

I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator for his usual courtesy, patience and forbearance. He truly is a dear friend of mine.

Mr. DOLE. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senator's point of order is well taken. The Senate will be in order.

Mr. ERVIN, Mr. President I rise to voice my opposition to the so-called Church-Cooper amendment.

Mr. President, one of America's greatest constitutional authorities and historians, Edward S. Corwin, had the following to say at page 259 of his illuminating book, entitled, "The President—Office and Powers, 1787–1957":

> Actually Congress has never adopted any legislation that would seriously cramp the style of a president attempting to break the resistance of an enemy or seeking to assure the safety of the national forces.

I believe that the Church-Cooper amendment constitutes a recommendation by its proponents that Congress adopt for the first time in the history of our Nation legislation which would seriously cramp the style of the President in attempting to break the resistance of an enemy or seeking to insure the safety of the national forces.

Mr. President, this legislative proposal would undertake to forbid the President or any of his military subordinates in the field to send any American soldier across the boundary line between South Vietnam and Cambodia after its effective date no matter what the conditions might be that existed at that time and no matter how necessary the prohibited action might be at that time to secure the safety of members of our military forces in South Vietnam.

The Cooper-Church proposal and certain other proposals which have been introduced in the Senate attempt to do the impossible, that is, to repeal history and the consequences of history. The Creator of this universe made it impossible for a nation or for an individual to repeal past mistakes. I certainly wish it were possible for me to repeal the mistakes I have made in the past. I can assure the Senate that if I had this power, I would have one of the most unblemished records ever possessed by any man since the angels sang together for glory at the creation.

All that a nation can do and all that an individual can do in reference to past mistakes is to take the wisest action under existing circumstances to minimize to the highest possible degree the consequences of those mistakes.

I think it would be of interest to the Senate for me to review the history of the events which led to our present involvement in Southeast Asia. Prior to the Second World War, which began on September 1, 1939, France exercised political power through the mechanism of colonies and protectorates over those portions of Southeast Asia which were then known as Indochina and which are now known as Cambodia, Laos, North Vietnam, and South Vietnam.

During the Second World War, the Japanese occupied parts of these lands with their military forces, ousted the French, and set up nationalist puppet governments. On August 19, 1945, after the bombing of Hiroshima, however, the Japanese withdrew from this area. Thereupon, a nationalist party, the Viet-minh, which had been organized in China during the war by the veteran Communist, Ho Chi Minh, seized power at Hanoi, declared their country to be independent, and undertook to set up governing committees of Communists throughout Vietnam.

Shortly thereafter the French returned to the scene, occupied various posts in Vietnam with their military forces, and undertook to resume their control of the country by negotiating an agreement with Ho Chi Minh, the leader of the Viet Minh, to make Vietnam "a free state forming part of the Indochina Federation and of the French Union."

Being unable to work out the details of the proposed agreement with Ho Chi Minh, the French took measures on November 23, 1946, to end the smuggling of arms by Communist powers to the Viet Minh through the port of Haiphong, and a bitter and bloody war ensued between the French and the Viet Minh.

On March 8, 1949, France and Bao Dai, former emperor of the part of Vietnam known as Annam entered into an agreement setting up the Associated State of Vietnam within the French Union with Bao Dai, the head of the new regime, and a Vietnamese army to fight beside the French forces. By this agreement, France undertook to grant nominal independence to Vietnam while keeping control of the country.

During the next year—that is, 1950—President Harry S. Truman granted recognition to the newly created "Associated State of Vietnam." The United States was induced to take this step and to make substantial contributions toward financing the French war effort in Vietnam because it was convinced that France was fighting to contain the outward thrust of communism.

It is worthy of mention that the Congress of the United States apparently shared this conviction of President Truman, because it made appropriations to assist in financing the military actions of the French in Southeast Asia.

Early in 1954 the Viet Minh besieged the French fortress of Dienbienphu, and France sought military air support from the United States. American congressional leaders frowned upon this request, and Secretary of State John Foster Dulles undertook to ascertain whether Britain would join the United States in aiding the French militarily. Britain refused to do this, but persuaded Russia to join it in calling a general conference on the Far East.

This conference met in Geneva, Switzerland, April 26, 1954.

While the conference was sitting, namely, on May 7, 1954, the French forces suffered a devastating defeat at the hands of the Viet Minh, who captured the fortress of Dienbienphu and 10,000 prisoners.

As a consequence, France became reconciled to the acceptance of any face-saving agreement which would enable it to withdraw totally from Vietnam without surrendering all of it to Ho Chi Minh and the Viet Minh.

The result was that on July 21, 1954, the parties directly involved in the fighting in Southeast Asia agreed to an armistice based upon terms stated in the Geneva accords.

The Geneva accords provided for these conditions:

First, division of Vietnam—the most populous of the three states of Indochina—along the 17th parallel, with control of the northern half going to the Viet Minh while the French-supported regime of the Bao Dai retained the south.

Second, free movement of Vietnamese civilians between north and south.

Third, elections within 2 years to establish a single government, or at least

to permit the people of North and South Vietnam to determine whether a single government should be established.

Fourth, neutralization of the states of Cambodia and Laos; and

Fifth, supervision of the terms of the agreements by commissions composed of representatives from India, Poland, and Canada.

Ho Chi Minh was persuaded to accede to the Geneva accords by his conviction that they would remove from South Vietnam any military force strong enough to offer effective resistance to the Viet Minh and the hope that the Communists could take over South Vietnam by winning the proposed election in 1956.

The United States did not accept the Geneva accords, but took the position that it would not interfere with the carrying out of their spirit.

The United States declared, however, that it "would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security."

Largely as a result of the efforts of John Foster Dulles, the Secretary of State of the United States, the Southeast Asia Collective Defense Treaty, which is commonly called SEATO, was signed at Manila on September 8, 1954, by the United States, Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines.

On February 1, 1955, the Senate ratified the SEATO Treaty by a vote of 82 to 1. The dissenter, and the only dissenter, was Senator William Langer of North Dakota.

The SEATO agreement is set forth in full on pages 114 through 118 of a publication prepared at the instance of the Senate Committee on Foreign Relations. This is the fifth revised edition of a publication entitled "Background Information Relating to Southeast Asia and Vietnam," published in March 1969. I ask unanimous consent that the SEATO Treaty as set forth on those pages of that publication be printed in the RECORD at this point.

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

SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY AND PROTOCOL THERETO, SEPTEMBER 8, 1954[1]

The Parties to this Treaty,

Recognizing the sovereign equality of all the Parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all governments,

Reaffirming that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

Desiring to strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law, and to promote the economic well-being and development of all peoples in the treaty area,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the Parties stand together in the area, and

Desiring further to coordinate their efforts for collective defense for the preservation of peace and security,

Therefore agree as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

ARTICLE II

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of governments toward these ends.

ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

ARTICLE V

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the treaty area may from time to time require. The Council shall be so organized as to be able to meet at any time.

ARTICLE VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagements in conflict with this Treaty.

ARTICLE VII

Any other State in a position to further the objectives of this Treaty and to contribute to the security of the area may, by unanimous agreement of the Parties, be invited to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the Parties of the deposit of each such instrument of accession.

ARTICLE VIII

As used in this Treaty, the "treaty area" is the general area of Southeast Asia, including also the entire territories of the Asian Parties, and the general area of the Southwest Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the treaty area the territory of any State acceding to this Treaty in accordance with Article VII or otherwise to change the treaty area.

ARTICLE IX

1. This Treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that government to the other signatories.

2. The Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The Treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

ARTICLE X

This Treaty shall remain in force indefinitely, but any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other Parties of the deposit of each notice of denunciation.

ARTICLE XI

The English text of this Treaty is binding on the Parties, but when the Parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the Parties.

Understanding of the United States of America

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

In witness whereof, the undersigned Plenipotentiaries have signed this Treaty.

Done at Manila, this eighth day of September, 1954.

For Australia:
R. G. Casey
For France:
G. La Chambre

[1] 6 UST 81; Treaties and Other International Acts Series 3170.

For New Zealand:
Clifton Webb
For Pakistan:
Signed for transmission to my Government for its consideration and action in accordance with the Constitution of Pakistan.
Zafrulla Khan
For the Republic of the Philippines:
Carlos P. Garcia
Francisco A. Delgado
Tomas L. Cabili
Lorenzo M. Tañada
Cornelio T. Villareal
For the Kingdom of Thailand:
Wan Waithayakon Krommun Naradhip Bongsprabandh
For the United Kingdom of Great Britain and Northern Ireland:
Reading
For the United States of America:
John Foster Dulles
H. Alexander Smith
Michael J. Mansfield

I certify that the foregoing is a true copy of the Southeast Asia Collective Defense Treaty concluded and signed in the English language at Manila, on September 8, 1954, the signed original of which is deposited in the archives of the Government of the Republic of the Philippines.

In testimony whereof, I, Raul S. Manglapus, Undersecretary of Foreign Affairs of the Republic of the Philippines, have hereunto set my hand and caused the seal of the Department of Foreign Affairs to be affixed at the City of Manila, this 14th day of October, 1954.

RAUL S. MANGLAPUS
Undersecretary of Foreign Affairs.

Protocol to the Southeast Asia Collective Defense Treaty

DESIGNATION OF STATES AND TERRITORY AS TO WHICH PROVISIONS OF ARTICLE IV AND ARTICLE III ARE TO BE APPLICABLE

The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol to the Southeast Asia Collective Defense Treaty.

Done at Manila, this eighth day of September, 1954.

Mr. ERVIN. Article IV of the SEATO agreement provides, in section 1, as follows:

Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

Section 2 of article IV of the SEATO treaty reads as follows:

If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

Section 3 of article IV of the SEATO treaty is in these words:

It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

I digress from reading the SEATO treaty to remark that the treaty provisions make it plain that the territory covered by the treaty embraced Southeast Asia.

When it executed the SEATO treaty, the United States attached to it this understanding:

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

The parties to the SEATO treaty adopted what is called in diplomatic language a protocol, which reads as follows:

The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

The protocol used the term "the free territory under the jurisdiction of the state of Vietnam" to describe and include what we call South Vietnam.

Meanwhile, these things occurred: On September 29, 1954, the Department of State issued a communique concerning conversations had between representatives of France and the United States in respect to Southeast Asia.

This communique is printed in full on pages 118 and 119 in the publication of the Foreign Relations Committee which I have mentioned. I ask unanimous consent that the entire communique, as set forth in such publication, be printed in the RECORD at this point.

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

DIRECT AID TO THE ASSOCIATED STATES
(Communique Regarding Franco-American Conversations, September 29, 1954)

Representatives of the two Governments have had very frank and useful talks which have shown the community of their views, and are in full agreement on the objectives to be attained.

The conclusion of the Southeast Asia Collective Defense Treaty in Manila on September 8, 1954, has provided a firmer basis than heretofore to assist the free nations of Asia in developing and maintaining their independence and security. The representatives of France and the United States wish to reaffirm the support of their Governments for the principles of self-government, independence, justice and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.

The representatives of France and the United States reaffirm the intention of their governments to support the complete independence of Cambodia, Laos, and Viet-Nam. Both France and the United States will continue to assist Cambodia, Laos, and Viet-Nam in their effort to safeguard their freedom and independence and to advance the welfare of their people. In this spirit France and the United States are assisting the Government of Viet-Nam in the resettlement of the Vietnamese who have of their own free will moved to free Viet-Nam and who already number some 300,000.

In order to contribute to the security of the area pending the further development of national forces for this purpose, the representatives of France indicated that France is prepared to retain forces of its Expeditionary Corps, in agreement with the government concerned, within the limits permitted under the Geneva agreements and to an extent to be determined. The United States will consider the question of financial assistance for the Expeditionary Corps in these circumstances in addition to support for the forces of each of the three Associated States. These questions vitally affect each of the three Associated States and are being fully discussed with them.

The channel for French and United States economic aid, budgetary support, and other assistance to each of the Associated States will be direct to that state. The United States representatives will begin discussions soon with the respective governments of the Associated States regarding direct aid. The methods for efficient coordination of French and United States aid programs to each of the three Associated States are under consideration and will be developed in discussions with each of these states.

After the bilateral talks, the chiefs of diplomatic missions in Washington of Cambodia, Laos and Viet Nam were invited to a final meeting to have an exchange of views and information on these matters. The representatives of all five countries are in complete agreement on the objectives of peace and freedom to be achieved in Indochina.

Mr. ERVIN. The communique declared among other things, that the representatives of France and the United States reaffirm the support of their governments for the principles of self-government, independence, justice, and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.

In this statement, the representatives of France and the United States called the SEATO Treaty the Pacific Charter of September 8, 1954.

On October 23, 1954, President Eisenhower sent a letter to the South Vietnamese Premier Ngo Dinh Diem, pledging that the United States would assist the Saigon government in developing and maintaining a strong, viable state, capable of reducing attempted subversion or aggression through military means. The entire letter of President Eisenhower is set forth on pages 119 and 120 of the publication to which reference has heretofore been made, I ask unanimous consent that President Eisenhower's letter, as therein set forth, be printed at this point in the RECORD.

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

AID TO THE STATE OF VIETNAM

(Message From the President of the United States to the President of the Council of Ministers of Vietnam, October 23, 1954)

DEAR MR. PRESIDENT: I have been following with great interest the course of developments in Viet-Nam, particularly since the conclusion of the conference at Geneva. The implications of the agreement concerning Viet-Nam have caused grave concern regarding the future of a country temporarily divided by an artificial military grouping, weakened by a long and exhausting war and faced with enemies without and by their subversive collaborators within.

Your recent requests for aid to assist in the formidable project of the movement of several hundred thousand loyal Vietnamese citizens away from areas which are passing under a *de facto* rule and political ideology which they abhor, are being fulfilled. I am glad that the United States is able to assist in this humanitarian effort.

We have been exploring ways and means to permit our aid to Viet-Nam to be more effective and we make a greater contribution to the welfare and stability of the Government of Viet-Nam. I am, accordingly, instructing the American Ambassador to Viet-Nam to examine with you in your capacity as Chief of Government, how an intelligent program of American aid given directly to your Government can serve to assist Viet-Nam in its present hour of trial, provided that your Government is prepared to give assurances as to the standards of performance it would be able to maintain in the event such aid were supplied.

The purpose of this offer is to assist, the Government of Viet-Nam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Viet-Nam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Viet-Nam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.

Mr. ERVIN. On November 3, 1954, the White House issued a statement informing the public that President Eisenhower was sending Gen. J. Lawton Collins on a special mission to South Vietnam to determine how the United States could best extend aid to the South Vietnamese Government. This statement is set forth in full on pages 120 and 121 of the publication to which I have made reference. I ask unanimous consent that the entire statement, as therein set forth, be printed at this point in the RECORD.

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

MISSION OF THE SPECIAL U.S. REPRESENTATIVE IN VIETNAM [1]

(Statement issued by the White House, Nov. 3, 1954 [2])

The President on November 3 designated Gen. J. Lawton Collins as Special United States Representative in Viet-Nam with the personal rank of Ambassador, to undertake a diplomatic mission of limited duration. He will coordinate the operations of all U.S. agencies in that country.

General Collins will proceed immediately to Saigon, where he will confer with Ambassador Donald R. Heath prior to the latter's already scheduled return to the United States for reassignment following 4½ years of distinguished service in Indochina. For the duration of this assignment General Collins will relinquish his other duties, including that of U.S. representative on the Military Committee of the North Atlantic Treaty Organization.

Since the conclusion of hostilities in Indochina, the U.S. Government has been particularly concerned over developments in Viet-Nam, a country ravaged by 8 years of war, artificially divided into armistic zones, and confronted by dangerous forces threatening its independence and security.

The U.S. Government is fully aware of the immense tasks facing the Government of Viet-Nam in its effort to achieve solidarity, internal security, and economic rehabilitation. The United States has already played an important role in the evacuation of hundreds of thousands of refugees from Communist rule in North Viet-Nam.

Moreover, as the President told Prime Minister Ngo Dinh Diem in his letter of October 23d, U.S. representatives in Viet-Nam have been instructed to consider with the Vietnamese authorities how a program of American aid given directly to Viet-Nam can best assist that country. General Collins will explore this matter with Prime Minister Ngo Dinh Diem and his Government in order to help them resolve their present critical problems and to supplement measures adopted by the Vietnamese themselves.

In executing his temporary mission, General Collins will maintain close liaison with the French Commissioner General, Gen. Paul Ely, for the purpose of exchanging views on how best, under existing circumstances, the freedom and welfare of Viet-Nam can be safeguarded.

(A national referendum on October 23, 1955 deposed Bao Dai, former Emperor and since March 7, 1949, head of state of Vietnam,who had lived mostly abroad. On October 26, Diem became first President of South Vietnam and proclaimed a Republic.)

RECOGNITION OF THE NEW CHIEF OF STATE OF VIET-NAM

Statement by the Department of State, October 26, 1955 [3]

On October 20, the Government of Viet-Nam sent the following communication to the American Embassy at Saigon:

"The Ministry of Foreign Affairs has the honor to inform the United States Embassy that by referendum October 23 the Vietnamese people have pronounced themselves in favor of the deposition of Bao Dai and have recognized President Diem as Chief of State. It is hoped that the Government of the United States will continue as in the past, to entertain diplomatic relations with the new Government of the State of Viet-Nam."

U.S. Ambassador G. Frederick Reinhardt, under instructions, has replied as follows:

"The Government of the United States looks forward to maintaining with the new Government of Viet-Nam the same cordial and friendly relations which have in the past so happily existed between the two governments."

The United States affirms its intention to maintain friendly relations with the Government of Viet-Nam. We are glad to see the evolution of orderly and effective democratic processes in an area of Southeast Asia, which has been and continues to be threatened by Communist efforts to impose totalitarian control.

Mr. ERVIN. Pursuant to recommendations made to him by Gen. J. Lawton Collins as a consequence of this special mission, President Eisenhower set up a military advisory group in Saigon in 1955. This military advisory group, which originally was composed of 327 American officers and enlisted men, was gradually increased, prior to the inauguration of President Kennedy, to 685 American military advisers and enlisted men.

On November 20, 1955, a national referendum deposed Bao Dai, the former emperor of Annam and head of the state of Vietnam, who had lived mostly abroad. Three days later, Ngo Dinh Diem because the first president of South Vietnam and proclaimed it a republic. The State Department of the United States immediately recognized the new Government of South Vietnam.

Diem refused to acquiesce in the holding of the elections to unify Vietnam, and the United States supported him in this stand. Diem took this action because Ho Chi Minh and the Viet Minh would not come to any satisfactory agreement on methods to supervise the election which would enable the Vietnamese people to make a free choice.

On June 1, 1956, Walter S. Robertson, who was the Assistant Secretary of State for Far Eastern Affairs, issued a statement of the policy of the United States in respect to Vietnam, which is set forth on pages 122 to 125 of the publication to which I have previously made reference. I ask unanimous consent that this statement of Assistant Secretary of State Robertson be printed at this point in the RECORD.

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

UNITED STATES POLICY WITH RESPECT TO VIETNAM: ADDRESS BY THE ASSISTANT SECRETARY OF STATE FOR FAR EASTERN AFFAIRS, WASHINGTON, JUNE 1, 1956 [1]

(This address by Assistant Secretary of State Robertson restated American policy and was delivered at a time of relative stability in South Vietnam.)

This past March, I had the pleasure of accompanying the Secretary of State on his visit to Saigon where we conversed with President Diem on the present and future problems of Viet-Nam. I was struck, as so many other recent observers have been, at the progress Free Viet-Nam has made in a few short months toward stability, security, and strength. President Diem seemed to reflect this progress in his own person. On the occasion of our earlier visit some 15 months ago, he seemed tense and gravely concerned about the problems facing Viet-Nam. This time he was reposed, poised, and appeared confident of the future of his country.

Among the factors that explain the remarkable rise of Free Viet-Nam from the shambles created by 8 years of murderous civil and international war, the division of the country at Geneva and the continuing menace of predatory communism, there is in the first place the dedication, courage, and

[1] Gen. J. Lawton Collins.

[2] Department of State *Bulletin*, Nov. 22, 1954, pp. 777–778.

[3] Department of State Bulletin, Nov. 7, 1955, p. 760.

[1] Department of State press release No. 289, May 31, 1956 (also printed in the Department of State *Bulletin*, June 11, 1956, pp. 972–974). This address by the Assistant Secretary of State for Far Eastern Affairs, Walter S. Robertson, was delivered before the American Friends of Viet-Nam, meeting at the Willard Hotel in Washington.

resourcefulness of President Diem himself. In him, his country has found a truly worthy leader whose integrity and devotion to his country's welfare have become generally recognized among his people. Asia has given us in President Diem another great figure, and the entire free world has become the richer for his example of determination and moral fortitude. There is no more dramatic example of this fortitude than President Diem's decisions during the tense and vital days of the battle against the parasitic politico-religious sects in the city of Saigon in the spring of 1955. These decisions were to resist the multiple pressures to compromise that were building up around him, and to struggle to the victorious end for the sake of a just cause. The free world owes him a debt of gratitude for his determined stand at that fateful hour.

Consider Viet-Nam at three stages in its recent history:

First, in mid-1954, partitioned by fiat of the great powers against the will of the Vietnamese people, devoid of governmental machinery or military strength, drifting without leadership and without hope in the backwash of the defeat administered by the combined weight of Communist-impressed infantry and of Chinese and Russian arms.

Secondly, in early 1955, faced with the military and subversive threat of the Communists north of the 17th parallel, confronted with internal strife, its government challenged by the armed, self-seeking politico-religious sects, its army barely reformed and of uncertain loyalty, assailed from within by the most difficult problems, including that of having to absorb the sudden influx of three-quarters of a million refugees who would rather leave their ancestral lands and homes than suffer life under Communist tyranny:

And finally Viet-Nam today, in mid-1956, progressing rapidly to the establishment of democratic institutions by elective processes, its people resuming peaceful pursuits, its army growing in effectiveness, sense of mission, and morale, the puppet Vietnamese politicians discredited, the refugees well on the way to permanent resettlement, the countryside generally orderly and calm, the predatory sects eliminated and their venal leaders exiled or destroyed.

Perhaps no more eloquent testimony to the new state of affairs in Viet-Nam could be cited than the voice of the people themselves as expressed in their free election of last March. At that time the last possible question as to the feeling of the people was erased by an overwhelming majority for President Diem's leadership. The fact that the Viet Minh was unable to carry out its open threats to sabotage these elections is impressive evidence of the stability and prestige of the government.

The United States is proud to be on the side of the effort of the Vietnamese people under President Diem to establish freedom, peace, and the good life. The United States wishes to continue to assist and to be a loyal and trusted friend of Viet-Nam.

Our policies in Viet-Nam may be simply stated as follows:

To support a friendly non-Communist government in Viet-Nam and to help it diminish and eventually eradicate Communist subversion and influence.

To help the Government of Viet-Nam establish the forces necessary for internal security.

To encourage support for Free Viet-Nam by the non-Communist world.

To aid in the rehabilitation and reconstruction of a country and people ravaged by 8 ruinous years of civil and international war.

Our efforts are directed first of all toward helping to sustain the internal security forces consisting of a regular army of about 150,000 men, a mobile civil guard of some 45,000, and local defense units which are being formed to give protection against subversion on the village level. We are providing budgetary support and equipment for these forces and have a mission assisting the training of the army. We are also helping to organize, train, and equip the Vietnamese police force. The refugees who have fled to South Viet-Nam to escape the Viet Minh are being resettled on productive lands with the assistance of funds made available by our aid program. In various ways our aid program also provides assistance to the Vietnamese Government designed to strengthen the economy and provide a better future for the common people of the country. The Vietnamese are increasingly giving attention to the basic development of the Vietnamese economy and to projects that may contribute directly to that goal. We give our aid and counsel to this program only as freely invited.

I do not wish to minimize the magnitude of the task that still remains and of the problems that still confront this staunch and valiant member of the free world fighting for its independence on the threshold of the Communist heartland of Asia.

The Communist conspiracy continues to threaten Free Viet-Nam. With monstrous effrontery, the Communist conspirators at Hanoi accuse Free Viet-Nam and its friends of violating the armistice provisions which the Vietnamese and their friends, including ourselves, have scrupulously respected despite the fact that neither the Vietnamese nor ourselves signed the Geneva Accords while they, the Communists who have solemnly undertaken to be bound by these provisions, have violated them in the most blatant fashion.

The facts are that while on the one hand the military potential of Free Viet-Nam has been drastically reduced by the withdrawal of nearly 200,000 members of the French Expeditionary Corps and by the reduction of the Vietnamese Army by more than 50,000 from the time of the armistice to the present as well as by the outshipment from Viet-Nam since the cessation of hostilities of over $200 million worth of war equipment, we have on the other hand reports of steady constant growth of the warmaking potential of the Communists north of the 17th parallel.

Our reports reveal that in complete disregard of its obligations, the Viet Minh have imported voluminous quantities of arms across the Sino-Viet Minh border and have imported a constant stream of Chinese Communist military personnel to work on railroads, to rebuild roads, to establish airports, and to work on other projects contributing to the growth of the military potential of the zone under Communist occupation.

As so eloquently stated by the British Government in a diplomatic note released to the press and sent to Moscow in April of this year, and I quote:

"The Viet Minh army has been so greatly strengthened by the embodiment and reequipment of irregular forces that insead of the 7 Viet Minh divisions in existence in July 1954 there are now no less than 20. This striking contrast between massive military expansion in the North and the withdrawal and reduction of military forces in the South speaks for itself."

By lies, propaganda, force, and deceit, the Communists in Hanoi would undermine Free Viet-Nam, whose fall they have been unable to secure by their maneuverings on the diplomatic front. These people, whose crimes against suffering humanity are so vividly described in the book by Lt. Dooley who addressed you this morning, have sold their country to Peiping. They have shamelessly followed all the devious zigzags of the Communist-bloc line so that their alliance with Communist China and the Soviet Union is firmly consolidated. These are the people who are now inviting President Diem to join them in a coalition government to be set up through so-called "free elections."

President Diem and the Government of Free Viet-Nam reaffirmed on April 6 of this year and on other occasions their desire to seek the reunification of Viet-Nam by peaceful means. In this goal, we support them fully. We hope and pray that the partition of Viet-Nam, imposed against the will of the Vietnamese people, will speedily come to an end. For our part we believe in free elections, and we support President Diem fully in his position that if elections are to be held, there first must be conditions which preclude intimidation or coercion of the electorate. Unless such conditions eixst there can be no free choice.

May those leaders of the north in whom the spirit of true patriotism still survives realize the futility of the Communist efforts to subvert Free Viet-Nam by force or guile. May they force the abandonment of these efforts and bring about the peaceful demobilization of the large standing armies of the Viet Minh. May they, above all, return to the just cause of all those who want to reunify their country in peace and independence and for the good of all the people of Viet-Nam.

Mr. ERVIN. This statement declared, among other things, that the policies of the United States "in Vietnam may be simply stated as follows":

To support a friendly non-Communist government in Viet-Nam and to help it diminish and eventually eradicate Communist subversion and influence.

To help the Government of Viet-Nam establish the forces necessary for internal security.

To encourage support for Free Viet-Nam by the non-Communist world.

To aid in the rehabilitation and reconstruction of a country and people ravaged by eight ruinous years of civil and international war.

Our efforts are directed first of all toward helping to sustain the internal security forces consisting of a regular army of about 150,000 men, a mobile civil guard of some 45,000, and local defense units which are being formed to give protection against subversion on the village level.

In 1957, the Communists who had gone to Vietnam from South Vietnam after the division of Vietnam at the 17th parallel, under the Geneva accord, began to return to South Vietnam. They formed the Vietcong and started their military assault on the South.

In 1960, Hanoi declared it would "liberate South Vietnam from the ruling yoke of the U.S. imperialists and their henchmen."

Shortly thereafter, the National Liberation Front was established as a political arm of the Vietcong and it became indisputable that Hanoi was directing the army of Vietcong and supplementing their forces from time to time with North Vietnamese militarily trained men.

In 1961, John Fitzgerald Kennedy succeeded President Eisenhower in the Presidency. President Kennedy sent Vice President Johnson to South Vietnam and on May 13, 1961, Vice President Johnson, who stated that he acted on behalf of President Kennedy, and Diem issued a joint communique which revealed the measures agreed upon by the United States and South Vietnam.

This joint communique appears on pages 128 and 129 of the publication to which I have referred, and I ask unani-

mous consent that the communique be printed, as there set forth, in the RECORD.

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

JOINT COMMUNIQUÉ ISSUED AT SAIGON BY THE VICE PRESIDENT OF THE UNITED STATES AND THE PRESIDENT OF VIETNAM, MAY 13, 1961 [1]

(In view of the worsening situation in South Vietnam, President Kennedy announced on May 5, 1961 that Vice President Johnson would discuss with President Ngo Dinh Diem measures to help the country resist Communist pressures. The joint communique set forth the outcome of these discussions.)

Lyndon B. Johnson, Vice President of the United States, has just completed a visit to the Republic of Viet-Nam, on behalf of President Kennedy and on invitation of President Ngo Dinh Diem.

The enthusiastic welcome he received in Viet-Nam reflected a deep sense of common cause in the fight for freedom in Southeast Asia and around the world.

This recognition of mutual objectives resulted in concrete understandings between the Republic of Viet-Nam and the United States.

It is clear to the Government and the people of Viet-Nam and to the United States that the independentce and territorial integrity of Viet-Nam are being brutally and systematically violated by Communist agents and forces from the north.

It is also clear to both Governments that action must be strengthened and accelerated to protect the legitimate rights and aspirations of the people of free Viet-Nam to choose their own way of life.

The two Governments agreed that this is the basic principle upon which their understandings rest.

The United States, for its part, is conscious of the determination, energy and sacrifices which the Vietnamese people, under the dedicated leadership of President Ngo Dinh Diem, have brought to the defense of freedom in their land.

The United States is also conscious of its responsibility and duty, in its own self-interest as well as in the interest of other free peoples, to assist a brave country in the defense of its liberties against unprovoked subversion and Communist terror. It has no other motive than the defense of freedom.

The United States recognizes that the President of the Republic of Viet-Nam, Ngo Dinh Diem, who was recently reelected to office by an overwhelming majority of his countrymen despite bitter Communist opposition, is in the vanguard of those leaders who stand for freedom on the periphery of the Communist empire in Asia.

Free Viet-Nam cannot alone withstand the pressure which this Communist empire is exerting against it. Under these circumstances—the need of free Viet-Nam for increased and accelerated emergency assistance and the will and determination of the United States to provide such assistance to those willing to fight for their liberties—it is natural that a large measure of agreement on the means to accomplish the joint purpose was found in high-level conversations between the two Governments.

Both Governments recognize that under the circumstances of guerrilla warfare now existing in free Viet-Nam, it is necessary to give high priority to the restoration of a sense of security to the people of free Viet-Nam. This priority, however, in no way diminishes the necessity, in policies and programs of both Governments, to pursue vigorously appropriate measures in other fields to achieve a prosperous and happy society.

The following measures, agreed in principle and subject to prompt finalization and implementation, represent an increase and acceleration of United States assistance to the Republic of Viet-Nam. These may be followed by more far-reaching measures if the situation, in the opinion of both Governments, warrants.

First, it was agreed by the two Governments to extend and build upon existing programs of military and economic aid and to infuse into their joint actions a high sense of urgency and dedication.

Second, it was agreed that regular armed forces of the Republic of Viet-Nam should be increased, and that the United States would extend its military assistance programs to include support for an additional number of regular Vietnamese armed forces.

Third, it was agreed that the United States would provide military assistance program support for the entire Vietnamese civil guard force.

Fourth, it was agreed that the two Governments should collaborate in the use of military specialists to assist and work with Vietnamese armed forces in health, welfare and public works activities in the villages of free Viet-Nam.

Fifth, it was agreed that the assistance of other free governments to the Government of the Republic of Viet-Nam in its trouble against Communist guerrilla forces would be welcome.

Sixth, it was agreed that, to achieve the best possible use of available resources, the Vietnamese and the United States, in prosecution of their joint effort against Communist attacks in Viet-Nam, a group of highly qualified economic and fiscal experts would meet in Viet-Nam to work out a financial plan on which joint efforts should be based.

Seventh, it was agreed that the United States and the Republic of Viet-Nam would discuss new economic and social measures to be undertaken in rural areas, to accompany the anti-guerrilla effort, in order that the people of Viet-Nam should benefit promptly from the restoration of law and order in their villages and provinces.

Eighth, it was agreed that, in addition to measures to deal with the immediate Viet-Nam guerrilla problems, the two Governments would work together toward a longer range economic development program, including further progress in the fields of agriculture, health, education, fisheries, highways, public administration, and industrial development.

These longer range plans and programs would be developed in detail after further consideration and discussion.

Their goal would be a Viet-Nam capable of a self-sustained economic growth.

President Ngo Dinh Diem and Vice President Lyndon B. Johnson, on behalf of President Kennedy, established a sense of mutual confidence and respect which both believe essential to fulfillment of their objectives.

[1] Department of State *Bulletin*, June 19, 1961, pp. 956–957.

Mr. ERVIN. Mr. President (Mr. METCALF), toward the end of 1961, President Kennedy and President Diem of South Vietnam exchanged correspondence. This correspondence appears in full on pages 130 through 132 of the publication, made at the instance of the Committee on Foreign Relations, to which I have referred several times, and I ask unanimous consent that the correspondence be printed in the RECORD.

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

EXCHANGES OF MESSAGES BETWEEN PRESIDENT KENNEDY AND PRESIDENT NGO DINH DIEM OF THE REPUBLIC OF VIET-NAM, DECEMBER 14 AND DECEMBER 7, 1961 [1]

(In this exchange of messages, President Kennedy pledged increased assistance to Vietnam's defense effort.)

PRESIDENT KENNEDY TO PRESIDENT DIEM

DECEMBER 14, 1961.

DEAR MR. PRESIDENT: I have received your recent letter in which you described so cogently the dangerous condition caused by North Viet-Nam's efforts to take over your country. The situation in your embattled country is well known to me and to the American people. We have been deeply disturbed by the assault on your country. Our indignation has mounted as the deliberate savagery of the Communist program of assassination, kidnapping and wanton violence became clear.

Your letter underlines what our own information has convincingly shown—that the campaign of force and terror now being waged against your people and your Government is supported and directed from the outside by the authorities at Hanoi. They have thus violated the provisions of the Geneva Accords designed to ensure peace in Viet-Nam and to which they bound themselves in 1954.

At that time, the United States, although not a party to the Accords, declared that it "would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security." We continue to maintain that view.

In accordance with that declaration, and in response to your request, we are prepared to help the Republic of Viet-Nam to protect its people and to preserve its independence. We shall promptly increase our assistance to your defense effort as well as help relieve the destruction of the floods which you describe. I have already given the orders to get these programs underway.

The United States, like the Republic of Viet-Nam, remains devoted to the cause of peace and our primary purpose is to help your people maintain their independence. If the Communist authorities in North Viet-Nam will stop their campaign to destroy the Republic of Viet-Nam, the measure we are taking to assist your defense efforts will no longer be necessary. We shall seek to persuade the Communists to give up their attempts of force and subversion. In any case, we are confident that the Vietnamese people will preserve their independent and gain the peace and prosperity for which they have sought so hard and so long.

JOHN F. KENNEDY.

PRESIDENT DIEM TO PRESIDENT KENNEDY

DECEMBER 7, 1961.

DEAR MR. PRESIDENT: Since the birth, more than six years ago, the Republic of Viet-Nam has enjoyed the close friendship and cooperation of the United States of America.

Like the United States, the Republic of Viet-Nam has always been devoted to the preservation of peace. My people know only too well the sorrows of war. We have honored the 1954 Geneva Agreements even though they resulted in the partition of our country and the enslavement of more than half of our people by Communist tyranny. We have never considered the reunification of our nation by force. On the contrary, we have publicly pledged that we will not violate the demarcation line and the demilitarized zone set up by the agreements. We have always been prepared and have on many

[1] Department of State *Bulletin*, Jan. 1, 1962, pp. 13–14.

occasions stated our willingness to reunify Viet-Nam on the basis of democratic and truly free elections.

The record of the Communist authorities in the northern part of our country is quite otherwise. They not only consented to the division of Viet-Nam, but were eager for it. They pledged themselves to observe the Geneva Agreements and during the seven years since have never ceased to violate them. They call for free elections but are ignorant of the very meaning of the words. They talk of "peaceful reunification" and wage war against us.

From the beginning, the Communists resorted to terror in their efforts to subvert our people, destroy our government, and impose a Communist regime upon us. They have attacked defenseless teachers, closed schools, killed members of our anti-malarial program and looted hospitals. This is coldly calculated to destroy our government's humanitarian efforts to serve our people.

We have long sought to check the Communist attack from the North on our people by appeals to the International Control Commission. Over the years, we have repeatedly published to the world the evidence of the Communist plot to overthrow our government and seize control of all of Viet-Nam by illegal intrusions from outside our country. The evidence has mounted until now it is hardly necessary to rehearse it. Most recently, the kidnapping and brutal murder of our Chief Liaison Officer to the International Control Commission, Colonel Noang Thuy Nam, compelled us to speak out once more. In our October 24, 1961, letter to the ICC, we called attention again to the publicly stated determination of the Communist authorities in Hanoi to "liberate the South" by the overthrow of my government and the imposition of a Communist regime on our people. We cited the proof of massive infiltration of Communist agents and military elements into our country. We outlined the Communist strategy, which is simply the ruthless use of terror against the whole population, women and children included.

In the course of the last few months, the Communist assault on my people has achieved high ferocity. In October they caused more than 1,800 incidents of violence and more than 2,000 casualties. They have struck occasionally in battalion strength, and they are continually augmenting their forces by infiltration from the North. The level of their attacks is already such that our forces are stretched to the utmost. We are forced to defend every village, every hamlet, indeed every home against a foe whose tactic is always to strike at the defenseless.

A disastrous flood was recently added to the misfortunes of the Vietnamese people. The greater part of three provinces was inundated, with a great loss of property. We are now engaged in a nationwide effort to reconstruct and rehabilitate this area. The Communists are, of course, making this task doubly difficult, for they have seized upon the disruption of normal administration and communications as an opportunity to sow more destruction in the stricken area.

In short, the Vietnamese nation now faces what is perhaps the gravest crisis in its long history. For more than 2,000 years my people have lived and built, fought and died in this land. We have not always been free. Indeed, much of our history and many of its proudest moments have arisen from conquest by foreign powers and our struggle against great odds to regain or defend our precious independence. But it is not only our freedom which is at stake today, it is our national identity. For, if we lose this war, our people will be swallowed by the Communist Bloc, all our proud heritage will be blotted out by the "Socialist society" and Viet-Nam will leave the pages of history. We will lose our national soul.

Mr. President, my people and I are mindful of the great assistance which the United States has given us. Your help has not been lightly received, for the Vietnamese are proud people, and we are determined to do our part in the defense of the free world. It is clear to all of us that the defeat of the Viet Cong demands the total mobilization of our government and our people, and you may be sure that we will devote all of our resources of money, minds, and men to this great task.

But Viet-Nam is not a great power and the forces of International Communism now arrayed against us are more than we can meet with the resources at hand. We must have further assistance from the United States if we are to win the war now being waged against us.

We can certainly assure mankind that our action is purely defensive. Much as we regret the subjugation of more than half of our people in North Viet-Nam, we have no intention, and indeed no means, to free them by use of force.

I have said that Viet-Nam is at war. War means many things, but most of all it means the death of brave people for a cause they believe in. Viet-Nam has suffered many wars, and through the centuries we have always had patriots and heroes who were willing to shed their blood for Viet-Nam. We will keep faith with them.

When Communism has long ebbed away into the past, my people will still be here, a free united nation growing from the deep roots of our Vietnamese heritage. They will remember your help in our time of need. This struggle will then be a part of our common history. And your help, your friendship, and the strong bonds between our two peoples will be a part of Viet-Nam, then as now.

NGO DINH DIEM.

THE PRESIDENT
The White House
Washington, D.C.

(This communiqué focused on new joint efforts to accelerate and broaden assistance to the countryside and to support a comprehensive and coordinated counterinsurgency program.)

Mr. ERVIN. Mr. President (Mr. CRANSTON), in his letter to the President of South Vietnam, President Kennedy made the following pledge in accordance with the provisions of the Geneva accords to insure peace in Vietnam:

At that time, the United States, although not a party to the Accords, declared that it "would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security." We continue to maintain that view.

In accordance with that declaration, and in response to your request, we are prepared to help the Republic of Viet-Nam to protect its people and to preserve its independence. We shall promptly increase our assistance to your defense effort as well as help relieve the destruction of the floods which you describe. I have already given the orders to get these programs underway.

The United States, like the Republic of Viet-Nam, remains devoted to the cause of peace and our primary purpose is to help your people maintain their independence. If the Communist authorities in North Viet-Nam will stop their campaign to destroy the Republic of Viet-Nam, the measures we are taking to assist your defense efforts will no longer be necessary.

In 1962, President Kennedy created the U.S. Military Assistance Command in Vietnam, and increased the American military strength in South Vietnam to 10,000 men by the end of the year.

In November of 1963, the Diem regime fell and President Diem was killed. The military situation in South Vietnam subsequently deteriorated.

On August 2, 1964, the U.S. destroyer *Maddox* was cruising in international waters in the Gulf of Tonkin, off the coast of North Vietnam. It was attacked by three North Vietnamese PT boats with torpedoes and gunfire. The State Department thereupon sent a strong protest to North Vietnam, warning that Government that grave consequences would inevitably result from any further military action against U.S. forces.

On August 4, 1964, North Vietnamese PT boats again attacked two U.S. destroyers, and were driven off.

On August 5, 1964, President Johnson sent Congress a special message, urging passage of a joint resolution affirming support of all necessary action to protect our armed forces and to assist nations covered by the SEATO Treaty. He added:

We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area.

Congress began prompt consideration of the requested resolution. The Senate version, Senate Joint Resolution 189, was introduced by Senators RUSSELL of Georgia, FULBRIGHT of Arkansas, Saltonstall of Massachusetts, and Hickenlooper of Iowa, the ranking members of the Senate Armed Services and Foreign Relations Committees.

The House version was introduced by Representatives MORGAN, ZABLOCKI, and Bolton.

On August 6, 1964, the combined Senate Armed Services and Foreign Relations Committees received testimony from Secretary of State Rusk, Secretary of Defense McNamara, and the chairman of the Joint Chiefs of Staff, Gen. Earl Wheeler, and then voted 31 to 1 to report the resolution.

The only dissenter was Senator Wayne Morse of Oregon.

The House Foreign Relations Committee heard testimony of the same witnesses, reporting the resolution by a 29 to 0 vote. On August 7, 1964, the House adopted its version of the resolution, House Joint Resolution 1145, by a rollcall vote of 416 to 0. The Senate then adopted the House version, in lieu of its own, by an 88 to 2 rollcall vote. The two Senate dissenters were Senators Gruening of Alaska and Morse of Oregon.

The President forthwith approved the resolution which, thereupon, became a part of the law of the land.

Mr. President, I propose to make some comments upon the Southeast Asia resolution, commonly known as the Gulf of Tonkin joint resolution, in my subsequent remarks. To maintain the chronology of events in the history of our involvement in Vietnam, however, I ask unanimous consent that the Southeast Asia resolution be printed at this point in the RECORD.

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

SOUTHEAST ASIA RESOLUTION

Whereas naval units of the Communist regime in Viet Nam, in violation of the prin-

ciples of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet Nam has been waging against its neighbors and the nations joined with them in collective defense of their freedom;

Whereas the United States is assisting the peoples of Southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. ERVIN. Mr. President, after the passage of the Southeast Asia resolution, President Johnson, who had succeeded President Kennedy on his tragic death, ordered the bombing of military targets in North Vietnam. This action was pursued with pauses from time to time from that time until March 1968.

In late 1964, the first regular North Vietnamese troops entered the war. While their strength was only about 17,500, by the end of 1965 another 10,000 northern regulars reportedly moved south in January 1966.

History makes it quite clear, however, that from time to time men trained in military skills in North Vietnam had gone south at the instance of Hanoi to join forces with the Vietcong already operating in South Vietnam.

The first U.S. combat troops, 3,500 Marines, went ashore on Vietnam in March 1965. Prior to that time American troops had assisted in the training and in the advising on warfare tactics of the South Vietnamese troops. And some of them had been killed in action while engaged in those tasks.

The American combat forces were gradually increased in strength from the time the 3,500 Marines landed in 1965, and they had been increased during that year to 200,000. Thereafter, they were further increased so that by 1968 there were 540,000 U.S. fighting men in Vietnam.

From time to time, as the American combat troops became involved in the fighting between the South Vietnamese and the North Vietnamese and the Vietcong, it was asserted by many Senators and many others that if the United States would only cease bombing North Vietnam, Hanoi would come to the conference table and negotiate a peaceful settlement of the controversy in Southeast Asia.

In March 1968, President Johnson ordered a limitation of the bombing in the area south of the 20th parallel in the hope that these predictions would come true. This limitation move, which was intended by President Johnson as a peace overture, led to the so-called Paris peace talks which began on May 13, 1968.

In January 1969, President Johnson was succeeded in the Presidency by President Nixon. After President Nixon's inauguration, our military policy began to change, with the word "victory" being replaced by the word "Vietnamization" of the war.

With this change of policy, President Nixon assumed the delicate and difficult task of extricating the United States from the war, while saving South Vietnam from military and political collapse.

President Nixon stated his views with respect to how we can extricate ourselves from South Vietnam in a way which would be consistent with what he deems to be sound principles. As I understand the policies which he has proposed, and is attempting to follow, he is determined, if possible, to secure a negotiated settlement with the North Vietnamese and the Vietcong which will bring an end to the fighting in South Vietnam and lay at rest the various problems existing there in a manner satisfactory to all the people involved. These problems have arisen in Southeast Asia as a result of all these years of fighting which have engulfed that unfortunate portion of this earth.

As I further understand President Nixon's policies, he proposes an alternative course of action for this Nation to pursue in disengaging itself from further combat in Southeast Asia and in extricating our Nation from this war.

This alternative policy, as I understand it, is that in case the United States and South Vietnam are unable to negotiate a satisfactory settlement of the war and all of the problems associated with it, the United States will train the South Vietnamese to such an extent that we can reasonably hope they will be able to defend their own country against aggression from North Vietnam, and we will thereby be enabled to withdraw all of our ground combat forces from South Vietnam and return them to their homes in this country.

Pursuant to these policies 115,000 combat troops have been withdrawn from South Vietnam and returned to America; and the President has announced his purpose, if existing events permit such action, to return another 150,000 combat troops from South Vietnam to America within the next year. So much for the history of our involvement in South Vietnam prior to what may be called the Cambodian exercise.

Before dealing with that subject I wish to say something about charges which have been made and are now being made to the effect that President Johnson and President Nixon have exceeded their constitutional powers in some of the military operations they have undertaken in Southeast Asia. This necessitates a consideration of relevant constitutional provisions.

Section 8 of article I of the Constitution declares that Congress shall have the power to declare war. Section 10 of article I of the Constitution contains a provision that no State shall, without the consent of Congress, engage in war unless actually invaded or "in such imminent danger as will not admit of delay." Section 4, of article IV of the Constitution provides that the United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasions.

Mr. President, the provisions of the Constitution which I have just read make these things clear. First, Congress and Congress alone has the power to declare a national or foreign war; and second, that the United States or even a State may engage in war without waiting for the consent of Congress when the United States or the State so acting is invaded or threatened with imminent invasion.

It seems to me that these propositions are made extremely plain by the words of the Constitution itself. The question which arises in respect of the war powers of the United States is this: Who is to direct the tactical operations of the military forces of the United States when a war is being fought? As I analyze the Church-Cooper amendment it asserts, in effect, that the Congress has some power to direct the actual operations in war of American troops in the theater of operations.

Mr. President, I submit that the Founding Fathers were not foolish enough to place the command of American troops engaged in combat operation in a Congress of the United States which is now composed of 100 Senators and 435 Representatives. I cannot imagine anything that would more nearly resemble bedlam than to have a council of war composed of 100 Senators and 435 Representatives to determine where the enemy is to be attacked or how the defeat of the enemy is going to be undertaken, or how to protect American forces from destruction by an armed enemy.

We have had some historic filibusters in the Senate but the longest of those filibusters would, by comparison, constitute just a few laconic remarks if we were to undertake to have a war council composed of 535 different men with different notions. The Founding Fathers were wiser than that, so they put a provision in the Constitution to determine that the Commander in Chief of the Armed Forces of the United States was not to be the Members of the Senate and the Members of the House of Representatives, and it was not to be the Members of the Senate and Members of the House of Representatives acting in conjunction or in opposition to the President.

To make this plain, the Constitution of the United States declares, in section 2 of article II, that—

The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several states, when called into the actual service of the United States.

To be sure, no President or no power on earth can declare war, that is, put the United States in a national or foreign war, except the Congress of the United States; but after the Congress of the United States declares war, the President of the United States becomes the Commander in Chief of the Armed Forces of the United States and has the power to direct the action and practical operations of those forces in the theater where war is being waged.

This power is usually exercised by the President by way of delegation to militarily trained men. It may be noted, however, that on certain occasions President Washington undertook to direct the forces of the United States himself, as in the case of the Whisky Rebellion, and that President Lincoln on several occasions during the War Between the States undertook to direct, to a more or less limited degree, the actual operations of the Union forces.

I have high admiration and deep affection for those who are proponents of the Church-Cooper amendment, but I cannot escape the abiding conviction that this amendment, if adopted, would represent an attempt upon the part of the Congress of the United States to usurp and exercise, in part at least, the constitutional powers of the President of the United States as the Commander in Chief of our Army and Navy.

The Supreme Court declared, in an early case, *Fleming* v. *Page*, 9 Howard (U.S.) 603, that as Commander in Chief, the President is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer, and subdue the enemy. It goes without saying that the President has the right to employ military forces in the manner he deems most effectual to protect them from destruction by an armed enemy.

The President, of course, has the advantage of the intelligence received by him from the intelligence sources on the scene in South Vietnam. He also has the advantage of the advice of men who have spent their lives studying military matters, and who for that reason are quite competent to give advice and assist in reaching conclusions as to what actual tactical operations should be undertaken at a specific time and at a specific place.

If the Church-Cooper amendment should be adopted by Congress, it would forbid the President from acting as Commander in Chief and it would forbid every military man acting under his command from putting a foot within the borders of Cambodia after the enactment of the amendment, even though such action was necessary to protect the American forces from annihilation. The amendment would also constitute the granting of an assurance by Congress that the North Vietnamese and the Vietcong can use the borders of Cambodia, even against the will of the people of Cambodia, to their hearts' content as sanctuaries for operations against American and South Vietnamese troops and the people of South Vietnam, and that the United States, as far as Congress can prescribe, will not do anything to molest them in such activities, even though such activities would threaten the destruction of American soldiers serving under the flag of our country in that far off corner of the earth to which they have been sent by the President, with the consent of Congress.

Mr. President, when I first rose to speak, I mentioned a book by one of our most distinguished constitutional lawyers and constitutional historians, Edwin S. Corwin, entitled "The President: Office and Powers, 1787–1957." On page 228 of this book, he quoted a statement made on this subject by Alexander Hamilton in Federalist No. 69. I will not trespass upon the time of the Senate to read Alexander Hamilton's entire statement, but I should like to state to the Senate the interpretation placed on that statement by Professor Corwin. Professor Corwin makes this statement on page 228 of his book:

Rendered freely, this appears—

That is, Alexander Hamilton's statement—

to mean that in any war in which the United States becomes involved—one presumably declared by Congress—the President will be top general and top admiral of the forces provided by Congress, so that no one can be over him or be authorized to give him orders in the direction of the said forces; but otherwise he will have no powers that any military or naval commander not also President might not have.

In the succeeding pages of this book, Professor Corwin proceeds to demonstrate that Alexander Hamilton was something of a piker when he said that the President will have no powers that any high military or naval commander not also President might not have.

The succeeding pages of Mr. Corwin's book demonstrate the great extent to which the powers of the President as Commander in Chief of the military forces of this Nation in time of war have been expanded. I would suggest to some of our friends, who are not willing to accord the President the power to direct the actual operation of troops in combat, to read Professor Corwin's book and see how the powers the President as Commander in Chief have been expanded by interpretations placed upon this provision in the Constitution by the Supreme Court in subsequent days and particularly during the First and Second World Wars.

There is nothing obscure in reading Chief Justice Marshall's so well declared statement in the case of Gibson against Ogden:

We should take it for granted, in seeking to interpret the constitution, that the framers of the Constitution used words just as ordinary men do to express their intentions.

Mr. President, let us see what words the framers used in setting out the congressional power to declare war. They said, "Congress shall have the power to declare war."

Now there is no obscure meaning in the word "war." There is no obscure meaning in the word "declare."

Anyone can pick up a dictionary and find that the word "war" means:

A state of open, armed conflict carried on between nations, states, or parties.

He will also find that the word "declare" means—

To state officially or formally, to state with emphasis or authority.

It also means—

To affirm.

Now, Mr. President, I maintain that the Gulf of Tonkin resolution, which is technically known as the Southeast Asia resolution, constitutes a declaration of war in a constitutional sense.

What does that resolution say?

It asserts in its preamble—

Whereas naval units of the Communist regime in Viet Nam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;

That is one of the assertions in the preamble, a preamble passed by both Senate and House with only two dissenting votes.

The next assertion is that—

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet Nam has been waging against its neighbors and the nations joined with them in collective defense of their freedom:

Thus, here in the preamble of the Southeast Asia resolution, the Congress of the United States declares two significant facts. First, that the naval vessels of the United States have been deliberately and repeatedly attacked by North Vietnam's naval forces; and, second, that the attacks were a part of a deliberate and systematic campaign of aggression that North Vietnam is waging against South Vietnam.

Then, after the account of those recitations and those facts, it states:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Mr. President, there is no other way that has ever been devised by the mind of man to repel an armed attack except by force. Thus, Congress expressly stated in the first paragraph, following the preamble to the Southeast Asia resolution, that the President was empowered to take all the necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression. Now, "aggression" as mentioned in the resolution means the aggression of North Vietnam upon its neighbors and the nations joined with them in collective defense of their freedom.

Section 2 of the resolution states that—

Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective

Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Mr. President, that is strikingly in harmony with the declaration that the United States made when it went to war with Spain in 1898.

On April 20, 1898, after the sinking of the battleship *Maine* in the harbor of Havana, the Congress of the United States passed the following resolution, which every one who has studied the subject admits to being a declaration of war. It is strikingly similar to the Southeast Asia resolution and even contains the same assertion made in the closing paragraph of the Southeast Asia resolution, that the United States has no territorial ambitions:

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of the Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished to leave the government and control of the island to its people.

Let us see what it takes to declare war. A very learned scholar, W. Taylor Reveley, III, wrote an interesting article which appeared in the Virginia Law Journal for November, 1969, entitled, "Presidential War-Making: Constitutional Power or Usurpation."

I read this statement from pages 1283 and 1284:

It seems reasonably clear from proposals made and rejected at the Constitutional Convention, from debates there, subsequent statements by the Framers and from practice in early years that the Drafters intended decisions regarding the *initiation* of force abroad to be made not by the President alone, not by the Senate alone, nor by the President and the Senate, but by the entire Congress subject to the signature or veto of the President.

Mr. President, in other words Mr. Reveley says in substance that the Congress declares war when it authorizes the initiation of the use of the military force of the United States in lands lying outside of the United States. He then adds, on page 1289 the following:

Congressional authorization need not be by formal declaration of war:

In other words, the Congress does not have to pass a resolution saying: "Congress hereby declares war."

Mr. Reveley adds further in the Virginia Law Journal:

"[N]either in the language of the Constitution, the intent of the framers, the available historical and judicial precedents nor the purposes behind the clause" is there a requirement for such formality, particularly under present circumstances when most wars are deliberately limited in scope and purpose. A joint resolution, signed by the President, is the most tenable method of authorizing the use of force today. To be meaningful, the resolution should be passed only after Congress is aware of the basic elements of the situation, and has had reasonable time to consider their implications. The resolution should not, as a rule, be a blank check leaving the place, purpose and duration of hostilities to the President's sole discretion. To be realistic, however, the resolution must leave the Executive wide discretion to respond to changing circumstances. If the legislators wish to delegate full responsibility to the President, it appears that such action would be within the constitutional pale so long as Congress delegates with full awareness of the authority granted.

I am certain that when Congress passed the Gulf of Tonkin joint resolution, it was aware of what authority it was granting to the President of the United States. This is made exceedingly clear by a statement which one of the opponents of the resolution made on the floor of the Senate.

Former Senator Wayne Morse made this statement:

We are, in effect, giving the President of the United States warmaking powers in the absence of a declaration of war. I believe that to be an historic mistake.

Former Senator Morse stated that by passing the Gulf of Tonkin joint resolution Congress was giving to the President warmaking powers. I agree with that statement of former Senator Morse to that extent. But I disagree with the statement that Congress was doing it without a declaration of war, because I contend that the Gulf of Tonkin joint resolution is clearly a declaration of war.

Let us now examine another facet of this situation. When the resolution was under consideration in the Senate, the Senator from Kentucky (Mr. COOPER) put this question to the distinguished Senator from Arkansas (Mr. FULBRIGHT), the floor manager of the Gulf of Tonkin joint resolution:

Mr. COOPER. Does the Senator consider that in enacting this resolution we are satisfying that requirement of Article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?

Mr. FULBRIGHT. I think that is correct.

Mr. COOPER. Then looking ahead, if the President decided it was necessary to use such force as could lead into war we will give that authority by this resolution?

Mr. FULBRIGHT. That is the way I would interpret it.

Mr. FULBRIGHT added:

If a situation later developed in which we thought approval should be withdrawn it could be withdrawn by concurrent resolution.

Mr. President, there are two interesting cases in which the Supreme Court passed on the question of what is a declaration of war. The earliest of these cases is entitled Bas against Tingy, 4 Dallas, page 36. The question involved the rescue of an American vessel and the right to certain compensation. The amount of compensation depended upon whether the rescue was from an enemy. The question arose in this case as to whether or not this American vessel, which had rescued another vessel from the French—who were then giving us a good deal of trouble by seizing vessels on the high seas—was entitled to a high rate of compensation because the rescue occurred in time of war. The Supreme Court unanimously decided that the rescuing ship was entitled to the higher compensation because the rescue occurred during a war between the United States and France.

Now, Congress had never passed any act or any resolution declaring war against France in so many terms, but it had passed laws providing that Americans could seize vessels operated by the French, something in the nature of letters of marque and reprisal. In that case Judge Chase said:

What, then, is the nature of the contest subsisting between America and France? In my judgment, it is a limited, partial war. Congress has not declared war, in general terms; but congress has authorized hostilities on the high seas, by certain persons, in certain cases. There is no authority given to commit hostilities on land; to capture unarmed French vessels, nor even to capture French armed vessels, lying in a French port; and the authority is not given indiscriminately to every citizen of America, against every citizen of France, but only to citizens appointed by commissions, or exposed to immediate outrage and violence. So far it is, unquestionably, a partial war; but, nevertheless, it is a public war, on account of the public authority from which it emanates.

This statement appears on page 43 and clearly recognizes that where Congress authorized certain Americans to carry on hostilities against French vessels that Congress had declared war within the purview of the section of the Constitution vesting in the Congress the power to declare war.

Another case is *Marks* v. *United States*, 161 U.S. 297. I will read the opinion of Justice Brewer on page 301:

As war cannot lawfully be commenced on the part of the United States without an Act of Congress, such an Act is, of course, a formal official notice to all the world, and equivalent to the most solemn declaration.

Now, manifestly when Congress passed the Southeast Asian Resolution, it solemnly declared, in effect, that our naval vessels were being attacked by North

Vietnam, that this attack was part and parcel of the aggression which North Vietnam was inflicting upon South Vietnam, that pursuant to the Constitution, the Charter of the United Nations, and our obligations under the SEATO Treaty, Congress was authorizing the President to take all necessary measures, including the use of armed forces to repel attacks on our ships, and to repel aggression on South Vietnam and the other nations covered by the SEATO Treaty. When Congress declared these things, it was certainly declaring that a state of war existed. Congress was declaring that it consented for the President to initiate hostilities and the use of our Armed Forces in South Vietnam and Southeast Asia. Nothing could be plainer than that.

A study of this very question was made and is set forth in the Notes in the Harvard Law Review for June, 1968, entitled "Congress, the President, and the Power to Commit Forces to Combat." This is a long article and deals with the war powers of Congress and the President. I wish to read a statement from page 1804, in which the writer of the Notes makes this declaration:

> The second section, however, proclaims that "the United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." This rather comprehensive language certainly supports the interpretation given it by the administration that it is a functional equivalent of a declaration of war and as such the President may conduct the war as he sees fit.

I do not see how anything can be plainer than the fact that when Congress adopted the Tonkin Gulf resolution, or the Southeast Asia resolution, as it is sometimes called, it declared war on North Vietnam and authorized the President of the United States to use our Armed Forces to protect the Armed Forces of the United States, and to repel aggression from North Vietnam.

Mr. President, I digress here for a moment to note that a plausible case can be made for the proposition that when Hanoi declared, in 1960, that it would—

> Liberate South Vietnam from the ruling yoke of United States imperialists and their henchmen.

Hanoi declared war upon the United States and upon its forces then stationed in South Vietnam.

This brings us to the question whether or not President Nixon exceeded his constitutional and legal powers when he ordered our Armed Forces in Vietnam to join the South Vietnamese in wiping out the sanctuaries which the North Vietnamese and the Vietcong had established on the borders of Cambodia fronting on South Vietnam.

During his remarks which will follow my speech, the distinguished Senator from California (Mr. MURPHY) portrays in eloquent language the purpose of this action and the results thus far obtained by this action.

Charges have been made that this was the initiation of a new war. I controvert that charge. This is just the same war with the same enemy. For 5 years the North Vietnamese have been using these sanctuaries along the border of South Vietnam. They have been sallying forth and making attacks, destroying American lives and destroying the lives of South Vietnamese troops and the lives of South Vietnamese civilians, and then running back to the sanctuaries where the United States had been giving them total exemption from the hot pursuit doctrine which prevails in wars.

Cambodia is a neutral country, or has attempted to be a neutral country, but it has been compelled to permit the North Vietnamese and the Vietcong to use these sanctuaries as a base of military operations against U.S. forces and South Vietnamese forces for 5 years.

In my honest judgment, President Nixon, as the Commander in Chief of the American military forces in Vietnam, and as the individual charged above all others with responsibility for protecting the American forces, as far as possible, against unnecessary deaths and wounds, had a perfect, legal right—a perfect constitutional right—to put American troops into action to wipe out these sanctuaries of our enemy in Cambodia along the border of South Vietnam.

Also, President Nixon had a right to do this under international law. International law places upon every neutral country the duty to protect its neutrality, that is, to deny the use of its territory by a belligerent nation as a base for its military operations. If a neutral country is unable to enforce its own neutrality, then, under international law, a belligerent which is being injured by the use of the territory of the neutral nation by an opposing belligerent has a right to enter such territory and take such steps as are reasonably designed to put an end to this unlawful use of the territory of the neutralist nation by the opposing belligerent nation. This is what the United States has done in going into Cambodia.

During previous years, I have received many requests from fine and well-meaning persons that I rise upon the Senate floor and denounce our presence and conduct in South Vietnam as illegal and ourtrageous.

Even if I were sure that these persons had complete possession of all the truth on the subject, I would be reluctant to do this for one reason and incapable of doing it for another.

While I am always ready to participate in efforts to persuade our National Government to pursue wise policies or abandon foolish ones, I am ever reluctant to denounce my country in respect to its contests with foreign foes. This is true because I was nurtured on the brand of patriotism which prompted Senator Crittenden to make this statement while the Mexican War was raging:

> I hope to find my country in the right; however, I will stand by her, right or wrong.

My incapability to stand upon the Senate floor and denounce the United States for its presence and conduct in South Vietnam arises out of this consideration: My action in so doing would lend aid and comfort to North Vietnam and the Vietcong because it would tend to engender in them the belief that America's will to fight is weak and that they will be masters of South Vietnam if they prolong the war and slay more Americans.

I think that the Church-Cooper amendment is unconstitutional, in that it attempts to have Congress usurp and exercise some of the powers to direct the military forces in the theater of operations which belong, under the Constitution, to the President of the United States.

But apart from any question of constitutionality and any question of legality, I would say that we should remember what St. Paul said in I Corinthians chapter 10, verse 23:

> All things are lawful for me, but all things are not expedient: all things are lawful for me, but all things edify not.

My dictionary informs me that the word "edify" means "to instruct or enlighten so as to encourage moral and spiritual improvement."

I do not think it would encourage moral or spiritual improvement, and therefore it would not edify, for the Congress of the United States to pass a resolution which would tend to destroy the last hope we have of achieving a just and lasting peace in South Vietnam by negotiations now being carried on in Paris between the representatives of the United States and the representatives of the South Vietnamese Government with the representatives of North Vietnam and the Vietcong or the National Liberation Front.

The passage of a resolution of this character would say to them that the United States, in effect, has lost the will to carry on, and that they can take over everything there after we depart, which will be soon. That is the inference they will draw from it.

I think it would not be edifying for the Congress of the United States to say that American troops cannot put a foot across the borders of Cambodia to destroy sanctuaries of the enemy, but that the enemy, as far as Congress is concerned, can use those areas as sanctuaries from which to make sudden surprise attacks upon American soldiers.

I think that the country is in no mood to seek a military victory in South Vietnam, and for that reason it should undertake to withdraw in a sound and sensible manner—in a manner which would make that area we have been trying to protect as safe as possible from our enemy, and in a way which would contribute to future peace and security.

I remember, between the First and the Second World Wars, when Hitler and Mussolini came to power in Germany and Italy. They began to rattle their sabers. Americans did not want to be involved in another world war, as they had been involved in the First World War; so they decided that they would contrive some way to make certain that we would not be involved in another world war if Hitler and Mussolini saw fit to plunge the world into darkness again. So Congress passed the Neutrality Act. It passed that

act with good motives; it passed it with the desire to keep America out of any new world war.

The Neutrality Act declared that we would be neutral, that we would not assist any nation, even though it was fighting for its ultimate liberty, and that we would not even furnish any supplies to help a nation fighting for its liberty against Hitler or Mussolini with our material of war unless that nation came here, in its own ships, and paid us cash on the barrelhead for those materials.

That act was passed with good motives. It was passed to keep us from becoming involved in another world war. But it was exactly what Hitler and Mussolini were looking for, that is, having the assurance from Congress that Europe could go hang so far as the United States was concerned. After passage of that act, Hitler and Mussolini believed that they could extinguish the liberties of the peoples of Europe, and they need not fear the intervention of the United States.

Hitler and Mussolini went to war, and the declarations of the Neutrality Act, which were passed in good faith, with the noble purpose of keeping us out of war, were the things which prompted Hitler and Mussolini to plunge the world into the Second World War; and it contributed, by so doing, to the deaths, the untimely deaths, of millions of helpless men, women, and children.

What will happen if Congress passes resolutions such as the Cooper-Church amendment and tells the enemy, "You can use the sanctuaries to kill our boys," but our boys cannot invade the sanctuaries to protect their own lives? If we pass such resolutions, regardless of whether there has been any peace agreement and regardless of what the conditions are, we will be attempting to repeal history, and thus to repeal past mistakes. It cannot be done. I said at the beginning of my argument that the Creator of the universe made it impossible for either a nation or an individual to repeal its mistakes or the consequences of its mistakes. I think that is undoubtedly true. As the Persian poet said:

The Moving Finger writes; and, having writ,
Moves on: nor all your Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all your Tears wash out a Word of it.

We cannot wash out our involvement in the war. We cannot escape the mistakes of history. We must try to minimize those mistakes.

One of the worst mistakes we could make would be to withdraw from Vietnam without getting a peace treaty or without having the South Vietnamese troops trained to the point that we could reasonably hope that they could defend their own country.

I am in favor of trying to settle this war by negotiation. I am in favor of withdrawing from Vietnam if we can do so in a safe and sound manner. If we cannot come to an agreement by negotiation, then let us train the South Vietnamese troops in order that they might be able to defend their own country. Let us not precipitately flee from South Vietnam to escape from fighting for a moment. It will not contribute to the future peace or the future safety of our country. Instead of doing that, it will be sowing the seeds of future wars of this character.

(The following colloquy occurred during the address by Senator ERVIN, and is printed at this point in the RECORD by unanimous consent.)

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly for a comment?

Mr. ERVIN. Yes; I am delighted to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I think the speech being delivered by the Senator from North Carolina is one of the most important that has been or will be delivered during the course of this debate. We read a good deal in the newspapers and hear from the media that the pending amendment goes to the constitutional powers and prerogatives of the President and the Congress. Certainly that is the question raised, but the Senator from North Carolina has gone directly to the heart of the issue; that is, whether or not the Congress of the United States expects to be able to make military decisions—strategic and tactical decisions—which our Founding Fathers intended should be left to the Commander in Chief.

As the Senator from North Carolina has pointed out today, and as I indicated in my remarks on the floor the other day, it would be perfectly appropriate if a Senator wanted to offer a resolution to declare war. The Constitution does give Congress that power. That would be the appropriate way for any Senator to bring up this question. The Senator from Michigan does not believe it would serve any useful purpose at this stage to debate a declaration of war. We are in the process of moving out of the war and disengaging in our participation——

Mr. ERVIN. If the Senator from Michigan will pardon me, I trust I will be able to demonstrate in a few minutes that we have already declared war.

Mr. GRIFFIN. I will listen with interest to the Senator from North Carolina, but I want to indicate my agreement with the Senator from North Carolina that the amednment that is proposed and pending before the Senate is not confined to the area over which our Founding Fathers intended Congress should exercise judgment.

I want to commend the Senator from North Carolina, who is one of the ablest constitutional lawyers ever to serve in this body. I hope that all Members of the Senate who are not present today will study what he is saying.

Mr. ERVIN. I am deeply grateful to the distinguished Senator from Michigan for his very gracious remarks.

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

Mr. ERVIN. Yes; I am delighted to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I would like to say, first, that I am so grateful to my distinguished friend for going into this matter on the sound constitutional basis to which he addresses himself. I approve completely of what he is saying and what he has said, and I think he is on the soundest possible constitutional ground.

I would like, if I may, though, to say that I think not only is he on sound constitutional ground, not only was the President on sound constitutional ground, but that there were many things in connection with the President's action that justified it which have not, I think, been sufficiently mentioned.

I would like to ask consent of the distinguished Senator from North Carolina, at the end of my comment, to place in the RECORD an editorial by Mr. William Randolph Hearst, Jr., bearing on his recent statements published in newspapers throughout the Nation entitled "Campus Confrontation." I will ask for that at the appropriate time.

I would now like to ask permission to read one paragraph out of that editorial which I think accentuates the fact that the President not only had a constitutional basis for his action, but that he had a very practical basis to support the constitutional action.

For instance, this editorial, which speaks of a speech madc by Mr. Hearst at the California State Polytechnic College, reads in part as follows:

One thing that was made fully clear was my sense of shock, and even amazement, at how many Americans and some of our friends abroad had reacted so critically to President Nixon's decision on Cambodia.

Instantly—from the doves in Congress to the editorial pages of our left of center press—the howl went up that the President was wilfully and unilaterally expanding the war. That we were invading a sovereign nation. That a terrible and costly blunder had been made.

What seemed almost incredible to me was that so much of the criticism was a literal echo of the condemnations which came from Moscow, Peking and Hanoi. Even more discouraging was the spectacle of college presidents giving their blessing to student protest strikes.

To me it was—and continues to be—simply astonishing. Not one of the liberal voices sounding off in Congress and elsewhere made a peep of protest when it was revealed last month that 40,000 Communist troops had invaded Cambodia and were threatening to capture its capital city.

Not one of the voices that I can remember ever said a word about the long-standing Communist violations of Cambodia's neutrality and independence along the southern section of the Ho Chi Minh Trail.

And very few gave the slightest serious consideration to President Nixon's explanation—that he acted to save Cambodia from imminent Red conquest and the need to safeguard his plan to withdraw American combat troops from South Vietnam.

The explanation was virtually ignored. It was as though the protesters were deaf to any explanation; as though they had just been waiting and biding their time for an excuse to renew their attacks on the Vietnam war.

Then, in an additional comment in this same editorial, Mr. Hearst pointed out:

Cambodia had become nothing but a sideways DMZ zone. The Communists had dug in there and were using it as an advance headquarters in which to store their supplies and launch what could easily be an encircling attack on our men in South Vietnam.

When the Reds began their attempted takeover of the whole country, President Nixon—in the interests of protecting our

fighting men—had literally no other military alternative but to break up the enemy emplacements.

Not to have done so would have meant the loss of time needed to complete our Vietnamization of the war. Far worse, it would have left our withdrawing forces wide open to a looming disaster.

Mr. President, I cannot help but feel that the portions of this editorial which I have read, and other portions which will appear in the entire editorial as printed, show not only that there was a constitutional duty upon the President, but that if that duty had been ignored, there was the gravest sort of danger involved upon our troops there in South Vietnam, and upon his good faith effort to withdraw them in accordance with his promises to our country.

I ask my distinguished friend that I may be permitted to have the entire article printed in the RECORD at this point.

Mr. ERVIN. Mr. President, at the request of the Senator from Florida, I ask unanimous consent that the editorial to which he has alluded be printed in the RECORD at this point.

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

CAMPUS CONFRONTATION

(By William Randolph Hearst, Jr.)

SAN SIMEON, CALIF.—In this week when student war protests were erupting at what hopefully will be the peak of such turmoil, my favorite weekly columnist (and I hope yours) had a highly instructive campus experience of his own. It definitely deserves retelling here.

It so happened that long before the news about Cambodia exploded, an invitation was extended and accepted by me to address an audience on May 6 at California State Polytechnic College in nearby San Luis Obispo. I showed up on schedule last Wednesday—with more than a little feeling of trepidation.

As a fairly well known supporter of President Nixon's war policies, I figured I was in for a tough time. At the very least I expected to catch some catcalls and heckling from some of the several hundred students and faculty members waiting to hear me.

By way of background, it should be noted here that Cal Poly, as it is generally called has a remarkable achievement record. Only five years ago it was a relatively small college with an enrollment of about 5,000, whose big extra-curricular interest was in the spectacular rodeos staged by the school.

Today it is a full-fledged state institution with an enrollment of nearly 12,000. Its faculty and staff number more than 1,400. It has schools of agriculture, journalism, applied arts, applied science, engineering and business, among others.

Unlike so many other colleges and universities, the whole academic emphasis is on preparing students for specific practical careers upon graduation. The students begin majoring in the subject of their choice as freshmen, rather than as juniors and have very few opportunities to take what are known elsewhere as elective snap courses in various theories.

This is important, as I hope to show here later. For the moment, try picturing me facing that sea of young faces and wondering what the reaction would be when I started defending a military decision which had caused so much student violence elsewhere.

My informal speech was on world affairs. It was impossible to avoid the controversial issue of recent events in Southeast Asia. So when it came time I waded right in with my fingers crossed.

There is no need to go into much detail on what was said. My views were pretty well outlined in this space last Sunday and most of what I said simply elaborated on that column.

One thing that was made fully clear was my sense of shock, and even amazement, at how many Americans and some of our friends abroad had reacted so critically to President Nixon's decision on Cambodia.

Instantly—from the doves in Congress to the editorial pages of our left of center press—the howl went up that the President was wilfully and unilaterally expanding the war. That we were invading a sovereign nation. That a terrible and costly blunder had been made.

What seemed almost incredible to me was that so much of the criticism was a literal echo of the condemnations which came from Moscow, Peking and Hanoi. Even more discouraging was the spectacle of college presidents giving their blessing to student protest strikes.

To me it was—and continues to be—simply astonishing. Not one of the liberal voices sounding off in Congress and elsewhere made a peep of protest when it was revealed last month that 40,000 Communist troops had invaded Cambodia and were threatening to capture its capital city.

Not one of the voices that I can remember ever said a word about the long-standing Communist violations of Cambodia's neutrality and independence along the southern section of the Ho Chi Minh Trail.

And very few gave the slightest serious consideration to President Nixon's explanation—that he acted to save Cambodia from imminent Red conquest and the need to safeguard his plan to withdraw American combat troops from South Vietnam.

The explanation was virtually ignored. It was as though the protestors were deaf to any explanation; as though they had just been waiting and biding their time for an excuse to renew their attacks on the Vietnam war.

The above were some of the thoughts I gave to my audience. When no boos or catcalls developed, my fingers came uncrossed and I gave them some more.

No matter how you look at it, I said, Vietnam is a bloody mess and there is no question that we miscalculated the tenacity of the enemy in waging a war our forces were never permitted to win. At the root of today's national unrest is frustration over not having the war over and done with by now.

All the same, it was pointed out, Cambodia had become nothing but a sideways DMZ zone. The Communists had dug in there and were using it as an advance headquarters in which to store their supplies and launch what could easily be an encircling attack on our men in South Vietnam.

When the Reds began their attempted takeover of the whole country, President Nixon—in the interest of protecting our fighting men—had literally no other military alternative but to break up the enemy emplacements.

Not to have done so would have meant the loss of time needed to complete our Vietnamization of the war. Far worse, it would have left our withdrawing forces wide open to a looming disaster.

I asked my audience to compare the frustration it felt with the frustration of our military leaders, who have never been permitted to wage a decisive war. I asked a further comparison with the frustration undergone in Paris by our negotiators whose many concessions have led to nothing from the enemy.

I wound up by noting that some of the more virulent war critics had even mentioned the possibility of trying to impeach the President for his decision on Cambodia.

Suppose you had a brother or a father over there in Vietnam, I asked, and he got a bullet in the back from encircling troops based in Cambodia at a time when every effort was being made to bring him home?

If that were to happen—and that's what the Communists were threatening for large numbers of our men—then you can bet your own sweet life there would be an impeachment for real.

So that was the speech.

I want to take this opportunity to personally thank the student body for its courtesy in hearing me out and making academic freedom a living truth. All through it the kids sat attentive and obviously interested. They laughed at my few attempts at humor, applauded in gratifying fashion when I finished, later gathered around to ask many specific questions.

It was hard to believe that even at that time hundreds of other college campuses were either shut down or in utter disorder because of student antiwar demonstrations. Were these a special breed?

Robert E. Kennedy, the president of Cal Poly, and Dale W. Andrews, its academic vice president, offered some explanations which made me conclude that their students in fact are much different from the hell raisers.

They assured me there were many in my audience who also felt strongly against the war. Disorder and the shouting down of unwanted opinions, however, are not the rule of life at Cal Poly.

The stress on practical education for future employment is so dominant that the first thing you see when entering the college is its job placement bureau.

There, all points of view are examined and discussed in an atmosphere of true academic freedom. Their officials said this was not surprising since the whole operation of the college was geared to instruct students who came there solely to learn and prepare themselves for useful careers.

There is a real object lesson here.

Last Wednesday, just a few miles to the north and south of me, the campuses at Santa Barbara, Berkeley, San Francisco and San Jose were erupting in violence or threatening to erupt. The situation was, in fact, so serious that Gov. Reagan wisely ordered a four-day closing of all public colleges and universities in the state.

Who has filled the heads of those students with the ideas which steam them up and cause them so violently to attack their own country, its institutions and leaders?

It's a good question—and part of the answer lies in the fact that too many of our institutions of higher learning are infested with radically minded professors and courses with no constructive purpose.

I am convinced that most college students have too little to do, too few academic challenges from courses that train them for specific careers—especially in their freshmen and sophomore years.

It is high time the system got a top-to-bottom overhauling with Cal Poly as the model.

Mr. HOLLAND. I thank my distinguished friend. I say to my friend that while the essence of his point, his constitutional argument, is so sound, the constitutional question is so much bolstered by the practical need for the exercise of the constitutional power by the facts recited by this editorial and otherwise that it seems to me it makes a case that is completely invincible when approached by those attacking both the President's right of action and the particular action he has taken.

I thank the Senator for yielding.

Mr. MURPHY. Mr. President, will the Senator yield for a comment?

Mr. ERVIN. I am delighted to yield to the Senator from California.

Mr. MURPHY. First of all, I should like to associate myself with the very learned and well-prepared remarks of the Senator with reference to the constitutional conditions with which we are here confronted. I think the distinguished Senator has clarified a great deal of the contrived confusion that has been rampant in the country.

It is of great concern to this Senator that amid the intense objections to the President's decision—which was taken, as my distinguished colleague points out, on the basis of all the intelligence, all the information, and all the knowledge of the experts—we hear very little about the success of this operation.

I have looked as carefully as I can to find the information which I know is available. I have listened to the reports. I hope that my distinguished colleague will permit me, at this point, to suggest that so far, rather than extending or expanding the war, this military operation, this expedition into Cambodia, has in my opinion done more to shorten the war than any other one thing that has happened in 6 years.

I will explain why. In the first place, as of this morning, we had captured 3,305 tons of rice. That is enough to provide man-months of food for 145,420 North Vietnamese soldiers. We have captured 15,763 rockets. We have captured mortar rounds. These are the ones that are extremely troublesome, where they can sneak in at night, set it down, fire five or six rounds, move off with it, and be gone before dawn. This is the one that lately has been hitting hospitals and schools indiscriminately, as part of the system of atrocity that has been used by the North Vietnamese in order to frighten the South Vietnamese into subjugation. Mortar rounds captured, 38,879.

Small arms ammunition captured, 11,502,740. Let us say that one bullet out of 50 hits an American soldier. I think this alone is worth the trip.

I should like to point out that, in keeping with the President's promise, the first group of the ARVN troops, the South Vietnamese who had gone into the southernmost perimeter, had completed their mission, and were moving out as of 3 days ago. I do not understand why we do not hear about this.

Land mines: These are the scourge of the troops. The mines are hidden in the bushes, in the jungle, in the swamps, triggered in all sorts of ways.

They have captured 1,865, almost 2,000, that will not go off and injure and maim Americans and South Vietnamese.

Bunkers destroyed: These are heavily constructed, permanent type bunkers, from which the North Vietnamese had been conducting their entire operation in this area. Bunkers destroyed, as of this morning, 4,651.

This, without question, has been even a greater success than envisioned by those who pleaded, as my distinguished colleague has pointed out, that it was necessary and the immediacy forced it to be done at the moment.

The President's program, based on the weather in that area, will gain us 8 to 9 months in the continuation of the Vietnamization program, so that the good people of South Vietnam will have an opportunity to be trained, armed, and supplied so that they can carry on their own job, which they are perfectly willing to do, once they are given the chance.

The enemy killed in this operation, because of the surprise, because of the logistics, the way it was planned, number 6,945. Prisoners taken, 1,576. Individual weapons captured, over 9,000. This goes on endlessly.

Without question, this is the most successful operation. Those who say, "Well, we don't believe that the President means it when he says they are going to go in, clean up this area, and get out," have no reason to doubt it, no reason whatever. He has promised, and he has kept his word thus far.

I thank my colleague for permitting me the courtesy of putting these figures in the RECORD during his most learned and most noteworthy comments on this subject, because I think that in addition to the studious, carefully prepared approach from the constitutional angle, there is an approach that has to do with the safety, the welfare, and the lives of those who are out there fighting and with the future of those, please God, we will not have to send out to continue this unfortunate struggle.

Mr. ERVIN. I wish to thank the distinguished Senator from California for the fine contribution he has made. He has pointed out, in a very eloquent fashion, the purposes of the operation in Cambodia and the results of that operation to date. He has voiced the hope which we all hope will materialize, that the operation will result in a speedy end to the war and in the sacrifice of fewer American lives.

I join with the Senator from California in thanking the good Lord for the fact that we have been able to take the weapons enumerated by the Senator from California from the hands of the enemy and to make certain that they will never be used to take the life of another American boy.

Mr. MURPHY. I thank my distinguished colleague.

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

Mr. ERVIN. Yes; I am delighted to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I think all of us have been receiving letters from troops fighting in Vietnam, and now in Cambodia. I have had one brought to my attention in the last couple of days, a letter written to one of the young ladies in my office by her boy friend, a sergeant in the 1st Cavalry now in Cambodia, or he was there at the time of writing the letter, which accentuates some of the points just made by my very distinguished friend from North Carolina.

I would like to read a part of the letter. I have seen the letter and compared this part with what I have seen. That is a correct statement of what he says in the letter. I may add that he did not want to go to war. He is a trained artist. He thought of going into the Peace Corps and VISTA, and even thought about going into Canada, and finally decided to take his lot like a good American. When drafted, he was put into the 1st Cavalry, and there is where he is now. This is what he says:

> Now for some strange ideas on the Cambodian thing. I may sound like HAWK, but I seriously think that the offensive into Cambodia is possibly the wisest thing that Nixon has done since he has been in office. I just wish he would start bombing the industrial areas of North Vietnam again. As long as we have to play the game here we might as well play to win. The move into Cambodia should have been made a long time ago. We have been playing war with rules, but we have been the only ones observing most of the rules. Perhaps Nixon has finally called the North Vietnamese's bluff. And perhaps for the first time he has quit worrying so much about his image. Most of the troops in Cambodia are South Vietnamese—that I do know. There are only a few 1st Cav. units there so far.
>
> "It's strange—if I were back in the world and a civilian I would probably be right there yelling and screaming against such a move. Most of the college students are screaming against it because they are just like I was—afraid and not wanting to commit myself to the Army and fighting at all. But when people have been out there in the boonies and are located less than 75 miles from the Cambodian border where the N.V.A. can't be touched but can still bring lots of smoke on us, that's insane. And—if Nixon continues to withdraw troops it will be spreading people thin over areas of operation. So the thing about potential threat to the lives of our troops left after withdrawals is not a joke. For one time I wish that Nixon was being supported by everyone because I feel he has done the right thing.

This from a young man, a trained artist, and not a friend or supporter of President Nixon. It shows so clearly how he, and others like him, feel that the spreading of troops thinner by the withdrawal of troops makes even more dangerous to those left the presence of the sanctuaries a few miles away across the Cambodian border.

I wanted this to appear in the RECORD because it so clearly upholds some of the argument of my distinguished friend from North Carolina, on which I again congratulate him most warmly.

Mr. ERVIN. I thank the Senator from Florida for his contribution. I should like to add that since we became involved in conflict in South Vietnam, I have received hundreds of letters from North Carolina boys serving with our combat forces there. These letters have made me proud. All those that I have received letters from were willing to be there. They were willing to fight for their country. They were willing, if need be, to suffer wounds or to suffer death, without making any inquiry as to whether the policies which took them to Southeast Asia were wise or foolish.

We have the greatest nation on earth. We have a Constitution which gives our citizens the greatest rights on earth, such as the right to freedom of speech, which has been exercised on Capitol Hill by thousands and thousands of people during the past several weeks. We have the right to petition our Government for redress of grievances; and I have been pleased to meet on at least nine occasions with students from North Carolina and other States and listen to their petition for the redress of grievances, which was the exercise of a constitutional right.

But, as I told some of them, the reason we have this great country, the

reason we have this Constitution, the reason we have these great freedoms, the reason we can urge our Government to change its policies, is that in all generations there have been American boys who were willing to wear the uniform of their country and carry the flag of their country and, if need be, to die, in order that this country and these great freedoms might survive. And that is the price which we must pay for the continued existence of this country.

I suppose I would be designated in present-day parlance as "an old square." I still get a thrill when the flag goes by. I still get a thrill when the band plays the Star-Spangled Banner. I still believe that everybody has certain duties to his country, and that one of those duties is, if need be, to bear arms for his country in time of war, whether he thinks the war is right or whether he thinks it is wrong, because that is the condition upon which our country must hold its freedom in the future.

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

Mr. ERVIN. I yield.

Mr. HOLLAND. I just want the RECORD to show here and now that my distinguished friend from North Carolina, as an infantryman in France in World War I, demonstrated just what he is talking about now. He came home with the emblem of heroism placed on his chest by his commander; and he is fighting right now for the same things which impelled him, as a youth from North Carolina, to go to a far-away country and fight for his country's freedom. I commend him for continuing that valiant record.

Mr. ERVIN. I am deeply grateful to my friend from Florida, who won the Distinguished Service Cross in that same war for extraordinary heroism in combat with an armed enemy of the United States.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JORDAN of North Carolina. The Senator has brought out some information in an excellent speech that certainly should mean a great deal in setting forth the facts concerning the problem we are debating. I should like to ask a few questions of the Senator.

Is it not a fact that when Prince Sihanouk was in power, he could not keep the North Vietnamese from coming into his country and occupying portions of it, or he hoped not to be bothered, one way or the other?

He figured that he was not going to bother them and they would not bother him, and he would let them go ahead and build up their fortifications in his country any way they pleased.

Mr. ERVIN. It is a fact that for 5 years prior to the time this incursion was made into Cambodia by the American and South Vietnamese troops, the North Vietnamese and Vietcong had been occupying areas along the border of South Vietnam as a sanctuary from which they came out and made hit-and-run attacks on American and South Vietnamese troops and killed South Vietnamese people.

I do not know of anything that could happen that would be more injurious to the free world than for the United States to withdraw from South Vietnam regardless of the conditions there, or regardless of whether an agreement has been reached or regardless if the Vietnamese are trained sufficiently to defend their own country. I am opposed to any such action which might prompt other nations to believe that America is spiritually swapping Old Glory for a white flag.

Sihanouk professed to be desirous of preserving the neutrality of Cambodia. What his actual practice was, I do not know. But it may be that he was incapable, or his country was incapable, of preventing our enemy from using these sanctuaries. My information is that at the time Sihanouk went to Russia and to Peking, just before he was deposed by the Cambodian Assembly, he had gone to these countries to ask their assistance in getting the North Vietnamese and the Vietcong troops out of his borders. That is what I have been informed. Lon Nol, who succeeded him and has exactly the same title to the office as Sihanouk had, has protested against this invasion of the neutrality of Cambodia by the North Vietnamese and the Vietcong. I think he honestly does not want these sanctuaries used by the enemy of the United States and the enemy of South Vietnam.

Mr. JORDAN of North Carolina. Is it not true that our intelligence and our military officers there knew that munitions of war and supplies of all description were constantly trickling down the Ho Chi Minh Trail and were winding up in the area in which we now find them?

Mr. ERVIN. The United States has known that for 5 years, according to my best recollection. Approximately 5 years ago, General Larson made a public statement to that effect, and he also suggested at that time that our forces should wipe out those sanctuaries.

Mr. JORDAN of North Carolina. We have been bombing some of those trails, where we could catch the trucks in the open, in an attempt to cut off those supplies, but we have not been able to do it because it was not too clear and we did not know about it or could not get to it because of the tremendous amount of supplies in the lower part of the country where they have been able, as the Senator has said, to hide it, without our people having to run back into the sanctuaries——

Mr. ERVIN. The underground bunkers.

Mr. JORDAN of North Carolina. Yes. From the best information that I have, furnished to me by the Senator from California (Mr. MURPHY), we have destroyed 4,651 bunkers——

Mr. ERVIN. Yes.

Mr. JORDAN of North Carolina. But we cannot see them from the air. They are deep underground. They have the most intricate set of fortifications that anyone has ever seen in the world.

On top of that, is it the Senator's feeling—we all, of course, want to get our boys back home as soon as possible——

Mr. ERVIN. Yes, as soon as possible. As soon as we can get them home without endangering their lives, and also by making certain that we are not, thereby, promoting other wars and troubles of the kind we are now enduring, rather than securing peace.

Mr. JORDAN of North Carolina. Right. Figures were presented on the floor today on our forces, counting the South Vietnamese and Cambodians, too, because the Cambodians are now fighting for themselves and getting a decent army going. They recently have retaken one of their biggest cities.

Mr. ERVIN. That is my understanding. Furthermore, I think this effort to wipe out the sanctuaries the enemy has been using on the borders of Cambodia gives reasonable assurance that the South Vietnamese troops will soon be trained to the point that they can defend their own country. Two-thirds of the troops now involved in this engagement are South Vietnamese. Gen. Earle Wheeler, who has served with such distinction as Chairman of the Joint Chiefs of Staff, has given us assurance that the South Vietnamese troops which are operating for the first time, as a division, are giving a good account of themselves.

Mr. JORDAN of North Carolina. Has not our intelligence, through military people over there, established to some extent that if the South Vietnamese, along with our aid, can destroy enough of the equipment now stored in Cambodia, and can kill enough North Vietnamese and Vietcong, it is possible for the Cambodians to defend their own country and not let them get back in there?

Mr. ERVIN. We would hope that, certainly, because they are apparently doing that very thing.

Mr. JORDAN of North Carolina. It has been brought out here on the floor of the Senate today—this was the Friday casualty list—that our forces have killed 6,495 of the enemy, that we have captured 1,576 enemy soldiers, and we are getting a lot of information from them.

In addition, they have captured individual weapons, 9,109, and that includes machineguns and all types of guns used that would have been used to kill our own boys, not theirs.

Mr. ERVIN. I rejoice in the figures that we have captured, approximately 8½ million rounds of small arms ammunition, including ammunition for large-caliber machineguns. A lot of men can be killed with 8½ million rounds of ammunition. I thank the good Lord, as a result of this incursion into Cambodia, that these 8½ million rounds of ammunition will not be used to kill American boys.

Mr. JORDAN of North Carolina. The information I have up to today is that they have captured 11,502,740 rounds of ammunition.

Mr. ERVIN. I knew it was higher than the figure I gave. My figure was based on May 13.

Mr. JORDAN of North Carolina. In addition to that, no army can survive very long without something to eat. Our forces have captured 3,305 tons of rice, which would support the large detachment of soldiers for, I understand, 4 months that they have over there. There is no question about it, this maneuver has done irreparable damage to their forces.

The question I should like to ask the Senator now is—I think I know what his answer will be—but in his opinion, all the damage we have done over there and the supplies and material captured and taken away there, and the other things which have been done in this particular engagement, in the Senator's opinion, will this not shorten the war and bring our boys home quicker?

Mr. ERVIN. I would think so. According to all the information I have from the military who are familiar with the situation, it will certainly prevent the North Vietnamese from mounting a substantial offensive from that area until after the monsoon rains end next November. That will give us that much more additional time to train the South Vietnamese.

Mr. JORDAN of North Carolina. The President said he was going to bring our boys home, 150,000 of them, within a year. He made that statement. In the Senator's opinion, from what has happened so far in this particular venture, will that not make it safer for the soldiers left there?

Mr. ERVIN. Yes. That is shown most clearly to be true by a letter which the distinguished Senator from Florida (Mr. HOLLAND) read a moment ago from a sergeant over there about this affair, in which he pointed out how essential it was for us to destroy the sanctuaries and seize the equipment and supplies of the enemy, in view of the fact that the removal of our troops, as they have been removed and will be removed from South Vietnam, will thin our ranks and render our position more hazardous, temporarily at least.

Mr. JORDAN of North Carolina. In the Senator's opinion, would the North Vietnamese be apt to reach any agreement at the peace table in Paris if they thought we would leave by a certain day?

Mr. ERVIN. They would certainly not. That would be just giving them assurance that it was not necessary for them to try to make any agreement with us.

Mr. JORDAN of North Carolina. They would just sit there and wait.

Mr. ERVIN. Yes; they would just sit there and wait. That would be easy for them. The Orientals are very patient people. Occidentals are impatient people. Patience is one of their virtues and impatience is one of our great weaknesses. In other words, there are many people in this country who want to get our boys out of Vietnam before the sun goes down, despite the fact that that is an impossibility.

The North Vietnamese can simply fold their hands and wait a long time. We started to talk to them on the 13th of May 1968. That is 2 years and 5 days ago, and the only thing we have been able to agree on so far, after great verbal controversy, is the shape of the table that we are to sit around and talk to them about peace.

Mr. HOLLAND. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am delighted to yield to the Senator from Florida.

Mr. HOLLAND. In the event that this resolution is passed, either with a fixed date for removal of our troops from Cambodia in it—and it is not in it at the present time—or with the implicit provision in it that the date fixed by the President himself will be the date for removal, does not the distinguished Senator think that our enemies would put on a rush to get back in there that would be reminiscent of the old Oklahoma land rush days, just as soon as possible, just as soon as that time limit had expired?

Mr. ERVIN. It would certainly be a temptation for them to do so.

Mr. HOLLAND. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to the Senator from Illinois.

Mr. PERCY. If I may make just a quick comment. I have tried to hear as much of the argument propounded by the distinguished Senator from North Carolina, because of my very high regard for his knowledge of these matters. I intend very carefully to study the record of those portions of the discussion that I missed. I would hope to express my views over the period of the next few weeks, on the basic, fundamental question of the war-making powers of Congress versus those of the Presidency.

I did speak on the floor of the Senate on May 14 on this subject, trying to put into the RECORD some of the historical background.

At the suggestion of the distinguished Senator from Delaware (Mr. WILLIAMS), I shall update that material through not only the Presidents I have already mentioned but also the Korean and Vietnam situations. But I would highly value the judgment of the distinguished Senator from North Carolina. I think we have a desire to find, in this very fuzzy area, where we no longer declare war but we do make war, what the respective responsibilities of the Presidency are and what his responsibilities as Commander in Chief are—and we do not wish to infringe upon those responsibilities at all—but also, what are our responsibilities.

And I think that the Senate can be guided greatly by the wisdom and the judgment and the background and the understanding that the distinguished Senator from North Carolina has.

Mr. ERVIN. Mr. President, I think that virtually all Members of the Senate have agreed that the American people would like to extricate themselves from their involvement in Southeast Asia without having to resort to the drastic action of doing so by a military victory.

The question involves the best way to get out of there in such a way as to minimize the loss of life among our men and make it reasonably certain that further conflicts of this kind will not occur.

Mr. PERCY. Mr. President, I concur with the distinguished Senator. I would like to reiterate once again, as I did immediately after the President announced his decision, that in my judgment the President had the full authority and the power of the Constitution, as well as law, for the incursion we made into Cambodia.

It is a question of whether the military advantages offset some of the other problems that have been involving the political, diplomatic, and psychological aspects of the war.

Certainly he had full authority to act as he did in the best interests of the lives he was trying to save and the program of Vietnamization and the steady withdrawal he intends to carry on in accordance with the plans he previously announced.

Mr. ERVIN. Mr. President, I thank the Senator. I have attempted to demonstrate by reference to various authorities that the President did have authority to order the incursion to be made into Cambodia.

I think he is quite within his constitutional powers.

I further think that he was exercising an honest judgment in so doing.

Mr. President, I go further and say that I think, from all the information I have, it was probably a wise move. And I would go further and say that I think the policy he has announced is the safest way to get out of Southeast Asia without doing great injury to the prospects of peace and security in the immediate future.

(This marks the end of the colloquy which occurred during the address by Senator ERVIN and which was ordered to be printed in the RECORD at this point).

TRIBUTE TO SENATOR YOUNG OF NORTH DAKOTA ON HIS BEING AWARDED THE DEGREE OF DOCTOR OF LAWS

Mr. BAKER. Mr. President, yesterday Graceland College conferred upon one of her most distinguished alumni and one of our most distinguished colleagues the doctor of laws degree. For 25 years MILTON YOUNG has served in this body with great ability. I believe that it is altogether fitting that his college bestow upon him this honor for his many years of achievement and outstanding service to his State and country.

I ask unanimous consent that the citation read upon presentation of this award be reprinted in full at this point in the RECORD.

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

CITATION OF MILTON R. YOUNG ON THE OCCASION OF HIS BEING AWARDED THE DEGREE DOCTOR OF LAWS BY GRACELAND COLLEGE, MAY 17, 1970

It was the Nephite King Benjamin who said, "When ye are in the service of your fellow beings, ye are only in the service of your God." Today Graceland College honors a man who has never forgotten that lesson.

Milton R. Young has served his fellow man in elective public office continuously for the past forty-six years, the last twenty-five in the Senate of the United States. Prior to that, he served at different times in both houses of the legislature of North Dakota, on school and township boards. He is now the ranking Republican member of the Senate Appropriations Committee and the second ranking Republican member of the Agriculture and Forestry Committee.

Milton Young is a son of North Dakota. He was born there in 1897, grew up there, farmed the same land his father farmed until he went to the Senate in 1945. The prairies of North Dakota have always been somehow in him. There is something of their openness, something of their ruggedness. He has carried on a long and tireless struggle on behalf of the farm people of the entire na-

tion and is widely recognized as one of the leading authorities on matters of agricultural policy. But he is a man of history and culture also. He counts among his achievements the essential role he played leading to the rennovation of Ford Theater, where Abraham Lincoln was shot.

The alma mater hymn of Graceland calls her sons and daughters to "answer to the hour." You have done that, Senator Young, and Graceland salutes you as among her most distinguished alumni. You have never sought the front pages, but you have carried the burdens long and responsibly. You have kept worthy company with the most distinguished men of our day, yet the man of the soil has remained—direct, honest, responsible. You have served well your state, your nation, your conscience, your God. Graceland College is proud to confer upon you the degree, Doctor of Laws.

DEATH OF LOUISE GOFF REECE

Mr. BAKER. Mr. President, Tennessee has been blessed through its long and illustrious history with women who have been willing and able to assume their share of the responsibility in the development of a great State, struggling to assume its rightful place in a great nation.

Such a woman was Louise Goff Reece of Johnson City.

While she was not a native to Tennessee, there was never a doubt as to her loyalties after she married the distinguished late B. Carroll Reece, one of the outstanding Members of the U.S. House of Representatives from the First Congressional District over a period of 36 years and a former chairman of the Republican National Committee.

On Thursday night, May 14, 1970, Mrs. Reece passed away in Johnson City, and I know that the members of this body, most of whom were acquainted with B. Carroll and Louise Reece, want to join me in expressing deep sympathy to the family and to say a final "well done" to a most deserving couple.

I felt particularly close to this family because my father served with them—with Mr. Reece before his death in 1961 and with Mrs. Reece as she filled out his unexpired term—in the House of Representatives. Because they represented adjoining congressional districts in Tennessee, because the two families visited frequently and were together on many social occasions and because we were friends for most of my life, the end of this era is especially depressing to me.

I should also recall that it was at the wedding of the daughter, Louise to Col. George W. Martens in Johnson City, that I met my wife, Joy. So this death has resulted in a deep sense of sorrow in the Baker family.

Perhaps ironically, then, when I came to the U.S. Senate, I occupied the seat in this great Chamber that once was claimed by Guy Despard Goff, who served the great State of West Virginia ably and well from March 4, 1925, until March 3, 1931. He was the father of this distinguished lady.

Time has claimed another great leader of our country, but the monuments built by Mrs. Reece and this family will never die. Their accomplishments would fill a CONGRESSIONAL RECORD on a normal day and I will not, at this time, attempt to itemize the good that they have done.

I would simply like to say that the world is a better place because of this woman and her family and that, in my view, is the greatest compliment that can be paid.

MOTHER'S DAY, 1970

Mr. BAKER. Mr. President, a number of my constituents have brought to my attention a Mother's Day sermon delivered by Dr. Walter R. Courtenay to his congregation at First Presbyterian Church in Nashville, Tenn. Dr. Courtenay is a distinguished minister and member of the Nashville community and his Mother's Day remarks concern the difficult problems with which we are presently confronted. At the request of my constituents, I ask that this sermon be printed in the RECORD.

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

MOTHER'S DAY 1970—JUDE 1: 17-21

(By Dr. Walter R. Courtenay)

Today is Mothers Day, a day when we speak appreciatively of those who were our first nursery, our first pantry, our first playground, and our first means of transportation.

Whenever we deal with the subject of motherhood, we always confront two problems, first, what mothers should we talk about on a day like this, the young mothers with their little children around them; the not so young, whose teen-age children confuse them with their attitudes and philosophy of life; the still older whose children are now grown, some successes, some failures; or the older mother whose silver hair turns gold in the glow of the after sunset? Every woman who has reached the age of 60 knows the tremendous changes that occur between the birth of the first baby and the time when life is mostly the history of yesterday.

The second problem is that we tend to idealize mothers who are only slightly related to reality. Few mothers achieve the ideal, even as very few fathers, sons and daughters achieve the ideal. Mothers, after all, are persons of flesh and blood. They are people who have vices as well as virtues, weaknesses as well as areas of great strength. But, in the main, the mothers of America have achieved accomplishments that are both high and wholesome. It is because of this that we pause to honor motherhood today. It is well that we do so, and I am pleased to do so, because I remember all too well my own mother and the wonderful girl who became the wonderful mother of my sons.

As we pause to observe Mothers Day we do so in the midst of disturbed conditions throughout our country. The America that I see around me today is completely foreign to the America that I have known all my life. The war in Vietnam goes on with its staggering cost of men and money. The entire nation is shackled to it, and our society is being dragged down and plunged into attitudes and moods that are uncomplimentary to us and which give the world a distorted picture of this land we love.

In all of this, the mothers of all ages and conditions are involved, some having sons and daughters in colleges, some having sons and daughters who this fall will enter college, some having husbands and sons in the armed forces, and some having loved ones on the battlefronts of Asia. Some have sons who may soon have to break away from normal vocations and avocations and learn the arts of brutal war.

Mothers cannot help but be worried as they look out of their windows upon a world that is as jumbled and as messy as a city dump. We cannot blame them for asking the questions, what is ahead for our loved ones, what is ahead for our nation, what is ahead for the world? Are we now doomed to anarchy and a peaceless America? Is there no way, and is there no one, who can alter the stream of events carrying us swiftly toward the rapids and the plunge of the mighty waterfall?

STAGGERING, IRREPARABLE LOSS

Today we cannot avoid thinking of the mothers of the four Kent State students who this past week were killed. Regardless of the factors, their loss is a staggering, irreparable one. We, of course, assume that these youngsters were innocent. We assume that they shouted no obscenities, threw no bottles, rocks or steel slugs, hurled no profanity and insults. We assume that they did not curse the soldiers or patrolmen nor spat upon them. We assume that they were fringe people who understandably gather to observe these absurd displays of temper and terror. Innocent they may have been but they part of that noisy minority group led by hard core radicals from off and from on the campus, who were determined to create a situation that hopefully would end in bloodshed. I agree that bottles, bricks, rocks steel slugs and profanity are not the same as bullets, but they are weapons of offense.

It is to be regretted that the leaders who created the disturbances were not where the action was when young Guardsmen, hearing shots and fearing for their lives, opened fire in self defense. The facts are not all in, and in all probability we will never know the actual facts of what created the death of these students at Kent State. But we can pause on this day to extend our sympathy and our prayers to the mothers of those who died, and the mothers of the young people who were stupid enough to become part of that senseless mob.

BE REALISTIC

Here we must be realistic about campus disturbances. First, they never involve the majority of students. Second, they seldom involve the students who are on the college campus to get an education. Third, the disturbances are rarely spontaneous. They are planned, they are fanned, they are fomented, they are created. Fourth, they are never non-violent. The lighted fuse of a dynamite charge may seem non-violent, but you and I know that that fuse, once lighted, will eventually explode the dynamite. Of course, the leaders on our campuses claim non-violence even while they are collecting the bottles, the rocks and the steel slugs with which to confront the patrolmen and, if necessary, the National Guard. After heads are broken and members of the mob are arrested, naturally they cry out against police and guard brutality, and loudly protest their own innocence.

There is a hard core of anti-order, anti-America radicals on every campus and in every community. Their contribution to America's prosperity, security and peace is nil. Their contribution to America's disunity, disorderliness, and disgraceful conduct is beyond measure. They organize, they incite, they motivate, they spread false rumors, information and charges. They foment alienation and senseless antipathy. They do all they can to arouse the beast in students and to give it liberty. They begin the rallies, and they lead until the action gets too hot. They encourage sabotage and subversion. They draw into their ranks idealistic, impulsive, excitable students who know little of the facts but whose emotions are aflame. Thus, they create a mob and when confrontation comes, the hard core leaders put the idealistic, excitable students in the front ranks of the battle and seek safety for themselves. They are seldom beaten and bruised. They are trained to use others but never to get hurt themselves.

Let it be clearly understood that the organizers, the fomenters, who lead the idealistic, excitable, venturesome students are in no sense representative of their campuses. By any measure, they are not loyal, informed, clear thinking Americans. They are the paid servants of subversive forces. They are the manipulators of situations. They are the managers of chaos. They are anti-America, anti-decency, anti-democracy, anti-justice, anti-free speech, anti-law, anti-authority, anti-church and anti-God.

BUT ONE GOAL

They have but one goal, to so disrupt our normal ways of life that institutions in America cannot function with success. And all of this is blamed on the war in Vietnam.

Let me read part of an editorial that appeared not long ago in the Nashville Banner: "In the 50 years of recorded history history there have not been more than 230 years of peace, and in the relatively brief history of the United States, there have been fewer than 20 years in which one or our armed services has not been engaged in some military operation. Despite these facts, most Americans still cling to the delusion that peace is normal and war is abnormal."

We are in Vietnam because of a solemn and sacred treaty. We are there because the Viet Cong are the paid henchmen of Hanoi, and Hanoi is but the satellite of Moscow and Peking. If the border created by treaty had been honored by Hanoi and her expansionist allies, if the border created by Great Britain, France, Russia, the United States and others, had not been crossed, and if the South Vietnamese people had been left to develop their own way of life as Hanoi and the rest of us had agreed, we would not be in Vietnam today.

And now we are in Cambodia. The adolescent intellectuals in our midst, the critics of our current Administration, and the hard core hirelings of subversive forces have joined ranks to create further division in our midst. Now, we are not fighting Cambodia. We are fighting the same enemy that we have been fighting for five years. The drive to destroy the sanctuaries within Cambodia makes sense. Actually we have not invaded Cambodia. We have invaded communist territory held for the past five years by the Viet Cong and the soldiers of Hanoi. Cambodians have not owned nor controlled this area of their country during the last four or five years. We have invaded Hanoi territory. We have invaded Viet Cong territory. We have not invaded Cambodian territory, and we are not at war with Cambodia. The war has escalated only in the sense that we have finally decided to do what we should have done a long, long time ago.

No one can rejoice over our presence in Asia, least of all the mothers who have husbands and sons in the armed forces in Vietnam. On this Mothers Day I am all too conscious that such mothers are not being honored publicly as they have been in all the other wars that we have fought. Many husbands and sons will never return to these mothers, and many husbands and sons will return but never to a normal way of life again. The tears of such American mothers today are truly salty and their vision has to be misty, and their hearts have to know pain.

MOTHERS DAY 1970

Mothers Day 1970 is a day fraught with danger. Never has our unity been so seriously jeopardized, nor citizen responsibilities held so cheaply. The moral fibre of our people seems flabby in the face of the forces that disrupt law and order, decency and loyalty, fairmindedness and fair delivery. Standards of value long held valid are now trampled in the mud along with the ashes of burned American Flags and hopes. Respect and good manners seem to have evaporated in heat of bad tempers. Vulgarity and cheapness are honored rather than condemned. God and His law mean little as radical students and their idealistic followers seek to jerk the rug of honor and respect from under our feet. Quicksands have been substituted for hard trails, lies for truth, revolution for renewment, and a hog's view of life for that of mature, informed, responsible people.

Nor do many of our leaders in Congress, college and church seek to improve our situation, for they demand the impossible while believing with all their hearts in the improbable. They subsidize and support subversion and arson. They add fuel to the social fires that threaten to destroy us, and not once have I seen a fire extinguisher in the hands of any of them seeking to put out the flames that threaten our land. Students and others who call policemen "pigs" and National Guardsmen "bastards" and "s.o.b.'s" now become angry when a leader in high responsible position refers to certain students as "bums." We have always had bums. They have always been part of our campuses. We have always had bums in our communities. Let's call them what they are, and not quibble about it. We have more on our college campuses today because we have admitted to our campuses people that should never have been admitted in the first place. Many are there for no other purpose than to disrupt the tranquility of the campus, and to bring our institutions to a state of helplessness.

I could believe neither my eyes nor my ears the other morning when a law professor of the University of California stood on a platform and exhorted students to go on with their violence, and concluded his remarks by saying, "We are either going to liberate this country from within, or we will do it from without."

DIFFICULT TO RESPECT

I find it difficult to respect the TV commentators of our national chains who speak of student unrest as if the majority of students were involved, who speak of student riots as if most of the students on the campus were part of the riots. None supports the administration nor the people responsible for law and order in our nation. To me it is most unfortunate that faculty members, congressmen and churchmen join these people to further disturb and disrupt our normal way of life.

I say to you this morning with all the conviction I possess that when dissent becomes descent into ways and words that dishonor the sacred and belie the sensible, it is time for American leaders to take strong action. When mobs feel free to throw bottles and rocks, steel slugs and profanity, not to mention Molotov cocktails, why should they resent the use of our more normal weapons of defense on the part of our policemen and our National Guard? It seems sensible to them to curse, to riot, to burn, and create disorder, but irrational for policemen and guardsmen to defend themselves and the honor and security of our society.

TO THE MOTHERS

To the mothers of this church and community who have tried to do a good job in rearing their children to respect God and their citizenship, and to carry their responsibilities with a real sense of commitment, I tender my sympathy, my encouragement and my prayers. To the mothers of America who are striving to do the same I offer them my help. To the mothers of the slain Kent State students I can only offer my tears and my regrets, my sympathy and my hope for better things. To the mothers whose children have exchanged a heritage of value for a mess of communistic pottage, and a normal faith in the cross for an absurd faith in the hammer, I can only send my sympathy and my encouragement. To the mothers whose husbands and sons and daughters are on the front lines of Vietnam and Cambodia today, I can only remember them in prayer before God that they will have the strength to endure.

This is indeed a strange Mothers Day, but it ought to remind us that emotions are seldom rational, that anarchy destroys but never builds, and that a life or a program that is not built in accordance with the absolute laws of God and the universe cannot long endure.

I hope, therefore, that the events of the past week will motivate us to prevent further deterioration within our nation, and to cancel out the repeats of Kent State. We must do all in our power to rededicate ourselves to the task of character building, of Christian nurture, and of loyal American citizenship. We must dedicate ourselves anew to the creation of American unity and the building of security. We must get on with the church's main task, that of bringing men into a full commitment to Christ to the end that they may then go out into the world to live lives that honor God and elevate the standards of men. We must return to America's major task of making this land of ours the land of the free.

THE ABOLITION OF THE ELECTORAL COLLEGE AND THE DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. BAKER. Mr. President, I have for quite some time advocated the abolition of the electoral college in favor of the direct election of the President and Vice President. I am a cosponsor of the proposed constitutional amendment introduced by the distinguished junior Senator from Indiana (Mr. BAYH) which has recently been reported by the Senate Judiciary Committee. I support this proposal because I believe that the present system is more than a harmless anachronism; it represents a dangerous impediment to the voice of the people, an unnecessary barrier interposed between the voting citizen and the highest office in the land.

A recent editorial from the Memphis Press-Scimitar expresses quite well my views on the need for early Senate action on this proposal, and I ask unanimous consent that it be printed at this point in the RECORD.

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

BY CHOICE OF THE PEOPLE

The Senate Judiciary Committee stalled seven months before it reported to the Senate floor a proposed constitutional amendment to permit the people to elect their president and vice president by direct vote.

The House, in keeping with the overwhelming judgment of the people, approved this amendment last September by a vote of 339 to 70. But the amendment survived the Senate Judiciary Committee this week by a vote of only 11 to 6.

And the present prospect is that the amendment may be subjected to a series of quibbling changes, even filibustered, that it may have a "tough go" to carry the Senate, and that in any case no vote is planned for several weeks.

In essence, this is a simple proposition: the long-obsolete Electoral College, which has and could again elect a president who was not the popular choice, would be abolished. Instead, the people would vote directly for president and vice president.

The Supreme Court has held, again and again, to the "one-man-one-vote" principle, insisting that it applies even to school board and dog catcher elections. Where could this principle be more rightfully applied than to the election of the President of the United States?

The changes to the constitutional amendments which were voted down in the Senate Judiciary Committee, but which probably will be offered again on the Senate floor, indicate a distrust of the people's judgment, of the people's right to make their choice freely and directly.

The House, by its 339–70 vote, showed no such evidence of distrusting the people.

The Senate is not so busy that it couldn't act on this constitutional amendment within days, instead of weeks. All that's necessary is for the Senate leaders to schedule a vote. If it has time, as it did this week, to pass a bill naming a federal building after the late Senator Dirksen (Lord rest his soul) and similar miscellaneous legislation, it certainly can find time speedily to pass a measure going to the heart of the people's right to choose their own president.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE LOWERING OF VOICES IN TIMES OF PUBLIC UNREST

Mr. HANSEN. Mr. President, yesterday the Vice President of the United States urged that the media be among those to lower their voices in these times of public unrest. There have been many examples of name calling, by the media, and of efforts by the media to destroy the faith of the people in their Government.

One of the most flagrant violators has been the Washington Post.

Yesterday was a typical example:

On the first page of the Post's "Outlook" section is an article by Ben Bagdikian.

A large two-column headline over the article is entitled "The Government Is a Crude Liar."

The immediate implication from that headline is that the Government today is guilty of lying. It is hard to draw any other conclusion.

It is only when you read the story that you find that Mr. Bagdikian's point is that the Johnson administration back in 1967 was guilty of deception. The other specific incident he mentions is the Arthur Sylvester statement that government has a right to lie.

Nowhere in the article is there an accusation leveled against the Nixon administration.

Mr. President, the headline is both misleading and inflammatory. The Washington Post should indeed lower its voice, at least until it decides to tell the truth.

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

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

THE GOVERNMENT IS A CRUDE LIAR

(By Ben H. Bagdikian)

Newspapers reporting on government are often wrong, and Presidents of the United States are often prepared to say so. On leaving the presidency, George Washington * * * in disgust. Thomas Jefferson once wrote, "Nothing can now be believed which is seen in a newspaper."

Modern Presidents have been no exception, with bitter comments on the subject from Franklin Roosevelt, Harry Truman and Dwight Eisenhower (who, in his last presidential press conference, delivered the unkindest cut by saying he wasn't sure that the press made much difference, anyway). John Kennedy canceled his subscription to the New York Herald-Tribune. Lyndon Johnson on the subject of newspapers was not always quotable in mixed company. Richard Nixon through much of his career has been passionate in his feeling that he is kicked around by the media.

Vice Presidents of our time have been known to murmur an occasional reservation about the press. Even presidential assistants are ready to sneak in a kidney punch while their bosses swing the haymakers. Arthur Schlesinger, Jr., while in the White House seven years ago, said that newspaper and magazine accounts "are sometimes worse than useless when they purport to give the inside history of government decisions."

All of this has some justification. Journalists are often wrong. Sometimes they are malicious, other times, lazy. More often they are honestly in error. When that happens, they have no "Top Secret" label to cover up their human and professional failings. When they make mistakes, they make them in public.

But what government officials almost never talk about when they complain about press inaccuracy is that some of this is the result of the government's own frequent dishonesty in dealing with the press and the public. The conventional assumption is that the government of the United States never lies to its people. But it does, and when this is proved, (1) the government is very ungracious and (2) it usually answers that it had good reasons for lying.

Sometimes there are compelling reasons for the government to lie—as in the days of the Cuba missile crisis when we were on the brink of a nuclear war. But most of the time, the government excuse for secrecy, or secrecy that creates a distorted public picture, is on spongy ethical and practical ground.

Arthur Sylvester, lately an Assistant Secretary of Defense, once said that the government has a "right to lie," which was refreshing bureaucratic candor but appalling doctrine. As a practical matter, diplomatic negotiations are, like photographic film, best developed in the dark. But they can, through secret error, also go wrong because of the dark.

Some military information must be kept under cover. But a lot of it, maybe most, is already known to our adversaries, leaving only the American people uninformed. Friendly governments should not be unduly embarrassed. But frequently the friendly government is the United States, and the embarrassment is to one of its erring leaders.

And there is that most fishy of all reasons: the other side lies more than we do.

A MASSIVE LID

Whatever the excuse, secrecy and its use to distort is a perpetual threat to the democratic process. It means that "Big Brother knows best." Neither history nor contemporary events confirm that Big Brother is ever that wise. Elitist decisionmaking has produced catastrophes that match anything created by popular folly (the United States can be grateful that no electorate interfered with King George III).

The government has a massive apparatus to prevent the whole truth from coming out. In Congress, the most open forum the country has for policy evolution, 40 per cent of all hearings are secret. The Executive Branch of government, expecially in diplomacy and defense, has systematic secrecy with tough laws to back up its power to conceal.

If all of this apparatus followed its natural bureaucratic tendencies, the press of the United States could become like Pravda and Izvestia, reporting only those official things that officialdom wishes to say, reducing the public to a passive audience instructed how to implement what its leaders have already decided.

Ironically, the distortions of secrecy may be greater because officials can selectively cancel it, picking certain fragments to release. The President, the Secretary of Defense and the Secretary of State preside over an enormous jigsaw puzzle that constitutes their best view of the world. Much of this picture is officially secret. At any moment, an official can reach behind the curtain and select a piece of the jigsaw puzzle and show it to the press or directly to the public. It could be a genuine piece of the puzzle but still give a false impression of reality.

THE VIETNAM ELECTION

For example, in the summer of 1967, the nature of the government of South Vietnam was at issue in the United States. The debate on Vietnam had already poisoned the domestic political atmosphere. Distrust bordering on paranoia characterized almost everything said on the subject, whether hawkish or dovish.

An election was being held in Saigon to demonstrate or create . consensus in South Vietnam. This would, among other things, show that the United States was fighting for the life of a regime that at least had the support of its own people. Washington hoped that this would lay to rest some American and European suspicions that the incumbent regime in Saigon was a narrowly based military clique that could not, on its own, obtain the loyalty of the South Vietnamese.

Some of the press was reporting that the regime in Saigon had no intention of relinquishing power, regardless of how the election came out. On July 28, 1967, the Washington Post reported from Saigon that there were rumors that "South Vietnamese generals . . . are forming a committee that would preserve their power in the remote event that a civilian ticket wins the Sept. 3 election."

On Aug. 2, The New York Times reported flatly, "The generals who rule South Vietnam are at work on a plan that would perpetuate collective government by the junta despite the election of a President, Vice President and Congress."

Such reports persisted for a few days. Then, curiously, on Aug. 16, a number of supposedly independent news outlets carried contrary accounts. At a high level of government, a secret cable from Ambassador Ellsworth Bunker in Saigon had been made known to selected columnists.

Rowland Evans and Robert Novak, for example, began their column for that day, "The vital importance to the Johnson administration of a reasonably clean election in Vietnam was underscored last weekend in a confidential cable from Ambassador Ellsworth Bunker. Deeply worried by the clamor in Congress over alleged irregularities in the campaign for president, Bunker methodically knocked down one charge after another . . . Bunker's cable has deep significance."

That same day, William S. White, attacking doves and other administration critics, wrote in his column that these critics ignored "all the factual information patiently supplied by Americans on the ground in South Vietnam, including Ambassador Ellsworth Bunker . . . Bunker has reported over and over that charges by the civilian candidates [in Saigon] that the present heads of South Vietnam, Gens. Thieu and Ky, are loading the electoral dice have no foundation."

DEPT "DECLASSIFICATION"

Government officials regularly criticize the press for using classified information, but it is often secret information deliberately handed the press by high-level government people. The press is inclined to believe such in-

formation partly because of the impressive "secret" stamp. The Bunker cable, for example, was classified "EXDIS," meaning exclusive, or very limited, distribution, even among cleared policymakers.

Among the point-by-point rebuttals by Bunker referred to by Evans and Novak was the one that the South Vietnamese armed forces "had formed a council that would 'run the government' no matter who is elected." Citing this, Bunker said, "The formation of any such council and such intent of the armed forces have been categorically denied by Thieu and Ky, although, of course, the constitution provides for a military council to advise the government on military matters."

This was a genuine piece of the jigsaw puzzle. That is, the cable really existed. But its history is interesting.

The journalists who were given the contents of that cable were not shown an earlier cable to Bunker asking him to comment on a number of matters. "Please comment" is diplomatic cablese for, "What shall we tell people about this?" And that Bunker's reply was preceded by, "This . . . may be useful in answering criticisms in the U.S."

Furthermore, the journalists could not know that 10 days earlier, on Aug. 3, there had been another secret cable from Saigon on the same subject. It was distributed to officials on Aug. 13, the same day as Bunker's cable denying it and three days before the appearance of the newspaper columns on the subject. These columns, as noted above were based on Bunker's Aug. 13 cable saying that there was no reason to believe that there was a secret military committee prepared to seize power in Saigon.

DEFINITELY TOP SECRET

The Aug. 3 cable that was not divulged to the journalists said:

"Senior Vietnamese generals have had the Ministry of National Security draft a charter or organization plan for a Supreme Military Committee which is to serve as the vehicle through which the generals will continue to exercise ultimate power in South Vietnam, even after election of a President. The existence of the committee is being treated as 'top secret' for the present and will not be admitted till after the 3 September elections, if at all.

"Ky has been designated committee chairman and Minister of National Security, Maj. Gen. Linh Quang Vien, secretary general. At present, other members are Thieu, Minister of Defense Cao Van Vien and the four corps commanders. Meeting of 17 July attended by all . . . actual government powers will be vested in an extralegal S.M.C. . . . Definitely not provided for in the constitution, hence top secret . . . should not be confused with Advisory Armed Forces Council . . ."

Two days later, confidential analysis of the evidence also circulated in Washington commented further:

"Despite Premier Ky's public and private denials, several intelligence reports indicate that the South Vietnamese military leadership is proceeding with secret plans to form an extraconstitutional 'inner sanctum' of generals that would exercise the real power in any elected government . . .

"These plans and the point to which they have apparently progressed have some ominous implications. For one, additional support is provided for the view, already prevalent among many informed Vietnamese, that the military have no intention of really sharing power with the civilians, regardless of the election outcome. At the same time, the prospect is raised that the army intends to operate largely through its own political control apparatus rather than through the constitutional structure."

"COMPLETELY UNTRUE"

Presumably, Ambassador Bunker saw the cable based on the evidence acquired Aug. 3. In any event, on Aug. 12, he cabled the State Department:

"I asked him (Ky) 11 August about the report of an armed forces committee to run the government which had such adverse editorial comment. Ky said this report was completely untrue and added that it was merely a series of meetings that the usual group of top generals held to discuss reorganization of the armed forces and pacification matters prior to discussion with Westmoreland, Komer and me . . ."

The cable referred to Gen. William Westmoreland, then commander of ground forces in South Vietnam, and Robert Komer, chief of the pacification program.

Bunker's Aug. 12 cable said of his conversation with Gen. Ky:

"He said there was absolutely no intention to set up any inner military group to run the government after the elections and this report could be flatly denied . . . I reverted to my earlier advice to him as an 'elder' regarding handling of the press. Ky said yes, he remembered, and perhaps the best thing for him to do was first to keep his mouth shut. I agreed with him . . ."

FREE TRADE AND FAIR TRADE

Mr. HANSEN. Mr. President, since joining this distinguished body at the beginning of the 90th Congress, I have been amazed at the attitudes of many in our Federal Government and some of our news media toward those of us in Congress who have sought some reasonable limits of foreign imports.

In seeking to stem a mounting flood of cheaply produced foreign lamb, beef, oil, steel, textiles, shoes, and numerous other products, we have been called protectionists and accused of attempting to build a cocoon of special privileges around American industry and agriculture. We have even been charged with anticonsumerism because we oppose a continuation of the liberal trade policies that have literally driven many American industries to the wall of desperation in their attempts to compete with foreign producers who operate under entirely different ground rules from those imposed by law on U.S. producers.

As an example of this attitude, the Wall Street Journal in April carried an editorial, "Polishing Up Protectionism."

The editorial of the Journal carried my reply to his views a few days later and I ask unanimous consent that my letter to the editor be reprinted in the RECORD.

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

FREE TRADE AND FAIR TRADE

EDITOR, *the Wall Street Journal:*

Your editorial "Polishing Up Protectionism" (April 2) expressing the free trade philosophy, says the problem stems from the fact that the nation's resources are finite and in some way or other it has to allocate them to accomplish the greatest good for the greatest number.

If all people would renounce war and insist on living in peace, if all pepole would be equally as concerned for every other human as for themselves, If all people would reject greed and cupidity there is no question but that free trade would best serve humanity.

But unfortunately this is not the world we live in.

I happen to think Americans are not the world's worst people. We've been reasonably generous in rebuilding the countries torn by World War II. We've tried to help developing nations—we've shed some blood to insure freedom and self-determination for other peoples.

But the fact is that most of these objectives—goals often not reached—could not have been pursued at all if we had not been a strong nation.

There can be no doubt that our unchallenged access to energy has been one of our most important sources of strength.

About one-fifth of all the oil we use is imported. But I agree with the President: Limits must be defined which will assure the adequacy of domestically produced oil and gas necessary to guarantee our national security.

Further our total strength will reflect the industry, the jobs, and the services we are capable of sustaining in the United States. America proved long ago that power is the result of brains and energy applied to natural resources.

One final thought—the competition American business is subjected to is not fair. Wages, standards of living, social responsibility (taxes) all place a most unequal burden on us. Free trade and fair trade should go hand in hand.

CLIFFORD P. HANSEN,
U.S. Senate.

WASHINGTON.

Mr. HANSEN. Mr. President, as further evidence of the need for realistic revision of U.S. trade policy, the figures just released by the U.S. Department of Commerce show a substantial and continuing deficit in the U.S. balance of payments for the first quarter of 1970. That deficit last year amounted to $7 billion and at the rate reported for the first quarter, may well exceed the 1969 figure by the end of this year.

In view of this discouraging news, it is encouraging that the Ways and Means Committee of the other body now has hearings underway on U.S. trade policy. I hope these hearings may result in some meaningful legislative recommendations which may be acted upon in time for consideration by the Senate during this session.

It is also encouraging that the chairman of the Senate Finance Committee which would conduct such hearings has introduced a general trade policy bill of his own known as the Fair International Trade Act which would establish ceilings on imports to prevent imports from running wild. The bill would generally accept present levels of imports but would hold future penetration to a growth on a par with the increase in domestic consumption of the same product.

This was the approach used in the Meat Import Act of 1964 but even now meat imports for the first quarter are running at a rate that will exceed the quota before the end of the year if continued at the same rate. And this Act did not include lamb meat which should certainly be treated as any other meat under the provisions of the act.

Mr. President, some of our free trade advocates say that the American consumer is entitled to the prices at which foreign producers are able to sell their wares in this country. They also accuse American industry of being inefficient if the American product cannot compete pricewise with a foreign product. The freetraders offer the absurd solution of compensation through various means to an industry and its workers injured or displaced by cheaper imports.

In at least two cases this year, one in the case of steel workers and another in the case of glass, the escape clause of the Foreign Trade Act has been invoked. But why should this be necessary?

In the Cabinet Task Force Report on Oil Import Control, the free-traders who recommended that we flood the country with cheap imported oil glibly suggested that the decline of domestic drilling and exploration for oil and the resultant unemployment "would benefit the economy as a whole by releasing inefficiently used labor to other sectors—this is one of the aspects of efficiency losses previously considered in the report."

Mr. President, this muddle-headed thinking and planning must not be allowed to wreck American industry and force its workers on to the unemployment rolls or invoke other financial assistance plans to be paid by the overburdened American taxpayer. And how could he pay it if he was unemployed?

One of those who has for years warned of the impending crisis in U.S. trade policy is O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy. His has been a voice in the wilderness of the free-traders but his prophecies and warnings are now coming to pass.

In a recent speech he reiterated what he and some of us here have been saying about the difference in free trade and fair trade.

He concluded his speech by saying:

The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage by a system of adjustment assistance is a wholly unjustifiable philosophy and represents an amazingly harsh attitude in point of public policy.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet, that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial, and must take the consequences. *Yet on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world.* This lead is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantage.

We cannot hope to hold our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by sleight-of-hand trade statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

Mr. President, Mr. Strackbein has sent me a copy of the speech from which I have quoted and also a copy of a letter to President Nixon in which he summarized his views on the competitive state of our foreign trade. Because of the vital interest many of us have in the well-being of industries in our own States now threatened by imports, I ask unanimous consent that the letter and the text of Mr. Strackbein's speech be printed in the RECORD.

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

THE NATIONWIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
Washington, D.C., April 9, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is my impression that the Presidency is inadequately informed and therefore misinformed on the competitive state of our foreign trade.

Accordingly I send you herewith a copy of a speech I am scheduled to make before the Optical Manufacturers Association in a few days. It is entitled "A Decade of U.S. Trade Defeat." The speech is self-explanatory; but in view of the heavy demands on your time I shall present here a very brief account of its principal points:

1. Contrary to official foreign trade statistics the United States has for several years run a deficit in our merchandise import-export account. This deficit, in terms of private commercial competitive trade, is in the annual magnitude of some $5 billion.

2. We do indeed enjoy a surplus in a limited category or two of goods. In 1969 this surplus was some $8 billion, concentrated overwhelmingly in machinery and transport equipment and, to a much lesser extent, in chemicals. Imports, however, have been rising several times as rapidly as exports in the machinery sector during the past decade. This handsome surplus may therefore be expected to disappear in a few years.

3. With respect to nearly all "Other Manufactured Goods" we incurred a deficit of some $5 billion in 1969. The products include steel, textiles, footwear, glass, pottery, radio, plywood, bicycles, musical instruments, optical goods, toys and athletic goods, rubber and plastic manufactures, screws and bolts, hand tools, clocks and watches, etc.

4. If the deficit in certain agricultural products is included, such as tomatoes, strawberries, citrus fruit, mushrooms, fish, olives, meat, mink; as well as certain minerals, such as petroleum, lead and zinc, copper and bauxite, the surplus enjoyed in machinery exports is swamped.

5. Employment in the so-called "Other Manufactured Goods" mentioned above or "Miscellaneous Manufactured Articles," both as classified by the Census Bureau, exceeds employment in the narrow sector in which we enjoy the export surplus described above, by about 2 million workers. When the export surplus in machinery disappears we will be at bedrock of a foreign trade disaster.

6. Imports of manufactured goods now account for about 65% of our total imports, compared with only about 30% fifteen years ago.

7. Importation of manufactured goods offers our importers the most attractive bargain since these goods incorporate all the steps of the manufacturing process, which may be three to five. The cheap labor advantage is thus magnified compared with the raw materials, which do not go beyond one or two of the steps of production. Little wonder that imports of finished goods have left the imports of raw materials far behind.

8. The incontestable competitive advantage enjoyed by foreign manufacturers in this market rests on nothing more mysterious than the lower level of wages they pay, coupled with the fast-rising productivity that has come from technological advancement and adoption of mass production methods abroad.

9. Looking to the tariff, which on the average is down 80% from its level of 35 years ago, as a defense is unrealistic. Also to rely on adjustment assistance is to vacate our productive facilities with their workers in favor of a form of competition that derives its advantage principally from the simple fact foreign producers pay wages that would be illegal in this country. This fact should be weighed carefully in any assessment of inefficiency of our producers and manufacturers who in fact continue to lead the world in productivity. Fairness demands that the unequal burden be taken into account and that we do not penalize our industries and workers for complying with labor standards imposed by the Government in response to the wishes of the electorate.

10. As the tide of imports rises we need a ceiling over them in specific instances, designed to share our market on a reasonable basis, permitting imports to grow with our economy, but denying them the license to run wild while trampling over our established labor standards.

I shall be ready on request to substantiate more fully this outline of our trade position.

With assurances of my esteem,
Sincerely,

O. R. STRACKBEIN,
President.

A DECADE OF U.S. TRADE DEFEAT

(Speech of O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy Before the Optical Manufacturers Association, New York City, April 16, 1970)

The United States has suffered a spectacular defeat in its foreign trade during the past decade and particularly during the past few years.

With the exception of a very few lines of products we find ourselves in a growing deficit position in our trade with other countries of the world. So great is our general competitive disadvantage that it can no longer be ignored or hidden. Some dramatic developments have indeed surfaced within recent years to underscore the blindness of a policy that should have been modified before now.

A defeat such as we have suffered in the field of trade would have called for the scalps of directors and managers in any other line of endeavor. A conspiracy of concealment and silence has kept the unwelcome facts from the public.

This is a heavy indictment, all the more so because the concealment has been both unconscionable and stubborn, running over a period of years.

A few examples will illustrate the trade trends of the 'Sixties:

Our exports to Japan from 1960–69 increased 141.1%; our imports 325.4%. Our exports to West Germany rose 66.4%, our imports 190.2%. Twenty per cent of all our imports in 1969 came from these two countries. They took only 14.8% of our total exports.

We increased our exports to the Common Market countries by 75.7% while our imports rose 156.3%, or double our exports.

With respect to Italy our exports rose 76.4% while we imported 206.8% more.

The United Kingdom increased her sales to us by 113.5% while our sales to the U.K. increased only 57%.

Our exports to all of Asia increased 97.4% while our imports swelled by 204.1%.

Our imports from the countries of the European Free Trade Association (England, Norway, Denmark, Finland, Sweden, Switzerland and Portugal) increased twice as much as our exports to those countries: 127.2% compared with 63.4%. Our imports from Sweden rose more than twice as fast as our exports to her or 108.2% vs. 43.4%.

The great exceptions were Canada and Latin America. In the case of Canada, largely because of the automotive agreement, both our exports and imports increased greatly. Exports rose 239.8% and imports 258.1%.

Latin America, with the exception of Argentina, Peru and Mexico, showed a depressive result from the Latin American point of view. Our exports to Argentina rose only

5.3% while our imports increased 58%. Yet our exports still exceeded greatly our imports. In the case of Peru our exports grew only 13.6% while our imports went up by 71.6%. Our actual imports in this case were nearly twice as heavy as our exports. Mexican sales to this country rose by 132.3% while our exports to that country rose a more modest 74.1%. Yet we still had a favorable trade balance.

Our exports to Latin America as a whole, including the three countries mentioned, grew 36.1% while our imports rose only 19.4%. In a few instances our imports showed an actual decline during the decade, namely, from Chile and Venezuela.

In our total world trade our exports increased 84.6% while our imports went up 146.0%.

Our trade with all the world except Canada and Latin America showed a sharper disadvantage. Our exports grew 81.8% compared with an import increase of 160.8%. In other words, our imports from the rest of the world outside of Canada and Latin America, grew twice as fast as our exports to that part of the world.

In the case of Latin America our imports consist principally of raw materials and crude foodstuffs. However, the great increase registered in our total imports in recent years from all the world has occurred in manufactured goods rather than in raw materials. Therefore imports from the industrialized countries accounted for much the greater part of the sharp rise in our imports during the past decade.

It may be asked why this great discrepancy between the growth of our imports of raw materials and manufactured goods should have occurred. The trend should really be no occasion for surprise. Imports of raw materials did indeed increase, but they rose from an index of 100 in 1956–60 to 130 in 1968, compared with a rise from 100 to 402 for finished manufactures. In other words imports of the latter grew thirteen times as fast as imports of raw materials.

The sharply divergent trend is traceable to the relative labor content in the two forms of products. Raw materials incorporate only the first step or two of production. The amount of cheap labor expended is therefore the minimum. In the case of finished goods the full complement of labor is incorporated. This might be four or five stages of production. The savings on imports is therefore all the greater. Not only is there one stage of production at low labor cost but several stages. Therefore it is of a much greater advantage to import finished products compared with raw products, because the former have more of the low-cost labor in them.

Today about two-thirds of our imports consist of manufactured goods. Not many years ago less than a third of all imports were of this variety.

If imports have grown briskly compared with our exports, why do we not have a foreign trade deficit?

The answer is we do have a trade deficit. It merely does not so appear from the official trade statistics issued by the Department of Commerce. That Department elects to count as dollar exports not only the goods that we give away or sell abroad at cut prices but also those that we can export only because of our governmental subsidies. This practice swells our exports unjustifiably. If that practice were stopped our merchandise balance would show a deficit. Also we total up our imports on their foreign value rather than what they cost us landed at our ports of entry. This practice undervalues our imports by several billions of dollars a year. The upshot is that our trade deficit is in the magnitude of $5 or $6 billion in terms of commercial competitive trade instead of having a surplus as reported by the Department of Commerce.

These facts have been concealed too long. Their concealment has abetted the perpetuation of a trade policy that is against the national interest and has prevented the adoption of prudent restraints on imports that will prevent their running wild.

The great surge in imports has been explained by the "extraordinary increase in domestic demand." Yet the experience of Japan, West Germany and Italy thoroughly contradicts that explanation. Those countries, too, have experienced a great expansion at home. In spite of that they nevertheless also made great strides in their exports. Some other factor must explain our trade debacle. Only those who will not see will fail to perceive the real reason. This is simply that other countries, with their new productive technology and their lagging wages, can and do out-compete us both here and in foreign markets.

Unless something is done soon, not indeed, to reverse the trend, but to keep the imports within reasonable bounds of growth—not a cutback, but a moderation—a bitter reaction will set in, not only among the manufacturers, growers and producers who are being injured, but by labor as well. The latter is already showing signs of unrest from this source. National unions that formerly supported the freer trade policy are shifting their position because they see in unregulated imports the evaporation not only of actual jobs but of potential jobs upon which the employment of their members depends in the future.

Such favorable trade balance as we do still enjoy in some sectors is confined to a very few products, most notably, and preponderantly, machinery, including automobiles, aircraft, and computers. In 1969 we exported $6.6 billion more in this category than we imported. Chemical exports on a much smaller scale were also in a surplus position.

Machinery exports, both electrical and nonelectrical, have indeed continued at a high pace, thanks largely to our heavy investments in branch plants abroad, but imports have been gaining impressively. In 1960 we exported 4.7 times as much machinery and transport equipment as we imported. In 1969 the ratio was considerably less than 2 to 1. This is by far the heaviest single item in our exports. In 1969 it was 43% of our total exports. The 1960–69 trend has continued. Exports of machinery exclusive of transport equipment grew 46.2% since 1965 through 1969, but imports rose 154% or more than three times as rapidly, in this 5-year period.

In "Other Manufactured Goods" our exports rose from $3.8 billion in 1960 to only $7.0 billion in 1969. During the same period imports of "Other Manufactured Goods" rose from $4.5 billion in 1960 to $12.0 billion in 1969. In other words, exports of this class of wide variety of products rose 83%; imports rose 163%. Among the products included in this broad class of products are iron and steel mill products, shoes, paper and manufactures, textiles, clothing, glass, glassware and pottery, clocks and watches, nails, screws, nuts and bolts, toys and athletic goods, rubber and plastic manufactures, bicycles, bicycle parts, motor scooters, hand tools, plywood, cameras, musical instruments, radio and TV sets, phonographs and records, musical instruments, sound recorders, optical goods, etc. In this group as a whole we suffered a deficit of $5 billion in 1969, even when imports are tabulated on their foreign value rather than landed at our ports of entry.

In agricultural products we have import problems in strawberries, tomatoes, citrus fruits, canned olives and mushrooms, meat, lamb, potatoes, dairy products, honey, mink, fish, oysters, crabmeat, flowers, etc. In minerals we have a trade deficit in petroleum, copper, lead and zinc, bauxite and aluminum. Added to manufactured goods and agricultural products the total deficit far outstrips the surplus in machinery and chemicals.

Employment in the lines of products constituting these "Other Manufactured Goods" exceeds employment in the limited lines in which our exports have been enjoying a surplus, by some 2 million workers.

Our national policy is therefore in the posture of helping one broad industry (machinery and transport equipment, in which our lead is narrowing ominously in any event) at the expense of a wide spectrum of industries wherein imports are overrunning our market almost at will.

In view of the rapid narrowing of the export surplus in machinery and transport equipment, as noted previously, the exceedingly unstable foundation of our fictitious over-all surplus provides little ground for confidence.

Moreover, since duties will be cut still further under the Kennedy Round, the outlook for improvement of our trade position must be regarded as bleak.

The reduction of our tariff has gone so far, and since its resurrection is hardly probable, we must look elsewhere for relief.

Imports of optical goods, which are your immediate concern, have followed a rather common pattern. You have been losing out in terms of the share of domestic consumption supplies by your companies. In the case of lenses you have seen imports come from some 7% or 8% of domestic consumption as recently as 1965 to some 18% in 1969.

Imports of frames which had already taken 22% of your market in 1965 rose to about 33% in 1969.

In each instance the invasion of imports has been relentless; and there is nothing now on the scene to suggest that the penetration will not proceed toward greater deprivation of our market.

The tariff would not, in any case, be of much help, unless it were raised to seemingly exorbitant levels, because of the low unit cost of foreign producers, especially the Japanese.

We therefore seek a different means of holding imports at a reasonable level.

Recently legislation has been introduced in the Congress that would accomplish a moderation of imports. This legislation which was introduced in the Senate by the Chairman of the Finance Committee, Senator Russel Long, has been introduced in the House by some sixty-five Members, among them 4 Committee chairmen. It is called the Fair International Trade bill.

This bill would establish ceilings on imports for the purpose of preventing imports from running wild. It would generally accept present levels of imports but would hold future penetration to a growth on a par with the increase in domestic consumption of the same product. This might be 10%, 15%, 30%, 40% or more of our market, depending on the penetration already achieved.

Import quotas would be imposed only if imports should break through the ceiling for a period of six months.

If the ceiling principle is adopted domestic industries would be assured of holding a fair share of the domestic market, no matter how low the foreign production costs. The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage by a system of adjustment assistance is a wholly unjustifiable philosophy and represents an amazingly harsh attitude in point of public policy.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet, that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial, and must take the consequences. Yet on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world. This lead

is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantages.

We cannot hope to avoid our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by sleight-of-hand trade statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CAMBODIAN CONFERENCE

Mr. HOLLAND. Mr. President, I have just noted on the Associated Press ticker which is outside the Chamber a reference to the Cambodian situation which I will place in the RECORD at this time for the information of the Senators.

It reads:

CAMBODIA CONFERENCE

WASHINGTON.—The United States endorsed today a call for an Indochina peace conference issued by Asian and Pacific Nations meeting at Jakarta, Indonesia.

A proposal for re-activating international control machinery to preserve Cambodia's badly battered neutrality also got American backing. A State Department statement said the United States "does not wish to see any change of Cambodia's long-standing policy of neutrality and it has no intention of interfering in the internal affairs of Cambodia."

"The U.S. Government," the statement continued, "also supports the conference's call for reactivation of the international control commission made up of India, Poland and Canada and for consultations looking toward the early convening of an international conference to find a just, effective, peaceful resolution of the present situation."

AFTER 176 DAYS NO ACTION BY THE JUSTICE DEPARTMENT ON THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, 176 days ago, on November 22, 1969, I wrote to the Justice Department asking for an immediate investigation into the firing of A. E. Fitzgerald after he testified before a committee of the Congress.

What appears to be a clear violation of the criminal law occurred. It is a crime to threaten, influence, intimidate, or impede any witness in connection with a congressional investigation. It is a crime to injure a witness on account of his testimony to a committee of the Congress.

When A. E. Fitzgerald testified, truthfully and at our request, that there was a $2 billion overrun on the C-5A, things began to happen to him. He lost his tenure on the spurious grounds that there was a computer error. He was taken off the examination of weapons system and assigned to cost problems at bowling alleys in Thailand and messhalls in the Air Force.

In turn he was ostracized, lied about, investigated, and fired.

The Justice Department has started a crusade for law and order. But when will it include the Pentagon in its effort?

What we have is a double standard. I am reminded of the old English quatrain of unknown origin.

The law locks up both man and woman,
Who steals the goose from off the common.
But lets the greater felon loose,
Who steals the commons from the goose.

I still await word of Justice Department action on the Fitzgerald case.

SENATE CONCURRENT RESOLUTION 67—SUBMISSION OF A SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT TO PROCLAIM NATIONAL HALIBUT WEEK

Mr. BYRD of West Virginia. Mr. President, on behalf of the able senior Senator from Washington (Mr. MAGNUSON) I submit for appropriate reference a concurrent resolution. I ask unanimous consent that a statement by the distinguished Senator from Washington (Mr. MAGNUSON) on the measure be printed in the RECORD.

The PRESIDING OFFICER (Mr. DOLE). The concurrent resolution will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 67), which reads as follows, was referred to the Committee on the Judiciary:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That the President is authorized and requested to issue a proclamation designating the seven-day period beginning May 18, 1970, and ending May 24, 1970, as "National Halibut Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The statement of Senator MAGNUSON is as follows:

Mr. MAGNUSON. Mr. President, I submit for appropriate reference, a concurrent resolution authorizing and requesting the President of the United States to proclaim the week beginning May 18, 1970, and ending May 24, 1970, as "National Halibut Week." In addition, the resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. President, this will be the sixteenth observance of the special week and also marks the fifteenth anniversary of the founding of the sponsoring organization, the Halibut Fishermen's Wives Association, based in Seattle.

This group deserves such credit for its regular effort, not only during the observance of Halibut Week, but throughout the year toward a better appreciation of this fine fish and fishery.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, shortly a motion will be made to adjourn. The Senate will convene tomorrow at 10 a.m. Immediately after disposition of the reading of the journal tomorrow the able senior Senator from New York (Mr. JAVITS) will be recognized for not to exceed 40 minutes, to be followed by the distinguished Senator from Georgia (Mr. TALMADGE), who will be recognized for not to exceed 30 minutes, and he will be followed by the able Senator from Missouri (Mr. SYMINGTON), who will be recognized for not to exceed 1 hour.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the able Senator from Missouri (Mr. SYMINGTON), there be a period for the transaction of routine morning business and that speeches therein be limited to 3 minutes.

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

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the period for the transaction of routine morning business tomorrow the unfinished business be laid before the Senate.

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

ADJOURNMENT TO 10 A.M. TOMORROW

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 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 19, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1970:

AMBASSADOR

John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

INTERSTATE COMMERCE COMMISSION

W. Donald Brewer, of Colorado, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1976, vice Paul J. Tierney.

CORPORATION FOR PUBLIC BROADCASTING

The following-named persons to be Members of the Board of Directors of the Corporation for Public Broadcasting for terms expiring March 26, 1976:

Frank E. Schooley, of Illinois (Reappointment).

John Hay Whitney, of New York, vice Saul Haas, term expired.

Jack Wrather, of California, vice Erich Leinsdorf, term expired.

CONFIRMATION

Executive nomination confirmed by the Senate on May 18, 1970:

CALIFORNIA DEBRIS COMMISSION

Brig. Gen. Frank A. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507; 33 U.S.C. 661).

EXTENSIONS OF REMARKS

TRIBUTES TO GEN. EARL RUDDER, LATE PRESIDENT OF TEXAS A. & M. UNIVERSITY

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, May 18, 1970

Mr. YARBOROUGH. Mr. President, on March 23, 1970, Gen. Earl Rudder, president of Texas A. & M. University, met an untimely death at the age of 59. He was truly a public man. He was a friend of mine; we worked closely on educational and conservational matters. He devoted his talents and boundless energies to all forms of public service. Since his death, many tributes have been written about him in the newspapers of Texas.

I ask unanimous consent that the following editorials from leading newspapers be printed in the Extensions of Remarks.

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

[From the Lubbock Avalanche-Journal, Mar. 25, 1970]

EARL RUDDER—"ONE FINE FELLOW"

Texas has lost one of its finest citizens, in peace or war, with the death of Earl Rudder, president of Texas A&M University.

The retired major general of the Army was an authentic, down-to-earth hero of World War II. As a lieutenant colonel and commander of a special Ranger force under Gen. Omar N. Bradley, he was given one of the war's toughest assignments—scaling Normandy cliffs as Allied troops landed.

General Rudder was twice wounded, and his unit suffered 50 per cent casualties. Later, he commanded an infantry regiment which helped repulse the last major German offensive in the Battle of the Bulge. He was one of the war's most-decorated soldiers, receiving awards from three countries, including the U.S. Distinguished Service Cross.

His peacetime days, also, were full of honors, many of them associated with the educational institution he loved so well. Young Earl Rudder played football for Texas A&M and was graduated in 1932. He became a successful businessman at Brady, and served as mayor.

His reputation was such that, after the Veterans Land scandal broke in 1955, he was a logical choice of Gov. Allan Shivers to clean up the General Land Office. He got the job done, then resigned as Land Commissioner in 1957 to become vice president of A&M. He was promoted to president in 1959. Two factors principally reflect his success. Enrollment almost doubled, from 7,500 to the present 14,000. The school expanded tremendously, developing space age education and research while offering what General Rudder described as "a good environment for the great student and scholar."

He handled A&M's abolishment of compulsory reserve officer training and its break with tradition in admitting women students. Both he did superbly.

He performed outstanding service to his country after assuming command, in 1955, the 90th Infantry Division, a reserve unit. In 1963 he was named deputy commanding general for Reserve components of the Continental Army Command. His formal retirement came in 1967 as a major general. Meanwhile, he had become head of the entire A&M System, in 1965.

Earl Rudder's loss is felt all the more keenly by the university because, at 59, he normally would have had more years of productive service.

In addition to all the rest, a long-time associate in Masonic Orders puts it simply: "He was an all-around fine fellow." That he was.

[From the Houston Chronicle, Mar. 25, 1970]

JAMES EARL RUDDER

The death of Maj. Gen. James Earl Rudder at 59 ends a life that was the embodiment of the American dream. His athletic prowess, his valor in battle, his success as a rancher and businessman, public servant, civic leader and educator placed him in the mold of a Horatio Alger hero. Whatever the task or the challenge, he accepted it and did well.

When great men pass, society is the loser. So it is with Gen. Rudder. Those who knew him or his deeds mourn the loss of this man.

Gen. Rudder served as mayor of Brady from 1946 to 1953, when he was named to a two-year term on the State Board of Public Welfare. In 1955, Gov. Allan Shivers named Rudder land commissioner. He served until Feb. 1, 1958, when he resigned to become vice-president of Texas A&M University in College Station.

As a soldier, he was highly decorated during World War II. He was the recipient of the Distinguished Service Cross, the nation's second highest military award. In 1967, President Johnson presented him the Distinguished Service Medal, this nation's highest peacetime honor.

As the commander of the Provisional Ranger Force, Gen. Rudder gained lasting fame on D-Day, 1944, when he led a select force up the 100-foot cliffs at Pointe du Hoe, France. This action played a decisive part in the success of the Normandy landing. Gen. Rudder was twice wounded in bringing off the difficult mission against fantastic odds.

In December of that year, he was given command of the 28th Division's 109th Infantry Regiment, later involved in fighting during the Battle of the Bulge in Belgium.

In 1954 he was promoted to brigadier general in the Army Reserve and the next year named commander of the 90th Infantry Reserve Division. In 1957 he was made major general. In 1963 he left the 90th to become assistant deputy commanding general for mobilization of the Continental Army Command. In the summer of 1967 he retired from the Army, ending a 35-year career.

For his undergraduate gridiron feats, Sports Illustrated magazine named him to its 1956 Silver Anniversary All-American football team.

Gen. Rudder's death is a particularly severe blow to Texas A&M. Gen. Rudder was more than just the president of the Texas A&M University System. He was an Aggie himself. He graduated in 1932 with a bachelor of science degree in industrial education and a reserve commission as a second lieutenant of infantry.

Moreover, he became president of the school in July, 1959, at a time when it was at an ebb, troubled with divisiveness. He ended the factionalism, rekindled school spirit, eliminated student unrest and focused the energies of the school on the continued improvement of education. With typical mental and physical vigor, he led Texas A&M to its finest days.

His death at a relatively early age is especially sorrowful since the school's period of greatest achievement—due partly to his personal work and vision—lies ahead.

Not only Texas A&M but American colleges and universities throughout this nation need leaders and friends of the stature of Gen. Rudder. And they are rare.

[From the Battalion, Mar. 24, 1970]

EARL RUDDER, 1910–70, TEXAS A. & M. PRESIDENT

Almost a year ago today, this university mourned the passing of a famous general and a great American, Dwight Eisenhower.

On that day, more than 3,000 members of the university community crowded into G. Rollie White Coliseum to hear a tribute to "Ike" rendered by one who had served under the general during World War II.

With a wistful eye, the man at the lectern recounted some of his personal experiences with his former commanding officer; he dwelt upon Eisenhower's lofty accomplishments; he praised the general's strong character.

And then, near the end of his eluogy, the speaker said this: "General Eisenhower exemplified what millions of Americans would like to see their sons be."

Today we mourn the death of that speaker, our university president Earl Rudder, who in his own right is indeed a famous general and a great American.

And in the days to come, we will remember and recount our own experiences with the man, we will praise his lofty accomplishments, and honor his strong character.

But of all the things we could say, perhaps we would honor him most by characterizing him as he did Eisenhower: "General Rudder exemplified what millions of Americans would like to see their sons be."

For there was much within the man that deserved imitation.

A discussion of the merits of the president would necessarily involve such adjectives as "courageous," "tenacious," "fair-minded," "jovial," and "frank."

But if one could reduce to a single word the outstanding characteristic of the man, that word would perhaps be "energy."

The same man who scaled the Normandy cliffs and straightened out the general land office, practically turned this university inside out.

In a decade he turned a segregated military college into an integrated coeducational university, meanwhile doubling both the institution's number of colleges and enrollment.

President Rudder seldom walked anywhere he didn't have to—he moved faster if he could. His days at the university would almost always stretch to 10 hours, and more often, 12 or more. He was dynamic, he took charge and stayed in charge. The pace was often hectic, but he seemed to endure it.

As the state land commissioner, he once said, "For some reason or other, all of my life I have been like I am now. I seem always to have been under stress and strain."

Accustomed to the pressure, the president seemed to simply work his problems to death.

But as is too often the case, the vigorous life is the short life.

President Rudder died before his time at 59.

It is true that the good die young, and we must all bear the loss.

[From the Dallas Morning News, Mar. 25, 1970]

EARL RUDDER

The death of James Earl Rudder deprives this state and nation of a great patriot and unselfish public servant. Ten years ago Dawson Duncan of The News wrote of him: "Rudder has never said no, when public service called."

That call saw him lead a Ranger battalion in the 1944 Normandy invasion in one of the most courageous and costly operations of the war. Directed to send his troops up the 90-foot cliff of Pointe du Hoe, Rudder insisted on leading them instead. He was wounded twice but remained in command.

A peacetime call to service came when Gov. Allan Shivers in 1955 appointed Rudder Land Commissioner of Texas after scandal had smeared that office. Rudder's integrity and administrative talent cleaned up the mess and resulted in his appointment as vice president of Texas A&M, his alma mater, in 1958. He rose to presidency, then to head of the entire Texas A&M University System.

That system, which permeates the entire state through its extension program and other activities, gained prestige under his leadership. And when threats of student disruption came, Earl Rudder said:

"They will have a hell of a fight and this potbellied president will be in the front ranks leading it. We must meet their power with power if they threaten our society. I would use whatever force I could command to continue the educational process at A&M in an orderly fashion."

The end of the career of the man born 59 years ago in Eden, Concho County, leaves an indelible inspiration for others never to say no when duty calls, and to meet that call, as Earl Rudder did, with courage, integrity and honor.

[From the Houston Post, Mar. 25, 1970]

JAMES EARL RUDDER

The untimely death of James Earl Rudder was a great loss to the state and the nation, but most of all to the Texas A&M University System, to which he gave such dedicated and able leadership.

President Rudder was imbued with the unquenchable Aggie spirit from his youth, when he graduated from A&M in 1932. He kept the spirit throughout his life, returning in full measure the values he received as a student by his wise guidance in his years as president.

Under his leadership, A&M doubled its enrollment, from 7,000 to 14,000 students. Of even greater significance was the manner in which President Rudder led the university into new paths of research and graduate study, achieving for it a growing national reputation.

Balancing President Rudder's contributions to education, and service to his state as Commissioner of the General Land Office for three years, was his distinguished record as a soldier in World War II, and afterward. He led the famed Second Ranger Battalion, "Rudder's Rangers," up and over the cliffs at Pointe du Hoe on the D-Day invasion of Normandy. For this and other exploits, he won the Distinguished Service Cross and other medals.

Later he received the Distinguished Service Medal, the highest peacetime honor. Continuing his military interests after the war, he rose to major general in the U.S. Army Reserve.

Texans mourn with his family the death of Gen. Rudder, who reached pinnacles of achievement in both war and peace.

[From the Dallas Times Herald, Mar. 26, 1970]

JAMES EARL RUDDER

The death of James Earl Rudder, president of the Texas A&M University system, ended a distinguished career of service to the nation, the state and to the youth of Texas.

Rudder began that career as a teacher in Texas schools. He continued it with valorous service in World War II, then as Texas land commissioner and finally as vice president of A&M, president of the school and head of the entire A&M system.

Rudder, who retired as a major general, was one of the genuine heroes of World War II. One of its most decorated soldiers, he was awarded the Distinguished Service Cross, the Legion of Merit, the Silver Star, the Bronze Star with oak leaf clusters, the French Legion of Honor with croix de guerre and palm and the Belgian Order of Leopold with croix de guerre and palm.

Though his exploits in the war were many, his courage and valor as leader of the famed Ranger battalion which scaled the cliffs at Pointe du Hoe during the D-Day invasion is most often recalled. Rudder was wounded twice during that engagement.

Returning to civilian life after the war, Rudder achieved an equally notable record of service to the state and, particularly, to education.

Gen. Rudder's death deprives Texas of one of its most valuable human assets. We join his many friends, colleagues and family in sorrow at this passing.

[From the Waco News-Tribune, Mar. 27, 1970]

GALLANT LEADER LEFT HIS IMPRINT LARGE ON TEXAS

It is difficult to sort out the highlights of Earl Rudder's life. There were so many of them. And all of them show Earl Rudder serving his fellow-citizens through the unstinting use of his great capacities.

When he led his Rangers up an impossible cliff to begin the liberation of Europe from Nazi bestiality . . . when he took over the General Land Office of Texas to restore integrity and order . . . when he accepted the presidency of strife-torn, disorganized Texas A. and M. College, he never looked back, he never stopped moving forward and he instilled courageous faith in those around him.

Lest a stranger gain the impression that Earl Rudder's leadership was exhibitionist, it should be said that he accomplished spectacular results unostentatiously. He put the spotlight on those around him, never on himself. He loved his fellow-Rangers and the youngsters at Texas A. and M. with a fatherly devotion that bound them to the causes he served: the causes of freedom, of truth, of learning, of discipline, of self-respect and of religious faith.

In his earlier triumphs and satisfactions, Earl Rudder left unforgettable marks but his crowning accomplishment undoubtedly is the manner in which he transformed Texas Agricultural and Mechanical College from a rural-oriented "cow college" to a national focus of major progress in the fields of nuclear science, space science, oceanography, life sciences, engineering and business excellence. If he had never done anything else in his 59 years, Earl Rudder earned a top position in any Texas Hall of Fame for his achievements as president of what is now Texas A. and M. University.

One of those achievements has particular value to Waco as well as permanent worth to the whole state: at the request of Gov. John Connally, President Rudder took charge of the creation of the state's first technical-vocational institute, starting with the first campus here at the James Connally Air Force Base. Rudder was an Aggie classmate of the late Col. James Connally, a fact that added significantly to his zeal in launching Connally Tech as a branch of A. and M. He also assisted in the separation of the technical institute system to independent status with four campuses today. All through the process involving the occupational training centers, Earl Rudder repeatedly voiced his firm belief in the bright future of Waco and Central Texas and acted accordingly. His impact on our progress has been decisive, a fact that becomes more apparent with every month that goes by.

Earl Rudder played the game of life to win—honorably, enthusiastically, unselfishly and with a perceptive vision that focused his efforts on the main goals. He was a broad-gauged human being whose name will be honored so long as his ideals continue to be cherished in this land he loved so well.

RESOURCE CONSERVATION AND PUBLIC LAND USE POLICY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, on May 12, I was privileged to attend a luncheon with a number of my constituents given by the National Forest Products Association during the group's annual meeting.

The principal speaker at the luncheon was our friend and respected colleague, the Honorable WAYNE ASPINALL of Colorado.

Inasmuch as other Members of the Congress were unable to attend, I am taking this means of bringing the content of the speech to the attention of my colleagues.

I particularly want to emphasize the fact that the chairman's comments were, in my judgment, very timely, due to the fact that the report of the Public Land Law Review Commission will be presented to the Congress in the very near future. As chairman of the Commission, the remarks of the gentleman from Colorado have added significance.

I would also like to relate to my colleagues how well the speech was received. As a matter of fact, Mr. ASPINALL received a long and well deserved standing ovation following his speech.

Therefore, I am including the text of the speech in the RECORD at this point, and I urge my colleagues to heed the message that was conveyed by the gentleman from Colorado. Once again, he has made an outstanding contribution to the field of resource conservation.

The message follows:

REMARKS OF HON. WAYNE N. ASPINALL, CHAIRMAN, PUBLIC LAND LAW REVIEW COMMISSION, BEFORE THE NATIONAL FOREST PRODUCTS ASSOCIATION, WASHINGTON, D.C., MAY 12, 1970

It was with a great deal of satisfaction that I received and accepted the invitation to address you today. Much of this satisfaction came from the fact that your Association thereby demonstrated an understanding of my position last March on the resolution that would have brought before the House of Representatives for consideration the proposed National Forest Conservation and Management Act.

Some of the news media said that "the industry especially attacks" my action in suggesting that consideration of this legislation be postponed until the report of the Public Land Law Review Commission could be considered after it is submitted not later than June 30, 1970. I did not say then, nor do I say now that there is no need for legislation to assure better utilization and improved harvesting from the national forests. As a matter of fact, I know that we need some measures that will produce a greater yield of merchantable timber.

One of the requirements of the Act establishing the public Land Law Review Commis-

sion is that we compile data in order to understand the various demands on the public lands which now exist and which are likely to exist within the foreseeable future. Accordingly, one of the first manuscripts completed, as part of the research program conducted by or under the supervision of the staff, contained national projections of probable consumption to the year 2000 of all commodities producible on the public lands. Those projections did not attempt to relate requirements to the supply capability of the public lands. These projections were kept in mind by us as we proceeded with our work. In the meantime, other data were developed and other sources consulted by the staff.

The study program examination of individual commodities considered the supply picture for each and, at each step of the way, we asked for and received comments from members of our Advisory Council and Governors' Representatives. Then last fall, a manuscript was prepared for the purpose of tying the future requirements to the likely future output from public lands.

This background is furnished so that you can see the detail with which the Public Land Law Review Commission approached the problem. From our own work, we know, therefore, as stated by our contractor, that "if projected timber requirements in 1980 and 2000 are to be met, greater increased yields will be required from Federal lands." So, while it is comforting to know that the administration came to the same conclusion, we did not have to wait for the Second Annual Report on National Housing Goals, transmitted to the Congress by the President April 1, to understand this basic fact.

Our big task in the Commission was the question of how to accomplish these greater yields and at the same time discharge our responsibility to consider all other uses or possible uses of the public lands, while at least maintaining, if not enhancing, the quality of the environment.

In the last analysis, the Commission came up with conclusions and recommendations of uses and means to accomplish these multiple objectives. Two weeks ago this Thursday, our report was turned over to the Government Printing Office in order to assure that copies will be available for you and others interested at the same time it is presented to the President, the President of the Senate, and the Speaker of the House of Representatives.

Your officers knew when they invited me to speak that the Commission's work would have been finished by today and that I would not be able to tell you the results or the recommendations. They understood this and said you would understand that, aside from anything else, it would be discourteous to the President and the Congress to reveal the recommendations before we present them. In the time allotted to me, I shall, accordingly, discuss matters of interest to you without getting into our recommendations.

As the principal sponsor of the bill that led to the establishment of the Public Land Law Review Commission, I can tell you that it was not intended that the Commission would seek the dissolution of the National Forest System. By the same token, the law does charge us with the responsibility of examining all laws, policies, practices, and procedures in the light of an overriding congressional policy that the public lands of the United States shall be retained and managed or disposed of, all in a manner to assure maximum benefit for the general public. We, therefore, could not and did not assume that any one class of lands or another was exempt from this examination.

For every use, for every commodity, we asked the question whether the public good would best be served by retaining the lands in Federal ownership or disposing of them into non-Federal ownership. And within each class of lands, we had to think of and consider the different uses that could be made of those lands. Parenthetically, it is well to keep in mind that the Commission always dealt in broad policy, trying to examine the various interrelationships among uses that exist in practice. This was in contrast to the fact that the studies undertaken by or under the supervision of the staff were, of necessity, concerned with individual or specific segments of public land policy. Accordingly, the study of Public Land Timber Policy dealt only with the use of timber as a commodity, while other studies, such as outdoor recreation, dealt with the use of forest lands for recreation purposes.

It was not, therefore, just a question of whether forest lands should be retained or disposed of, but it became a question of whether forest lands or, for that matter other lands, that were chiefly valuable for one purpose or another—timber production, watershed management, outdoor recreation, and so forth—could best serve the maximum benefit for the general public in either Federal or non-Federal ownership.

Constantly, we were faced with the competing needs, the competing uses for the same lands. While the needs of the American people have grown, with a companion growth in demand for the use of the public lands, the public land base itself has remained relatively stable.

In the absence of statutory guidelines to govern public lands generally, there has in recent years been little disposition. Likewise, in the absence of statutory guidelines to resolve differences between conflicting uses, there has been an understandable tendency on the part of the administrators to set aside rather than provide for consumptive use. Once the land or its resources are disposed of, they cannot be recaptured for Federal ownership except at tremendous cost. I think that any one of you sitting here today, charged with the same responsibility that Federal administrators have been charged with in the past, with no clear direction from the policymaking arm of Government—the Congress—would have reacted in much the same way.

The next main problem or policy consideration to be given attention by the Commission concerned management of those lands that are retained in Federal ownership. The subject is much too broad to talk about in all of its aspects. Let us, therefore, consider only those matters that pertain to the management of timber lands, and by timber lands, I mean those forest lands that are chiefly valuable for the production of commercial timber. Such lands, be they private, state, or Federal, are suitable for many forms of recreation, but their most important use is for timber production.

In the course of the Commission's work, we examined many different approaches to the management of such Federal public timber lands. We considered, based on projections that were made for us, the type of wood products that would be needed in the future. Another question presented for our consideration was the extent to which particular attention be given to the harvesting of old growth timber.

Other management practices which we had to consider—and which you must consider—included such matters as construction of access roads, the extent to which the Federal Government should act the same or differently than a private owner of commercial timber lands, the timing and frequency of timber sale offerings, the methods of determining the price of timber sold from public lands, and, among other things, whether we should continue, or possibly even expand, the restriction on the export of logs produced from timber harvested on Federal public lands.

All of this is called to your attention to point up the comprehensive nature of the review that we made. It also demonstrates that we had in mind the various factors that must be taken into consideration before the allowable cut is ascertained by the management agencies. You are assured that every member of the Commission understood fully the importance of the determination of the annual allowable cut as established by the public land managing agencies, and particularly the Forest Service which is, of course, the manager of the greatest amount of Federal public timber land.

Many of these factors have been of great significance in my own Congressional District in Colorado. I, therefore, came to the Commission's consideration of these matters with a personal perspective in addition to the material we received from our contractor and from public witnesses.

On this latter point, I am sure it comes as no surprise to you that your industry did not always speak with one voice. There were several people among our advisers, that is, the Advisory Council and Governors' Representatives, who spoke for segments of the forest products industry. But, it was Bernard Orell who was the acknowledged spokesman for the industry generally and we know the difficult task he had in attempting to develop recommendations that would meet with approval from the various segments of the industry.

All of us, including your industry representatives, were from the beginning of the Commission's work concerned with enhancing, or at least maintaining, the quality of the environment. We continued to pay attention to this as we proceeded with our review and have given it attention in the recommendations contained in our report. A problem faced by all of us is that we do not lose perspective merely because, suddenly, protection of the environment has become a popular cause.

There are things that you as an industry, just like many another industry, should have done many years ago. There are other things that you could have done. But all of these would have cost money, and the big question was, and still is: Are the American people ready and willing to pay for protection of the environment? There is no doubt that years ago the primary emphasis was on developing and producing the materials with which to expand our Nation and its economy.

Many people tell me today that the public is ready to pay the price of a quality environment. Although a bit skeptical, I believe that, to some extent, this is true. My opinion is that we must still maintain a balance so that we do not establish impossible requirements which would, in the long run, have the effect of making operations uneconomical and thereby deny a product to the people.

I have attempted today to outline some of the policy considerations that the Public Land Law Review Commission has faced during its tenure. But, as I said earlier, the report, which represents a consensus, has gone to press and the next step will be its submission to the President and the Congress. After that, you ask, where do we go from here?

Because of the diversity of subject matter and the detail with which we have faced squarely the problems facing the United States in the use of the public lands, we do not expect unanimity of all interested people and groups on all 137 of the Commission's major recommendations and its many subsidiary recommendations. We do, however, hope that there will be understanding and that this understanding will recognize that the Commission's report and recommendations deal with a single unified subject matter that has been broken up only for convenience into a number of interrelated items.

We think it will take time for that understanding to come about. We feel that it will take at least a few months after the report is submitted in June for you and other user

groups to see how the pattern of recommendations fits together. We ask you not to look alone at those recommendations that appear in a chapter that happens to have the title of Timber Resources, but to first look at the recommendations that apply across the board as underlying principles, and then to the recommendations that apply to fish and wildlife, water resources, outdoor recreation, and all the others.

We cannot urge you too strongly to view the report and our recommendations as a unified whole—as one unit. Naturally we recognize your desire to focus on those parts that deal directly with timber. But remember we will be urging others to take the overall look too, and you will need their support—just as they will need yours—to have legislation enacted implementing the Commission's recommendations.

The word of caution here is that you not rush blindly forward asking your friends in Congress to sponsor legislation based on our report—regardless of whether we have recommended what you would like to have enacted—until you have given competing interests an opportunity to weigh the report as a whole. Unless exceptional circumstances dictate otherwise, it seems to us that orderliness indicates a logical program: I suggest that between the end of June and the start of the 92nd Congress in January you study and discuss the entire report; advise your friends and your competitors of what you like and what you do not like. Then, at the start of the new Congress, let us be prepared to start the legislative process.

If you, and others interested, pursue this course of action I think we will be well on the road to a constructive revision of the public land laws.

STUDENTS PRESENT PETITION ON PASSAGE OF H.R. 4249

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. HATHAWAY. Mr. Speaker, last Friday I addressed a group of college students on the Bates College campus in Lewiston, Maine. The topic of my speech was recent developments in Southeast Asia. Upon leaving I was presented with a petition signed by 478 students attending college in Maine with hometowns in Maine and several other northeastern States.

The petition shows that Cambodia is not the only thing on the minds of our young people today.

I include this petition in the RECORD:

Whereas, American men are subject to the Selective Service System draft lottery beginning at the age of 18, and

Whereas, American men may risk their lives serving in the armed forces of the United States beginning at the age of 17, and

Whereas, many American men and women pay taxes to Federal, state, and local governments by the time they reach the age of 18, and

Whereas, it is absolutely essential that American youth be permitted to play a constructive part in the democratic process,

We, the undersigned, urgently request that you do everything in your power to ensure the immediate passage of H.R. 4249, leaving the provision intact that would lower the minimum voting age to 18.

MARTHA PETERSON,
RITA O'DONNELL,
CHARLOTTE HOWE,
MARYANN DE SOMMA,
CHRIS DOYLE.

CONTINUING INFLAMMATORY REMARKS OF CHICAGO CONSPIRACY SEVEN WHILE ON APPEAL BOND AFTER FELONY CONVICTION

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. ICHORD. Mr. Speaker, since the convictions early this year of five of the Chicago seven for traveling interstate to incite riots, the American people have witnessed a continuing barrage of their incendiary language. Following the trial, Dellinger, Davis, Hayden, Hoffman, and Rubin embarked on an ambitious program to win a multitude of college students to believe in their distorted concepts. These men cannot be faulted for languor. They have been assiduously traveling from campus to campus to address pliable young minds which are eager to observe the spectacle of these now-prominent figures. Press dispatches for the last several months have provided us with a steady diet of their exhortations, both open and veiled, to violence.

These men who stand convicted are engaging in the same and often more aggravated activity than the charges on which they have already been tried and convicted. During the last several days I have detailed for my colleagues some of the grossly inflammatory language uttered by Dellinger and company. Taken together, their conduct would impel a reasonable man to ask why we must be so permissive. Surely we have not yet adopted a national philosophy of self-destruction. And surely we are not yet prepared to stand by idly while the legal process is mocked and made to look ridiculous. On May 5, 1970, I urged the Attorney General to consider the conduct of the Chicago seven in the light of the conditions of their bond with a view to revocation.

On February 28, 1970, the U.S. Court of Appeals for the Seventh Circuit ordered that the Chicago seven be admitted to bail during the pendency of appeals of their convictions. The Government argued that bail should be denied, and the district court ordered that they should be denied bail.

The order of the court of appeals pointed out that the Bail Reform Act, 18 United States Code section 3148 requires courts to admit to bail those persons convicted of known capital offenses pending appeal unless they "pose a danger to any other person or to the community." The order states:

As to the five appellants convicted of violating the Federal Anti-Riot Act, 18 U.S.C. § 2101, the Government has failed to show that said appellants are dangerous within the meaning of the Bail Reform Act.

And further:

I am not naive enough to underestimate the trouble-making propensities of the defendants. But, with the Department of Justice alert to the dangers, the worst they can accomplish in the short time it will take to end the litigation is preferable to the possibility of national embarrassment from a celebrated case.

The appellate court concluded that none of the conditions in the act which might require detention of appellants during pendency of the appeals appear to exist.

It would seem that the conduct of Dellinger, Davis, Hayden, Hoffman, and Rubin since they were admitted to bail evidences a factual situation which was not anticipated. It seems clear that their repetitious appearances at rallies and demonstrations, many of which have evolved into violent disorders, do pose a danger to other persons and to the community. Their troublemaking propensities need not now be estimated, but can be judged with hindsight. And with all due respect for the Seventh Circuit Court of Appeals, it does not appear that the litigation will be concluded in the short time originally anticipated. I again urge the Attorney General consider a re-presentation of the appellants entitlement to bail pending conclusion of their appeals.

During the gathering in Washington, D.C. this last weekend, Dellinger urged our Nation's youth to launch boycotts, strikes, and to otherwise disrupt the machinery of Government until that machinery can no longer function. Dellinger told a large audience:

We're tired of fun and games and sideshow running around in the streets. We didn't come here for speeches. Now is the time for action.

I want to report that the order of the Seventh Circuit Court of Appeals stipulated that:

Each appellant "shall notify the United States Marshal for the Northern District of Illinois of his destination and each change thereof when traveling beyond the jurisdiction of the State of his residence. . . .

It was further stated by the court:

It should be a sufficient guide to appellants while at large on bail, to keep in mind that if it becomes necessary, this order may be modified by imposing further conditions authorized by 18 U.S.C. § 3146(a) or bail may be revoked.

The court in its wisdom left itself the option of reconsidering the appellant's right to bail. Again I urge the Attorney General to make a thorough analysis of the matter of appellant's post-trial conduct, including the requirement of reporting their travel itineraries.

F–111 CALLED MOST EFFECTIVE COMBAT AIRCRAFT IN ARSENAL

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. WRIGHT. Mr. Speaker, an ever-growing number of areospace experts are coming to recognize the true merits of the Air Force's much maligned F–111 fighter-bomber.

Latest evidence of this trend is a penetrating article written by Marvin Miles, respected aviation and space reporter for the Los Angeles Times.

Mr. Miles "sets the record straight" on the F–111, recognizing the difficulties this advanced aircraft has encountered but keeping them in perspective. He points

out that despite all the vilification that has been heaped on the airplane, it nevertheless is "the most advanced and most effective combat aircraft in America's air arsenal."

In order that my colleagues may share this well-balanced assessment of the F-111, I include in the RECORD the Marvin Miles article as published in the Fort Worth Star-Telegram, May 10, 1970:

F111 HELD MOST ADVANCED—LA TIMES "SETS RECORD STRAIGHT" ON GD CRAFT

(By Marvin Miles)

Born in a storm of political struggle and developed in a fishbowl, F111 aircraft for years have been fashionable targets for criticism, a handy podium for scorn.

True, these aircraft—fighter-bombers and interim strategic bombers—are grounded for the most exhaustive safety tests ever ordered. But they will start returning to the air next month, the most advanced combat planes ever developed by this nation.

They don't deserve the vilification heaped upon them.

Take the interim bomber version, the FB111. Its role is to fill in for the aging B52 fleet in the latter years of the decade before the new B1 strategic bomber becomes operational.

It is conceded that the tiring B52 will not be able to cope with the advanced defenses of the late 1970s and that the FB111 will be the only aircraft in that era that can penetrate to primary targets.

Yet instead of the 263 FB111s estimated necessary to prevent a bomber gap and provide assured destruction of Russian targets, only 76 have been ordered and could represent the only immediately effective U.S. counterforce if our missiles should be thwarted.

The brawling history of the F111 is well-known, reaching back to 1962 when Robert S. McNamara, then secretary of defense, tangled with Congress over his award of a production contract to General Dynamics over the Boeing Co.

Known originally as the TFX, for Tactical Fighter Experimental, the unique design was conceived on the McNamara theory of commonality, wherein the same basic airplane would serve both Air Force and Navy and would have many common parts and systems.

The Senate permanent subcommittee on investigations, headed by Sen. John L. McClellan, D-Ark., waded into the McNamara decision and set the continuing high fashion for kicking the F111.

The airplane went into production—a modest 576 ships are funded today compared with approximately 1,700 envisioned originally—but then the swing-wing sophisticate ran into a series of upsets.

Its weight went up and the Navy used this as an escape chute to abandon its plans to use the plane. This after the assembly of seven Navy models by Grumman Aircraft.

Costs soared from a 1964 estimate of $4 million per plane to $8.7 million in January.

Three aircraft were lost in Southeast Asia in 1968 during a premature battle test of eight planes, but none was downed by enemy action.

Adding to its woes, the F111 showed deficiencies in some eight performance areas and 18 more crashes occurred.

Then there was the 1968 finding in a ground fatigue test of a weakness in the F111's box-like steel cross-structure to which the wing roots are attached—a flaw that did not affect immediate performance, but could reduce the lifetime of the plane.

Assuredly, the airplane has had its problems but there's always the other side of the coin. Its consideration in this case is called "setting the record straight" and this is how it goes:

The F111 remains the most advanced and most effective combat aircraft in America's air arsenal, a plane that would without a doubt be fighting tomorrow—problems notwithstanding—if World War III should break out.

It represents major technical advances as both a fighter-bomber and interim strategic bomber that outpoint all other aircraft in this class to marked degree.

Furthermore, the technology developed in the bomber version will be carried into the new B1 bomber of the 1980s, the swing-wing penetrator for which the Air Force will let a crucial development contract within about 10 days either to North American Rockwell here, General Dynamics, Fort Worth, or the Boeing Co.

Conventionally aerospace firms in planning their bids for plane contracts consider the potential performance of the plane they have designed, based on expected engine power, anticipated systems capability, weight limitations, and so forth.

Then, after a contract is awarded, it is traditional for the military service and the company involved to negotiate specific requirements that are somewhat relaxed from the original proposal on the basis of a wealth of details now introduced into consideration.

In the case of the F111 no such relief was forthcoming, because of the sensitive situation created by the political fight, and the company was held rigidly to the highest performance standards.

The cost of the airplane climbed from $4 million to $8.7 million per unit largely as the consequence of a reduced purchase—from the anticipated 1,700 planes to the current 516 total, all fighter-bombers except the 76 interim strategic bombers.

Costs were shoved upward also by economic spirals and calls for modifications and changes into seven different models of the swinging bird rather than just the two—Air Force and Navy—sought originally.

With the modifications and the unknowns encountered in developing the advanced plane, the weight of the F111 went from 69,000 pounds to 82,000 pounds. Nor were several other peak target values achieved.

With added weight the takeoff distance increased from 2,780 feet to 3,500, while the landing distance nudged up only slightly from 2,250 to 2,320 feet.

Ferry range dropped from the desired 4,180 nautical miles to 3,300, the combat ceiling came down from 62,300 feet to 58,000 and the maximum speed at altitude dipped slightly from mach 2.5 to mach 2.35 or approximately 1,550 m.p.h.

Acceleration also was down, at last with the initial engines, which require four minutes to pick up from 600 m.p.h. to 1,450 m.p.h. instead of 1.45 minutes. More powerful engines will go into the newer ships.

Dash radius, too, came down to 55 per cent of the desired value at 35 miles. This is the distance at which the F111 can fly at treetop level and supersonic speed (mach 1.2 or 900 m.p.h. plus) in final penetration to a target after having flown many hundreds of miles to begin its attack run.

But it must be remembered that no new and advanced combat plane delivers all the performance sought initially. Critics also should keep in mind that F111 types are not fighters in the sense of swirling dogfights and do not require extremes in climb or acceleration, for instance.

The fighter-bomber versions are designed for interdiction, to prevent an enemy from delivering resources for battlefield operations, and for strikes at enemy air fields to help assure air superiority through ground kills.

The FB111 mission is deep penetration of heavily defended enemy areas for nuclear strikes at strategic targets.

The great advantage of both types over other aircraft is the combination of their range, their bomb load and their ability to fly automatically at treetop level with terrain-following radar to streak under enemy warning nets at night and in all weather conditions, navigate precisely and strike with devastating accuracy.

Four F111s in an all-weather force, it is estimated, can deliver a bomb load equivalent to that carried by 12 conventional fighter-bombers (operating only in visual conditions) and strike autonomously at one-sixth the cost annually without an extensive array of support aircraft.

Finally, in the field of safety, it should be pointed out that the F111 has had in 52,300 flight hours less than half the accidents (18 not counting those lost in Southeast Asia) averaged by other tactical fighters in the Century series (F100 through F106 and F4) in their first 60,000 hours.

And this despite the aircraft's short takeoff and landing capability from "austere," or unimproved, fields.

The fatigue weakness found in the wing carry-through box in 1968 was eliminated and the structure successfully tested to the equivalent of 40 years of operations, or four aircraft lifetimes.

Each F111 produced to date, together with those a certain distance back on the assembly line, will be put through the most torturous ground test program ever devised for an operational aircraft. As each airplane is checked out, it will be approved for operations up to 80 per cent maximum flight stress, a job that should be completed in December.

But additional air testing will be required in 1971 to determine exact aerodynamic load distributions on the plane under all conditions before the F111 is finally cleared for all-out operations, maximum performance.

By then there should be no doubt in anyone's mind that the swingwing bird is exactly what its pilots have called it:

"One hell of an airplane!"

LEGISLATION TO AID U.S. MINK RANCHERS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. LANGEN. Mr. Speaker, 3 years ago I introduced legislation to put some semblance of order in the Federal treatment of U.S. mink ranchers. I warned at that time that a continuation of the policy of free and unlimited imports of mink skins would lead to a further deterioration of the American mink industry. The warning went unheeded and hundreds more of our ranchers have had to cash in their chips at a time when their contributions to our smaller communities are badly needed. That is why I am again introducing a bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink. This bill would not only benefit our own mink ranchers, but foreign producers would benefit as well from stable prices and markets.

This history of the American mink rancher is a commendable one. Our ranchers have assessed their own sales receipts for well over 25 years to the extent of many millions of dollars for market development. The result was the building of a worldwide demand for mink. Our ranchers became responsible, taxpaying members of their communities, contributing much on the lo-

cal, State, and national levels. But this is a story very familiar to American agriculture. American farmers have, time and again, created their own markets, only to see their efforts usurped by foreign suppliers who then got on the bandwagon at the expense of our farmers.

The mink ranching problem really came to the forefront in 1959 when the U.S. Tariff Commission decided, unwisely, that duty-free and unlimited foreign imports of mink skins were not injuring the American ranchers. This policy has prevailed from that time forward and the results are alarming at the very least. With assurances that there would be no restrictions on our imports, foreign producers went into high gear, producing cheap and inferior pelts that flooded our markets.

Imports rose from 2.8 million skins in 1960 to 4.1 million in 1961. That was a percentage increase of almost 31 percent. In 1961, the American rancher, unable to generate new consumer demand for such unprecedented supplies, began tightening his belt from a price break of more than 23 percent. From that point onward domestic producers fell out of competition at the rate of several hundred each year. The situation hit another crisis point in 1966 when imports of undressed minkskins reached a peak of 5.7 million pelts. And following the disastrous 1967 pelting season, 1,000 domestic ranchers dropped out of business.

Up until 1967 there had been a continuous increase in imports. The domestic market was able to absorb these large numbers of mink pelts because of demand created by the fantastically successful advertising campaign conducted and paid for by U.S. mink ranchers. In this campaign they appealed directly to the consumer and developed a lucrative market for furrier's garments made from American raised mink sold by U.S. fur auctions.

During most of the sixties the opinion that mink was the ultimate fur along with the great affluence of the American public made it possible to absorb increasing quantities of mink at profitable levels and the image of mink remained relatively untarnished.

But in 1966 and 1967, the inevitable happened, imports captured 54 percent of the U.S. market. Even the tremendous image and desirability that had been so carefully and expensively nurtured by the American ranchers could not withstand the terrible weight of 11 million pelts imported in 2 years, especially since millions of these pelts were of low grade quality.

The result of all this has been the reduction in number of domestic mink ranchers from 7,200 in 1962 to 2,400 in 1969, with the number now estimated to be less than 2,000. The overall comparison of figures between 1959 and 1969 shows that imports have increased by about 22 percent, prices have fallen about 24 percent, ranchers have lost 11 more percentage points in a market which they originated and built, and well over 50 percent of the domestic producers have been annihilated.

Pelt prices have now reached disaster levels. After suffering the price break due to the flood of imports in 1967 the market is now further depressed by slowing business, restricted credit, and a major decline in the stock market.

It should be noted that our domestic producers are not the only ones to feel the effects of falling prices. Some foreign producers have also become disturbed over declining prices for their mink pelts. Both American and foreign ranchers would benefit from realistic controls of imports. The market would stabilize, and the increasing annual U.S. consumption of mink, shared by both, would provide an orderly expansion. But under the present, uncontrolled conditions, everyone loses, including the U.S. Government through the balance-of-payments deficit.

Under the bill I am introducing today, the imports of minkskins in future years would be limited to the average number of skins imported over the past 5 years, and would be further limited to 30 percent of the domestic consumption for any particular year. These skins would be duty free, but any quantities that exceeded those limits would be subject to a 50-percent ad valorum tax.

This bill not only enables foreign suppliers to participate in the existing U.S. market at a fair level, but would assure foreign producers to share in any expansion of the U.S. market at approximately a 30- to 70-percent ratio. That market would surely be expanded once that the foreign encroachment has been arrested. American marketing associations would then be in a strong position to go back to surviving ranchers to raise the funds necessary to rebuild the market and to stimulate exports.

Otherwise, in the not too distant future, cheap foreign mink imports will surely bring about the total eclipse of mink as a prestige fur, and thus also, eclipse the entire fur industry both at home and abroad.

I ask early consideration of this bill, so badly needed by our mink ranchers who are literally with their backs to the wall. We must maintain these people who are paying taxes, supporting local schools and merchants, and contributing substantially to the economic well-being of our Nation, States, and local communities.

A bankrupt rancher can pay no taxes, can support no payroll, can provide no market for other farmers who provide feed, or merchants who supply equipment. A bankrupt rancher leaves no incentive for his children to remain on the farm or in the community; provides no jobs for others. This Nation simply cannot stand any further deterioration of the countryside.

HELPING PEOPLE HELP THEMSELVES

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. ALEXANDER. Mr. Speaker, during a recent trip back to the First Congressional District of Arkansas, I had the opportunity to study one of our Federal programs in action and, I must say, I was most impressed. The program to which I refer is the expanded food and nutrition program.

This program, which is being operated by the Agricultural Extension Service, has now been expanded into 28 counties in Arkansas, including eight in the First Congressional District. During the short time that the program has been in operation, it has already shown dramatic results.

The expanded food and nutrition program is being operated conscientiously and efficiently and, consequently, is receiving excellent responses. During a briefing in West Memphis—Crittenden County—I was told that the eating habits of persons being helped by the program have changed dramatically through the help of nutrition aides. I also had the opportunity to visit with the 17 nutrition aides in Crittenden County and heard excited and proud reports of progress being made through their efforts.

For example, a group of people being helped by the nutrition aides were asked at the beginning to recall their diets for the previous day. Of these people, 54 percent said they had had no milk the previous day and 20 percent said they had not eaten any fruits and vegetables. Six months, later, only 28 percent said they had not had any milk the previous day and only 9 percent reported they had not eaten fruits or vegetables the previous day.

There is a problem of hunger in this country, Mr. Speaker, but I contend that the larger problem is one of malnutrition. The answer to this problem is education, the systematic teaching of proper dietary principles to large numbers of citizens in this country. This excellent program is making a good beginning in this regard, and it should receive our continued support and encouragement.

The entire theme of this program is summed up in the slogan that was before the group during the briefing I received. It said:

> Give a man a fish and you feed him for a day, teach him to fish and you feed him for a lifetime.

This is a case in which a program has the proper direction, has the dedicated enthusiasm of the persons who are operating it on the local level, and has received the gratitude of thousands of persons who have seen their diets improved during the past several months.

PRESIDENT'S LIBERAL OPPONENTS AND MEDIA "BAMBOOZLED" THE COUNTRY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. BRAY. Mr. Speaker, every once in a while, amid the anti-Nixon, anti-Republican clamorings of a vast majority of the press, a refreshing voice is heard which presents the other side of a story that has been neatly packaged and presented to the American people

in a biased, one-sided fashion as "the truth."

Such is the case with a recent editorial from the Indianapolis Star entitled "Who Split the Country?" Using the example of the Supreme Court nominations of Judges Carswell and Haynsworth, this editorial points out how President Nixon's liberal opponents not only demonstrated blatant regional discrimination, but then turned the situation around to blame the President and, with the help of the media, "bamboozled" the country.

So that all my colleagues may have the opportunity of hearing an unusual voice of clarity, I insert this editorial in the RECORD at this point:

WHO SPLIT THE COUNTRY?

A slick trick perfected by liberals is to pin any transgression they are nailed with on the one who nailed them.

Out of the resulting confusion they seldom fail to emerge unscathed while the one who fingered them turns out to be the culprit.

A perfect illustration of this time-tested tactic was a recent cartoon by Herblock, a liberal political caricaturist, which appeared on the Star's opposite-editorial page. Herblock pictured an ax inscribed "Administration Efforts To Divide Americans," hewing the nation along a line roughly corresponding with the Mason-Dixon Line. The caption read, "We're Thinking of Renaming It the Mason-Nixon Line."

Now what were the actual events leading up to this distortion of the facts in which artist Herblock was merely repeating in pictorial form what had already been spouted again and again?

First, President Nixon proposed Judge Clement F. Haynsworth Jr. for the Supreme Court, but the liberal-dominated Senate rejected him, declaring his judicial rulings anti-labor, anti-civil rights and influenced in some cases by conflict of interest. The judge's record did not sustain these charges but his confirmation was denied just the same.

The President's next choice, Judge G. Harrold Carswell, likewise met rejection on grounds that years earlier he had uttered anti-civil rights remarks, subsequently retracted, and that he was a mediocre jurist. The mediocrity of his judicial standing was maintained on the score that some of his decisions had been overturned by the Supreme Court—a court swayed by a liberal majority of judicial nonentities appointed in most cases because they were outspoken liberals.

Both Haynsworth and Carswell are strict Constitutional constructionists—one of President Nixon's requirements. Both are Southerners.

The day after Judge Carswell's rejection, President Nixon commented, "With yesterday's action, the Senate has said that no Southern Federal appellate judge who believes in a strict interpretation of the Constitution can be elevated to the Supreme Court.

He added, "I understand the bitter feelings of millions of Americans who live in the South about the act of regional discrimination that took place in the Senate yesterday."

Then the liberals rose in righteous indignation. Of course they hadn't engaged in regional discrimination. What next? Of course they hadn't split off the South as an inferior region. What blasphemy!

But they *had*. It was history and they couldn't duck it.

What to do? Discrimination! Oh, horrors! Not that!

Then came the wise strategist. "Relax, gentlemen. The technique is well established. We simply pin the whole thing on Nixon."

And so they did.

And pretty soon there was confusion. Who split the country? Did President Nixon do that? Well, he talked about discrimination, didn't he? And, after all, he hasn't picked another Southerner. Guess that must mean something.

Who split the country? Let's not be bamboozled by liberal trickery. The liberals split the country. That's who.

DEDICATION OF SCHOOL FOR HANDICAPPED IN CANTON, MASS.

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. House of Representatives the news about the dedication of a $2.2 million high school for the physically handicapped children that was dedicated in Canton, Mass., yesterday afternoon. I am very proud of the accomplishments of the Massachusetts Hospital School in the town of Canton. The great work of Dr. Margaret Brayton for whom the school has been named is most impressive. I take leave to include a news item appearing in today's Boston Herald Traveler covering the ceremony:

DEDICATION IN CANTON: SCHOOL FOR HANDICAPPED

The $2.2 million high school designed to meet the needs of physically handicapped children was dedicated yesterday at the Massachusetts Hospital School, Canton.

Present, and receiving a sterling silver platter as a memento of her service, was teacher-administrator Dr. Margaret Brayton for whom the school has been named.

Also present were state and local educational and medical leaders associated with the hospital school, including Mrs. Francis W. Sargent, wife of the governor, and Dr. Alfred L. Frechette, commissioner of the state department of public health.

The one-level concrete and masonry building, is designed to allow free movement of bed-cart and wheelchair student-patients.

The 500-person capacity auditorium, where the ceremonies were held, is ramped to permit students to move up and down the aisles as well as the stage with their vehicles.

A special feature of the Brayton school is the closed-circuit television system which permits bedridden children to attend classes regularly. The system also incorporates a two-way communications system between classroom and student.

Planned to incorporate 150 students, the school includes general classrooms, two science laboratories, an economics department, a language laboratory, a music room, a library, a study hall and a student lounge, where a collation was served following the dedication.

Among the speakers at the affair was Joyce Ann Hallan, an alumnus who was graduated from Boston University with a Phi Beta Kappa, and who spoke from her wheelchair. She said self confidence was the key factor in any human's life, but especially the physically handicapped who find themselves "in a world not designed to our specifications." The MHS has provided this for students, she said, and the new school will increase the degree of it they attain.

Nils "Swede" Nelson, a trustee, made the presentation to Dr. Brayton, who has been with the school since 1929, and is director of education and training. Other speakers included Patrick Reardon, MHS campus mayor, and Dr. William P. McHugh, superintendent, who also served as master of ceremonies.

DEDICATION PARTICIPANTS

School dedication participants in Canton yesterday included Dr. Margaret M. Brayton, Mrs. Francis W. Sargent, Joyce A. Hallan and Nils "Swede" Nelson. The new high school named for Dr. Brayton, will accommodate 150 physically handicapped students at the Massachusetts Hospital School operated by the State Department of Public Health. Dr. Brayton heads the school operation; Mrs. Sargent represented the governor; Miss Hallan is a Phi Beta Kappa Boston University graduate who attended high school there; Mr. Nelson is a trustee.

YOUNG AMERICANS SEEK PEACE WITH FREEDOM AND SUPPORT THE PRESIDENTIAL POLICIES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. MICHEL. Mr. Speaker, I am sure that every Member has been visited by delegations of college students in recent days expressing opposition to the President's policy in regard to the war in South Vietnam and, especially, his decision to eliminate the enemy sanctuaries in Cambodia.

In listening to these students and in watching the news reports on television, as well as reading about the activities of students in the newspapers and magazines, one could get the impression that this opposition to the President was virtually a unanimous view of all college students.

Such is not the case, of course, as evidenced by a full page ad appearing in today's edition of the Washington Post. The ad, entitled "An Open Letter to 100 Senators" was paid for by the Youth Committee for Peace with Freedom, a group made up of college students and other young people not attending college who support the President and who are also opposed to the effort now underway in the other body to severely limit the President's flexibility in his endeavor to disengage ourselves from the war.

I include the full text in the RECORD at this point:

MANY YOUNG AMERICANS SEEK PEACE WITH FREEDOM AND SUPPORT THE PRESIDENT'S POLICIES

Gentlemen: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper Amendment and the Hatfield Amendment because the great majority of our students and the Majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech, showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL–CIO President George Meany and other leading trade-unionists have also supported the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by *President Abraham Lincoln* in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war . . . The people were weary and tired of the inconclusive bloodshed . . . There were violent anti-draft riots in New York, in which scores were shot down . . . Increasingly vicious attacks on the President began to appear in the press . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley . . . In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was convinced that his administration would not be reelected. But he persevered in his course because he was convinced of its correctness.

In modern times Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion in Great Britain was predominantly pacifist and, at a later stage pro-appeasement. The spirit of the British campus was reflected in the so-called peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "never again bear arms for King and country." As Churchill commented: ". . . In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people—perhaps more than 90 percent of the people. The verdict of history is now in on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In *Profiles in Courage*, our martyred President, John F. Kennedy, told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion. John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discusing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

For those two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1; if rigidly interpreted, it would prevent the Administration from giving a single M16 rifle, or even a captured AK47 rifle, to the Cambodian government with which to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important*—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviet might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder whether the Senators who support the amendments truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquility? We wonder whether they are not, at least, worried that the President might be right when he warned that such a humiliation, would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to the Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. The groups of the undersigned, and of other concerned young people from all parts of the country will be visiting your offices over the coming days. We hope that they will get the same respectful treatment that you have accorded to those who came before us.

SENATOR FULBRIGHT ON THE PRESIDENTIAL POWER IN FOREIGN AFFAIRS

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more rather than less, compelling in the decades ahead.

The dynamic forces of the 20th century—communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other . . .

The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons.

YOUTH COMMITTEE FOR PEACE WITH FREEDOM

Coordinating Committee: Charles J. Stephens, Allen Wood, Rebecca Boyd, Neil Salonen, Barbara Mikesell, Hal Mackenzie, Dan Ferrerman, Gary Jarmin, William Wyche, Barry Serrins, and Doug Aller.

Linda Anthenien, University of California, Berkeley.
Saralinda Alexandria, University of California, Berkeley.
Edwin K. Ang, Berkeley, California.
Marie J. Ang. Berkeley, California.
Robert E. Barreiro, New York University.
Judy Barnes, Denver, Colorado.
Louise M. Berry, American University.
Kristine Bick, Lawrence University.
John Biddy, Phoenix, Arizona.
Rebecca Boyd, George Washington University.
Virginia Brennan, Rockville, Maryland.
Philip Burley, Boston, Massachusetts.
David L. Carter, Washington, D.C.
Bonnie Cathcart, Las Vegas, Nevada.
Adrin G. Coffman, Las Vegas, Nevada.
Barry D. Cohen, College Park, Maryland.
James V. Cowin, University of Pennsylvania.
Judy Culbertson, Los Angeles, California.
Jay D. DeHaven, Alhambra, California.
Carroll Ann Dobrotka, Washington, D.C.
Lynne L. Doerfler, Lawrence University.
Marion Ellicott Dougherty, Las Vegas, Nevada.
Marlene V. Dudik, Washington, D.C.
George C. Edwards, Washington, D.C.
Cynthia Efaw, Washington, D.C.
Leslie D. Elliott, Berkeley, California.
Bruce D. Eho, Desert Hot Springs, California.
Daniel Fefferman, University of California, Berkeley.
George L. Fernsler, Philadelphia, Pennsylvania.
John Fitzpatrick, University of Maryland.
Justin Fleischman, University of California, Berkeley.
Gary Fleisher, Los Angeles, California.
George Franklin, Wheaton, Maryland.
Gaynell Frizzell, Berkeley, California.
Marshall B. Frontingham, Washington, D.C.
Vera Gatlin, Dallas, Texas.
John L. Harris, New Haven, Connecticut.
Regis Hanna, University of Maryland School of Social Work.
Roger Hellman, University of California, Berkeley.
David Hess, Washington, D.C.
Richard Hunter, University of Maryland.
Ronald Humberd, Isla Vista, California.
Helen Irland, University of California, Berkeley.
Carol Jaquith, Silver Spring, Maryland.
Gary Jarmin, Los Angeles, California.
Roy Wharton, Georgetown University.
Andre V. Starrett.
Linda Jarmin, UCLA.
John Jehle, American University.
Travis Jones, Washington, D.C.
Farley Jones, Washington, D.C.
Marilyn J. Kay, Los Angeles, California.
Theresa Klein, Washington, D.C.
Jack Korthuis, Las Vegas, Nevada.
Linda Marchant, American University.
Nora S. Martin, Kansas City, Missouri.
Lisa Martinez, Los Angeles, California.
Giovanna Mathis, St. Louis, Missouri.
Hal McKenzie, New Haven, Connecticut.
Barbara Mikesell, CCNY.
Susan Miller, Los Angeles, California.
Wilma Miller, Los Angeles, California.
Barbara Newman, New York, New York.
Elizabeth O'Neill, New York, New York.
Sylvia J. Norton, Golden, Colorado.
Robert F. Oswald, Creve Coeur, Missouri.
Orah Pope, University of Maryland.
Ann Rantovich, Wheaton, Maryland.
Carl Rapkins, Buffalo, New York.
Emma Reed, Hollywood, California.
Michael Richardson, University of California, Berkeley.
Robert Rogers, University of Maryland.
Michael Roth, Los Angeles, California.
Steven Schatz, Silver Spring, Maryland.
Joseph Sheftick, Los Angeles, California.
Nanette Semha, New York Institute of Art.
Wesley Samuel, New York, New York.
Dale Smith, New York, New York.
Jon Schuhart, Los Angeles, California.
Neil Albert Salonen, Denver, Colorado.
Anne Smith, University of Maryland School of Social Work.
Barbara Snell, Rockville, Maryland.
Richard Snell, Wheaton, Maryland.
Hugh Spurgin, Washington, D.C.
David Stadelhofer, University of California, Berkeley.
Shirley Stadelhofer, Berkeley, California.
Norman Strattan, Los Angeles, California.
Jeffrey Tallakson, University of California, Berkeley.
Alice Van Dyke, Denver, Colorado.
Martha Vertreace, Chicago, Illinois.
Blandina Watson, Los Angeles, California.
James Weeks, University of Maryland.
Noonie Baker, Philadelphia, Pennsylvania.
Susan Barnett, Miami, Florida.
Dee Beckner, Kansas City, Missouri.
Gene Bennett, Denver, Colorado.
David Charnow, Washington, D.C.
Adam Chornesky, Washington, D.C.
Dennis Cormier, New York, New York.
Stephen Deddins, Lemay, Missouri.
Joan Doffman, Philadelphia, Pennsylvania.
David Flores, Colorado Springs, Colorado.
Diane Frink, Colorado Springs, Colorado.
Anne Johnson, Washington, D.C.
Mary Ellen Holmes, Washington, D.C.
Susan Hughes, Oakland, California.
Carole Johnson, St. Louis, Missouri.
Carolyn Libertini, University of Maryland.
Julie Lewis, Washington, D.C.
Sara Mazumdar, Washington, D.C.
Glenda Moody, Washington, D.C.
Wayne Miller, University of Rochester.
Peter Mullen, Washington, D.C.
Galen Pumphrey, Golden, Colorado.
Sandra Singleton, Washington, D.C.
Margie Stahon, Washington, D.C.
Joseph Stein, University of Rochester.
Fred Stock, St. Louis, Missouri.
Richard Woodard, Washington, D.C.
Louis E. Stephens, Jr., Los Angeles, California.
William Wyche, Colorado College.
Mark Whitman, Berkeley, California.
Thomas F. Flood III, Granite Springs, New York.
Neil Winterbottom, University of Maryland.
Charles M. Wright, Los Angeles, California.
Ray Barlow, Phoenix, Arizona.

WILL PROTESTING BECOME A CAREER?

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. SCOTT. Mr. Speaker, Ed Grimsley, one of the feature writers in the Richmond Times-Dispatch, a daily newspaper serving my congressional district, has written an interesting column entitled, "Will Protesting Become a Career?"

The column discusses a serious subject in a light vein but does raise the question of whether there is a trend toward protesting for protest sake.

I believe the membership would enjoy reading what Mr. Grimsley has to say and it is set forth in full below:

[From the Richmond Times-Dispatch, May 15, 1970]

WILL PROTESTING BECOME A CAREER?

(By Ed Grimsley)

In an effort to predict what might happen if current campus trends continue, I have tried to imagine a scene in the year 2010 when a census taker questions a man to obtain personal information:

"Let's start with your age," says the census taker. "How old are you?"

"Sixty."

"And I suppose you're retired?"

"Oh, no."

"Where do you work and what do you do?"

"I don't work. I'm a college student."

"At age 60? What are you? A junior? Senior?"

"I'm not sure. I think I'm a rising junior, but I'd have to check that out. Things have been a little confusing."

"I see. How long have you been a college student?"

"Forty-two years."

"What?"

"Forty-two years. Started when I was 18."

"Why is it taking you so long to finish?"

"Well, you see I'm extremely socially concerned about my fellow man and so forth. When I was a freshman at the University of Virginia, back in the spring of 1970, I became upset about the war in Southeast Asia. I joined a group of students in a strike, and the college let us drop out of school to protest.

"We were supposed to make up any work we missed the next fall, but I was delayed by another student strike. I think it was to protest plans to send another mission to the moon, but I'm not sure. All the protests I've been in sort of run together in my mind.

"Anyway, when I finally did return to classes, somebody suggested we were not do-

ing enough to improve the environment. So I helped organize a massive strike against pollution.

"Somebody figured that if the more than 2,000 senior colleges in the country closed for an entire year, hundreds of millions of dollars ordinarily spent on higher education could be spent instead on environmental improvement programs. And college students could spend the year walking around the country picking up cans and bottles and participating in other programs to fight pollution.

"As my contribution, I spent one whole winter in Fort Lauderdale, walking up and down the beach wearing a shirt with a slogan saying: 'Save our Environment'. And I'll have you know that I was careful never to leave an empty beer can on the beach."

"Well, at the end of that year, I went back to Charlottesville. But the day I walked onto the campus, I met a band of students walking off. They were yelling, 'Strike!' and I turned around and went with them."

"That was good of you," says the census taker.

"What were they striking about?"

"Nobody seemed to know. But a true revolutionary humanitarian never let ignorance of a cause stop him supporting it.

"At any rate, when that strike ended, I joined another. Then another and another, and so on through the years, and I've always been behind in my classes."

"I suppose you've had a tough time supporting yourself—working at odd jobs here and there?"

"No, my father, who is eighty-four, is still supporting me. You see, when I was a freshman and participated in my first strike, my dear old dad patted me on the head and told me he respected my right to dissent, and he's been giving me money ever since. Of course, if I had had to work all these years, I couldn't have done a thing for humanity. I had a friend whose father cut off his money when he took part in his first demonstration, and he had to get a job to help pay his way through college. The last I heard of him he was a heart surgeon. Terrible, isn't it?"

CONTRIBUTIONS RESULTING FROM THE WATER RESOURCE DEVELOPMENT PROJECTS OF THE ARMY CORPS OF ENGINEERS

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. FALLON. Mr. Speaker, as chairman of the Committee on Public Works, I am proud to note the contribution to the Nation's outdoor water recreation opportunities which has resulted from the water resources development projects of the Army Corps of Engineers—projects which the committee has recommended and which the Congress has authorized. These projects have created vast expanses of water areas and many miles of shoreline. Corps of Engineers' reservoirs alone store nearly one-quarter billion acre-feet of water, which provides an enormous potential for outdoor recreation.

The enthusiastic manner in which the American people have utilized the recreation facilities which the Congress of the United States has authorized as part of Corps of Engineers reservoir projects is indicated by the substantial year-by-year increases in attendance figures:

	Million
1960	109
1961	120
1962	127
1963	147
1964	156
1965	169
1966	194
1967	204
1968	227.5
1969	254.7

These figures include only the attendance at major lakes. Recreational use of small-boat harbors, marinas, canals, and other waterways provided by the Corps of Engineers has not been estimated, but is believed to be at least equally great.

Parks and water-related recreation facilities are available at 267 manmade lakes operated by the Army Corps of Engineers throughout the United States. Available to the public are picnic grounds, tent and transient trailer spaces, parking areas, swimming beaches, boat-launching lanes, sanitary facilities, foot trails, and rental boats. Roads, parking areas, water supply, and other basic facilities are generally provided by the Federal Government, while State and local governments and private concessionaries are encouraged to further develop the areas for use by the general public. As an overall average, non-Federal interest in the past have invested more than $2 for every $1 of Federal investment in park and recreation facilities.

At this point, I insert in the RECORD a release concerning attendance at Corps recreation areas recently put out by the Chief of Engineers:

VISITS TO ARMY ENGINEERS LAKES EXCEED QUARTER BILLION

Recreation visits to 189 Army Corps of Engineers lakes last year exceeded a quarter-billion for the first time—an increase of 10.5 percent over 1968. Last year's visits totalled 254,747,730 compared to 227,463,350 in 1968.

Topping last year's list of 14 projects where visits exceeded 3 million was Lake Sidney Lanier, formed by Buford Dam on the Chattahooche River in Georgia, with nearly 11 million visits.

An additional 28 lakes each recorded more than 2 million visits and 35 others each topped 1 million visits.

Although the primary purposes of the man-made lakes and navigation pools built by the Corps are for other than recreation, the projects have become the Nation's most popular and heaviest visited recreation areas.

Boating and sport fishing—more than 1 million pounds of fish were caught at each of 12 lakes in 1969—are the most popular attractions at the reservoirs and waterways. However, most of the lakes provide picnic areas and camp sites for tents and trailers.

THE 10 PROJECTS WITH HIGHEST ATTENDANCE, 1969

Buford Dam-Lake Sidney Lanier, Chattahooche River, Ga	10,954,200
Denison Dam-Lake Texoma, Tex.-Okla	9,073,300
Allatoona Reservoir, Etowah River, Ga	6,242,300
Lake Cumberland (Wolk Creek Dam) Cumberland River Ky	5,139,600
Old Hickory Lock and Dam, Cumberland River, Tenn	5,002,300
Ferrells Bridge Dam and Reservoir Lake O' The Pines, Cypress, Tex	4,919,454
Table Rock Reservoir (White River) Mo.-Ark	4,876,800
Hartwell Reservoir, Savannah River, Ga.-S.C	4,826,400
J. Percy Priest Reservoir, Stones River, Tenn	4,818,500
Clark Hill Reservoir, Savannah River, S.C.-Ga	3,722,400

OTHER PROJECTS WITH ATTENDANCE IN EXCESS OF 2 MILLION, 1969

Somerville Reservoir, Yegua Creek, Tex	3,690,600
Lavon Reservoir, East Fork of Trinity Creek, Tex	3,171,800
Bull Shoals Reservoir, White River, Ark.-Mo	3,156,800
Whitney Reservoir, Vrazos River, Tex	3,030,000
Walter F. George Lock & Dam, Chatahoochee River, Ga.-Ala	2,869,700
Barkley Dam & Lake Barkley, Cumberland River, Ky.-Tenn	2,832,400
Eufaula Reservoir, Canadian River, Okla	2,766,400
Black Warrior, Warrior, Tombigbee Ls & Dams, Ala	2,745,800
Lock and Dam No. 26, Mo.-Ill	2,684,700
Fort Gibson Reservoir, Grand River, Okla	2,671,900
John H. Kerr Reservoir, Roanoke River, Va.-N.C	2,666,700
Carlyle Reservoir, Kaskaskia River, Ill	2,590,477
West Fork, Mill Creek Reservoir, Ohio	2,590,300
Texarkana Reservoir, Sulphur River, Tex	2,515,869
Benbrook Reservoir, Clear Fork of Trinity River, Tex	2,425,400
Lewisville Dam, Garza-Little Elm Reservoir, Tex	2,408,000
Blakely Mountain Reservoir Lake Ouachita), Ouachita River, Ark	2,403,600
Sepulveda Reservoir, Los Angeles River, Calif	3,338,853
Grenada Reservoir, Yalobusha River, Miss	2,329,900
Gavins Point Rec., Lewis & Clark Lake, Mo. River, S.D.-Nebr	2,319,100
Center Hill Reservoir, Caney Fork River, Tenn	2,289,600
Oahe Reservoir, Missouri River, S.D.-N.D	2,281,365
Lake Okeechobee, Fla	2,279,100
Kinzua (Allegheny River) Reservoir, Pa.-N.Y	2,278,600
Grapevine Reservoir, Denton Creek, Tex	2,266,600
Sardis Reservoir, Lake Tallahatchie, Miss	2,255,700
Sam Rayburn Reservoir, Neches River, Tex	2,218,600
Greers Ferry Reservoir, Little Red River, Ark	2,207,000
Keystone Reservoir, Arkansas River, Okla	2,152,200
Jim Woodruff Reservoir, Lake Seminole, Chattahoochee River, Fla	2,100,000
Norfolk Reservoir, North Fork River, Ark.-Mo	2,099,500
Beaver Reservoir, White River, Ark	2,040,900

LEO "TAR" PAULIN TELLS IT LIKE IT IS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. TEAGUE of Texas. Mr. Speaker, in the May 13 edition of a Montgomery County Md., suburban newspaper, the Advertiser, the editorial written by Mr. Leo "Tar" Paulin is must reading for

everyone. I do not know Mr. Paulin, but he has certainly covered our present ills and responded to them in a brilliant way. Under leave to extend my remarks in the RECORD, I include his editorial:

I COVER SUBURBIA

By Leo "Tar" Paulin

The Sorry Alternative—Depending on which of the apologetic TV commentators you viewed on Saturday there were 60,000, 100,000 and as many as 200,000 so-called peace demonstrators gathered under the hot sun of the Washington Ellipse last Saturday.

They left tons of litter behind, they shouted obscenities. Some of them frolicked in the nude in the Lincoln Memorial Reflecting Pool, giving others a better show than "I Am Curious-Yellow." Some smoked pot, and the mob urged mass sodomy on the person of President Richard M. Nixon. They saw, and some listened to, a girl introduced as Jane Fonda although she was not recognized immediately because she had her clothes on. This genteel lady perhaps set the theme for the entire day with her parting shout, "FTA."

They listened to the likes of David Dellinger and Rennie Davis, known communists. They tolerated the waving of the Viet Cong banner and they protested not against the American Flag hanging upside down. They had quite a day these young people from across the nation. Most of them, I'm sure, have a sincere desire for peace, as sincere and as passionate as the peace desire of the President and all of us "middle people."

Some of course were there for the lark. Others were not quite sure why they attended. A young lab technician who drew blood from my arm for a test yesterday morning told me she had attended. I ask her why. "I went to help end the war," she answered.

"How?" I pressed as she jabbed the needle into my arm, "Oh, I don't know, I just want it to end."

"Do you know anything about Dellinger and Davis?"

"No, who are they?"

Another girl, employed by us, also went to the big demonstration. "Why did you go?" I asked. "I just wanted to be on the scene. But I support the president."

Yesterday I had lunch with a woman who is advertising director for a large retail chain. She told me of her own 16 year old son who wanted to become involved. The family lives in Virginia. Her son announced on Friday that he was headed for the Monument Grounds to do his part to stop the war.

"Great," said his Mom, "I'll drive you."

"No, no! Mother," the boy answered. "It is too dangerous for you to drive there at night."

"You're right," agreed the woman. "Here, take this," she handed him a $10 bill, "and get yourself a cab." Then she added. "But if you get into trouble don't call me. You're on your own."

Both puzzled and perturbed by his Mother's attitude he protested. "But what if it isn't my fault?"

"When you go out that door, Son, it is your fault."

They had dinner and the lad went upstairs, presumably to get ready for his thing. Sometime later he came down all dressed and polished. He handed the ten spot back to his Mother.

Now it was his Mother's turn to be surprised. "How come?" she questioned.

"Aw, I went and took a shower, I'm all clean, I can't mix with that crowd."

I get a strong feeling that with the exception of Dellinger, Davis and their ilk, whose sympathies seem to be more with the enemy than with their own country, the masses there Saturday were not gathered in the spirit of the Holy Grail. Most certainly their frolicking, their protestations, their obscenities, and their indifference to the President's conciliatory attitude didn't change the course of our policy in Viet Nam or Cambodia. It didn't help the poor nor did it ease racial tensions. It offered no solutions to the conflict except abject surrender thus turning the people of the involved countries over to the proven ruthlessness of the communists.

If the demonstration accomplished anything it did serve to further polarize the nation. And it did say that the government should relinquish its responsibilities in foreign policy and place them in the hands of college students aided and abetted by the Communist agitators.

Freedom of expression is a beautiful ingredient of our capitalistic form of government. I am glad the demonstrators were permitted to do their thing in the nation's capital. I only regret they lacked the sagacity to direct their vitriol to those who are really responsible for the prolongation of the war—the men who rule from Hanoi.

President Nixon has made tremendous progress in resolving our dilemma in that faraway world. He has decreased our involvement to the extent of 115,000 men. His move into Cambodia will assure the return of many thousands more. And you wonder why the protestors and some members of Congress, including our own Senator McC. Mathias, are so exercised over this move. The communists have occupied their sanctuaries in Cambodia for five years. Where are the anguished outcries over that violation of Cambodia's neutrality? One is almost tempted to ask. "Who's side are they on?"

But with it all let's not write off our young people. They have problems and frustrations. They are the victims of our affluent society. They have had it passed to them on a silver platter. They have been taught the Ten Commandments but they look about them and discover the adults of their society flaunt them with crass arrogance.

We hear much of generation gaps. But in reality the gap is largely imaginary. The young ones are breaking laws and defying authority just as are the adults. Witness the many members of Congress who embark on phoney junkets that's stealing from the people as positively as the hood who sticks a gun in your ribs and takes your wallet. The result is the same, only the method is different. Witness a large segment of used car dealers who turn back the speedometer. That's stealing also.

Witness the business and professional community who bilks the government out of billions in legitimate taxes. That's stealing. Witness the business giants who defy anti-trust laws through various devious dodges; example: the major newspaper manufacturers for years have raised the cost of newsprint at the same time and at the same rate. The polite name for the practice is collusion.

Witness the labor leaders who steal from their membership and take kickbacks from the employers. Witness the employee who steals time and materials from the employer. Witness the degeneration of morals in nearly all phases of communications and entertainment. Witness the disappearance of gentility in the world.

Small wonder there is unrest among our young people. They have been nurtured in permissiveness; they have not been forced into competitive situations to steel them for the battles of every day life. They are unsure and lack purpose and direction. And with it all the younger generation is an astounding noble group. In spite of all the forces seeking to tear down our traditional codes of behavior the vast majority of them are fine youngsters who will, I'm confident, mold the future into a better society.

The alternative, that, offered by the speakers last Saturday—burn our universities, tear down our government, paralyze our economy is a most sorry alternative.

In spite of all our shortcomings, the duplicity of our adults in high and low places, in spite of all the immorality and dishonesty in the world, this country is making progress to a better world. And that older generation that holds the reins today has made fantastic progress towards the very objectives expressed by so many of the younger generation.

Let me quote at length from an address by Eric A. Walker, president of The Pennsylvania State University. Its title is: "Charge to Graduates."

"This ceremony marks the completion of an important phase of your life. It is an occasion in which all who know you can share in your sense of pride and accomplishment. But no one has more pride in your accomplishment than the older generation. But I am not going to tell that older generation how bright you are. Nor am I going to say we have made a mess of things and you—the younger one—are the hope of mankind. I would like to reverse that process. For if you of the graduating class will look over into the bleachers to your left or right. I will re-introduce you to representatives of some of the most remarkable people ever to walk the earth. People you might want to thank on this graduation day. These are people you already know—your parents and grandparents. And, if you will bear with me for five minutes, I think you will agree that a remarkable people they are indeed. Let me tell you about them.

"Not long ago an educator from Northwestern University by the name of Bergen Evans, a radio performer known to your parents, got together some facts about these two generations—your parents and grandparents. I'd like to share some of these facts with you.

"These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 percent—who while cutting the working day by a third, have more than doubled per capita output.

"These are the people who have given you a healthier world than they found. And because of this, you no longer have to fear epidemics of flu, typhus, diptheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

"Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

"Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

"And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

"These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And

these are the people who had the sense to begin the United Nations.

"It was representatives of these two generations who through the highest court of the land fought racial discrimination at every turn to begin a new era in civil rights.

"They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

"And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning and setting aside land for you and your children to enjoy for generations to come.

"They also hold the dubious record for paying taxes—although you will probably exceed them in this.

"While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

"It is my hope, and I know the hope of these two generations, that you find the answers to many of these problems that plague mankind.

"But it won't be easy. And you won't do it by negative thoughts, nor by tearing down or belittling. You may and can do it by hard work, humility, hope, and faith in mankind. Try it."

TAX-FREE FOUNDATIONS SEEK MORE SPECIAL PRIVILEGES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. RARICK. Mr. Speaker, a new commission—probably tax free—has urged more governmental loopholes to increase tax-free wealth for the foundations.

The committee should appropriately be called the John D. Rockefeller III Blue Ribbon Committee. They apparently consider their charitable progress not accomplished until violence and riots have completely destroyed the country.

No longer is there a need to explain their research and educational grants—they are demonstrable—burning all around us.

Mr. Speaker, I include a Los Angeles Times news clipping with my remarks:

PANEL URGES NEW TAX INCENTIVES FOR FOUNDATIONS

(By Bryce Nelson)

CHICAGO.—A national blue-ribbon commission has urged governmental tax incentives to give foundations new sources of funds so that they could avoid "the charitable crisis of the 1970s."

The Commission on Foundations and Private Philanthropy also urged that all foundations publish annual reports and that every foundation should be audited at least once by the Internal Revenue Service in the next three years to clear away "the air of the illicit that has settled on foundations generally."

The commission estimated that there were more than 22,000 foundations in the United States and that only 36 per cent of these have been audited by federal or state tax officials in the last 10 years.

The commission said that "a substantial portion of foundations pay out a very small per cent of their asset values." It reported that 47 per cent of foundations paid out less than 6 per cent of their asset values annually and that 17 per cent of foundations paid out less than 1 per cent of the value of their assets.

"The foundations in question clearly are not providing an adequate payout to society in return for the tax deductions society has given their donors," the commission concluded.

The commission was formed in late 1968 on the initiative of John D. Rockefeller III to provide an independent appraisal of American philanthropy and foundations. Its chairman is Peter G. Peterson, chairman of the board of Bell & Howell Co.

The commission said that the Nixon administration should ask a group of experts to propose new tax incentives to promote philanthropy for consideration by Congress in 1971. It also suggested a quasi-governmental, continuing advisory board on philanthropic policy composed of private members "to replace the haphazard development of government policy toward philanthropy and charitable organizations."

The creation of better tax incentives would help make philanthropy less elitist, the commission argued, and would help provide sorely needed foundations in areas of the country other than the Northeast.

The commission dismissed allegations that foundations give excessive amounts of money for international purposes, for individuals or for voter registration campaigns. Such charges have often been made in Congress during past years.

The commission stated that only 9 per cent of foundation grants went for international purposes and that only one-tenth of 1 percent of foundation grants went to voter registration and education activities. Of the grants going to individuals, the commission said most were for research and scholarship and "only a very tiny fraction were for travel-study grants."

SLOBS SPOIL IT AGAIN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. DERWINSKI. Mr. Speaker, the Worth-Palos, Ill., Reporter is a community newspaper noted for its spirited editorial page columns dealing with national as well as community interests.

In a Reporter article Thursday, May 14, columnist Pat Bouchard discusses the incident involving a teenage coffee house in Chicago Ridge. The dilemma of complications which brought this about reflect, I am sure, the behavior problems of young teenage groups which have occurred throughout the country.

The article follows:

SLOBS SPOIL IT AGAIN

(By Pat Bouchard)

The teen canteen, or coffee house, in Chicago Ridge is closing again.

This is sad news for most of the teens in Worth and Chicago Ridge who had found a place to go on Friday nights to dance, talk, eat pizza and drink pop.

It is not closing down for a lack of interest on the part of the kids, the clergy, or parents. It is not closing down for a lack of a meeting place or enough chaperones. It is closing due to the apparent uncontrollable anti-social behavior of a few "rotten apples" who eagerly soured the whole barrel for the rest of the teens.

Because of a few malcontents who have showed up at the canteen and inflicted their self-destructive attitudes and irresponsible behavior on the adult chaperones and kids as well, the kids are losing a fun place. Young people who have no respect for themselves or each other, if one judges by their actions, who must prove their "manhood" by having infantile tantrums and screaming obscenities at the chaperones, threatening physical violence (to male and female alike) have spoiled a social meeting ground for their fellow teens.

What is the answer? Everyone agrees that those teens who can conduct themselves decently should not be penalized for the actions of a few overbearing punks.

We feel the kids must solve this one among themselves. They must set up some reasonable rules of behavior and then must enforce these rules themselves. Chaperones are always a necessary evil; but we feel that teens will cooperate more with their peers, if their peers show that unacceptable behavior means ostracism.

So come one kids—if you are really interested in having a canteen show the adults that you know how to run one. Set up the rules and show that you can enforce them and the adults will back you 100 per cent.

ALCOHOLISM—LET US HELP THEM

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. COLLINS. Mr. Speaker, as I turned through my Sunday Dallas Morning News, I was impressed with a stimulating article on drinking. It had a byline of Abe Pivowitz, and the newspaper headlined across the entire page "For Millions of Women, Hitting the Bottle Means Hitting Bottom."

One of the greatest services of our preachers is the silent but effective work they do in bringing alcoholics back into society. Alcoholics need a friend they can trust. And above all, alcoholics need someone who can lead them to God and teach them the power of prayer.

We all appreciate the fine work of Alcoholics Anonymous. They have helped the lost to find their way back. To AA, the pastors in our neighborhood church, and to all who are giving a helping hand—America says thank you, because we have a big job ahead.

Here is this provocative story:

FOR MILLIONS OF WOMEN, HITTING THE BOTTLE MEANS HITTING BOTTOM

"I waved at my son and he waved back, until I passed out drunk in the grandstand," Joan, 37, a shapely housewife told an Alcoholics Anonymous meeting here.

"Mom," my son said afterwards, "I don't ever want you to see me play football again."

Joan hesitated for a moment. She looked at her intent audience. They nodded encouragingly.

"That was my bottom," she said softly. "I joined AA. I started living when I stopped crying and started trying."

They understood.

Each of the women present had had her own bottom on the road back from "bottled hell." Each listened and identified with Joan and deep down their thoughts were of their own bitter, unhappy, destructive past.

They too had their stories. Their actions while drunk were tragic:

"I wrapped my car around a tree and landed in the hospital with a fractured skull."

"I battered my child against the wall in a fit of rage."

"I took an overdose of sleeping pills and slashed my wrists in a state of depression."

"I was caught shoplifting and landed in jail."

"I burned down my house while dozing with a cigarette and a cocktail glass in my hand."

Most had started drinking in their teens, had alcoholic parents and were insecure, fearful, bored, lonely and unable to communicate. They drank compulsively to cope with difficult situations, they said, and to relieve anxiety, tension and inner fears.

"I felt terribly guilty and full of remorse," said a 27-year-old television actress, mother of two children. "I was going crazy, but I couldn't control myself. I started to have the shakes. I hit bottom when my maid caught me sneaking a morning drink in the bedroom. I felt ashamed and degraded. I called AA. Here I am. I saved my marriage, I haven't touched a drop in eight months."

Of the 80 million people in the United States who drink alcoholic beverages—beer, wine, whiskey, liqueurs—from six to nine million are alcoholics in desperate need of help. Approximately one-third to one-half of these are women. They cross a strata of society and directly affect 30 million family members, friends, employers, colleagues and neighbors. Only about 3 per cent are Skid Row types.

Says Dr. Roger O. Egeberg, assistant secretary for health and scientific affairs of the U.S. Department of Health, Education and Welfare: "Alcoholism is the number one health problem in the nation. It ranks with heart disease, mental illness and cancer as the top cause of illness."

According to the National Council on Alcoholism, a leading voluntary agency with more than 80 affiliates throughout the nation, alcoholism "makes a person more susceptible to such chronic diseases as cirrhosis of the liver, diabetes, emphysema, gout, high blood pressure and heart attack." Alcohol accounts for "50 per cent of all first admissions to mental hospitals," and for an enormous amount of social evils, from automobile accidents to divorce to assaults.

Alcoholics are not "bad," or immoral say medical specialists. "They are just sick." Everyone agrees the stigma is greater for an alcoholic woman. She is "the heart of the home."

"Many of these women," emphasizes Dr. Stanley E. Gitlow, associate clinical professor of medicine at the Mt. Sinai Medical School here, "are hidden alcoholics and secret drinkers, unaware of the fact that their lives had become unmanageable because of alcohol. They draw the drapes when their husbands leave for work and start drinking."

"The earlier you recognize the signs," says Mrs. Marty Mann, founder and consultant to the National Council on Alcoholism and a noted authority in the field, "the earlier you can stop the terrible physical, emotional and financial damage." She adds: "It isn't necessary to 'fall in the gutter' before you stop drinking. Just watch for the signs." According to the Department of Health, Education, and Welfare's National Center for Prevention and Control of Alcoholism, the following are some of the warning signals:

Need to drink before facing certain situations.

Frequent drinking sprees.

Progressive increase in consumption of alcohol.

Solitary drinking.

Monday-morning absenteeism.

Frequent disputes about drinking.

Blackouts or loss of memory.

Says the NCPCA: "An individual may probably be considered an alcoholic if he continues to drink even though his drinking consistently causes headaches, gastric distress, hangover or consistently causes trouble with wife, employer or police."

There are approximately 425,000 members of Alcoholics Anonymous in 15,000 groups in 90 countries. Other organizations helping the alcoholic include Al-Anon, for spouses and members of the family; Alateen, for 13 to 20-year-old sons and daughters of alcoholic parents; the National Council on Alcoholism, state municipal and community clinics, church, employer and various social agencies.

WALTER REUTHER

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ZABLOCKI. Mr. Speaker, I join with my colleagues in Congress today in paying tribute to an outstanding American and a real leader among men, Mr. Walter Reuther.

As a labor leader, Walter Reuther displayed a shrewdness and a driving determination which won him the respect of all those who knew him. His skill and dedication were invaluable in labor victories which improved the lot of the workingman in this country.

Indeed, it is apparent that the achievements of this man have made the United States a better place for all of us.

As great as they may have been, the accomplishments of Walter Reuther extend far beyond the labor field. Reuther was also a leader in forming the social conscience of this country. When lesser men protected their own interests or spoke timidly of what could be done, Reuther demanded the action necessary to bring the social justice which was so often lacking in our economy.

For this, we are especially indebted to him.

Because the times demand the leadership of such a man today perhaps more than ever, the strong leadership of Walter Reuther will be sorely missed by all of us. Nonetheless, in these times, we will remember his example and the unfinished work he left behind.

To his loved ones goes our sincere sympathy.

THE AMERICAN FARMER—CONSERVATIONIST PAR EXCELLENCE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. OBEY. Mr. Speaker, at a time when the protection of our environment is uppermost in many of our minds, from the President on down, I think we should pay our respects to one group of individuals which has been deeply involved in the conservation of our resources for many years—the American farmer.

A recent article in the Wausau Daily Record-Herald indicates, for example, that in the State of Wisconsin farmers have been spending over $5 million per year in out-of-pocket costs for the reduction and prevention of pollution. Even with their limited incomes, our farmers still invest 5 to 10 percent of their profits in soil and water conservation. They install drainage structures to capture and carry off the water safely and to prevent silt and fertilizer contamination of our streams.

In short, Mr. Speaker, the farmer has respect for his land, and he has not been stingy in his efforts to preserve it. More than that, he has replaced rhetoric about our environment with action, to an extent most of us would do well to imitate.

Unfortunately, the farmer's ability to preserve and conserve our water and land resources may be seriously hampered if the President's 1971 budget becomes law.

That budget calls for the elimination of the agricultural conservation program—ACP—and provides no authorization to place additional acreage in the cropland adjustment program—CAP. These two programs have as their objectives the restoration and improvement of soil fertility, the reduction of erosion caused by wind and water and the diversion of land from the production of unneeded crops to uses that will promote the development and conservation of our soil, water, forest, wildlife, and recreational resources.

Mr. Speaker, I totally disagree with the decision to discontinue these programs. Furthermore, I cannot understand how the President can gut these land and water conservation programs in his budget, and at the same time, call in his message on the environment for more programs which would provide for the reforestation and increased use of farmland for recreational purposes.

Words cannot do a job that only adequate programs and funding can. Let us give the farmers the tools they have so effectively used in the past to conserve our environment by giving them the

funds they need for the ACP and CAP programs.

The above-mentioned Record-Herald article follows:

FARMERS LEADING POLLUTION FIGHT

(By Peter Laszewski)

The rural American businessman, more commonly known as the farmer, has been spending more in the fight against pollution than his city cousin.

In Wisconsin, records show that he has been spending over $5 million annually in out-of-the-pocket costs for the reduction and prevention of pollution. Even here in Marathon County the farmers have been investing about $250,000 annually on their land.

The farmer has been installing drainage structures such as sod waterways, ditches, terraces and stripcropping to capture and carry off the water safely so that there will be a reduction of silt and fertilizer entering our streams. He has been installing ponds in draws to capture and slow down the velocity of the rain waters at flood times. This enables the silt to settle before the water enters our streams and rivers. This businessman invests in his stream banks by hauling in riprapping, seeding and fencing the area from cattle. Needless to say these practices and many more reduce erosion and erosion and pollution are one and the same.

It is common to see farmers who net between $4,000 to $8,000 per year to spend five to 10 per cent of their profits back on their land for soil and water conservation each year. It is understandable why the farmer has been doing so much more for the care of soil and water. He is the caretaker or steward of every acre of soil, every spring or stream, each tree within his fence line. He realizes his very livelihood depends on this care. Unlike the urban person, he is more personally involved with nature, water and soil. He would not be a farmer long if he didn't have this sense of care.

Of course the fight against pollution is a never ending one. Much has been done by the rural American in the past 40 years and much more remains to be done especially by those of us who live in the cities.

As a society, because of our complacency in matters concerning pollution, we will probably live to see the day when our water bill will be greater than our other utility bills.

The dangerous aspects of pollution is that it doesn't appear all at once so we can notice it. Pollution, like cancer, sometimes occurs slowly so that by the time it's discovered it's too late to do anything about it.

SECRETARY HARDIN'S INITIATIVE APPLAUDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. NELSEN. Mr. Speaker, Agriculture Secretary Clifford Hardin's recent initiative in seeking to roll back illegal, price-depressing dairy product imports should be applauded by all who are concerned with adequate income for U.S. dairymen.

On May 13, Secretary Hardin declared that more loopholes have developed in dairy import control laws. He has therefore put the Tariff Commission to work investigating possible way to close them.

Mr. Hardin has reported that four products not covered by present dairy quotas are being shipped into the United States in telling new amounts, including an ice cream product, chocolate crumb, animal feeds with milk derivative base, and certain cheeses.

It is significant that all these products indicated by Secretary Hardin have only appeared recently on the international trade scene. One began in 1968 and the other three did not appear in international commerce until after January 6, 1969, a date on which new quota restrictions became complete.

Certainly, the seriousness of this whole dairy imports situation is illustrated by the fact that dairy imports rose 77 percent in the January-March period from the first quarter of 1969. The imports amounted to 0.5 billion pounds of milk equivalent.

Obviously, Secretary Hardin's action could result in a crackdown on the exotic new milk derivative concoctions that have been dreamed up to circumvent U.S. dairy quota imports. Mr. Hardin's move to trigger a Tariff Commission investigation of these illicit items is certainly warranted and certainly welcome.

CAMPUS DISORDER—ACCIDENT OR DESIGN?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. WYMAN. Mr. Speaker, in recent years the more "sophisticated" of those teaching young people have taught them that any thought of a communist conspiracy is neanderthal thinking from the McCarthy era. Despite the undeniable fact that it is the Soviet Union—Communist—that finances North Vietnam's war against South Vietnam and the killing of tens of thousands of Americans and without which North Vietnam could not last 2 months—or the undeniable fact that it is the Soviet Union that supplies Nasser of Egypt with arms and now Soviet pilots for use against Israel—it is suggested and even stated empirically, that somehow detente with communism is today's new mode, and viable as well.

In this connection I commend the reading of Henry J. Taylor's recent column appearing in the Manchester, N.H., Union-Leader relating to campus disorders. Of course there is resentment against the widely misunderstood involvement in Indochina—but campus disorder has frequently had common organizers of violence. Who are they? Who pays them?

The column referred to, follows:

RED HAND IN CAMPUS DISORDERS

(By Henry J. Taylor)

Are part of the campus disorders a Red plot? You be the judge. For a perilous feature of our day is that too many people are either too civilized, too inexperienced, too distracted or too dense to grasp the documented truth.

We are being brainwashed whenever we are told that the thrust here is not organized. The CIA and FBI both know that the center for it is in Prague, within the shadow of the Ruzyne Airport. There the immense so-called International Union of Students, financed and brain-trusted by Moscow, is supporting university anarchists here and throughout the free world.

The Kremlin departmentalizes this place into "country desks." Each section supervises a country. Cunningly, each tailors the "issues" for each country. Naturally, the IUS drums on the Vietnam issue here and "Peace! Peace! Peace!" to further a Red victory in Southeast Asia.

A Pole, Vlod Konarski, a man with a bite like a saber tooth tiger, supervises the British thrust. The IUS vehicle there is the militant Radical Student Alliance in London. Two subdivisions are supervised by Jean Bougareau, a Frenchman, and Martin Abeln, who is Dutch.

In Eire the IUS thrust, locally called the International Movement, is based at Trinity College, Dublin. The IUS supervisor is Hardial Sinh Bains, a naturalized Canadian born in India.

A Bains sidekick is Ralph Schoenman, 34, the student shepherd of the Bertand Russell Peace Foundation—the man who concocted the mock trial of President Johnson in Stockholm in protest against Vietnam. Iron-fisted Schoenman served a "martyr" stretch in Montjoy Prison, Dublin. Britain banned Schoenman and Scotland Yard caught him. To the dismay of the CIA and FBI, Schoenman had an American passport.

In West Germany the Berlin police documented the IUS's control of Rudolf Dutschke ("Red Rudi") when Dutschke was arrested on April 11, 1968, during riots in nearly all the West German universities.

In France the IUS thrust is supervised by Daniel Cohn-Bendit (Before you can build you must destroy), who is not even a Frenchman. He's German. The success, typified by the March 3 Natarre campus mayhem which saw Dean Paul Ricouer kidnapped and 125 policemen injured, has all but paralyzed French education. University faculty members are brutalized and kidnapped almost daily.

The French Parliament has enacted a university reform law. In it the campuses are supposed to be autonomous. But by staging demonstrations identical with those here the continued attacks have forced Education Minister Oliver Quichard to open France's campuses to police jurisdiction by declaring university grounds to be public thoroughfares.

President Georges Pompidou himself has stated, in desperation, that "there is no security on many major campuses in France."

I had lunch in New York not long ago with Italian Foreign Minister Aldo Moro. Italy, too, has enacted a new university reform law. Mr. Moro, himself a professor, sponsored it. "But what can we do?" he asked. "In my country, as in France, your country and throughout the free world, the Reds' technique is always to up their demands with every concession they gain."

Japanese Premier Eisaku Sato spoke similarly on his visit here. He said that last year student arrests in campus disorders exceeded 14,000 (ours exceeded 3,600) and that the IUS thrust has reduced Japanese education to a shambles. The IUS vehicle there is the immense Zengakuren student organization along with the five other factions.

In addition to its thrusts in Europe, Asia, Latin America and the United States the IUS now runs terrorist training centers for African students. The CIA has uncovered them in Budapest and Warsaw and Leipzig, Bernau and Bautzen, East Germany. These

have trained and sent back to their African homelands more than 1,000 students insurrectionists in the past six months. The IUS's anarchists are entrenched in the colleges all the way from Morocco on the Atlantic clear down to the border of the Union of South Africa.

There's no Alfred Hitchcock mystery in what is happening here, nor the brainwashing that accompanies it. Of course, none is so blind as one who will not see. But wake up, America! "It can't happen here" is totally dangerous philosophy. It will happen if we still refuse to wake up and call a spade a spade.

CAMBODIA, CONSTITUTIONAL CRISIS AND THE CONGRESS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. BROWN of California. Mr. Speaker, in over 7 years as a Congressman, I cannot recall any issue which so prompted a massive show of public concern than has President Nixon's invasion of Cambodia.

As of this morning, my Washington office has received over 5,000 letters either condemning or praising this newest military adventure.

My district office in Los Angeles has been literally swamped with phone calls.

Petitions are coming in at the rate of over 1,000 names a day.

Of course, most of these views come from young Americans.

But, I am extremely pleased that so many members of what they themselves term "the silent majority" also have responded—many of them, admittedly, for the first time.

And while it is understandably difficult to come up with a precise count, the overwhelming indication is one of shock, outrage, and vehement disagreement with President Nixon's position. At first, the mail ran around 26 to 1 against the President; recently, that ratio has narrowed down. But, even, say, a mere 10 to 1 ratio represents a massive repudiation of existing policy.

Yet, that is only one facet of the current situation.

On the surface the issue at hand is that of the Cambodian invasion—no matter how successful that move is. A bit deeper is the tougher question of the constitutional powers granted the President and the Congress to make and wage war.

By taking unilateral action, the President has, in fact, created a constitutional crisis—a testing of the will of Congress versus the will of the Executive to establish policy—a testing of the Constitution itself.

I believe with all my heart in the Constitution and in the rule of law—and I believe it must be obeyed by everyone in this country, including the President.

By ordering American troops into Cambodia without prior congressional authorization, the President clearly usurped the constitutional right of Congress—and only Congress—to declare war. Richard Nixon's blatant usurpation of congressional authority could not be more clear cut.

First Vietnam. Earlier this year we found out about Laos—and we are still uncovering more and more about American military operations there. Now it is Cambodia. Still left, of course, is Thailand—and the uprising there in the northeastern part of that country has been raging for the last few years with relatively little public notice.

Indeed, what we are seeing is a true domino theory—but this time it is the American military strategists pushing down the tiles.

And where does it put us? Right on the threshold of ever-increasing involvement all over the globe, and the way things are happening, we could go over that threshold without Congress having any voice whatsoever in the decisions.

But, there is an alternative, a way open for the Congress to once again rightfully assert its role in direction of our Nation.

I see more than a fair chance that over the coming weeks Congress will force major and substantive changes in American military policy. Such changes would constitute a first step in removal of the American military power presence in Southeast Asia.

We must realize that the onus is upon Congress today. The students and other protesters gather here on Capitol Hill not because they like us and admire us but because we represent their last fading hopes, because they see that the executive branch will not adjust—in meaningful terms—to the rising tide of dissent.

We feel the brunt of the criticism and push today because we must assume our responsibilities—our constitutional powers—to end this wasteful tragic war which has so divided our country.

I do not doubt that the bulk of American troops could be brought back home by Labor Day if the Congress cuts back military appropriations—and I intend again to vote that way.

In simple terms, it is "put up or shut up" time for Congress. In the next few weeks we will be separating the men from the boys. Those Congressmen who fail to vote against military spending are as responsible for the mess in Southeast Asia as if they were sitting in the White House with Mr. Nixon.

If Congress showed guts, we could be out of Indochina, and, in fact, that is probably the only way we are going to "win" this war.

Mr. Speaker, today I sent to the Speaker's table two petitions from groups protesting the President's policies in Cambodia. These petitions reflect the voice of the people, and in the coming days, I plan to keep bringing this types of peaceful dissent before the Congress. We must listen now; we cannot afford the tragedy that ignoring the will of the people may force upon us.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 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?

CONGRESSMAN WENDELL WYATT REPORTS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. WYATT. Mr. Speaker, in these troubled times I think it is vitally important that we get the views of our constituents on the issues facing the Nation today.

I am sending out my questionnaires, as I do every year, polling the residents of my district on a few of the more crucial issues confronting us.

In this day of instant communication, I believe people are more aware of both national and international events than at any time in history. And I believe they are anxious for this forum to express their views.

I regret, because of the speed of events these past several months, that some areas which I would like to have included in my questionnaire are omitted. This is primarily because of the time element in getting a questionnaire drafted and printed. I believe, however, that basically the major areas of national concern are covered, and I would like to share these questions with my colleagues:

CONGRESSMAN WENDELL WYATT REPORTS
APRIL 1970

DEAR FRIEND: Perhaps never in this nation's history have we been confronted with issues as complex and pressing as those we face today. The Vietnam conflict, inflation, the environment, crime—these are but a few of the problems demanding the immediate attention of the Administration and the Congress.

For the sixth year in a row, I am asking for your guidance on issues with this questionnaire. Your views are of the utmost importance to me. While the final responsibility for my voting record rests with me alone, the excellent response to my previous questionnaires has been very helpful to me in formulating my legislative judgments.

A simple YES or NO answer may not fully express your feelings. In such case, your further comments are welcomed and will be of great value to me.

To return this questionnaire, simply fold it over and affix a six cent stamp. Please do NOT seal it with staples or tape. Thank you.

Sincerely yours,

WENDELL WYATT,
Member of Congress, First District, Oregon.

1. Do you approve of the way the Nixon Administration is handling the conduct of the Vietnam War?
Yes —
No —
No opinion —

2. Should the President order an immediate and unconditional withdrawal of U.S. forces from Southeast Asia?
Yes —
No —
No opinion —

3. The United States has never established diplomatic relations with Red China. Do you favor softening of the U.S. position and talks leading to possible diplomatic recognition of mainland China?
Yes —
No —
No opinion —

4. Do you favor the limited ABM system recommended by President Nixon?
Yes —
No —
No opinion —

5. Foreign Aid:
(a) Should the United States continue to extend *military* aid to other nations?
Yes —
No —
No opinion —
(b) Should the United States continue to extend *economic* aid to other nations?
Yes —
No —
No opinion —

6. When the Vietnam conflict is resolved, would you favor abolishing the present draft system for an all-volunteer Army?
Yes —
No —
No opinion —

7. Do you support President Nixon's action in closing the United States Consulate in Rhodesia?
Yes —
No —
No opinion —

8. To get families off welfare, President Nixon has proposed a work incentive and job training program while guaranteeing a basic level of financial assistance. Do you favor this alternative to the present welfare system?
Yes —
No —
No opinion —

9. What, in your opinion, are the top domestic issues confronting the United States today? Please rate them 1, 2, 3, etc.
(a) Inflation —
(b) Environment —
(c) Civil Rights —
(d) Drug Abuse —
(e) Law and order —
(f) Campus Disorders —
(g) Housing —
(h) Other _____

10. Should the Congress place a ceiling on the total amount any one person may receive under the Federal farm subsidy program?
Yes —
No —
No opinion —

11. Do you favor the President's proposal for automatic cost-of-living adjustments in Social Security benefit payments?
Yes —
No —
No opinion —

12. Would you favor passage of a Constitutional amendment by the Congress to permit voluntary non-denominational prayer in public schools?
Yes —
No —
No opinion —

13. Do you favor the proposal before Congress amending the Constitution to lower the voting age to 18?
Yes —
No —
No opinion —

14. President Nixon and Vice President Agnew:
How would you rate their performance in office?
President Nixon:
Excellent —
Good —
Fair —
Poor —
Vice President Agnew:
Excellent —
Good —
Fair —
Poor —

My sincere thanks for taking this time to answer my questionnaire.

Sincerely,

WENDELL WYATT,
Member of Congress.

TENNIS FANS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. GUDE. Mr. Speaker, tomorrow tennis fans will gather at the Washington Hilton Racquet Club to watch doubles teams from the executive branch meet teams from the Congress. This friendly confrontation is for charity, to help raise money for the Washington area tennis patrons' program of teaching underprivileged children how to play tennis. Last year, about 2,000 children and high school students in the Washington area learned the fundamentals of the game through this program.

For those interested in the lineup of players, I am inserting in the RECORD an article from the May issue of the Washingtonian magazine, in which C. Alphonso Smith rates "The Top 10 Tennis Players in Official Washington." Mr. Speaker, if Mr. Smith's judgments can be trusted, tomorrow's matches should provide some truly great moments in sport. As one of the game's toprated spectators, I wish my colleagues well in their contests for a worthy cause.

The article follows:

THE TOP TENNIS PLAYERS IN OFFICIAL WASHINGTON

(By C. Alphonso Smith)

When Richard Milhous Nixon prepared to occupy the premises at 1600 Pennsylvania Avenue, it was widely predicted that he would name Sam Snead as Secretary of the Treasury, Dean Beman as Secretary of Commerce, and Arnold Palmer as Secretary of Health, Education, and Welfare.

They might have made it, too, except for Bryce Harlow, an Oklahoma boy who went all the way to Congress and then to the White House, first as an assistant to President Eisenhower, then as head of Congressional liaison for President Nixon. Bryce is a politician first and a tennis player second. He can also count. Bryce explained to Mr. Nixon: "Mr. President, there are five million golfers in this nation. You have the vote of every one of them in the pocket of your golf bag, zippered up. But the sporting houses—I mean the sporting goods houses—report that seven million people in the USA play tennis—more than any other sport."

Bryce did not have to belabor the point. Mr. Nixon, who could teach FDR a thing or two about politics, passed the word: "Find me some tennis players." Bryce went to work, and soon National Airport was disgorging tennis players at a positively alarming rate.

Bryce was one of the first appointments made by Mr. Nixon. As "assistant to the President," his initial assignment was to refurbish the White House court. LBJ's beagles had looked upon the net posts as shortened telephone poles. When this was completed, Bryce was given carte blanche to rebuild the courts at Camp David. These were to be used as an out-of-town, away-from-the-prying-eyes-of-appointees to high administrative posts. We can now reveal that the reason Bryce was often slow in returning Congressmen's calls was that he was out on the court trying out aspirants to the Washington scene.

Once Bryce had interested the President in bringing tennis players to Washington, the question was how to stop him. When Mr. Nixon appointed Stanley R. Resor as Secretary of the Army because his wife had an excellent forehand, Bryce decided it was time to call a halt. He managed a compromise with the President, persuading him to name Emil Mosbacher, Jr., an internationally famed yachtsman, as Chief of Protocol. Mosbacher actually got the job because he is a tennis player, but at least the public knew him as the second best helmsman (next to "Corny" Shields) in yachting.

As soon as he had the golf and tennis vote well in hand, Mr. Nixon turned to football. In grateful appreciation for lining up the 12 million votes of golf and tennis players, Harlow was promoted to "counselor to the President" and was relieved of all responsibility for the sporting vote. Lack of Bryce's leadership was immediately evidenced in the Penn State incident which cost the President 62,867 Nittany Lion votes—fortunately a mere drop in the Whittier College waterbucket.

This loss was more than offset by Mr. Nixon's phone calls to every quarterback in the National and American football leagues. This program was recommended by Secretary of Commerce Stans. Mr. Stans hoped that these calls might halt the decline in AT&T stock, now jocularly referred to on Wall Street as the "widow's mite," and thus bolster the economy.

But on with the naming—and justifying—of our First Tens.

Joseph Blatchford, director of the Peace Corps, is clearly entitled to the number one position. He is the only top government official who has played in both the Wimbledon and Forest Hills championships. Joe quit playing tennis in the late 1950's when earning a living became of some importance. But when the White House inquired about his backhand, Joe rushed from the phone to the tennis court. His job permits him to play in Kabul and Katmandu and Kamala and Khartoum, but he has not escaped my scouts. They say he has regained enough of his former skill to get the nod as the best in official Washington.

It was magnanimous for Bryce Harlow to let Joe come to Washington, because the FBI report on Blatchford said simply: "Strong all-court game. No apparent weakness." But Bryce needed competition to improve his own game. As one might expect, the Harlow game is marked by craftiness. He rates the number two spot.

The number three rating goes to Alabama's rising star, Postmaster General Winton Blount. He wins hands down as the most avid tennis player in the Cabinet. Since the principal job of the Postmaster General is to oversee a decrease in mail service and a sizeable increase in the annual postal deficit, "Red" Blount has plenty of time to work on his own service. Wanting a readily available partner, Blount named Kenneth Houseman as one of his assistant postmaster generals. Ken can beat his boss but both avoid a direct confrontation by sticking to doubles.

Rogers Clark Ballard Morton, chairman of the Republican National Committee and Maryland's Congressman from the Eastern Shore, gets the number four ranking. Tower-

ing six feet, seven inches, Mr. Morton plays the "big game." His serve is hawkish, his backhand dovish and hits a forehand which has a tendency to escalate to the backstop. Although he moves about the court with the grace of a pregnant bear, he is tough to beat.

Vice President Spiro T. Agnew is the most improved player in our First Ten. On his recent trip to Southeast Asia, he won a hastily arranged match in Canberra against tough Australian opposition. It was a significant win since Arthur Ashe had just been beaten in the Victorian Open at Melbourne, and a victory was needed to restore U.S. prestige "down under." Mr. Agnew has flirted with golf in the past, but after his televised beaning of Doug Sanders in the Bob Hope Desert Golf Classic, it is believed the Vice President will confine his sporting activities to tennis. President Nixon sent the Vice President to Forest Hills last September to present the trophies at the first U.S. Open. Mr. Agnew told Nancy Richey (age twenty-seven), runner-up in the ladies singles, to keep practicing and she'd improve someday. Except for this backhanded remark, the Vice President acquitted himself well, and to be serious, Mr. Agnew's tennis game is distinguished by his remarkably agility. His improved play earns him the number five spot.

Secretary of Labor George P. Shultz and Secretary of Health, Education, and Welfare Robert H. Finch are what might be called furtive tennis players. Neither has ever been seen at Allie Ritzenberg's St. Albans Club or at the Racquet Club. Their tennis is played on private courts or on the White House court. A reliable informant says Mr. Shultz can handle Mr. Finch's case eight days in the week and twice on Sundays. Both are keen players. On the basis of our spy's report, we rank the Secretary of Labor at number six and the Secretary of HEW at seven.

The case of General William C. Westmoreland, Chief of Staff of the Army, deserves special comment. Three years ago, we asked General Maxwell Taylor, former chairman of the Joint Chiefs of Staff, to describe General Westmoreland's tennis game. General Taylor damned General Westmoreland with faint praise in summing it up in one word: "Enthusiastic." The accuracy of his comment was confirmed when General Westmoreland broke his arm playing tennis in Vietnam. Since returning to Washington, General Westmoreland has found partners plentiful, mainly majors and lieutenant colonels bucking for promotion, and his game has improved. He draws the number eight spot in our rankings.

George W. Romney, Secretary of Housing and Urban Development, was first mentioned for the Cabinet when President-elect Nixon was on his "tennis binge." The man referred to as "Genial John" Hoover—because he isn't—was asked to come up with a scouting report. It was terse: "Mr. Romney jogs in the fall, hits red golf balls into the snow in winter, and plays an aggressive game of tennis in the summer. At a recent Governors' Conference his play was sensational." This was enough to land the Michigan flash in the Cabinet. The Detroit Rambler is expected to cut a wide swath on local courts this summer. He squeezes into the number nine position.

In his native habitat of New York, Emil Mosbacher, Jr., neglected his tennis for sailing on Long Island Sound. But one smell of the Potomac River in July was enough for the Chief of Portocol. He decided our local waterway was for garbage scows, not sleek racing yachts, and he reached for his tennis racket. He rounds out our First Ten, a narrow winner over Donald Rumsfeld, director of the Office of Economic Opportunity.

Ranking the First Ten in the Senate is a tougher job than positioning players in the Executive branch. There is actually little difference in ability between our number one player, Senator William B. Spong, Jr., of Virginia and our ninth ranked, Senator Charles H. Percy of Illinois. On a given day any player in the first nine might beat any other player.

Senator Strom Thurmond's (R-S.C.) tennis game has suffered since his marriage to the young lady who was a former Miss South Carolina. Having little time now for outdoor sports, the athletic sixty-seven-year-old Senator barely squeaks into the First Ten.

Three Congressmen dominate play in the House of Representatives: Brock Adams (D-Wash.), L. Richardson Preyer (D-N.C.), and Lowell P. Weicker, Jr. (R-Conn.). We happen to think Rich Preyer is the best of the lot, but we will defer to our scouts on various House committee staffs.

Congressman George Bush (R-Tex.) is a sought-after partner on the White House court. He draws down the number four ranking, edging out freshman Congressman James W. Symington (D-Mo.), whose game slipped in the heat of a tough race for Congress. This summer should see him ready to challenge above his number five ranking. Our scouts are high on two other Congressmen—John Conyers, Jr. (D-Mich.) and Michael Harrington (D-Mass.). Famed tennis reporter Bud Collins of the Boston Globe says Mike is a "comer."

There is only one way that the relative merits of our rankings can be tested—on the tennis court. The Washington Hilton Racquet Club has offered its facilities for a mid-May match pitting doubles teams made up from these rankings. It will all be for charity, with the Washington Area Tennis Patrons receiving a contribution from the exhibition to help carry on its program of teaching underprivileged children how to play tennis.

Five doubles teams from the Executive branch will meet teams from the Senate and House—both Republicans and Democrats. Most of our First Ten players, including Vice President Agnew, have already declared their readiness to help this worthy cause. In 1969, approximately 2,000 children and high school students in the Washington area were taught the fundamentals of the game in the WATP program.

The Racquet Club will offer a trophy to the winner of the Executive vs. Legislative team match, with individual trophies to all participants.

The radio and television networks are already surveying the situation around the Center Court at the Racquet Club. They remember the jockeying for space at Sixteenth and Kennedy with ABC, CBS, and NBC all fighting for preferred spots as Republican and Democratic Senators played a memorable match three years ago, to test my first WASHINGTONIAN rankings. Even Reuters and the BBC got in the act, with the latter holding a BOAC plane at Dulles for thirty minutes to get its film on board for showing in England the following day.

This year's donnybrook, featuring a surprise or two, is expected to outdo the inaugural encounter.

THE TOP TENS

The Executive Branch:

(1) Joseph Blatchford, Director, Peace Corps.

(2) Bryce Harlow, Counsellor to the President

(3) Winton Blount, Postmaster General

(4) Rogers C. B. Morton, Chairman, Republican National Committee

(5) Spiro T. Agnew, Vice President of the United States.

(6) George P. Shultz, Secretary of Labor

(7) Robert H. Finch, Secretary of Health, Education, & Welfare

(8) General William C. Westmoreland, Chief of Staff, United States Army

(9) George W. Romney, Secretary of Housing & Urban Development

(10) Emil Mosbacher, Jr., Chief of Protocol

The Senate:

(1) William B. Spong, Jr., (Dem., Va.)
(2) Howard H. Baker, Jr. (Rep., Tenn.)
(3) Edward W. Brooke (Rep., Mass.)
(4) Ernest F. Hollings (Dem., S.C.)
(5) Claiborne Pell (Dem., R.I.)
(6) Peter H. Dominick (Rep., Colo.)
(7) Jacob K. Javits (Rep., N.Y.)
(8) Walter F. Mondale (Dem., Minn.)
(9) Charles H. Percy (Rep. Ill.)
(10) Strom Thurmond (Rep., S.C.)

The House:

(1) Brock Adams (Dem., Wash.)
(2) L. Richardson Preyer (Dem., N.C.)
(3) Lowell P. Weicker, Jr. (Rep., Conn.)
(4) George H. W. Bush (Rep., Tex.)
(5) James W. Symington (Dem., Mo.)
(6) Robert McClory (Rep., Ill.)
(7) Robert W. Kastenmeier (Dem., Wis.)
(8) John Conyers, Jr. (Dem., Mich.)
(9) Michael Harrington (Dem., Mass.)
(10) Paul Findley (Rep., Ill.)

AID TO THE HANDICAPPED

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues and associate myself with the recent remarks of Vice President AGNEW made before the annual meeting of the President's Committee on Employment of the Handicapped.

We hear many voices in these days making demands and we hear much said about demands. Little is said about those in our society who, with no fanfare, quietly and unselfishly give of their time and of themselves to aid others.

The Vice President, in his remarks, expressed his feelings most eloquently toward those who volunteer to give aid to the handicapped and I include his statement in the RECORD today:

REMARKS BY THE VICE PRESIDENT AT THE ANNUAL MEETING OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED AT THE WASHINGTON HILTON HOTEL, APRIL 23, 1970

I am glad to be with you today because I have a great deal of admiration for all you are doing in behalf of the handicapped of our nation.

Now, I realize it is easy to admire people who do things for the handicapped, just as it is easy to admire handicapped people who do things for themselves. But, my admiration runs deeper.

I admire your spirit of voluntary-ism. I wish this spirit were stronger in the United States.

It is easy to come home after a hard day's work, eat dinner, then spend the evening half asleep in front of the television set—no, this isn't going to be another speech about television.

It is *not* easy to be a volunteer—to lead a busy life during the day, then to squeeze

something extra out of yourself not for your own sake but for the sake of other people who need you.

The dictionary defines a volunteer as a person who "enters into any service of his own free will." The dictionary doesn't go far enough—and I hope this won't bring down the wrath of dictionary-makers upon my head. I define a volunteer as a person who "enters into any service of his own free will, not for his own well-being but for the well-being of others." And I offer this synonym for volunteer: "A person who really is his brother's keeper."

Second, I admire your spirit of giving rather than getting.

For so many people in this world, the key question to any activity seems to be, "What's in it for me?" You've rephrased the question: "What's in it for somebody else?"

The way you measure success is based on giving rather than getting. How many handicapped people did you help find jobs? How many handicapped people received new hope from you? How many handicapped people feel life is worth living because of you? Look at the man we honor this morning—not for what he did for himself in overcoming his disabilities, but for what he did for others.

Third, I admire you for your many-sided attacks on the problems of the handicapped.

If two heads are better than one, then maybe an entire army of heads are better than two. Look around you—volunteers representing every conceivable walk of life in America, all of you bringing your diverse thinking and diverse approaches to bear on the single problem of greater opportunities for the handicapped.

This many-sided approach has been responsible for your success over the years. You have dramatized that problems of the handicapped are *everybody's* problems; they are not the kind of problems you can suggest "let George do it."

I have already changed a dictionary definition this morning. Now I will change an old adage. They tell you "too many cooks spoil the broth." But not in our case. We are not making broth. We are forging hope and opportunity. It's not a matter of too many cooks. For us, it's a matter of "the more the merrier."

And fourth, I admire you for your emphasis on the concept of work.

I am sure there are many approaches to helping the handicapped. You can give welfare. You can give benefit shows in their behalf. You can give advice and counsel. You can give housing. You can give tender loving care. You can give bigger and better institutions. They are all important, but when all's said and done, perhaps the best thing you can give is work.

The great Sigmund Freud put it this way: "Work has a greater effect than any other technique of living in binding the individual more closely to reality. In his work he is securely attached to a part of reality, the human community."

So here you are, promoting work for the handicapped. And your activities have such richer measurements than mere dollars and cents. Your activities give the highest dignity to the human spirit. Your activities bring the truest form of equality to the handicapped, an equality that comes with employment. Your activities lead to the greatest democratization of our society, based upon work. Work is not the great leveler of the people. Rather, work is the great elevator of the spirit of the people.

By this time you should have a pretty good idea of why I admire all of you here this morning, and why you have my full support, and the full support of President Nixon. Now you know why we are with you, and why we shall always be with you. I felt this way when I supported the Maryland Governor's Committee to Promote Employment of the Handicapped and I feel even more strongly today.

I believe America is moving in your direction. As I look back over the years, your gains have been heartening. But I don't feel that we have yet reached that blessed state of total support and total commitment. We still have a good way to go before we can proclaim our country's total commitment to full opportunity for the handicapped.

There still are a good many "half-way" people in our country. The work of this President's Committee and of Governors' and local Committees won't be complete until these "half-way" people move over to the ranks of "all-the-way" people.

I have in mind folks like these:

"Half-way" employers—not too many, but still enough to be concerned about.

These are some who will hire the disadvantaged and other special groups under demonstration manpower programs, but who won't hire the handicapped. These are men who will build large-scale community relations programs, who will staunchly support all the right civic campaigns and causes, who will encourage their employees to volunteer in behalf of the less fortunate of their communities—but who won't hire the handicapped.

Some times the companies of these men have rigid physical and mental exams that screen out the physically and mentally handicapped. Sometimes the companies worry about he costs of hiring the handicapped—high insurance rates, high training expenses (but they are wrong, all wrong). And sometimes these men have misguided notions about the capabilities of the handicapped.

These men will tell you they are "for" the handicapped, and I believe them. But they must be convinced that they must be "for" the handicapped all the way, rather than part of the way. And this goes also for government officials at all levels who sometimes are long on talk and short on hiring.

Then there are "half-way" handicapped people themselves.

Let's be realistic. Above all, the handicapped are human beings; and like all human beings they have strengths and weaknesses. If I point to a weakness now, it's not to criticize, but to enlighten.

I have in mind some handicapped people who seem reluctant to go all-out in selling themselves to employers, people easily hurt by that ugly word "no." Job-hunting is salesmanship. The handicapped have to sell harder. And they have to expect more than their fair share of "no" answers. They have to develop ingenuity in approaching employers. They always have to put their best foot forward on the job—not for themselves but for all the handicapped who might follow, if they favorably impress their bosses.

This means going all the way and never giving up. Never. It's not easy, but often there is no choice. Not only their future depends on going all the way, but the future of others who follow.

I also have in mind "half-way" volunteers.

You won't find any in this hall. The ones I am thinking about are those who limit their activities to the easy and "right" causes—arranging for teas and parties to raise money for handicapped people they never see; collecting for health organizations; giving when asked to give. There is nothing wrong with that, but why stop there?

There is another dimension for volunteering, an "all-the-way" dimension—going into a sheltered workshop and getting your hands dirty showing the retarded how to assemble soft drink cases; going into a mental hospital and spending hours with patients, letting them know they won't be forgotten when they come out; going into a rehabilitation center, spending tortuous hours teaching paraplegics how to swing their bodies into wheelchairs. And there is more: serving on local committees and on Governors' Committees, doing all the things that need doing—putting posters in store windows, distributing writing contest materials to high schools, arranging publicity, convincing peer groups—all the other less-than-glamorous tasks.

America has become great because of our tradition of being "all-the-way" people rather than "half-way" people.

If we had been otherwise, we probably still would belong to the British; we probably still would have no vast industrial complex; we probably still would be without national transportation systems or national communications systems—not even television. There would be no President's Committee and no program for employment of the handicapped, for there would not be enough national concern to do anything about it.

But we are "all-the-way" people. We are committed to the handicapped. We do want to go all the way for the handicapped. We are moving in that direction.

You are pointing the way.

It is the American way, the moral way, the right way.

It is the way of total commitment by all. Yes, it is the way to a better world for the handicapped—a better world for all the people, everywhere.

May you have the strength and the power to bring about this day soon.

WALTER REUTHER

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. CAREY. Mr. Speaker, the sudden death of Walter P. Reuther in a tragic airplane accident last week deprives the country of a major force in labor and politics; a reformer of the finest kind; a man of principle and brilliance; a leader in the battle for workingmen's rights and equal opportunity.

It is a commonplace to say, in response to all such unfortunate events, that the departed will be sorely missed. But on this occasion, Mr. Speaker, the remark has a special meaning, a special truth; and we will, in fact, be many years finding another man of his abilities. He was the true genius of the American labor movement in our time. He was the man who showed the way in the solving of a hundred economic and political riddles. His honesty was overwhelming; his spirit a blessing to the country.

To Walter Reuther, labor leadership never meant the old-fashioned limited approach of getting a few more cents an hour for the boys in the shop. He had a lot more in mind than that. During his long leadership of the United Automobile Workers he did his best to involve his followers not only in industrial production, planning, and profit sharing, but also in the great political and social movements of the Nation.

For this, he was, of course, assailed on many occasions. For this, he was pronounced a demagog. But the charges were false, without exception.

He was, in fact, a man who understood

the needs of labor; who recognized the frailty of mankind—that when a workingman is hungry he will fight for a principle in his own behalf, but when his hunger is gone he is likely to be less inclined to fight for the same principle so that someone else might prosper to a similar extent.

Under Walter Reuther's leadership, the workingman was made to understand that principle means nothing unless applied to everyone; and that the struggle for labor's rights is basically a struggle for the benefit of some stranger you may never even see or talk to. This was the grand crusade of Walter Reuther, for which the Country should be forever grateful.

Born to West Virginia parents, he grew to manhood in the midst of the labor movement. In the forefront of the organizing drives of the UAW, in the mid-1930's, he helped to smash the arrogance of the industrial barons with forceful aggressive measures; and when the Communists endeavored to move in and claim the cause of labor as their own he turned his energies against them, driving them from the scene.

As a young man he had visited Soviet Russia and found it wanting. Upon returning home he would become the apostle of democratic capitalism, but a major critic of those who sought to undermine the rights of labor while preaching democratic dogma.

In the civil rights crusade of the 1960's he was a major supporter of the late Martin Luther King and of all the spokesmen of that cause, none was more aggressive nor sincere than he.

His interest was international as well as democratic. As president of the World Auto Workers' Council, he emphasized the commonality of labor's interests throughout the world. Just last week, he was planning to announce with U Thant, Secretary-General of the United Nations, the first international antipollution conference.

Walter Reuther's interests were many, his abilities great. He was a credit to his country at all times, and we have good reason—extremely good reason—to lament his passing.

EDITORIALS COMMENDING THE PRESIDENT'S CAMBODIA DECISION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. RHODES. Mr. Speaker, President Nixon's decision to send troops into Cambodia to destroy enemy sanctuaries has been praised widely by reasonable critics as necessary for the success of our troop withdrawal in Southeast Asia and the saving of American lives.

Beyond this, the action is completely logical in a war situation to prevent the enemy from using neutral territory as a base for supplies and troops.

At this point, I insert in the RECORD three of the many editorials commending the President's decision. One, from the Nashville Banner, was written just after the President's announcement of the movement into Cambodia, and praises his candid explanation to the American people, as well as his "personal and official courage" in "shunning the alternative course of national cowardice, defeatism, added jeopardy of more lives on that battlefield, and ultimate catastrophe."

The second editorial, from the Atlanta Journal, was written a week later and also commends the Cambodia move and the President's "wisdom and courage" in meeting this challenge. The third, from the San Francisco Examiner, also praises the President's courage and statesmanship. I commend these editorials to the attention of my colleagues:

[From the Nashville Banner, May 1, 1970]

CAMBODIA STRIKE NECESSARY REGARDLESS OF POLITICAL CONSEQUENCES

For valid reasons, clearly spelled out last night in a point-by-point factual review and policy definition, President Nixon has ordered U.S. combat troops on attack into a Communist staging area in Cambodia.

In elementary fairness to the American position thus altered only in degree—a fairness that should begin at home, on the part of all Americans—it should be noted that this is not an invasion of Cambodia. It constitutes no violation of that nation's claimed neutrality. It is not a "new" war—nor initiated as an escalation of the old one.

The Chief Executive could not have pinpointed the place and the reason more precisely for national and world understanding. He described the area of this authorized U.S. ground attack as "the headquarters for the entire Communist military operation in South Vietnam."

It is a decision according with the reasoned policy—which hasn't been followed as it should have been from the outset of that conflict—of granting the enemy no privileged sanctuary.

The Viet Cong and North Vietnamese have used these pockets—on the periphery, and expanding into the interior—as such a sanctuary; for hit-run operations killing Americans on the Vietnam front. The areas in question also have been utilized as transportation arteries—the supply lines of men and equipment. They would be the source of peril to remaining U.S. forces after the next scheduled withdrawals totaling 150,000 men. Eradication of these enemy nests is, therefore, an essential rear guard action, looking, not to an expanded war, but to it successful termination—at the minimum of cost in American blood.

Who objects to that? Not the American people, surely, whose sons are over there. Objectors, congressional and otherwise, could well be asked the question: What is so sacrosanct about those few square miles of Cambodian real estate as to forbid a purifying attack that can shorten the war and save American lives?

Yes, it is a serious step, and the President did not seek to discount the fact. So has been each step undertaken, to terminate honorably a war he did not start, but which he was committed to ending in the shortest time possible.

He is not seeking to second-guess nor out expert America's professional military advisers. The military affairs committees of Congress know that. Such key men as Chairmen L. Mendel Rivers, and John Stennis, are aware of it and behind him—as is Sen. Richard Russell of Georgia, who was for many years chairman of the Senate committee. As these know, and as the President pointed out last night, the extension into Cambodia is not a new war—but all part of the same war; where conclusion must not be to the peril of remaining forces there after the major withdrawals.

President Nixon delivered no oration. It was a factual accounting—with both words and map amplifying the message and the explanation.

It is a maneuver—defensive or offensive—necessitating caution; and the American forces under this administration have not been recklessly assigned. It is equally obvious now that they are not to be subjected to added danger by indulging the enemy a privileged sanctuary or series of such.

The President could not have been more candid in his analysis—and in the declaration of nonpartisan, non-political objective. Note his language:

"Whether my party gains in November is nothing compared to the lives of 400,000 Americans fighting for our country and for the cause of peace and freedom in Vietnam. Whether I may be a one-term President is insignificant compared to whether by our failure to act in this crisis the United States proves itself to be unworthly to lead the forces of freedom in this critical period."

There was personal and official courage in that decision. The reasoning people of America surely will back it—shunning the alternative course of national cowardice, defeatism, added jeopardy of more lives on that battlefield, and ultimate catastrophe.

[From the Atlanta Journal, May 8, 1970]

WAR IN CAMBODIA

President's Nixon's momentous decision to take the war to the enemy and deny him the sanctuary granted by an absurd and arbitrary boundary is militarily sound.

Until now it has been only the United States and the South Vietnamese who have respected the Cambodian border line. It has been strictly unilateral on our part.

The Viet Cong and the North Vietnamese have had no respect for it for years. They invaded Cambodian years ago and encouraged the fictitious theory that since Cambodia is neutral our side should not cross the line.

That is why it is so incredible that so-called national leaders have condemned the President's actions so vociferously. That is why it is utterly unrealistic for all the emotional hysteria over the move.

There has been no widening of the war. There has been no real change in the war. We are still fighting the same enemy and we are fighting him in essentially the same territory—Indochina. We are still fighting him for the same reasons.

The only change that has come about is our decision to fight the enemy where he is.

The enemy chose to invade Cambodia—and there was no outcry to be heard anywhere.

Having successfully invaded Cambodia and not been censured by anyone, he then chose to use Cambodia as a base for military operations against our forces. He would strike out from the Cambodian bases and then hastily retire to them, in the meantime waggling his finger at us that we could not cross the boundary and strike back at him.

And so for years he has lived in safety because it was okay for him to be an aggressor, an invader, but it would be the crime of crimes for us to reply in kind.

Then there came a change in Cambodian governments. The new government told the invaders to get out. The Viet Cong and North Vietnamese, being what they are, refused. Instead, they began fighting the Cambodians.

Demonstrating both wisdom and courage, Mr. Nixon elected to aid the new Cambodian government and at the same time improve our own position by erasing the fictitious barrier the enemy hides behind.

Thus far the action has gone well and has justified the President's stand.

The course he has chosen is that realistic one and he deserves the overwhelming support of the American people.

[From the San Francisco Examiner, May 1, 1970]

THE COURAGE OF THE PRESIDENT

(By Charles L. Gould)

President Nixon did not take the fighting to Cambodia.

The Viet Cong and the North Vietnamese did.

In both world wars hundreds of thousands of American troops fought across Europe.

They were not concerned with invisible national boundaries. They were concerned with meeting the enemy and destroying him.

In 1917 and again in 1941 our nation made open declarations of war. War-time rules were imposed at home. Dissent was stifled. Battle goals were established. And power at our command was used to achieve them.

Had we fought Hitler as we have fought Hanoi, our troops would still be mired down in the battlefields of Europe. Or—we would be saluting the swastika.

For six long years our men have fought in Vietnam under a weird, one-sided code of Marquis of Queensbury rules.

Our men were not permitted to fight to achieve victory. Our fighting men and their allies were not permitted to pursue the enemy into North Vietnam. They were not permitted to pursue the enemy into Laos and Cambodia.

Thus the enemy was given the right of initiative. He could pick the time and place and method of his attacks. He could strike and run.

Our men could lose but they could not win.

The danger of the fighting escalating into a worldwide conflagration was our alibi for not defining the enemy's defeat as our goal.

The danger that the war would erupt on a global scale was present the moment we committed our first fighting man to the conflict.

The same danger is implicit in each of the pacts we have with fifteen nations of Europe and with numerous other nations in Asia and the Middle East.

These pacts were established to protect weak friends and allies from the repeatedly declared aggressive aims of the Communists.

All should recognize that the danger of a third world war is ever-present. This danger was born the moment following World War II that the Communists again restated their goals of global domination.

If World War III comes it will come when the Communists believe the time is right.

They may believe the time is right if our country is so hopelessly divided that we—as a people—fail to support our President in supporting our fighting men as he did last night.

Let it be clear that President Nixon has not established victory as a goal in Vietnam. Months ago he mapped plans for honorably extricating our troops from the conflict and turning the defense of South Vietnam over to the forces of that nation. He has not changed those goals.

However, if the Viet Cong and the North Vietnamese were permitted to expand and perpetuate their sanctuary in Cambodia. President Nixon saw grave danger that his carefully planned timetable of de-escalation would be destroyed.

He saw a stepped-up threat to the safety of our fighting men. He saw the danger of expanded war through failure to act.

He acted with courage and statesmanship. He merits our support.

INDIANA UNIVERSITY STUDENTS CELEBRATE "WORLD'S GREATEST COLLEGE WEEKEND"—GOOD OBJECT LESSON FOR OTHER CAMPUSES

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. BRAY. Mr. Speaker—

I have left me seven thousand in Israel, all the knees which have not bowed unto Baal.—I Kings 19: 18.

May is a festive month in Indiana. The month preceding Memorial Day and the 500-mile auto races is filled with many gala events of interest to Hoosierdom and the world. Not the least of these events is the "Little 500" at Indiana University, described as the "world's greatest college weekend." It consists of such events as the style show, regatta, golf jamboree, cream and crimson football game, mini extravaganza, bicycle race, and the variety show.

The mini tricycle race, which takes place on Friday evening, is made up of 48 teams of four girls each from various sororities and dormitories who compete in a relay race in the field house. Many thousands attend. The crowd is hilarious, competitive, enthusiastic. The colorful parade based on a specific theme of history, mythology, or show business precedes the race. The ingenuity of these youth reaches heights that would do justice to any great showmen.

The main event is the bicycle race which takes place on Saturday in the stadium. This year it was attended by over 20,000, mostly students and their friends. The same enthusiasm, excitement, and good-natured competition prevails.

The net profits from the events of this weekend go into a scholarship fund to help needy students get a college education. We personally knew many of the students—some of whom are working their ways through school, others whose parents are working hard to assist them. These youth did not resemble the pictures that the news media is giving of college youth of today. Rather here are young men and women who have had great fun participating and giving of themselves and hopefully helping themselves and others toward higher education. These were a youth that causes you to thrill with pride. It is a youth such as we saw at these events that through the ages have explored the great expanses of earth and sea and air. It is such youth that have unselfishly dedicated their minds and bodies to the building, to achieving, to helping make a better world.

At each of these events solemn prayer was offered. Everyone stood in silent reverence; the "Star-Spangled Banner" was played; everyone was respectful. The Vietcong flag was not in sight; there was no foul four-letter word; no jeers or boos. These youth showed signs of strong individualism with various hair styles and casual sport clothes in gay colorful array. But they were clean, they were interested and enthused; they carried themselves with a pride and a well-being that befit the youth who have had the advantage of higher education. Yes, untold millions of youth today have not "bowed their knees to Baal." If youth such as these can prevail, our country will have a greater and brighter tomorrow.

Yes, there are also at this great university those who as of yesterday would have been termed "sons who hate their fathers," but they did not attend such events. Every generation has produced such types. Many with proper instruction, discipline, and leadership will become worthy members of society. Some, unfortunately, will not. There has been far too much attention given to those who hate and would destroy mankind, and too little to those who would love and build for a greater society. Society has always spent too much time publicizing the Benedict Arnolds and the Judas Iscariots.

KENT DEATHS VIEWED

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, many things are said in the press about campus unrest. Every concerned editor in America has spoken out, I am sure. In the wake of the tragic Kent State deaths, there were countless appraisals. For particularly lucid comments which maintain perspective, I commend to my colleagues the following editorial which appeared in the Fort Smith Southwest Times Record, May 7, 1970:

THE PRICE OF VIOLENCE ON A CAMPUS

So at last it's come—rioting students have been killed by gunfire from troops they were reportedly attacking with bricks and chunks of concrete.

And the nation can well take a sober look at the situation. Of those involved in the mob at Kent State University in Ohio, there were almost certainly two distinct factions: Those seeking to promote disorder and violence—and those merely foolish enough to be led along into a situation which resulted in tragedy.

The promoters of disorder very likely have no regrets about the tragedy. They may even be pleased at the creation of new "martyrs." But the remainder of the disorderly mob confronting the troops could also well be doing some thinking and wondering about what they have been led into.

The whole thing should have a sobering influence on other campuses for, if the mob actions continue, it's about as certain as night following day that there will be more deaths and injuries as a result.

Asked a Cleveland newspaper editorial, as it called for an investigation: "How could these deaths have been avoided?"

The answer to that is as clear as daylight. They could have been avoided by there never having been disorders on the campus, by all students observing the law as most other citizens do, by there being no destruction by fire of one of the University buildings, and by there being no confrontation with the troops.

There will, of course, be investigations as to the justification for the National Guardsmen using firearms. But if it's shown that they had sufficient reason to believe their lives and safety were in danger, then it should be remembered that when citizens are called from their homes and jobs, at great inconvenience and danger to themselves, to enforce the laws and the safety of society, they do not surrender their own right to "life, liberty and the pursuit of happiness". Can they be expected to submit without resistance to injury and possible death without protecting themselves? The answer to that also is clear.

But, aside from the outcome of those investigations, it's certainly true that there would have been no occasion for them and the dead students still would be alive if there had been no disorders on the campus.

The whole thing is a tragedy. And the burning of the University building was a tragedy. And the fact that a mob formed among a group enjoying one of America's greatest privileges—its educational opportunities—also is a tragedy. And there's no way for those who promoted the disorders to escape the full blame for all the ensuing events.

Said President Nixon: "This should remind us all once again that when dissent turns to violence it invites tragedy. It is my hope that this tragedy and unfortunate incident will strengthen the determination of all the nation's campuses, administrators, faculty and students alike, to stand firmly for the right which exists in this country of peaceful dissent and just as strongly against the resort to violence as a means of such expression".

The country needs to think seriously about that expression. All students need to think about it. And turn their influence against promoters of discord and violence.

And all university administrators need to think about it and seek quick and strong means of ridding their schools of those who advocate violence—or who join in it.

For, as we said, if violence continues, more tragedies are certain. Because, to quote Mr. Nixon again, violence itself invites tragedy. And we'd add: It assures it.

NEBRASKA STUDENT FEELS UNITED STATES IS IN BETTER SHAPE THAN AGITATORS WANT IT TO BE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. CUNNINGHAM. Mr. Speaker, in this time of strife on our Nation's campuses, it is heartening to receive a breath of fresh air from Nebraska.

Most of my colleagues have been receiving mail in great quantities regarding the President's recent decision to send troops into Cambodia. So have I.

Mr. Speaker, I would like to share one of these letters. It makes me proud to be a Nebraskan and an American.

The letter follows:

MR. CUNNINGHAM: Last week I wrote you a hastily conceived letter opposing Cambodian invasion and the Vietnamese War in general. Since that time I have been doing some harder thinking as well as watching and listening to President Nixon more closely. Maybe he is doing the right thing. His plan of action in Cambodia does seem to be justified, and at the moment it seems to be working. At least it should be given time to prove itself. I am guilty of judging too quickly, and many others are sharing this guilt I am afraid.

Also, in my letter of last week I specifically asked: (1) What is wrong with an admitted defeat in the War? and (2) Is it better that our country should suffer civil war? it seems that whether they are valid questions or not, they are representing only one side of the issue. I should have also asked whether the United States can afford to adopt an isolationist policy? Can the world even be entirely peaceful—without any war? Can the United States afford to allow communism to spread unchecked? The United States may not be entirely right or humane in its foreign policy, but who can say what is right or humane? Should we concentrate on "now" situations or possibly contribute to the freedom and rights of future generations?

I don't know the answer to all of these questions, and I don't know if there is an answer to all of them. I do know that for the present the United States seems to be in better shape than many agitators would like it to be. Freedom of speech and the right to dissent are perhaps stronger than they have ever been. I am grateful for this freedom, and I hope no minority group manages to cut down rights to free speech through irresponsible acts. Also, compared to many places in the world, Latin America in particular, our current rate of inflation is almost negligible. The United States in spite of many faults is still the best nation in the world to be alive in today.

Again, and I sincerely mean it, thank you for listening.

LAUREL JIZBA,
Student, University of Nebraska.

CAMPUS MILITANTS AT CROSSROAD

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. FOREMAN. Mr. Speaker, because of its timeliness I include an editorial from the May 7, 1970, San Diego Union in the CONGRESSIONAL RECORD for consideration by my colleagues:

CAMPUS MILITANTS AT CROSSROAD

The violent death of four students at Kent State University in Ohio leaves a nation shocked with a sense of tragedy, but with one sobering thought beyond that.

There, but for the grace of Providence, could have been any campus or educational institution in the United States of America today.

If the violence and revolution that scar the ideals of our nation continue on their present course, the tragedy of Kent State can be repeated many times in the future, perhaps on a much larger scale.

Kent State has seized our attention not because death on campus is new, but because four young people on the threshold of adulthood died during a single incident.

We also were sobered by the evident willingness of the dissidents to attack the National Guard with impudence and even relish.

The day before yesterday the revolutionaries were attacking only the undermanned campus police. Yesterday it was city and county law officers. Today it is the National Guard. It is not difficult to see where this road can lead.

Our sense of tragedy is further compounded by the realization that it is a relative handful of students at Kent State, or at any other of our numerous campuses, who are grinding education back into the mud.

We would be less than honest if we blamed the young National Guardsmen who actually pulled the triggers for the deaths of the four young students.

No shots would have been fired if students were not challenging law and assaulting the young citizen-soldiers called in to give assistance to campus authorities.

The seeds of the tragedy were planted long before, when students decided to take the authority into their own hands—when they decided to leave their classrooms to create battlefields on the commons.

Nor is it enough to say that if demands of the militants were met, the violence would not occur. The foreign policy of the United States cannot be determined on the basis of who is most violent on which campus.

Obviously, the lesson that the student minorities assaulting, burning, destroying and ruining our campuses have yet to learn is that it is in their interests to seek their goals through legitimate channels.

If progress under law and order sometimes seems slow to impatient youth, it is an advantage of a republican form of government. In fact, the very deliberation that at times appears to be dilatory is one of the essential checks and balances that safeguard against excesses.

The alternative is unthinkable. If students continue to resort to force in increasing numbers, they will be met with larger force. The ultimate loss could well be in the waste of more young lives and the end of higher education as we know it, as well as a tragic erosion of the kind of government that has been tolerating their excesses with understanding and patience.

ARGUING FOR END TO THE DRAFT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, many Americans have come to realize the inequities in our present draft system. The Gates Commission's findings have focused attention on the desirability and feasibility of installing an all-volunteer army.

One of those individuals who has come out in favor of an all-volunteer army is Mr. Carl Rowan, a former Ambassador, and now a leading columnist. As he notes:

Forced military service in peacetime, or during a terribly unpopular, undeclared war, is tearing this country apart.

Mr. Rowan then goes on to give the reasons why he had previously opposed such a military system and the rebuttals which the Gates Commission makes to these charges.

I insert Mr. Rowan's column as published in the Sunday, May 17, Detroit News in the RECORD so that it will come to the attention of a broad range of citizens:

ARGUING FOR END TO THE DRAFT

(By Carl Rowan)

WASHINGTON.—After weeks of study and soul searching I have concluded that the United States must go to an all-volunteer armed force. The present policy of conscription is full of injustices and the best evidence is that it will continue to be, even under a lottery system.

More important, forced military service in peacetime, or during a terribly unpopular, undeclared war, is tearing this country apart. What a blessing if those helmeted construction workers could show their "patriotism" by volunteering to fight in Indochina instead of flagwaving down Wall Street and beating up students.

It is not just civilian society that is torn by unpopular requirements for military service. The armed forces themselves are experiencing grave morale problems, for white dissenters as well as blacks who feel mistreated or feel that they carry an unfair share of the burden have come to constitute political and social time bombs in many units.

I have been inclined to oppose an all-volunteer force for these reasons:

The cost. I am reluctant to endorse anything that adds $3 billion to $4 billion a year to the Pentagon budget. But I concluded that the additional cost of an all-volunteer force is puny compared with the cost of tearing the country apart.

I am further impressed by the fact that the principal beneficiaries of improved pay will be first-year men who now are grossly underpaid—so much so that 50,000 military families are on welfare.

Fear that an all-volunteer force might become a gung-ho elite that would undermine civilian control of the military.

The Gates commission, which recommended an all-volunteer force, argues convincingly that professional officers are the key and that even now they are recruited, for the most part, from a variety of regional and socioeconomic backgrounds. So our armed forces would have about the same attitudes and the same political clout, whatever the system.

Worry that an all-volunteer force would be only a gimmick through which the affluent people would pay enough taxes to make military life appealing to blacks and poor whites. The effect would be that rich Americans would indirectly hire poor Americans to do the dirty, dangerous work of protecting "our way of life."

A look at the record shows that under the unjust functioning of the draft an unfair military burden is being carried by middle and upper-middle class blacks and, to a lesser degree, by middle class whites.

This is so because 30 percent of those eligible (mostly from the poor, disadvantaged classes) are rejected for mental and physical reasons. On the upper end of the socioeconomic scale, young men escape service through student and other deferments.

In the case of the black community, especially, the draft is grabbing middle class men with the best potential to become engineers, doctors, teachers, physicists. The likelihood is that these middle class blacks are not going to opt for the armed forces.

So there is not likely to be any major increase in the present 10.9 percent blacks in the enlisted ranks of the military. Any great upsurge of volunteers would come only through upgrading the education, nutrition and standard of life of that large pool of blacks who have been so disadvantaged that they cannot meet military standards.

In any event, black men would go into the military by choice and not at the whim of some lily white draft board.

There are those who argue that moving to an all-volunteer force will lower force levels and thus endanger national security. The Gates commission and others reply that with adequate pay and other benefits to make military service attractive, enough volunteers will come forward.

I doubt that the number of volunteers would be adequate. But it can be argued that a moderate decline in force levels might enhance rather than endanger national security. There have been instances where commitments were too easily made simply because we seemed to have the available manpower.

The all-volunteer force offers risks but we must give it a try.

TYSON'S DAY-CARE CENTER

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, in Arkansas, we are particularly proud of the initiative and self-reliance displayed by our industries. One of these is Tyson's Foods of Springdale, a major producer of chickens, and an employer of literally hundreds of residents of northwest Arkansas.

Many women, including a large number of mothers, find employment at Tyson's. For these working mothers there is a problem of child care. To meet that problem in a modern and progressive manner Tyson's is constructing, without Federal assistance, its own child daycare center.

I commend to my colleagues a report of this most praiseworthy project as carried in a recent issue of the Arkansas Poultry Times:

TYSON'S TO ESTABLISH CHILD DAY CARE CENTER

Baby sitting as a major subject for an industrial executive meeting may sound like something for the "birds", but that happens to be the case at Tyson's Foods, a major producer of birds (chickens).

Tyson's is going into the "baby sitting" level, as a modern Child Development Day Care Center for pre-school age children is being established at Springdale.

Pioneering in a new field of endeavor for industry in this area, plans originally were merely to provide a baby sitting service. However. Company executives decided to make the project serve a dual purpose—not only providing a place for the mothers to bring their children while at work, but to make it a community-related improvement project from the standpoint of pre-primary education for the youngsters.

The project, one of the few of its kind in the United States, is under the jurisdiction of H. D. Baird, Vice President of Industrial Relations. A steering committee was established to formulate plans and to develop a curriculum for the center.

Members of the Committee include Dr. Irvin Ramsey, head of the Early Childhood Development at the University of Arkansas, who will be assisted by Dr. Barbara Chesser of the Early Childhood Development at the U of A; Mrs. Sarah Burnside of the Northwest Arkansas Child Development Center; Mrs. Irene Burt, kindergarten teacher at the U of A, and Mrs. Bonnie Whitmore, graduate student in early Childhood Development at the U of A.

Baird said the new facility, modern in every respect, will accommodate 50 children. Among its outstanding features will be the elimination for interior walls in the classroom area, having been patterned after the modernistic Butterfield Elementary School in the area. Plans call for the three separate classes.

The concrete block building, 64 feet by 48 feet, has been so designed for possible expansion to double the accommodations to 100 should the need arise, Baird explained. The required 35 square foot per child will be provided.

The facility also will include a reception area, director's office, dispensary, kitchen to serve two meals daily, and rest rooms.

Although the exact number of staff members has been undetermined, it is anticipated that a minimum of five and possibly six persons will be needed. Plans call for establishing a rotating schedule in order to include children of hatchery employees who start work as early as 5 a.m.

The staff will consist of a qualified preschool educator as the director, three teaching aides to be trained by the directors, and a combination first aid nurse, cook, and teaching aide.

"Any Springdale area child between the ages of two through five is eligible to attend as long as the mother is employed by Tyson's Foods," Baird pointed out.

"Our purpose for the Child Development Day Care Center is to make employment with Tyson's as attractive as possible and is only one of the many major changes and improvements that we have been making in this direction.

"The project will be operated on a nonprofit basis. It is the Company's intention to merely ask the participants a nominal fee for the service."

Numerous child day care schools considered successful were observed and studied in making plans for the Company's new center, including the curriculum.

The children of Tyson's working mothers will be taught such things as number concepts, reading readiness, to develop interest in music, literature, arts and science, how to get along with each other, observing rules, sharing, how to play games. The children will be divided into age groups. Regular rest periods will be provided.

Humorously referred to as "Baird's Baby Farm" and "Operation, Diaper", Baird remarked, "It's really hard to believe that baby sitting has been a major topic of discussion for our executive meetings, but it was."

The new facility will be located between Tyson's North Hatchery and Freezer Plant on Randall Road in the northern section of Springdale. A year-round operation, the building will be properly heated and air conditioned and adequate window space will be provided. Playground equipment will be enclosed with a sturdy chain length fence.

Contractor for the project is Whillock Brothers Construction Company for Fayetteville, Ark. Completion is expected in April of this year.

DAYTON BOARD OF EDUCATION HONORED BY NEA'S ASSOCIATION OF CLASSROOM TEACHERS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. WHALEN. Mr. Speaker, the Dayton Board of Education has been selected as the national first place winner of the Thom McAn National School Board Awards by the Association of Classroom Teachers of the National Education Association. The Dayton board was singled out for its leadership excellence in pro-

viding quality education in a school system of over 6,000 but under 70,000 enrollment.

I can wholeheartedly endorse the association's action since for many years I have had the opportunity to work with the board and observe firsthand the innumerable contributions it has made to the educational growth of the Dayton community. It is with great pride and pleasure, therefore, that I bring to the attention of the House this reward which the board has received for one particular effort—its living arts program.

In its national recognition program, the association aptly describes the project which the Department of Health, Education, and Welfare designated the most innovative ESEA title III project in Ohio in 1969. I include at this point in the RECORD the association's citation:

DAYTON BOARD OF EDUCATION DAYTON, OHIO: NATIONAL FIRST PLACE—SYSTEMS WITH ENROLLMENTS OF OVER 6,000

Believing that the public schools should offer students the opportunity to develop creative as well as academic talent, the Dayton Board of Education initiated a program in the Living Arts. Functioning after school and on Saturdays, the program has involved more than two thousand students and is growing steadily.

Living Arts provides experiences in creative writing, dance, drama, music, and the visual arts. In small classes instructed by specialists, students work in depth in their chosen media. Through round-table discussions they consider the relationships of the arts to man's existence and to one another. Guest professionals in each of the arts share their knowledge and experiences with the young people. The Living Arts staff and guest artists conduct an in-service program for teachers and administrators.

From the time it was first proposed, the Living Arts program received the wholehearted support of the Board of Education. When opponents in the community argued that the program was unnecessary and expensive, Board members gathered support from local educational leaders and state and national officials. By 1969 community acceptance and interest were widespread; in 1970 the Board plans to undertake full financial support of the program. In nominating its Board of Education, the Dayton Classroom Teachers Association stated that this program could not possibly have been successful without the wholehearted commitment and full cooperation of the Board of Education.

Mr. Speaker, I extend my congratulations to the Dayton Board of Education and to all those in the Dayton community who have contributed to the success of this program. I would hope that their efforts will prove to be a model for many school districts throughout the Nation which also desire to provide an outlet for the creative talents of our children.

GREEKS HELP RECLAIM STRIP-MINE DEVASTATION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. CARTER. Mr. Speaker, on April 11, 1970, the members of Phi Delta Theta fraternity at the University of Kentucky participated in planting several thousand tree seedlings near Pineville in Bell County, Ky., in an effort to eliminate soil erosion caused by strip mining. This project was part of a nationwide community service day conducted by the respective chapters of Phi Delta Theta.

I, for one, wish to commend their efforts and call to the attention of Members an account of their activities as it appeared in the Kentucky Kernal:

GREEKS HELP RECLAIM STRIP-MINE DEVASTATION

(By Ron Hawkins)

The "exploitation" of Eastern Kentucky was viewed first-hand by members of the Phi Delta Theta fraternity as they planted tree seedlings Saturday on the slope of a 10-year-old strip mine site.

The mine was on the headwaters of the Redbird River, near Pineville, Ky.

Under state laws effective 10 years ago, the strip mine fulfilled its legal reclamation obligation.

But when the fraternity arrived Saturday morning, the site was barren, with only an occasional sprinkling of grass interrupting the coarse uneven slope.

The dusty, dirt road surrounding the mine was cluttered with worn-out automobiles and young, dirty children.

The difference between a fraternity member's life and that of a poor person from Eastern Kentucky impressed several of the Greeks.

Old, weatherbeaten wooden shacks located at the juncture of two slopes were a common sight.

Laurence Holbert, activities director of Phi Delta Theta, arranged the planting of tree seedlings. He said he wanted the fraternity to do something other than "paint the walls in a home for unwed mothers."

During the course of the day, the Greeks managed to plant 2,000 black locuses and 1,000 white pines. Although the number was not as large as forestry officials had hoped, they expressed gratitude for what had been done and the attention it drew to the problem of old strip mines.

A writer for United Press International expressed the opinion that he was glad to see that the fraternity people were "different" from others on campus "who go around carrying placards."

However, Holbert countered this what the fraternity was doing and what the November Vietnam march on Washington attempted were quite similar. He said, "I wish protesters would go out and do something like November in Washington . . . It's good, it's changed things."

Holbert said the fraternity members were "pretty depressed by the shanties and shacks" of the area. He commented that the Greeks were also "awed" by the condition of the land, noting that over 100,000 acres in Kentucky were as barren as the mine they visited Saturday.

The fraternity may try to do something along the lines of strip mine reclamation for their Community Service Day project next year, Holbert said. He added although there was no "personal" gain, it "meant a lot to everybody" to visit and work in the area.

LIEUTENANT TUCK REPORTS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. DANIEL of Virginia. Mr. Speaker, the Record-Advertiser, printed at Halifax, Va., in the district which I have the honor to represent, published a letter on May 14, from Lt. James E. Tuck, Jr. Lieutenant Tuck's letter gives a first-hand account of a subject which has been prominent in the news in recent weeks. Any comment by me would detract from the message which he has so timely brought to the readers of this newspaper. I insert the complete text of his letter in order that others may have an opportunity to read and reflect upon its message.

LT. TUCK EXPLAINS REASONS FOR CAMBODIA—"TO BRING A QUICKER PEACE"

While the leftists and their followers demonstrate and disrupt the educational process at colleges and universities in Virginia and across the nation in protesting the action in Cambodia, a young South Boston serviceman who is actually fighting there "tells it like it is."

In a letter written to this newspaper from Cambodia May 7, Lt. J. E. Tuck Jr. said the United States has been fighting the war in Vietnam without getting at the "real root of the problem—" the sanctuaries and supply points of the enemy in Cambodia.

Lt. Tuck said that it was difficult for him to understand why the American people are so against the movement.

"We could fight this war for ten more years unless we break up these strongholds in Cambodia. This move by President Nixon was one to bring a quicker peace to South Vietnam and to bring our fighting men home."

And speaking of the demonstrators, he said: "If these people would stand up, take pride in their country and back our President, this war would be brought to a much quicker end."

The complete text of his letter follows:

I write this letter in hopes that I can help give the people back in South Boston a better outlook on the American operation into Cambodia. I am presently with the 2/47th Inf. 3rd Brigade 9th Division. We are working about seven miles inside the Cambodian border around the village of Memut.

The United States has tried to fight a war in South Vietnam without getting to the real root of the problem. We have fought the N.V.A. in South Vietnam, but let them keep their sanctuaries and resupply points untouched in Cambodia.

As we crossed the border, we found many regimental size base camps only a few hundred meters across the border.

The American people are so against this movement that it is very hard for me to understand. We could fight this war for ten more years unless we break up these strongholds in Cambodia. This move by President Nixon was one to bring a quicker peace to South Vietnam and also to bring our fighting men home.

The people condemn everything about Vietnam. If they would back our efforts and men in this struggle it would make a great difference. As we fight this war from day to day all we read in the newspapers is anti-war demonstrations and marches for peace. If these people would stand up, take pride in this country and back our President, this war would be brought to a much quicker end.

The question is not if we should be in Vietnam because we are already there. The question the people should be asking is how can I help in the war effort and the effort to get our men home? One way not to help is to demonstrate and condemn our President.

If these people think that the situation in this country is so bad then maybe they should leave. A man that doesn't believe in his country and doesn't heed the call of our armed forces shouldn't be allowed to be a citizen of this great country.

The men that fight and serve in Vietnam are proud. These men are sick of hearing about demonstrations and peace marches.

These men want support from home and they rightly deserve this support.

As for my personal opinion, I think this was the greatest step Mr. Nixon could have made. My tour in Vietnam is almost over, but I would like to say that I am proud I got a chance to serve my country and represent South Boston in the war effort.

Yours truly.

Lt. J. E. TUCK, Jr.

NATIONAL SMALL BUSINESS WEEK

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. EVINS of Tennessee. Mr. Speaker, today marks the first day of Small Business Week, and I want to join with others in paying tribute to our Nation's 5 million small businessmen—the foundation of our competitive free enterprise system.

In this age of giantism and economic concentration, the mission of small business in our economy was never more important.

Chain stores, joint ventures, exodus to suburbia, urban renewal dislocations, discount houses, big business shopping centers, automation, electronic computers, and the general trend toward giantism remind us that the competitive status of the small business segment of our economy must be constantly observed in order to maintain a truly competitive free enterprise system.

Our independent small businessmen are a viable and strong force in the preservation of our democratic system of government and our great free enterprise system.

The strength and vigor of the small business sector of our economy is underlined in these statistics:

Small business provides 37 percent of our total gross national product.

Small business provides more than 40 percent of U.S. employment.

The members of the House Small Business Committee and the staff are diligent in serving American small business.

The committee has provided assistance in the securing of thousands of loans to small business and in the securing of contracts involving thousands of dollars in Federal procurement for small businessmen. Provisions like the SBA set-aside program—earmarking contracts for awards to the small business sector—have been sponsored and supported by our committee.

Small business is the door through which Americans who aspire to own and operate their own business can move into our competitive economy.

In carrying out this responsibility the Small Business Committee is following the mandate of the Congress that:

Government should aid, counsel and assist and protect . . . small business concerns in order to preserve free competitive enterprise, to assure that a fair proportion of the total property and services for the Government is placed with small business . . . (and) to maintain and strengthen the overall economy of the nation.

During Small Business Week a number of outstanding events have been scheduled.

The National Advisory Council of the Small Business Administration will meet with SBA officials and members of the House and Senate Small Business Committees this week to discuss small business problems.

A small business subcontracting conference attended by more than 100 representatives of the largest prime contractors will be held.

The Smaller Business Association of New England will make its annual presentation to the House and Senate Small Business Committees this week.

Additional activities emphasizing the importance of our small business to the Nation's economy also will be held.

Again, I want to commend and congratulate the Nation's small businessmen—they deserve the commendation and congratulations of the Congress and the Nation for their important and vital role in promoting, perpetuating, and preserving the small business sector of our economy and our great free enterprise system.

THE NIXON CHOICE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, I wish to include in the RECORD at this point the May 2 editorial from the Sheboygan Press, one of the outstanding papers in my district. The editorial, entitled "The Nixon Choice," deals with the President's decision to act against the North Vietnamese sanctuaries in Cambodia.

As the editorial notes, the President really had no other choice if he was to fulfill his commitment to end the Vietnam War. He went directly "to the heart of the trouble—the illegally dug-in military headquarters of North Vietnam in Cambodia." While there are those who are unwilling to believe the President when he says he will withdraw the troops from Cambodia by the end of June, I for one am willing to trust him.

The editorial follows:

THE NIXON CHOICE

President Nixon, in his Thursday evening address on Cambodia, said that he had three choices. He could do nothing; he could extend massive aid to Cambodia or he could go to the heart of the trouble. He chose to go to the heart of the trouble, as he saw it, a choice which he granted was very risky from a political standpoint. We have no doubt, however, that as America thinks the chances through, the nation will agree with him in spite of the instantaneous, noisy clamor of opposition.

The President, in reality, didn't have three choices. He had campaigned and was elected on the assurance that he had a way to end the Vietnam war. With the Paris negotiations on dead center, his only way seems to have been the pacification of the countryside, the Vietnamization of the war and the bringing home of the American troops as quickly as was feasible. Each commitment to bring home more men narrowed the presidential choices, as long as he insisted, as he did again Thursday night, that "We will not be humiliated. We will not be defeated," an insistence on which, we are convinced, he would have the overwhelming backing of the country. The last Nixon announcement of the withdrawal of 150,000 more men by May, 1971, attempted to buy a bit of flexibility. There was no month by month nor other intermediate time table, just 150,000 within a year. Along with the announced pullout, he had given Hanoi another sober warning that he would not allow the remaining troops to be placed in jeopardy.

But Hanoi couldn't wait. They moved thousands of troops into Cambodia, whose neutrality Hanoi had guaranteed. Their military headquarters, from which they fought the Vietnam war, was a scant 35 miles from Saigon, the capital of Vietnam. If one moves the threat from far away Southeast Asia to eastern Wisconsin—what would we of Sheboygan think if our enemy had established his military headquarters in a supposedly neutral area just north of Milwaukee and directed all of his operations from there? Shall we do nothing and let them assail American troops, encamped like sitting ducks? Give aid to Cambodia? We are not engaged in any Cambodian war. The only Nixon concern, the only American concern, was the protection of our troops, the continuance of the pacification and Vietnamization so that our troops could come home in an orderly fashion. So, he had only one choice—to go to the heart of the trouble—the illegally dug-in military headquarters of North Vietnam in Cambodia.

Granted—it is a risky decision, not only politically, as the President stressed, but also militarily. If it succeeds, if the enemy is brought to the peace table and actual hostilities cease a bit earlier, it will be a fine political success. But there are no military guarantees, as other nations and other American presidents have found out before Mr. Nixon.

We agree with Mr. Nixon that diplomacy seems to be a complete failure. We agree with his continuing stand—the stand of John F. Kennedy and Lyndon B. Johnson, by the way—"We will be patient in working for peace; we will be conciliatory at the conference table." We also agree that there comes a time when patience and conciliation seems to be of no avail. It must be admitted by all that so far our willingness to end the bombing of the north and to lower the tempo of the fighting in the south has had no tangible results. It could well be that now is the time to go right to the heart of the trouble and we are willing to trust our Commander-in-Chief.

AMERICA'S CHALLENGE IN THE ENVIRONMENTAL DECADE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. NELSEN. Mr. Speaker, the ongoing struggle of man against his environment must be brought to an end in the near future or man may eliminate the delicate balance of the environment and humanity with it.

As President Nixon stated in his New Year's day message:

The 1970's must be the years when America pays its debt to the past by reclaiming

the purity of its airs, its waters and our living environment. It is literally now or never.

I have joined in cosponsoring a number of measures proposed in the President's message on the environment. I am glad to report that many of his suggestions for air quality and solid waste disposal have already been acted upon by the Interstate and Foreign Commerce Committee on which I serve.

The new measures which the Congress will consider this year are a great addition to the legislation we have on the books starting from the Air Pollution Act of 1955 and followed by the Clean Air Act of 1963. The research performed under these laws has served as a guideline for Federal agencies in establishing source-emission limits and air quality standards. Amendments in 1965 and 1966 added funds and specific research tasks.

Of great importance was the authorization of the Secretary of Health, Education, and Welfare to set national emission standards for motor vehicles. These regulations became effective with the 1968 model year though there have been problems with implementation and enforcement.

The House Interstate and Foreign Commerce Committee now has before it a version of the Clean Air Act of 1970 which would embody several Presidential recommendations concerning air quality standards and the regulations of gasoline additives which affect exhaust emissions. Hopefully, the full House of Representatives will have an opportunity to consider this bill in the near future.

In the field of solid waste disposal, the Interstate Committee has also been active. The Solid Waste Disposal Act of 1965 established Federal research and training programs, grant support for demonstration projects, and planning funds for State and local programs. Our committee now has before it a bill which would significantly broaden the scope of these efforts.

In the field of water pollution, Congress acted first in 1948, but this was, admittedly a mild beginning. In 1956, Congress expanded and strengthened the 1948 law by passing the Federal Water Pollution Control Act which for the first time authorized Federal grants for the construction of municipal waste treatment plants.

In 1965 the Water Quality Act amended this law and established the Federal Water Pollution Control Administration which is now under the Department of the Interior.

This agency was authorized to grant funds for research and development in the area of pollution of our waterways and it was commissioned to establish water quality standards for interstate streams and lakes.

Clearly, active Federal involvement in pollution control is not something new. However, this involvement has received vital new stimulus through the strong national leadership provided by President Nixon and others. Some of the highlights of the bills he has proposed, and which I have cosponsored, would provide for a $10 billion, 4-year program to bring every community in the Nation up to Federal Water Quality Standards. Under this new legislation, it is estimated that 1,500 new sewage treatment facilities would be constructed. In addition, the funds will help finance the modernization, expansion or upgrading of 2,500 existing waste treatment plants.

Under the President's proposal, a new Environmental Financing Authority would be set up the help provide the market for municipal obligations which would be sold to raise the funds for the local government's portion of the expense of added control facilities. It would be set up as a self-financing institution and would cost Federal taxpayers little or nothing.

Mr. Speaker, there are no easy solutions to the problems of environment maintenance, but we must recognize that the costs for pollution control are, in the long run, less than the costs of a devastated planet. Today we pay the costs of lung disease, crop destruction, and corrosion from air pollution. We pay the costs of dead wildlife, disease among humans, and lack of recreation because of polluted waters.

We must recognize, too, that the out-of-pocket costs will not be small. The only source of these funds is the American citizen. If business bears the cost of certain pollution controls, the consumer must pay in higher prices. If government pays for the equipment, the taxpayer bears the cost. Only if Americans are willing to say, "Yes, we must do it, and we are willing to pay for it," can our Nation move with the necessary speed to solve the growing problems of pollution.

GENERAL ANDERS: IN MEMORIAM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. DERWINSKI. Mr. Speaker, last week Gen. Wladyslaw Anders, leader of the Polish army, passed away in London. He was an outstanding military leader and one of the hero figures of World War II. Yet due to the diplomatic decisions over which military leaders have no control, he and his Polish army fought in vain for the restoration of peace and freedom to their country. General Anders is properly eulogized in an editorial in the Chicago Polish American, Saturday, May 16.

GENERAL ANDERS: IN MEMORIAM

This past Tuesday General Anders of World War Two fame died. His family remains in Britain, where they settled with the General after World War Two.

In these times, when the military is feared and even hated in various countries of the world, and sometimes with good reason, we should recall this great Polish General, and do honor to his memory.

General Anders gained world-wide fame as the founder and leader of the Polish Army in the East. During the War years, Anders went into Russia (at that time an ally) and rescued over forty thousand Poles from the camps of Siberia, where Russians held them captives. He led them to Iraq, where he formed an army out of them which was to be used against the German and Russian foe in the World War. By common consensus it was the sharpest, the best force of Polish soldiers then in existence.

It was General Anders, who, on May 11, 1944, launched the Polish II Corps (the famous Drugi Korpus) against the impenetrable Monte Cassino. It was the Second Corps which planted Polish and British flags atop that monastery.

But after the war was over, and his homeland had not regained her independence, Anders continued fighting for it, doing what he could as a civilian.

General Anders belongs to that invaluable and minutely small group of men in this world who fought for their country with greatest honor not only when hope was at its highest, but also when there was no hope. He belongs to the rank of Polish Generals-statesmen—scholars who understood the golden mean between the need for war and the need for peace. Undoubtedly Polish history and the history of the free world will put him on an equal footing with such great Polish leaders as General Marian Kukiel, General Kazimierz Pulaski, General Thaddeus Kosciuszko, Marshal Pilsudski, and General Kazimierz Sosnkowski.

With the passing of General Anders this past week and the passing of General Sosnkowski not too long ago, as well as with the recent and not-so-recent deaths of many of the valiant leaders who fought for the freedom of Europe and the world, the tangible substance of that era of great international conflict is passing. Our whole attention must now shift from that era of war to our times. We can not but wonder, as we look around us, what did the prodigious effort of those millions of men in World War Two change for the better. More countries are enslaved now than had been before the War. More little wars are raging now than had been going on before the War. More people are hungry now than had been before the war. The danger of the annihilation of mankind is greater now than when Hitler began his invasion of Poland on September 1, 1939.

It is at times such as our own, that we can look back with fond memory on the deeds of such as General Anders, whose efforts produced results, concrete results. Many of those he rescued from the internal cold hell of Siberia are alive today, living in the West. The freedom he gave them they continue to cherish and hold. Monte Cassino today is still free, after General Anders captured it for the Allies when all the other Allied troops: British, French, American and others, could not budge it. General Anders was a man who intuitively knew how to bring back freedom, and retain it where he brought it back. That there would be more men of his genial intuition in this world today.

RESULTS OF PUBLIC OPINION SURVEY IN 21ST TEXAS DISTRICT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. FISHER. Mr. Speaker, I recently sent questionnaires to all the people whose names appear on the 1970 voter

registration lists in the district I represent. The number of responses was exceedingly gratifying.

It can be said with assurance that the results represent a fairly accurate cross section of public opinion on the issues covered, and reflects the prevailing views of more than a half million people.

I am indebted to my constituents for making this survey such a success. The returns include thousands of comments on a variety of topics. I shall refer to some of these in a moment.

The questions and the results of the tabulation follow:

1. Vietnam. Which of the following alternatives do you prefer? (Choose a, b, or c).

[In percent]

a. President Nixon's present plan of gradual withdrawal	40.3
b. Immediate, unilateral withdrawal of all U.S. forces	12.1
c. Take necessary steps and strive for decisive military victory	47.6

[In percent]

	Yes	No	Undecided
2. Labor. Do you favor increasing the minimum wage to $2 per hour?	32.0	59.7	8.3
3. Labor. Some maintain that labor unions which cover whole industries are in a sense monopolistic, and should come under antitrust laws. Do you agree?	80.6	12.0	7.4
4. Labor. Should the Federal Government enact laws to prevent strikes by public employees?	69.8	23.7	6.5
5. Postal. Do you think the Post Office Department should be turned into a public corporation or authority, with power to set rates and postal wages?	40.3	49.0	10.7
6. ABM. Based upon what you have heard and read, do you favor the President's limited anti-ballistic missile (ABM) System?	55.2	25.5	19.3
7. Voting age. Should the voting age be reduced to 18?	38.3	56.9	4.8
8. Cross-busing. Do you favor cross-busing of school children to achieve a better racial balance?	5.2	93.5	1.3
9. Pollution. Should we step up Federal spending programs to combat water, air, and noise pollution?	82.9	13.0	4.1
10. Space. Do you think the Nation's space program should continue at about the present level ($4,000,000,000 annually)?	45.4	44.3	10.3
11. Campus disruptions. Should Federal scholarship and loan funds be denied students who take part in unlawful and disruptive campus behavior?	93.9	5.3	.8
12. Foreign aid. Last year the President recommended $2,700,000,000 for foreign aid. The Congress appropriated $1,800,000,000. Do you believe that at least this much reduction should be continued?	87.5	8.7	4.8
13. Welfare. Do you believe the Federal Government should guarantee an annual income to heads of families whether or not they are working?	4.4	91.8	3.8
14. Welfare. Regardless of how you answered the last question, do you believe the welfare program should be overhauled to assure that only the truly deserving receive help?	97.9	1.9	0.2
15. Crime. 2 years ago the Federal Government began annual lump-sum contributions to the States to supplement local outlays in the war on crime. President Nixon has requested this be raised to $426,000,000 per year. Do you favor this program?	72.3	18.5	9.2
16. Peace Corps. In 1961, the Peace Corps was created, which up to now has cost in excess of $1,000,000,000. Present budget bureau has requested $98,000,000 for the next fiscal year. Do you think this program should be continued?	24.6	61.1	14.3
17. Poverty. In 1964, the so-called antipoverty (OEO) program was begun, which up to now has cost more than $8,000,000,000. The President has requested $2,000,000,000 for OEO during next fiscal year. Do you think this program should be continued?	22.3	64.4	13.3
18. Agnew. Do you think Vice President Agnew's criticism of certain news media was justified?	73.6	15.5	10.9
19. Supreme Court. President Nixon has said he favors appointment of men to Supreme Court who are strict constructionists of the Constitution, and who would give that Court a better balance. Do you subscribe to this concept?	79.5	11.0	9.5

20. How do you rate President Nixon's overall performance in office?

Excellent	15.1
Good	40.5
Fair	34.1
Poor	10.3

GUARANTEED ANNUAL INCOME

Mr. Speaker, a total of 91.8 percent of my constituents want no part of the guaranteed annual income plan.

The administration's pending welfare reform proposal, which includes a $1,600 a year guaranteed annual income—plus $800 in food stamps—for the head of each family of four, was recently approved in the House.

If finally enacted, this scheme would add 3 million families, or 15 million people, including fully employed fathers, to the relief rolls. The added cost would be astronomical.

I am convinced this program would be unfair not only to taxpayers but also to those who presumably would be helped. It would tend to lock the recipient into welfare as a way of life. There are simply too many people in this country who would rather have a handout than a job. And a disservice is rendered when they are encouraged to pursue that course.

One other thing: Once the concept is written into the law, pressures demanding an increase are sure to mount. Already the National Welfare Rights Organization and the radical Americans for Democratic Action—ADA—have demanded that the minimum guarantee be $5,500 a year, and several Senators have insisted on far more than the $1,600 base figure.

I have fought this guaranteed income concept for years. It is encouraging to note that a Senate committee, where the House-approved bill is pending, has recently raised serious doubts about the provision.

I recently received a lengthy letter from Gov. Ronald Reagan in which he expressed grave concern about the pending bill and its probable exorbitant cost. He stated:

My opposition to the Welfare Reform Act stems from a deep, philosophical antipathy toward a government-guaranteed income and increasing federal intervention into state operations . . .

UNIONS SHOULD BE UNDER ANTITRUST LAWS

It will be noted that by a margin of 80.6 percent to 12 percent the people feel that labor unions should be made to conform to antitrust laws now applicable to private corporations and business enterprises.

I strongly support this position. I am convinced it would be best for labor, best for management, and best for the general public.

I introduced a bill on this subject (H.R. 815), which is designed to prevent unions from conspiring to restrain trade. Such concerted actions by unions would become unlawful. In addition, H.R. 815 would put bargaining on an individual union-employer basis, and hopefully end the practice of industrywide bargaining and the resulting nationwide strikes.

Last year the National Federation of Independent Business submitted my bill to the 267,000 who comprise its business membership. A poll revealed that 92 percent of them favored the measure, while only 6 percent opposed it. At least 39 daily newspapers have endorsed the proposal.

The simple fact is that labor unions have grown up. They are now big business. They no longer need to be wet-nursed and coddled. They do not need and should no longer expect special treatment by enjoying exemption from our antimonopoly laws. The public interest must be protected against harm that comes from conspiracies in restraint of trade, whether it be by big business or big labor.

DAYLIGHT SAVING TIME

A rather large number of constituents expressed opposition to daylight saving time. I share that viewpoint. It should be understood that it is the national policy for each State to determine whether it is to have or not have daylight saving time. The Congress does not legislate on that subject. Each State makes its own decision.

UNLAWFUL STRIKES

By a margin of 3 to 1 the people in the 21st District are opposed to strikes by Government employees. Such strikes are already illegal, as applied to Federal workers. In fact, it is now a felony for anyone employed by Uncle Sam to engage in a strike. The penalty is 1 year in prison and a fine of $1,000, plus discharge and nonemployment rights for 3 years.

"Public employees," as used in the question, include non-Federal workers such as schoolteachers, firemen, policemen, garbage collectors, and so forth.

Press reports indicate the Department of Justice holds in abeyance prosecution of those who engaged in the recent unlawful postal strike, and also the strike by air controllers who work for FAA.

Several comments asked how many pay raises postal employees have received in recent years. There have been 17 since 1945, plus enactment of some fringe benefits. Those of us who have favored these raises felt they were deserved, to bring the pay more in line with comparable work in private industry.

CAMPUS DISRUPTIONS

Residents of my district—93.9 percent of them—want none of their tax money used for scholarship and loans in behalf of college students who engage in unlawful and disruptive behavior on campuses.

A prohibition against helping such applicants last year accounted for denial to 676 of them.

Campus riots, many of them traceable to leadership by pro-Communist Students for a Democratic Society, have erupted in scores of colleges. Others have been led by anarchists among the Black Panthers. These campus rebellions have included illegal occupation of rooms, destruction of furniture, burning of buildings, blocking of streets, throwing of rocks and bottles at police while the latter were in the line of duty, defiance of established authority, and various forms of malicious mischief.

Most of this form of crime is against local and State laws. So far as I am aware, there has been no rational explanation of why school authorities do not expel the troublemakers.

The vast majority of college students are law abiding and go to college to gain an education. Many students have written me that because of the repeated disruptions the pursuit of their educational goals is in many instances being made most difficult.

CROSS-BUSING

Mr. Speaker, I would hope this administration, particularly Secretary of Health, Education, and Welfare Robert Finch, will take note of the fact that 93.5 percent of those in the 21st District of Texas oppose the cross-busing of schoolchildren to achieve a better racial balance.

This unwarranted and oppressive practice was imposed during the preceding administration, and has been continued relentlessly by the HEW, which administers funds for school programs. The Secretary simply withholds funds appropriated for certain school purposes, unless the affected schools comply with his whims about racial mixtures.

Only recently, after the House had approved antibusing riders to the annual HEW appropriation bill, Mr. Finch went before the Senate committee to urge that the nonbusing language be stricken because the amendments "would impede Federal programs."

PRESIDENTIAL PENS

In a lighter vein, a Uvalde housewife inquired about the history of Presidents giving bill-signing pens to the authors of such measures.

That is a current courtesy, as applied to more important legislative enactments. The pens are relatively inexpensive. The Library of Congress informs me the practice probably began during the McKinley administration, and has been done more extensively since the Hoover days.

The pens make interesting souvenirs. I have been given several, including at least three that were presented to me by President Eisenhower when he signed important measures of which I was the author. These included the Amistad Dam legislation and the bill which authorized the Twin Buttes—Three Rivers—flood control and reclamation project on the Conchos. Another—shared by other Texans—was the tidelands bill which confirmed our title to the submerged gulf area, and has enriched the State school fund tremendously.

PEACE CORPS PROGRESS REPORT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, although the Peace Corps is not getting as much press as it did in its early days of unfettered idealism and boundless enthusiasm, it continues to grow and mature as an organization and is probably making a greater contribution today than ever before in its history. This is due in large part to the efforts of its new 35-year-old director Joseph Blatchford, a man who organized his own private volunteer agency in Latin America before being appointed Peace Corps Director by President Nixon.

When Joe Blatchford took over the helm of Peace Corps last year he found that the agency had lost much of its early momentum: New ideas and programs were scarce, recruitment had fallen off and foreign requests were also declining. Blatchford immediately formed several task forces to analyze the situation and come up with new ideas, and he embarked on his own world fact-finding tour to examine the situation firsthand. As a result of these studies, comprehensive reforms were undertaken to reshape and revitalize the Peace Corps. These included putting more emphasis on the actual needs and priorities of the host countries as defined by them, recruiting more skilled volunteers as well as more volunteers from American minority groups, and improving efficiency by attracting outstanding business executives with managerial skills.

I want to take this opportunity to commend Mr. Blatchford and his new team at Peace Corps on this new look and new thrust, and I also want to convey the gratitude of the Congress and the American people to the thousands of volunteers who are currently serving throughout the world. At this point in the RECORD I include three recent articles on the Peace Corps:

[From Reader's Digest, May 1970]

A FRESH SPARK PLUG FOR THE PEACE CORPS

(By Blake Clark)

Under the direction of Joe Blatchford, 35, this global operation is regaining its original luster, vigor and drive.

One morning last May, a young man emerged from the Washington, D.C., railroad station, jumped into a cab and said, "Take me to the Peace Corps building, please."

The driver turned around, eyebrows raised. "You kidding?" he asked. "Didn't that outfit disappear long ago?"

The passenger, Joseph H. Blatchford—dynamic, 35, a relative newcomer to Washington—smiled grimly, for the question underscored the tough assignment ahead of him. The very next day, President Nixon would announce his appointment as the new director of the Peace Corps. His job: to revitalize that floundering agency, to build it into a new, heads-up team responsive to the changing needs of America's friends around the world.

Later that day, in his office across Lafayette Square from the White House, Blatchford dug into a depressing situation. The number of Peace Corps volunteers was down for the third straight year, to an alltime low. Requests for Corpsmen also were falling off. The organization's Washington headquarters seemed quietly and helplessly to be running down. New programs and new ideas were scarce. It looked as though the Peace Corps, once a shining and idealistic instrument of help and hope, had lost its momentum.

What had gone wrong? Joe Blatchford, youngest agency chief in the Nixon Administration, spent his first six months in office finding out. To begin with, he handpicked 50 Peace Corps staff members, former volunteers, men and women outstanding in various fields—and divided them into small task forces. Their mission: to study the organization's problems, its needs—and its decline—and to come up with recommendations for bringing it back to life. This done, he took off on a first-hand investigation of his own: a flying field trip to Africa and the Middle East.

Interviews with national leaders—from prime ministers to school superintendents in remote areas—got him some of his answers. While acknowledging the good work done by generalist volunteers, African officials wanted more highly skilled,experienced technicians and specialists, so that Peace Corps projects could be integrated into high-priority local development plans. Cabinet ministers in Kenya, for example, asked for experts to help develop their water resources; Libya's Minister of Education wanted professionals in the production and programming of educational television.

Blatchford and his task forces studied the reports, discussed changes, painstakingly redefined the role and the goals of the Peace Corps. By September, they were ready. From 60 nations Blatchford summoned his directors to Washington for a conference. There, in seminars that lasted for five days and nights, he unveiled the ambitious, far-reaching design that he and his task force members had fashioned for the bold new Peace Corps of the '70s.

Record of Accomplishment. The driving force behind the remodeling of the Peace Corps may have been new on the Washington scene, but he had behind him an outstanding record of innovation and accomplishment, particularly in the field of U.S. relations with Latin American nations. The son of a businessman, Joe Blatchford grew up in Los Angeles and enrolled at the University of California at Los Angeles to study political science. He worked his way through becoming president of the senior class and the university's outstanding tennis player. His team won the national collegiate championship three years in a row and he competed at Wimbledon his senior year.

After a year of active duty in the Army, Blatchford got a summer job in the Washing office of Congressman Ralph Gwinn of New York. Working with the Education and Labor Committee whetted the young man's appetite for public service. In the fall, he entered the University of California Law School in Berkeley.

Then came the tumultuous day in May 1958 when an angry mob in Caracas, Venezuela, stoned and spat upon then Vice President Nixon. Joe was shocked that U.S.-Latin relationships were so combustible. He persuaded seven college friends, all musicians, to take a year off and make a good will tour of South America.

With $15,000 in expense money raised from "corporations, foundations, little old ladies," the group visited 30 cities. In each, Joe challenged the local tennis champion to an exhibition match, which was followed by a modern jazz festival featuring two trombonists and a rhythm section. In this way the young Americans met the people—students, sportsmen, musicians, labor leaders, politicians. They also got a sobering look at South America's appalling slums and poverty.

Returning to Berkeley to finish law school, Blatchford started talking about a community action program for Latin America. He called it ACCION, and persuaded heads of corporations doing business in the sister hemisphere that these poor could be taught to help themselves. In 1960, with $90,000 raised from 24 private firms, Blatchford took 30 volunteers, most of them college students, to Venezuela. Living among the slum dwellers of Caracas, the volunteers showed them how to organize themselves to do what was needed: to replace uncovered ditches with sewers, to make playgrounds out of littered lots, to set up literacy classes for adults and training courses in the building trades.

Today, a decade later, more than 1000 workers have joined this "private peace corps," backed by contributions of nearly nine million dollars from some 3000 companies. In all, ACCION has carried out 45,000 different self-help projects in Argentina, Peru, Venezuela and Brazil. Most important, the North Americans have now withdrawn, and Latin volunteers, backed mainly by Latin money, are running the show themselves.

Among the first to go to the Caracas *barrios*, or shantytown slums, was Winifred Marich, a tall, attractive blonde of Yugoslav descent, a graduate of U.C.L.A. who speaks five languages. She later helped set up ACCION in Rio de Janeiro, and there she and Joe were married. Living today in Georgetown, they like discothesques, opera and modern jazz. (Joe plays guitar.) They zoom around Washington on a Yamaha motorcycle, Winnie clinging on from behind, sometimes stopping for Joe to join in a ghetto basketball game incognito. He keeps fit—5 feet 11 inches, 177 pounds—and still plays a fast game of tennis.

WORKER WHO THINKS

When the assembled Peace Corps overseas directors met their new chief last September, some were cool, others skeptical. But they recognized in Blatchford a fellow field man—"not a bureaucrat who thinks he's working," as one of them happily put it, "but a worker who thinks." When their five-day session was over, they were a team again. Here, as they look ahead into the '70s, are their new targets:

Create a needed, lasting resource. The starting point for any Peace Corps program from now on must be a specific need in the country to be served. The receiving nation will identify its own problems and set priorities. Then the Peace Corps and the national representatives will agree on the best contribution that volunteers can make to create a new resource that will remain after the Peace Corps departs.

For example, a unit may help a country start its own volunteer service. Or, volunteers from U.S. farm areas will introduce developing nations to our system of county agents and 4-H Clubs, and train local people who will carry on, expanding and multiplying the benefits. At every level, in fact, local people—*their* businessmen, students, doctors, tribal leaders, housewives—will be enlisted. Local committees will decide how our volunteers are recruited, selected, trained, placed in the field and supported. Indeed, Blatchford hopes to see the day when half the Peace Corps' overseas staff is made up of local citizens.

Share America's technical know-how. Recruiters are rounding up a larger percentage of highly trained people such as 25-year-old Dick Kirby, a 1966 graduate of Pratt Institute, noted for its industrial engineers. Assigned to city hall in Barcelona, Venezuela, a city of 80,000, Kirby discovered that garbage collection was swallowing up half the budget for municipal services. Getting up at 5 a.m., Kirby rode the trucks, eventually rerouted them to call on 400 customers instead of 120, and brought costs into line. Or such as Francis Wilgen, a 24-year-old agricultural engineer who put into operation, and trained a crew to run, a pasteurization plant providing the inhabitants of Kabul, Afghanistan, with the cleanest, safest milk they ever drank.

Accept a wider variety of volunteers. Doors are now wider open for older people such as Aubrey Foster and his wife, who are at work in the Central American country of Honduras. A Ph.D. with 25 years' experience in plant pathology, Foster is testing vegetable varieties and determining the best methods of fertilizing, watering and cultivating in the Honduran climate. Seeds of varieties proven best will be given to small farmers throughout the country. Mrs. Foster, with three sewing machines donated by CARE, started a sewing class for women and girls in a local church. The children came to play and help with the garden, and soon the project grew into a community center.

Blatchford sees a huge new pool of skilled and professional talent opening up through sabbatical arrangements with corporations and labor unions, which would protect employees against loss of seniority and fringe benefits during their two years with the Peace Corps. The more flexible Corps will also include the doctor who wants to volunteer to spend the summer in an African village, the experienced architect who can donate a few months to a community development project in a Peruvian *barrio*, the dietitian whose teaching would be invaluable in the villages of the Andes, even if she is available only for a short time.

Increase efficiency. Swiftly, authoritatively, Blatchford has tightened administration. Headquarters' costs are already down 20 percent, and red tape is being cut. No more rules that "Peace Corps members can't have children," or that they must be single or have a wife who is also a volunteer—provisions that kept out thousands of good candidates. The formidable 15-page application form, "which only a computer programmer could figure out," has been simplified. More responsibility for recruiting now goes to regional offices, so that recruits will hear in days rather than months whether or not they are accepted. Paper work has been cut by treating the volunteer in the field as a responsible adult who should not be required to itemize bicycle-repair expenses, travel time or dentist bills.

Train foreigners here for service at home. The Peace Corps' work as a catalyst could be speeded up, Blatchford says, by bringing in volunteers from other countries to work on, and observe, U.S. domestic projects. For example, 60 percent of all Latin Americans will soon be living in cities; they need people trained in community action. Many of our cities, in turn—Philadelphia, Baltimore, Los Angeles, New York—need Spanish-speaking teachers. Latin Americans could teach here, and work with members of VISTA (Volunteers in Service to America) in our ghettos, learning to unite a community to solve its problems. Then they would return to set up similar programs at home.

Form a domestic Peace Corps. Why send all our volunteers 5000 miles from home when we have our own shabby ghettos, and our own worn out farm areas? Many Americans, aware of the problems bedeviling their city or country, think, "I'd like to help." Blatchford looks to the time when every city and town in America will give volunteers an opportunity to do just that—for teachers to lend a hand to youngsters falling behind in their reading, doctors and others to care for the aged and ill, lawyers to protect the poor in the courts and the ignorant from usurious rates of interest, people to help make our streets and homes safer, to help safeguard our environment.

A national survey shows that five million volunteers could be put to work on the urgent needs of our society today. To find and direct the energies of this force, Blatchford would like to see a "White House Volunteer Service." Anyone who has time to give free—three months, a year, two years—could fill out a White House application form, listing his background and qualifications, and then be guided by the Volunteer Service to a spot where his contribution could count.

Thanks to Joe Blatchford, things are looking up for the Peace Corps—and for all Americans interested in making this a better world.

[From the Wall Street Journal, Apr. 27, 1970]

PEACE CORPS RECRUITS BUSINESS EXECUTIVES TO MANAGE PROGRAMS: SOME COMPANIES GIVE LEAVES FOR SERVICE OVERSEAS; PAY RANGE IS $10,000 TO $30,000

(By Ronald G. Shafer)

WASHINGTON.—The typical Peace Corpsman is a young idealist fresh out of college, aflame with desire to set the world straight, willing to work for a pittance.

And then there's John Guyer. John Guyer is idealistic enough. But he's 39 years old and a vice president of an investment counseling company. And his new job as a Peace Corpsman pays around $20,000 a year.

With his company's blessing and two-and-a-half-year leave, Mr. Guyer has left for Bombay to be a regional director of Peace Corps operations in India. He wasn't fed up with his Los Angeles job, but "I've always wanted to go abroad with my family" as well as wanting "in some degree to serve my country." So when Peace Corps Director Joseph Blatchford extended the invitation, it was gratefully accepted.

Mr. Guyer is one of the first recruits in a Nixon Administration search for business executives who might improve the management of the 10,500 Peace Corps volunteers at work in 62 countries. Vacancies are occurring faster than usual on the supervisory staff of 1,350 people at home and abroad because Congress passed a law in 1965 limiting service to five years. As one official puts it, "this is the first year of the five-year flush."

Recruiting middle-aged administrators from the business establishment to fill these slots might alarm the Peace Corps' traditionally youthful and liberal-minded volunteers. Nonetheless, Director Blatchford, 35 years old, who used to operate a private Peace Corps-type service in Venezuela, insists:

"Government and social services tend to bring in people who are very idealistic and highly motivated but who lack management experience. They're good people," but "we need more management ability."

Duties of Peace Corps managers vary widely. One supervisor says she helped set up an accounting system for the finance ministry in Malaysia, for example, while another might administer a volunteer program to improve chicken production and marketing in India.

The executive recruiting is just getting fully under way. So far, the agency has corralled about 15 businessmen, including several vice presidents, from such concerns as Irving Trust Co., IBM, General Foods, Quaker Oats, A. C. Nielsen and Monsanto. The goal is to install businessmen in about 200 of the 350 or so staff openings expected in the next year, says Glenn Randall, director of staff recruitment. The agency also is recruiting

among the professions, labor unions and educational institutions.

Peace Corps representatives are to contact scores of companies during the next few weeks. One "loan-an-executive" pitch will be the possible benefit to a company's own recruiting among college students. Mr. Blatchford explains: "Say Company A went recruiting and said 'Some time in your first 10 years, we'll give you two years off to be a Peace Corps supervisor'. Young people are likely to say, 'That's the company for me' rather than Company B, which emphasizes a pension plan at age 65."

So far, companies contacted have supported the idea, although a few initially were reluctant to part with executive talent. Recruiting top administrative management for the Peace Corps "makes a lot of sense," says George Murphy, chairman of Irving Trust. An executive's experience with the agency "will be of great value to him and to us after he returns to his banking post," Mr. Murphy comments.

The Peace Corps has always had job slots for managers, but few businessmen have joined. There was a mistaken belief, agency officials feel, that the only openings were for young college graduates to serve as volunteers at token pay. "They weren't aware that you don't have to live off the land on a subsistence level," says Charles Bryant, personnel director: "We're talking about staff jobs paying $10,000 to over $30,000 a year." And the Peace Corps provides free housing and schooling in the host country.

Some businessmen turned Peace Corpsmen admit to the misconception. "I wasn't aware that staff positions were even available until one day I happened to drop into the Peace Corps office in Washington," says John Mills, formerly development director of Monsanto's international division. Now the 47-year-old executive heads up a new Peace Corps program to train specialists for spot assignments in fields ranging from agriculture to urban planning. Unlike most recruited executives, he doesn't plan to return to his former company.

Many businessmen are attracted by a chance "to get away from the rat race and vent their social consciences," a Peace Corps official says. William Inglis, a former vice president of Irving Trust, says he views the Peace Corps as a way to "make a social commitment—not just a token one part-time, but a 100% commitment." He signed on as director of administration and finance in Washington, a post that he believes also offers opportunities in management that will help his banking career.

The decision can be a tough one. For executives like Mr. Guyer, the Los Angeles investment counselor, it generally means a sharp pay cut. And two and a half years away from their companies could slow their careers. "I lose a lot of ground," Mr. Guyer concedes. He remarks that, when news of his decision got around, "there was a lot of response from my peers. They wanted to do the same thing, but they also had a reluctance to leave careers in midstream."

Executive recruiting is part of the broader effort by the Nixon Administration to attract more older and more skilled volunteers, including blue-collar workers, to the Peace Corps. This approach is already controversial. The agency says a majority of returning volunteers support the shift, but some returnees and ex-staffers complain that it has "turned off" young people previously attracted by the Peace Corps' idealistic image.

[From Business Week, Apr. 13, 1970]

CAN BUSINESS AID THE PEACE CORPS? NIXON TEAM ASKS COMPANIES TO LEND TOP TALENT TO FILL KEY STAFF JOBS

The Peace Corps, once a loose amalgam, of well-intentioned liberals, idealistic youths, and assorted academicians, has embarked on a controversial plan to make itself more efficient. In the Nixon Administration, that means more businesslike. As a result, the corps is shifting its recruiting thrust away from liberal arts campuses and toward U.S. corporations.

The new recruiting drive is the brainchild of Joseph H. Blatchford, the 35-year-old Californian appointed by President Nixon last year to head the agency. Blatchford will try to lure talented managers away from business to serve short-term volunteer stints as high-level Peace Corps staffers.

This is where the controversy comes in. Critics recall the demise of Operation Tycoon, a program run by the Agency for International Development in the early 1960s to send businessmen overseas. The skeptics claim that Tycoon turned up more duds than economic development, and think the Blatchford plan also is doomed to failure. Newspaper columnist Frank Mankiewicz, a onetime country director for the Peace Corps in Latin America, sums up the doubts of many onlookers who feel that cost accounting and national development do not mix. He characterizes the new recruiting effort as "a disaster."

A new breed. Despite the skepticism, Blatchford is determined to tighten up corps operations with a new breed of managers. To succeed, however, he will have to work fast, because the agency is about to be scoured by a rule that limits service to five years. By October, replacements will be needed for 18 country directors, 12 deputy directors, and 33 associate representatives—all key staff jobs. Country directorships, for example, pay salaries that can exceed $30,000 a year.

With time running short, Blatchford reorganized his agency and placed Glenn C. Randall, 37, a former track and field star and recruiting director for the U.S. Office of Education, at the helm of a new staff recruiting office. Randall, in turn, set up a computerized "talent bank" designed to match an expected crop of talented managers with staff assignments. In the meantime, the corps is pressing the search for its "supercandidates." Blatchford hopes he can enlist "vice-presidents of corporations, possibly international corporations," for what Randall describes as a team of "practical idealists."

What the Peace Corps has in mind are men like William W. Inglis, 38, one of a wave of former Californians whom Blatchford already has cajoled into service. A financial whiz kid who became an Irving Trust Co. vice-president at 34, Inglis recently took a two-year leave of absence to head the Administration & Finance Dept. of the corps. John D. Guyer, 39, left a Los Angeles post with American Investment Counseling Co. under a similar arrangement and is headed for India this month for a stint as deputy director for the Bombay region.

John E. Mills, 47, who holds a doctorate in economics from Berkeley, came aboard in January from Monsanto Co., where he had been manager of new foreign investment and manufacturing ventures. At the Peace Corps, he became director of program development and will work up binational assistance programs overseas. Another new-wave man is Robert N. Jorgensen, 55, who left a $40,000 job as president of his Livingston (Mont.) wholesale firm for a $23,000-a-year staff post in Ghana. Jorgensen now advises entrepreneurs in Accra on small business techniques.

For months, staff recruiter Randall has quietly been meeting with executives at PepsiCo, Quaker Oats Co., Ford Motor Co., and Irving Trust in attempts to snare more socially conscious managers. He wants corporations to channel young executives to the agency for two-year volunteer stints, allowing them to keep their seniority intact. Negotiations also are under way with the International Executive Service Corps, a private group using AID funds to send retired executives overseas for short-term assignments in developing countries. Blatchford hopes IESC—or, as it is better known, "the Paunch Corps"—will lend his agency a few top men to supervise selected Peace Corps volunteers overseas.

Skepticism. Predictably, the new Peace Corps recruiting effort has met with criticism from some former staff members. Mankiewicz is convinced that Blatchford and his crew of Californians will only serve to "conservatize the Peace Corps." Vernon K. Richey, a former Peace Corps public information specialist, snorts: "There are a lot of good things happening, the work of 'impractical idealists,'" and bitterly adds: "I would hate to see the Peace Corps lie down in the same bed with some of the corporations that have been exploiting Latin America for years."

But a former head of the corps' overseas recruiting branch grudgingly concedes that Blatchford's plan is "a good idea." "If Blatchford gets 10 top executives," he says, "that's a quantitative accomplishment, quite different from what has been done before."

Last week the Senate Foreign Relations Committee voted to cut the Peace Corps budget by 10% to $90 million. But Blatchford insists "we're very optimistic" about the executive recruitment plan. The big question, however, is whether Blatchford will be able to find many of his "visionaries with their feet on the ground" from the business world. In the opinion of one former Peace Corps recruiting chief, he will not. "Corporations," he says, "just don't take their bright young guys and send them to India."

TELEGRAM TO NEW YORK STATE ATTORNEY GENERAL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. HALPERN. Mr. Speaker, I wish to call my colleagues' attention to the decision last week of the New York State Court of Appeals, refusing to allow graduating law students of both New York State and other law schools the option of waiving their final examinations.

In the light of our country's crisis, and these students' deep commitment to let their views be heard, I sent a telegram last week to Attorney General Louis J. Lefkowitz, voicing my objections to this ruling. I applaud the efforts of these young adults, who have dedicated themselves to legitimate means of working within the constitutional framework of our Government, and I take this opportunity to lend my voice in their support. Following is the text of the wire:

MAY 15, 1970.

HON. LOUIS J. LEFKOWITZ,
Attorney General, State Office Building,
New York, N.Y.:

I urge you to have Court of Appeals reconsider decision of May 12th and allow graduating law students to waive final classroom activity and exams and be permitted to take bar examination. The climactic events of the past few weeks have polarized these students to set priorities, with their country first, and they have dedicated themselves to dramatic and committed efforts in voicing their dissent. I support their efforts and implore you to have the Court of Appeals reappraise their findings.

Congressman SEYMOUR HALPERN.

PEACE CORPS AS INTERNATIONAL PEACE-KEEPING FORCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. RARICK. Mr. Speaker, the U.S. Peace Corps, because of the extremely controversial and undesirable behavior of its members, continues to deteriorate with "emerging nations."

The United Nations Organization continues seeking a peacekeeping force, a reconstruction-type army of occupation, to draw the first violence and bullets—in case of "nonviolent" cultural and ethnic dissent from those who resist internationalization.

A perfect merger—give the Peace Corps to the United Nations if the U.N. backers will accept it.

Most Peace Corps members are already internationally oriented and as U.N. representatives, instead of Americans, our people would be spared embarrassment and our image abroad improved.

Several related clippings follow:

[From the Washington Post, May 17, 1970]

PEACE CORPS TROUBLED IN AFRICA

(By Stanley Meisler)

NAIROBI, KENYA.—Last year, the Somali Army team upset the Peace Corps to win the annual basketball tournament in Mogadishu. Young army officers in the crowd clasped each other. Several wept for joy.

"We have beaten the Peace Corps!" others shouted.

The depth of emotion astonished Peace Corps officials at the tournament.

A few weeks later, the Army took over the government of the Somali Republic. One of the first acts of the new military regime was to oust the Peace Corps and its 60 volunteers.

The story illustrates a surprising tide of resentment in Africa toward volunteers and, in fact, Americans and whites in general, that has made the continent the most troublesome area in the world for the Peace Corps.

In the last few years, the Peace Corps also has been ousted from Mauritania, Gabon, Tanzania and Libya.

It now faces political troubles that threaten its existence in Malawi, Lesotho, Ethiopia and Nigeria.

In a recent interview in Nairobi, Walter Carrington, the director of the Africa region for the Peace Corps, tried to analyze the core of these problems.

"I could generalize and say we have been caught in a general wave of anti-Americanism," he said, "but it's not as simple as that.

"Young Africans often have a resentment against Europeans, against whites, and they resent having to depend on them so much. We're often the most visible evidence. Africans resent us doing a job that they feel they ought to be doing themselves."

Other Americans who know the Peace Corps well, while agreeing with Carrington's analysis, usually add two other reasons for the troubles in Africa:

The programs have been too large. Nigeria and Ethiopia, for instance, had more than 500 volunteers. They became too obvious a target for young Africans resentful of outside help.

The Peace Corps has put too much energy in one kind of work—teaching. Two-thirds of the volunteers in Africa are teachers. It has always been that way.

But a look at the troubles of the Peace Corps in Africa needs perspective. Despite its political woes, the program in Africa is still one of the most important the Peace Corps runs.

At the end of 1969, the Peace Corps still assigned 2,682 of its 9,146 volunteers and trainees to Africa, the same as in years past. Officials insist they still get more requests from governments than they can meet.

While some countries were ousting the Peace Corps, others, like Mali, the Congo and Upper Volta, were asking the Peace Corps to end volunteers for the first time. But the Peace Corps does have troubles in Africa as this brief rundown of some of the sensitive areas shows.

Nigeria—Once the largest program in Africa, with 719 volunteers in 1967, the Peace Corps in Nigeria dwindled after the civil war broke out that year. There are now 66 volunteers, all teachers in the northern states, and the government has not asked for replacements when they leave.

Ethiopia—Volunteer teachers have run into a great deal of abuse from striking, demonstrating students who oppose Emperor Haile Selassie and believe that the U.S. government is the main prop under his regime.

The Peace Corps, which had 565 volunteers in Ethiopia in 1966, shrank to 312 volunteers at the end of 1969.

Tanzania—The last Peace Corps volunteer left Tanzania in November. President Julius Nyerere, according to some observers, had become angry with the United States over the war in Vietnam. In addition, he was trying to fashion a Socialist, agricultural, nonelitist system of education and did not believe Peace Corps volunteers fit in.

Malawi—President Hasting Kamazu Banda has asked the Peace Corps to leave after its 141 volunteers finish their tours next year. The Peace Corps has long worried Banda, mainly because a number of volunteers tended to sympathize with the young, educated nationalists who oppose him.

Somali Republic—The civilian government of the Somali Republic had asked the Peace Corps to double the number of volunteers there. But, soon after the coup last October, the military rulers, Soviet trained and intensely nationalistic, ordered the 60 volunteers to leave.

Lesotho—At the close of last year, the Peace Corps had 65 volunteers in Lesotho, a tiny enclave caught in the midst of South Africa. The South African government evidently considers them a subversive element in southern Africa and wants them to leave.

Libya—Soon after its coup last September, the new military regime ousted the 143 volunteers in Libya, all teachers of English. This was in line with the new government's policy of discouraging English teaching and encouraging the use of Arabic. But it is likely that the government, intensely nationalist and anti-American, would have pushed out the Peace Corps even if the volunteers had been in some other kind of work.

Mauritania—In June, 1967, after the outbreak of the Arab-Israeli war, Mauritania broke off all diplomatic relations with the United States. The 12 volunteers were withdrawn.

[From the Washington Post, May 17, 1970]

THANT URGES INTERNATIONAL VOLUNTEER CORPS

UNITED NATIONS.—Creation of an international volunteer corps of 1,300 young people by mid-1971 to work in developing countries has been recommended by Secretary General U Thant.

The recommendation came in a report to the U.N. Economic and Social Council (ECOSOC), which had requested Thant to examine the feasibility of a suggestion originally made by Iran.

Called the United Nations Volunteers, the corps would aim at giving youth a constructive outlet for skills in helping countries which requested assistance in carrying out national development programs. The volunteers also would help train local personnel.

Thant recommended that the corps be created within the U.N. development program headed by Paul G. Hoffman, and that initially its work be confined to U.N.-assisted projects. ECOSOC will consider Thant's report at a meeting in Geneva in July, and will make its own recommendation for approval of the U.N. General Assembly next fall.

Volunteers would have to be over 21 and in good health. They would be asked to sign a pledge of commitment to respect international standards of conduct.

Persons enrolled, who would have to be approved by the countries where they were stationed, would be paid only expenses and pocket money. Countries being assisted would be expected to pay local subsistence costs of $1,500 to $3,000 annually per volunteer, although a U.N. trust fund would be set up for contributions to help countries that could not afford to pay local costs.

Under procedures endorsed by Thant, volunteer agencies in various countries would undertake the job of finding candidates for opportunities in participating countries as advertised by the U.N. The volunteer agencies also would pay external costs of recruitment and would provide initial training which would be supplemented by the U.N.

[From the Atlanta Journal and Constitution, May 10, 1970]

GENERATION GAP—U.N. LACKS MEET CASH FOR YOUTHS

UNITED NATIONS.—Early this year the United Nations set about wooing the youth of the world to prove that on its 25th birthday it wasn't too old to be of use to the coming generation.

It invited youth groups from all nations to send delegates to a world youth assembly here July 9.

But, to its intense embarrassment, the United Nations now finds it can't get governments to donate the relatively modest $700,000 it had budgeted for the parley. Only about $30,000 has been contributed in the past three months—less than 5 per cent of the budgeted total.

Delegates from several of the big powers admit privately that their governments are not very enthusiastic about the assembly. With big governments hanging back, nongovernmental donors are doing likewise.

U.N. Secretary General U Thant has tried to shame governments, businesses, foundations and corporations into doing something to rescue the foundering assembly.

He said that if the money could not be collected the United Nations would have to cancel the nine-day youth meeting.

Such a cancellation, Thant asserted, would be "likely to affect the relations between generations for a long time to come."

Mike Cavitt, a young Kansas Republican who is serving as organizer for some 43 U.S. youth groups now selecting the American delegation to the U.N. parley, was more blunt than Thant about the youth assembly fund shortage.

"We narrowed our applicants from 250 to 28 last weekend," he reported, "by next week we will have our five delegates and five alternates picked. We've spent a lot of time and effort on this. If the assembly fails because of lack of money, you can be sure that a lot of youth organizations usually thought of as 'safe' or 'square' are going to be very, very disappointed."

The Nixon administration appears to be of two minds about the U.N. gathering.

On one hand, the State Department has approved a liberal policy to supply 30-day

C-2 visas to all participants. That means that youths from such unrecognized lands as Communist China, North Vietnam, North Korea and East Germany will be eligible to tour any part of the United States without restriction for about three weeks following the youth assembly.

On the other hand, the U.S. government so far has turned down pleas from some American youth groups that it donate some or all of the $150,000 it has earmarked for hosting selected youth delegates on cross-country tours after the July parley closes.

ADDRESS OF HON. EUGENE T. ROSSIDES

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. STANTON. Mr. Speaker, I commend to my colleagues attention the recent address by the Honorable Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement and Operations, on the Nixon administration's reform program to combat the illegal use of secret foreign bank accounts.

As H.R. 15073, the bank records and foreign transactions bill, is before us for consideration this week, I think my colleagues will find Mr. Rossides' comments extremely enlightening.

The address follows:

REMARKS OF THE HONORABLE EUGENE T. ROSSIDES, ASSISTANT SECRETARY OF THE TREASURY FOR ENFORCEMENT AND OPERATIONS BEFORE THE EIGHTY-NINTH ANNUAL BANQUET OF THE PHI DELTA PHI OF COLUMBIA LAW SCHOOL

Tonight I want to discuss with you the Nixon Administration's reform program to combat the use of secret foreign bank accounts by organized crime and white collar crime to violate U.S. tax and other laws.

When this Administration took office, it decided to do something about this problem. We point out with pride that this is the first Administration seriously to study the matter and recommend action designed for correction of this long-standing problem area. We take further pride in the fact that the Treasury is in the forefront of this effort. Treasury organized a Task Force to attack the problem on a concerted basis. It is the first of its kind of which we are aware.

Our overall aim is to build a system to deter and to prevent the use of secret foreign bank accounts for tax fraud, their use to screen from view a wide variety of criminally related financial activities, and their use to conceal and cleanse criminal wealth. Our immediate aim is to combat organized crime and white collar crime in their use of foreign banks to achieve criminal objectives.

This Administration recognizes the widespread moral decay that would result if these practices are permitted to continue and expand. We are determined to do something about them.

The Administration has acted in four interrelated areas:

First: The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

Second: The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

Third: The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

Fourth: The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

Before discussing our actions in these four areas, I must emphasize three fundamental concerns that predominate in formulating Treasury's enforcement approach to this problem.

First, the United States dollar is the principal reserve and transactions currency of the world. Foreign holdings of U.S. dollars are huge, amounting to some $43 billion in liquid form. This fact itself is a mark of the confidence which others have in the political and economic stability of the United States and is a tribute to the success of the international trade and payment system we have been creating—a system of progressively fewer restrictions to the flow of goods and capital. The overwhelming bulk of the rapidly growing volume of international transactions by Americans and foreigners alike are not only legitimate business and personal transactions, but serve the larger interests of the United States in effective monetary arrangements and freely flowing trade and payments. It has, therefore, been of paramount concern to us that the proposals we are making will in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use the U.S. dollar.

The second consideration is that consistent with our determination to deter tax and other evasion by U.S. persons involving foreign financial transactions, we have sought to develop proposals under which the benefits to our tax collections and to our law enforcement objectives exceed the direct and indirect costs which these proposals bring about.

Finally, we have not lost sight of traditional freedoms, many of which are set forth in our Constitution, others which have become identified with our way of life. In strengthening enforcement, we must not jeopardize these principles.

BACKGROUND

Just what is a secret foreign bank account? It is an account maintained in a foreign banking institution in a country which has laws which strictly limit the conditions under which information concerning an account will be made known to governmental authorities.

There is no certainty as to the exact dimension of the use of foreign bank accounts by U.S. citizens and residents, or the number being used for illegal purposes or the size of the tax fraud and other criminal violations shielded by such accounts. Even though the number of persons involved and the amounts of tax fraudulently evaded by these means may be small in comparison to total U.S. taxpayers and tax collections, the principle involved is central to proper tax administration: any tax fraud scheme must be attacked vigorously.

We all have the right to demand that all Americans pay their proper amount of taxes as determined under the revenue laws. If tax fraud fostered through the illegal use of foreign bank accounts is not curbed, our self-assessment system of taxation could be seriously impeded.

Rapid means of international transportation and communication have greatly facilitated the free flow of funds and commerce across what were once thought to be great distances. These technological advances have added to the problem of tax fraud through the use of secret foreign bank accounts.

The anonymity offered by foreign accounts has been used to conceal income made in connection with various crimes that have international features. They include the smuggling of narcotics, black market currency operations in Southeast Asia, and illegal trading in gold. These illegal undertakings frequently involve tax fraud.

USE BY ORGANIZED CRIME

Racketeer Money: There is strong evidence of a substantial flow of funds from racketeers in this country, particularly those associated with gambling, to certain foreign banks. Some of these funds appear to have been brought back into the U.S. under the guise of loans from foreign sources. This may be providing a substantial source of funds for investment by the criminal element in legitimate business in the U.S.

Money from Narcotics: In March, 1969, Treasury Agents of the Bureau of Customs broke up a major international heroin smuggling scheme by intercepting 115 pounds of heroin in New York City. Cash transfers of this organized crime enterprise were run through secret foreign bank accounts. One of the defendants alone admitted to forwarding half a million dollars from the United States to Geneva.

If adulterated at the usual ratio of five to one, the 115 pounds of pure heroin would have yielded 690 pounds of diluted heroin mixture. It is estimated that one such pound will yield 7,000 one-grain doses. The 690 pounds would have put 4.83 million one-grain doses into the hands of pushers on the streets with a total value of about $24,000,000 ($5.00 per dose). I am sure that you can understand why we feel so strongly that something must be done.

USE IN CONNECTION WITH WHITE COLLAR CRIME

Foreign bank accounts are opened to facilitate tax fraud by some people who otherwise appear respectable and law abiding. They are used in an effort to hide unreported income from commercial operations in the United States or income from investments made through a foreign bank.

Personal Accounts: Accounts in foreign banks are used as repositories for money representing income not reported on United States tax returns, much in the same way as bank safety deposit boxes have been used in this country. For information on the existence and nature of the accounts, dependence has been placed upon informants and the subsequent tracing of transactions through banks in this country.

"Arrangements" with Foreign Customers and Suppliers: In some cases, United States taxpayers have arranged with their foreign customers or foreign suppliers for the preparation of false commercial documents overstating amounts received from the United States taxpayers or understating amounts paid to them. The funds placed in the hands of the foreign conspirators as a result of these falsifications are deposited with banks in bank-secrecy countries for the credit of the United States taxpayers.

Transactions in Securities: Taxpayers, by opening accounts with foreign banks and financial institutions, have been able to buy and sell on the United States stock markets without disclosing their interest in, or taxable income from, such transactions.

Let me now turn to the Nixon Administration's reform program.

FOREIGN POLICY—SWISS TREATY NEGOTIATIONS

The recent discussions with Swiss officials have centered upon the development of a proposed mutual assistance treaty to provide information and judicial records, locate witnesses and provide other aid in criminal matters. However, the U.S. and Switzerland already are parties to a convention for the avoidance of double taxation with respect to income taxes which is relevant to bilateral cooperation for obtaining bank records to prosecute tax fraud. Article XVI of this latter treaty provides for the exchange of information for the prevention of *fraud or the like* in relation to income taxes which are the subject of the convention.

We have only recently become aware that Swiss law makes an important distinction between simple tax evasion and tax fraud, which is an aggravated form of tax evasion. Whereas individuals guilty of simple tax evasion under Swiss law are not considered to have committed "crimes" as we know the term, and thus are not subject to jail sentences, tax fraud in connection with the Swiss federal withholding tax on interest and dividends and the income tax laws of sixteen of the twenty-five Swiss cantons, including the economically more important cantons, is deemed a criminal offense which can result in the imposition of jail sentences and which is handled in criminal rather than administrative proceedings.

This distinction between tax evasion and tax fraud becomes of essential importance because under Swiss law the obligation of a bank to observe secrecy about the affairs of its depositors is superseded by the duty to furnish information, give testimony, or produce documents in criminal proceedings which include tax fraud proceedings.

Speaking on behalf of this Administration, I can assure you that we are actively exploring with the Swiss authorities the obtaining of the same information, including bank records, as can be made available to Swiss authorities.

ADMINISTRATIVE REFORM

I believe that a primary responsibility upon taking office is to determine how current law is being administered and whether administration can be improved. In early 1969, in conjunction with work for discussions with Switzerland, I authorized a review of existing practice and statutory authority to see what improvements and additional action could be taken administratively. It was concluded that much along the following lines could be done to combat this problem even without legislation.

No matter what treaty, legislation, or regulations might be implemented, efficient and effective prosecution of law evaders is an important element in curbing the illegal use of foreign bank accounts. Law enforcement agencies are increasing efforts to uncover individuals who have made illegal use of foreign bank accounts. The new United States Attorney for the Southern District of New York, Whitney N. Seymour, Jr., has been in close contact with key officials in Washington to implement a vigorous attack against individual offenders.

The Internal Revenue Service presently is thoroughly reviewing its operations, including its audit procedures, to develop more effective internal procedures for uncovering cases of tax fraud involving the use of foreign bank accounts, as well as for compiling and constructing solid evidentiary records in these cases. New guidelines are being established to aid Treasury Agents of the Internal Revenue Service in handling investigations of tax payers who employ or are believed to employ secret foreign bank accounts.

New Regulations and Administrative Practices: Another means of attacking the problem under existing law is to implement new effective regulations and administrative practices.

One significant measure that this Administration has already taken under existing authority will be to require on next year's tax return that U.S. citizens, residents, and certain other persons effectively doing business in the United States identify their direct or indirect interests in foreign bank accounts. I believe that this will be an effective deterrent to the use of these accounts to evade taxes, since the failure to reveal the existence of such interests will result in the imposition of criminal penalties apart from those otherwise applicable to the filing of fraudulent tax returns.

In conjunction with this disclosure requirement, this Administration has under consideration a proposal that, pursuant to regulations, taxpayers with interests in foreign bank accounts be required to maintain specified records of transactions they have with these accounts.

Another related proposal which is being given consideration is that taxpayers who report interests in foreign bank accounts on their tax returns at the same time personally would authorize the foreign financial institutions in which the accounts are maintained to forward any information which might be requested by the U.S. law enforcement officers pursuant to the same legal process required to obtain bank records in the United States.

Still one more area being thoroughly considered by the Treasury Task Force is the extent to which evidentiary presumptions could be implemented through regulations which would make funds flowing through foreign bank accounts be deemed to be untaxed income unless taxpayers provided sufficient information and records to the contrary. This area is very closely related to comparable legislative proposals which I shall mention shortly.

I believe that this recitation of what already has been done by this Administration with respect to administrative measures and regulations, and to further international assistance to curb the illegal uses of foreign bank accounts clearly demonstrates our seriousness of purpose and that we have accomplished more than ever before. Even apart from the legislation on this subject presently before this Congress, administrative action and international cooperation hold promise of substantially curbing the illegal use of these foreign accounts.

LEGISLATION

This is the first Administration in recent history to support the concept of development of effective legislation which would provide valuable additional statutory tools to counter the illegal use of secret bank accounts. In this connection, this Administration has strongly supported the objectives of those aspects of the legislation of the House Banking and Currency Committee chaired by Congressman Wright Patman, H.R. 15073 that are intended to ameliorate this problem. However, in my testimony before the House Banking and Currency Committee on March 2, 1970, I pointed out several key changes of H.R. 15073 which were necessary to make it responsive to this problem, only some of which were implemented by the Committee before it reported the bill out at the end of March.

As originally introduced, H.R. 15073 suffered from numerous and obvious shortcomings. In general, it maximized burdens upon the public and the economy while minimizing enforcement effectiveness. More specifically, the bill would have made mandatory the photocopying, at least once and possibly twice, of every check written in the United States—at least 20 billion and possibly 40 billion items annually—and it further would have permitted uninhibited official government rummaging through the records of certain banks without regard for the privacy safeguards provided by established discovery procedures.

We presented to the Committee amendments and, later, a substitute bill. Our proposals would have maximized enforcement and minimized burdens and offered further advantages of brevity, clarity, ease of application and flexibility not shared by H.R. 15073. Our proposals would have strengthened the bill in several ways, including amendments to lessen wasteful and counterproductive recordkeeping, and limit incursions upon the right of privacy.

Those amendments to the Patman legislation suggested by the Treasury, which were accepted, considerably improved H.R. 15073 as it was initially introduced. For example, key amendments of H.R. 15073 broadened recordkeeping requirements to encompass various types of other financial institutions engaged in international transfers of funds, as well as commercial banks.

In my testimony before the House Banking and Currency Committee on March 2, 1970, I specified records of types of international transfers which the Treasury Department recommended be maintained by these institutions pursuant to regulations issued by the Secretary of the Treasury, for a period of six years. These included records of remittances transferring funds to and from the United States, both records of checks negotiated abroad and foreign credit card purchases in excess of $1,000, records of foreign checks transmitted abroad for collection, records of foreign drafts, and records of international letters of credit and documentary collections.

I believe that the Committee should have adopted a number of desirable suggestions made by the Treasury which are needed to limit the scope of the legislation to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings.

The Treasury recommended recordkeeping, reporting and disclosure requirements which would have a high degree of usefulness in criminal, tax, or regulatory investigations, and which were directly related to the problem of the illegal use of secret bank accounts.

It has only recently come to the fore that the legislation is intended to deal not only to some extent with the problem of secret foreign bank accounts, but that a basically separate problem area with which H.R. 15073 also is concerned is the trend on the part of domestic banks not to maintain microfilm records of all checks drawn on them.

The Treasury Department urged amendments that would have limited *all* recordkeeping and reporting requirements of H.R. 15073 to those which are likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

However, the Committee adopted this significant limitation only in connection with the recordkeeping requirements imposed upon banks and other financial institutions. It failed to accept the same standard with reference to the reporting requirements imposed.

This refusal is significant, especially in view of the growing concern in America over possible incursions by Government into individual privacy. I believe it is generally accepted that the right of privacy is not absolute, but must be balanced against the need for information inherent in the governing process. For example, few of us would quarrel with the need for the Government to require individuals to file tax returns which, to some extent, of course, contain private information. Nevertheless, this right of privacy must be protected against any unnecessary incursions.

However, the reporting requirements of the Patman Committee legislation possibly could result in unnecessary inroads into this right of privacy. For example, consider the requirement of reporting domestic currency transactions in the Patman legislation. An analogy can be made between reporting of such transactions by financial institutions to the Government and searches through the records of these institutions without the transactions of a particular taxpayer in mind.

If such reporting requirements are limited, as the Treasury recommended, to those transactions likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, the potential unnecessary incursions on personal privacy would be limited; such might not be the case under the present H.R. 15073 language which permits the requiring of reports of any domestic currency transactions without any comparable limitation.

The Patman Committee testimony indicated that H.R. 15073 would require the

microfilming of at least twenty billion checks per year. There have been conflicting and unsupported views expressed as to the cost of such a requirement, as well as to the additional number of checks which would have to be microfilmed, in addition to those presently being copied. However, there was no substantial testimony indicating that the records of such checks would be of sufficient value to counter the additional recordkeeping costs whatever they, in fact, may be. The cost of any burdensome recordkeeping or reporting requirements would be likely to be passed on to the public, including everyone with a checking account.

This apparent willingness of the Committee to enact legislation with only meager study or factual basis is even clearer with respect to Title III of H.R. 15073 which would extend the applicability of margin requirements under section 7 of the Securities Exchange Act to the purchasers of stock as well as to broker-dealers and financial institutions who lend money for that purpose. This significant provision was added to H.R. 15073 only in March, over three months after the original bill was introduced, and was accepted by the Committee without any testimony being presented on it by concerned parties.

One legislative proposal which the Treasury Department has been fully considering (if the remedy, as I discussed earlier, cannot be achieved administratively), which we believe could be of significant assistance in curbing the illegal use of foreign bank accounts, and which would not pose any conflict with a right of personal privacy, is the establishment in the Internal Revenue Code of rebuttable presumptions that U.S. citizens, residents, and certain other taxpayers engaging in certain foreign transactions, and not furnishing upon request adequate information to the Secretary of the Treasury or his delegate, are dealing with their own untaxed income. As an alternative proposal, Treasury also has under consideration an excise tax which would be applied in situations where no adequate information of the foreign transactions is provided by the taxpayer.

The presumptions would be in the nature of evidentiary presumptions which could form the basis for a determination of civil tax liability (including interest and penalties) unless the taxpayer establishes by the clear preponderance of the evidence that his untaxed income is not involved.

It is the Government's understanding that most persons who use foreign financial institutions, even in countries where bank secrecy is strictly observed, can themselves obtain full information about their accounts and transactions. Therefore, it is assumed that U.S. taxpayers will be able, without difficulty, to satisfy the Secretary of the Treasury or his delegate as to his foreign transactions so as to avoid the application of either the presumption or excise tax if either is implemented.

COOPERATION OF THE PRIVATE SECTOR

As is true in developing any public policy as expressed by legislation or administrative rule-making, final action is taken only after securing views, information, and—hopefully—cooperation from those sectors that would be primarily affected. In the instant case, in developing a legislative and administrative approach to this problem affecting primarily the financial community, we believed it incumbent upon us to work with representatives of the banking industry, brokerage houses, and other related businesses involved in the transmittal of funds to and from foreign secret bank accounts. As stated in a December 27, 1969, *Washington Post* editorial referring to the Patman bill as originally introduced:

"This is a subject, of course, on which bankers ought to have their say. The strange thing is that they had not been consulted while the bill was being drafted. Though it is of great importance to curb the misuse of hidden bank accounts abroad, it is equally vital to protect the free flow of international commerce and to avoid the imposition of unnecessary burdens upon the banks."

I would be remiss not to publicly thank these members of the business community for the high level of cooperation we received, and I would especially like to thank the large banks which are members of the New York Clearing House. They provided us with much valuable background information on possible avenues of illicit activities, on foreign banking operations, and they offered many new and constructive suggestions on more effective legislative and administrative approaches that would benefit our enforcement efforts.

Clearing House member banks further indicated that on a voluntary basis, even before any legislative or regulatory action, they will comply with almost all of the recordkeeping requirements in connection with international transfers of funds that we desire, which records would, of course, only be available to governmental representatives in accordance with existing discovery procedures. I believe that this spirit of cooperation between the public and private sectors will continue to grow, and that working together we shall effectively meet this priority enforcement problem.

To sum up, the Nixon Administration has acted to attack this critical enforcement problem in four interrelated areas:

First: The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

Second: The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

Third: The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

Fourth: The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

This is the first Administration to support the development of effective legislation which would provide additional authority to deal with the illegal use of secret foreign bank accounts. My major concern is that the legislation should be responsive to the problem and be limited in scope to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings. If limited as I have stated, there should be no concern over possible incursions by government into individual privacy.

In closing, I also wish to restate the three fundamental concerns of the Treasury which are foremost in its consideration of this issue:

1. The proposals should in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use U.S. dollars.

2. The proposals should deter tax and other evasion by U.S. persons in such a way that the benefits to law enforcement objectives exceed the direct and indirect costs that the proposals would bring about.

3. In strengthening enforcement, the proposals should not jeopardize traditional American freedoms.

FOR AN ELITE PRESS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. EDWARDS of California. Mr. Speaker, I would like to memorialize here the achievements of two men who have made distinguished contributions to the political thought of America through their journalistic and scholarly efforts, one as editorial page editor of the Washington Post, the other as contributing editor to the St. Louis Post-Dispatch. I refer, of course, to Philip L. Geyelin of the Post and Marquis Childs of the Dispatch, recent recipients of the Pulitzer Prize. Geyelin has been editorial page editor of the Post since 1967 and is the third person in that position to have received the award. A native of Devon, Pa., a U.S. Marine veteran and Yale alumnus, he was with the Wall Street Journal for 24 years prior to joining the Post, during which time he took turns as White House correspondent, chief European correspondent, and Vietnam war correspondent. He is widely known for his urbanity and wit. Marquis Childs received the Pulitzer for distinguished commentary during 1969. A native of Clinton, La., with a doctor of letters degree from the University of Wisconsin, his scholarly and journalistic writings from and about Washington have helped shape informed American opinion for nearly two generations. He received the Sigma Delta Chi award for best Washington correspondent in 1944 and has published more than a dozen books of political commentary. These two men are truly a credit to their profession and to the two great newspapers for which they work. If the Vice President had men like these in mind when he spoke of elitism in the press, I say let us be thankful for it and let there be more.

WALTER REUTHER

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. CORMAN. Mr. Speaker, the death of Walter Reuther, like the death of every great leader, left a void in America that will not easily be filled. He was invaluable to America not only in his work as a labor organizer but in his efforts to bring peace, unity, and justice to all people living on this earth.

Throughout his years working with labor, Reuther directed his efforts toward achieving more than just higher wages and better working conditions. He envisioned a world other men thought was a dream and demonstrated the zeal which was required to make that dream a reality. He firmly believed that the economic needs of workers were tied directly to politics and constantly fought for political and social progress in the United States.

Walter Reuther spent his life battling the evils of poverty, hunger, racism, and war. He contributed greatly and was an inspiration to us all. He equally does not exist, but the values and truth for which he fought live on. The greatest honor we could bestow upon him in death would be to assume the challenge to which he was dedicated—the challenge of seeking new and broader horizons.

THE CHINESE IN HAWAII—AN OUTSTANDING EXAMPLE OF AMERICANIZATION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. MATSUNAGA. Mr. Speaker, the story of Hawaii Nei is one of a multiracial society which, through the harmonious assimilation of its diverse people and cultures, has achieved the building of our dynamic and progressive 50th State.

The people of Hawaii are justly proud that their State is a melting pot for people of many different backgrounds, and that the sympathetic climate of understanding between the various races has resulted in the advancement of all.

This is nowhere better illustrated than by the example of the Chinese in Hawaii. In a recent article for the Honolulu Advertiser, staff writer Rebekah Luke gave a most interesting and informative commentary on why Honolulu is regarded as the U.S. community in which this ethnic minority has achieved the most. She pointed out that, while comprising only 5 percent of the total population, the median income of Chinese families on Oahu for the period 1964–66 was the highest of all races. During the same period it is also significant to note that 26.7 percent of the Oahu Chinese 25 years of age and older completed one or more years of college. Rebekah Luke attributed the high measure of success of the Chinese Americans in Hawaii to "good mixing, or integration," and noted that they were scattered and intermingled throughout the community with other races.

The article made mention of a recent feature in Newsweek magazine which outlined the turmoil being experienced in the Chinatown ghettos of San Francisco. I too read the Newsweek article and was deeply concerned to note the problems being experienced in that community, for, as John Donne wrote:

> No man is an island, entire of itself; every man is a piece of the continent, a part of the main . . . because I am involved in mankind.

As we seek to remove social and legal barriers imposing segregation upon any racial group, I believe my colleagues and others will kind the Island State a model in race relations. It is hoped that other communities may follow Hawaii's example to achieve that harmonious integration of races which has proved to be so significant to the progress of our youngest State and its people.

I am pleased to take this opportunity to salute the Americans of Chinese ancestry and congratulate them upon the contributions they have made to our way of life in Hawaii. I wish also to command the efforts of the Chinese community as it continues to set high standards of citizenship for our State and the Nation.

The article, "Chinese in Hawaii: Integrated, Content," from the April 11, 1970 issue of the Honolulu Advertiser, follows for the CONGRESSIONAL RECORD:

CHINESE IN HAWAII: INTEGRATED, CONTENT

(By Rebekah Luke)

Good mixing, or integration, is why Oahu's Americans of Chinese ancestry don't have the problems the Chinese in San Francisco Chinatown have.

And if things continue as they have in the past, the situation seems likely to stay that way.

The Chinese here are scattered throughout the population in a situation unlike that described in a recent Newsweek article which cited poverty, lack of education, high unemployment, high density, suicide and substandard housing for people in San Francisco Chinatown.

The article stated how the Chinese youth are rebelling in a radical and even militant way. No longer will they stand for the "Chinafied" ways of their elders nor remain oppressed by whites who won't let them get work outside the ghetto.

Hawaii's Chinese have long been in a different situation. They came earlier, for different reasons and into a different society—an integrated and more relaxed society.

A quick look and comparison of Chinese people in both cities starts to explain the two worlds.

The idea is that Honolulu is more Westernized. Newsweek reporter Min Yee called it being "whitewashed." Here, the general feeling is that Hawaii Chinese nowadays don't really think of themselves as being Chinese. It has also been observed that Honolulu is the U.S. community in which the Chinese have achieved the most.

Here is a hurried profile sketch:

The Chinese first came to Hawaii in 1789 as common laborers. Most of the other races initially came to the Islands for the same reason, and many intermarried. The San Francisco Chinese first arrived in California during the mid-1800s to labor on the transcontinental railroad and later settled in the Gateway City.

Since then, Chinese have emigrated from China, bypassing Hawaii. It is said that chances for immigrant Chinese to succeed are greater in San Francisco. Newsweek reported that 33,000 new immigrants have poured into the ghettos since 1965 when immigration quotas were abolished.

There are 40,000 Chinese in Hawaii, as of 1966, who make up around 5 per cent of the total population. This number is scattered and intermingled throughout the community with other races. San Francisco Chinese "stick together more," and because they stick together more, they can get by without learning English.

By contrast, not many Hawaii Chinese live in Chinatown proper, nor do they clump together in any other single environment. Chinatown is not an actual residential district. The New China Daily Press here has a circulation of 9,000, but it is getting more and more difficult to find Chinese people who can speak Chinese.

The crime rate for Hawaii Chinese is relatively low. But "Chinese morality in San Francisco is hard to control," said Ka-kim Cheung, a refugee from Canton now attending the University of Hawaii.

Cheung has experienced the life of both Chinese communities. He said the San Francisco Chinatown neighborhood includes lower-class nightclubs and the underground world. "They are not learning the good things about America," Cheung said.

There are still Chinese schools in Hawaii, but students learn mostly the language and rarely attend after they are 14 or 15 years old. In San Francisco, the children generally do not lose the interest that early.

26.7 percent of Oahu Chinese 25 years old and over during 1964–66 completed one or more years of college. (From "Modern Hawaii: Perspectives on the Hawaiian Community," edited by Andrew W. Lind, Nov. 1967). They were second to the Caucasian group which had 45.2 per cent.

In contrast, two-thirds of the adults in San Francisco Chinatown have less than a seventh-grade education, Newsweek reported.

The median income of Chinese families on Oahu for 1964–1966 was $9,372, the highest for all races. Newsweek reported of San Francisco Chinatown, "One-third of the families earn less than the Federal poverty level."

State Statistician Robert C. Schmitt commented on home ownership in a November, 1967, report entitled "Shifting Occupational and Class Structures: 1930–1966":

"Chinese are unusual in this respect. They have by far the highest home ownership rate and the lowest income-rent ratio on Oahu. I don't know about the other Islands, but most Chinese live on Oahu. This means that virtually all Chinese own their own homes and those that don't are paying the minimum."

Hawaii is witness to intermarriage, children go to school with other races from the very start, and generally Chinese stress education.

"The Chinese are very shrewd in business, and when they thought Hawaii's schools not good enough for their children, they could afford to send their children abroad to Mainland schools where they were integrated even more," Chung pointed out.

In his report, Schmitt put forth today's situation in a nutshell:

"I am sure that today no one would feel that the Chinese, for example, are in a subordinate position. Most Chinese are now Hawaii-born, high in professional, governmental and technical jobs and frequently big businessmen. Groups other than the Chinese have also done quite well . . ."

DISSENT AND THE CAMPUS

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. CEDERBERG. Mr. Speaker, during the past 2 weeks university students across the Nation have used legitimate methods of protest to express dissent with the policies of the President with regard to the Vietnam conflict. Most of these students have expressed themselves peacefully, both in large groups and as individuals in the Halls of Congress.

Some, however, seem to think that their right to express dissent empowers them to deny rights to other people. Just a few miles from this great Capitol we know how a few students contrived to deny the citizens of Maryland the use of one of the main trunklines into Washington. One would have hoped that the toleration of the first incident would have allowed sufficient vent to dissenters to avoid further denials of the rights of other citizens. But that was not to be and, when the law was finally applied, the initial barrage of bottles and stones from the dissenters sent a dozen law enforcement officers to the hospital.

And along these lines I would like to bring to the attention of my colleagues an article on dissent which appeared in the Star. Much has been written about the demonstrations which have taken place over the past few months here and elsewhere. Most of the news reports

have gone out of their way to "congratulate" the dissenters—where applicable—on their "peacefulness" or "law abiding" activity. It seems strange to me to go out of our way to make a point about how nice people are for obeying the law. That is what the law is for—it protects the rights of all citizens and I do not think that it is necessary to congratulate people for doing what is right.

I include in the RECORD Mr. Kilpatrick's article for the attention of my colleagues:

[From the Evening Star, May 14, 1970]

BEING PEACEFUL IS DUTY, NOT ACHIEVEMENT

(By James J. Kilpatrick)

Once more we are being exhorted by the Washington Post, among others, to lower our voices and to keep our dissent pianissimo. It is excellent advice, especially for the Washington Post, but in the context of these "student demonstrations," the advice can be taken only to a point.

On the record of its performance since the Nixon administration came in office, the Post is not likely to heed its own counsel at all. For the past 16 months, the Post has been snarling at the President, howling at him, and hurling invective upon him not by the ounce or by the pound, but by the ton.

It is in fact a brilliant paper, but if you are a conservative, and incline toward the Nixon administration, you feel like a pin boy in an old-fashioned bowling hall. Every day is crash, bang, zowie—duck—and set 'em up again in the other alley. This is the outfit that now is hollering at everyone to quiet things down.

Okay. But before the Post put on its choir boy face last week, its verbal gunslingers were blasting the President on this matter of "bums." The record ought to be kept straight; and we ought not, in the name of sweet conciliation, to retreat one inch from ugly reality.

In his impromptu chat at the Pentagon on May 1, Mr. Nixon expressed his scorn for "these bums blowing up the campuses." The Post chose to infer that the President had lumped all dissenting students into a pile labeled "bums." Bosh.

Let us draw a few distinctions. The great bulk of the 80,000 young people who came to Washington this past weekend were engaged in precisely the kind of dissent that has to be accepted as part of a free society.

Their speech was free speech; their placards and banners were manifestations of free press; and their presence in the Ellipse was fully in keeping with "the right of the people to peaceably assemble, and to petition the government for a redress of grievances." All this was fine.

But it is an odd sense of values that heaps adulation on the 98 or 99 per cent *because they were orderly*. There is no greater insult, the elder Dumas once remarked, than to praise a man for doing his duty. Let us not get so overcome with psalm-singing, pianissimo, that we seem to condone or to minimize the outrages perpetrated by the bums.

Thus, when I am told to marvel at the gentleness of these visitors, I will speak a word for Pvt. Charles Robzak of the Park Police; he tangled with a broken wine bottle and wound up with 56 stitches in his arm.

When I am lectured on the "intelligence" and "concern" of the demonstrators, I will insert a couple of footnotes. Thousands of these flower children, lapsing into mob obscenity, joined publicly in a gutter chant against the President. A few of them responded to Nixon's effort at conciliation by waving Nazi banners. Some demonstrated their intelligence by stripping naked.

Nonviolent? Some of the bums went on an orgy of window smashing up at Dupont Circle. Others threw stones and bottles at police. An unidentified visitor voiced his dissent by leaving a charge of dynamite at the National Guard Association. Seventy large plate glass windows were destroyed.

I cite random examples only. Surely, let us calmly acknowledge the good behavior of the 98 percent. But we do a disservice to the truth by papering over the acts of the hard-core few who are pigs, punks, barbarians and bums. Against these destroyers, the contempt of a nation must keep coming through, loud and clear.

Along the same lines the Washington Evening Star on Saturday, May 16, 1970, published a column by Mr. Jenkin Lloyd Jones describing what I consider to be an absolutely deplorable condition which arose on the campus of a great university in my home State of Michigan. At this great institution a handful of students closed a classroom building while the administration of the university took no action to prevent this flagrant abuse of the rights of other students. I submit that it is this type of lack of action which is contributing in great measure to the continued disruption of our academic and governmental institutions across the Nation.

I do not for a moment intend to give the impression that I would deny anyone the right to dissent. As a matter of fact I believe that those who do disagree with policies put forth by Government leaders should make their concern known. And they should be heard. They have a right to an honest and forthright discussion of their views with responsible Government officials. But they do not have the right to in any way interfere with the operation of a university or the right of other students to go about the business of education, or the right of Government to continue to function.

I submit the account of Mr. Jones to my colleagues for their consideration:

[From the Evening Star, May 16, 1970]

WHEN A UNIVERSITY GOES CROOKED

(By Jenkin Lloyd Jones)

What happens when a college quits searching for objective truth and begins to crawl before bullies?

It gets out of the education business, that's what. And instead of being the enlarger of human wisdom and the extender of human freedom it betrays those in high and low estate who have believed in it and supported it.

A few weeks ago Prof. Gardner Ackley, former chairman of the President's Council of Economic Advisers and ex-ambassador to Italy, laid it on the line before the literature, arts and sciences faculty of the University of Michigan.

He bluntly said that that great university is being destroyed by the actions of its administration. Any cause, theory or ideology, he charged, becomes "truth" at Ann Arbor in direct proportion to the willingness of its proponents to disrupt the university.

Ackley outlined the lessons of the last year:

"That violence either cannot or will not be punished by the university.

"That the big lie, loudly proclaimed, can become truth.

"That the desires of the overwhelming majority of students—who only want to learn—and of the overwhelming majority of the faculty—who only want to teach and investigate—count for little or nothing."

Ackley pointed out that at Michigan during the past year the administration conceded that the SDS, which is dedicated to the destruction of the university, could only be disciplined by the Student Judiciary. This, he maintained, was "like asking the Mafia to investigate organized crime."

Teaching fellows who went on strike were reappointed and student workers who had destroyed university property were hired again.

Said Prof. Ackley:

"Last Wednesday I watched the faculty of my own department, assembled in the chairman's office, consider a demand that all classes in our building be shut down or else! We discussed this while the entrances to the building were sealed, while the halls outside the room were patrolled by men carrying pipes and clubs. We sought guidance from the college, and we were told. 'Do what you think best; you will have no protection.' So we cravenly capitulated. The truth lay in those clubs!"

Perhaps the University of Michigan will continue to be run, not by minds, but by clubs, until the people of Michigan make it plain through the state legislature that that isn't exactly the kind of university they had in mind.

There are only two excuses for a university. One is to find out what *is*. The other is to find out what *works*.

Superstition is inferior to knowledge because it ignores both. It imagines that the thunderbolt represents the anger of Jove and that the way to keep it away is to sacrifice a goat.

Knowledge is the business of understanding the true nature of things and through that understanding bending natural laws or inventing workable devices for the service of man. Penicillin was not invented. But its beneficial natural properties were only recently understood. It proved better than a dance in a devil mask or a bag of asafetida because penicillin works.

But consider the truth-seeking condition of Yale this month.

Yale President Kingman Brewster doubted that Black Panthers can get a fair trial anywhere in America. This is a most serious charge. This is tantamount to asserting that justice in America has broken down and that the nation is under lynch law.

And student leaders of the Yale walkout said it was designed "to devote more time to the study and consideration" of the fairness of the trial of Black Panther Bobby Seale for the murder of Alex Rackley.

How do you decide whether a nation is under lynch law? How do you ascertain the guilt or innocence of Bobby Seale? You examine the evidence, not merely in Seale's case but in previous cases involving Panthers. You re-read the "kill the pigs" pamphlets admittedly distributed by the Panthers. You ponder the Panthers who blew themselves up by badly made bombs. You attempt to judge the credibility of state witnesses and the fair application of the rules of evidence.

Did Brewster do this? Did the demonstrating Yale students do this before they closed down the university? Don't be silly. This was an emotional binge in which the American courts were convicted with a shout.

In a few years the end product of feeble college administrations and collegiate storm troopers will be in charge of the judicial processes of America. If they don't learn anything in the meantime, God help the next generation.

THE FUTURE OF AMERICA: A VIEW FROM LONDON

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Anthony Lewis of the New York Times News Service staff in London recently wrote an article published in the Nashville Tennessean concerning the impact of the current unrest in our Nation in historical perspective.

The article expresses deep concern over the continuing polarization of major segments of our society—a concern which many Americans share at this time as our Nation continues to be divided in many dimensions.

Certainly this is a time when conciliation and a unifying influence are needed to heal wounds and bring our Nation together.

In this connection, I include the article from the Nashville Tennessean in the RECORD, because of the interest of my colleagues and the American people in this vital and important matter.

The article follows:

SOME DISPUTE OVER WHETHER AMERICA IS FINISHED

(By Anthony Lewis)

LONDON.—Judging by the reaction of the educated Briton, the United States faces a crisis of confidence among her friends in Europe. The Cambodian invasion and its consequences have aggravated the long-standing worry that America, in her obsession with Southeast Asia, will forget Europe.

To that has been added a new uneasiness about the predictability and the judgment of the most powerful man in the world, the President.

But the deepest concern, among the many who love the U.S., is with the state of the American people. Again and again the British—in government and out, men and women—mention their fear at what is happening to our society.

Is the turmoil within the U.S. a result of passing trauma, or does it reflect some long-term historical phenomenon? The latter view is taken in a book to be published shortly in New York. "The End of the American Era," by Professor Andrew Hacker of Cornell. It is an apocalyptic work.

According to Hacker, America has begun a period of irreversible decline. It is "about to join other nations which were once preposessing and are now little more than plots of bounded terrain." Americans still believe in their country's world ascendancy, but that is finished.

The reason is a historical process by which a people grows powerful, then rich, then so selfish that individuals will no longer sacrifice for common concerns. They cease to share ideals and so will not undertake public obligations.

"The American temperament," Hacker says, "has passed the point where self-interest can subordinate itself to citizenship . . . contemporary Americans simply do not want—and will not accept—political leadership that makes more than marginal demands on their emotions or energies. A society so inordinately attached to personal pursuits cannot be expected to renounce them just because social survival demands."

In foreign policy, Hacker sees two choices for the U.S. in future.

One is to go on trying to "impose order in far-flung places of our choosing," using "men and money and materials to compensate for our declining moral conviction." But failure may frustrate us so much that we hit out wildly, abandoning diplomacy and risking unlimited war.

"The other option," Hacker says, is for a majority of Americans "to admit that our nation is in a state of moral enervation; that we have no more lessons to impart to others; that the way of life we have created has ceased to be a model for people beyond our borders; that we lack the will to carry out a worldwide mission of redemption and reform."

It is an arresting book, full of sharp insights and right in its basic judgment that unwillingness to spend for public needs is a main cause of our social decay. But are American idealism and generosity and public-spiritedness really forever finished? Hacker would doubtless put this down to American optimism, but I think they need not be.

The history of nations does not always show a curve steadily rising and then falling. Other countries have had terrible periods and then recovered. England, for example, bled herself white in the Hundred Years' War in a futile attempt to keep French territory under the crown. And there was the American Revolution.

Correlli Barnett, an English military analyst, drew a parallel in a recent issue of Horizon between English feelings over the revolt of the American colonies and ours over Vietnam. George III and Lord North, he wrote, were "no less ironbound in their sense of righteousness about the supremacy of crown and parliament" than American presidents in their commitment to Vietnam.

The British hawks of the day, sounding like a Pentagon briefing, dismissed the American rebels as "contemptible." But gradually British forces got bogged down on an alien continent, and discontent—even riots—flared at home. Anti-war politicians flourished.

At length the British gave up. Their sense of failure was acute. But what happened: Barnett says:

"Once the American war was liquidated, Britain's mood changed with astonishing speed. National hope and self-confidence were reborn. Instead of the decay and disintegration to which men had looked forward, Britain's greatest wealth, greatest power and greatest influence in the world were yet to come."

The parallel is far from exact. The world is an infinitely more dangerous place now than in 1783, and the responsibility of the U.S. infinitely greater than Britain's then. An end of the Vietnam war would still leave America with great social problems. But no one should underestimate the energies that would be released, the hopes reborn, the idealism renewed if we were to get out of Vietnam.

AN OPEN LETTER TO 100 SENATORS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. DUNCAN. Mr. Speaker, in today's Washington Post appears "An Open Letter to 100 Senators" a full page plea that the Senate support President Nixon's efforts to bring a lasting peace to Southeast Asia. The letter, sponsored by the Youth Committee for Peace with Freedoms, praises the President's timetable to end the Vietnamese war and warns of the catastrophic results to be brought by the alternative course of surrender and humiliation. I commend the letter to my colleagues:

AN OPEN LETTER TO 100 SENATORS

YOUTH COMMITTEE FOR PEACE WITH FREEDOM

Washington, D.C.

GENTLEMEN: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper Amendment and the Hatfield Amendment because the great majority of our students and the Majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech, showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL-CIO President George Meany and other leading trade-unionists have also supported the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by *President Abraham Lincoln* in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war . . . The people were weary and tired of the inconclusive bloodshed . . . There were violent anti-draft riots in New York, in which scores were shot down . . . Increasingly vicious attacks on the President began to appear in the press . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included

congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley . . . In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was convinced that his administration would not be reelected. But he persevered in his course because he was convinced of its correctness.

In modern times Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion in Great Britain was predominantly pacifist and, at a later stage pro-appeasement. The spirit of the British campus was reflected in the so-called peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "never again bear arms for King and Country." As Churchill commented: ". . . In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people—perhaps more than 90 percent of the people. The verdict of history is now in on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In *Profiles in Courage*, our martyred President, John F. Kennedy, told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion. John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1; if rigidly interpreted, it would prevent the Administration from giving a single M16 rifle, or even a captured AK47 rifle, to the Cambodian government with which to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important*—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder whether the Senators who support the amendments truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquility? We wonder whether they are not, at least, worried that the President might be right when he warned that such a humiliation, would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. The groups of the undersigned, and of other concerned young people from all parts of the country will be visiting your offices over the coming days. We hope that they will get the same respectful treatment that you have accorded to those who came before us.

SIGNERS

Coordinating Committee: Charles J. Stephens, Allen Wood, Rebecca Boyd, Neil Salonen, Barbara Mikesell, Hal Mackenzie, Dan Fefferman, Gary Jarmin, William Wyche, Barry Serrins, Doug Aller.

Linda Anthenien, University of California, Berkeley.

Saralinda Alexander, University of California, Berkeley.

Edwin K. Ang, Berkeley, California.

Marie J. Ang, Berkeley, California.

Robert E. Barreiro, New York University.

Judy Barnes, Denver, Colorado.

Louise M. Berry, American University.

Kristine Bick, Lawrence University.

John Biddy, Phoenix, Arizona.

Rebecca Boyd, George Washington University.

Virginia Brennan, Rockville, Maryland.

Philip Burley, Boston, Massachusetts.

David L. Carter, Washington, D.C.

Bonnie Cathcart, Las Vegas, Nevada.

Adrin G. Coffman, Las Vegas, Nevada.

Barry D. Cohen, College Park, Maryland.

James V. Cowin, University of Pennsylvania.

Judy Culbertson, Los Angeles, California.

Jay D. DeHaven, Alhambra, California.

Carroll Ann Dobrotka, Washington, D.C.

Lynne L. Doerfler, Lawrence University.

Marion Ellicott Dougherty, Las Vegas, Nevada.

Marlene V. Dudik, Washington, D.C.

George C. Edwards, Washington, D.C.

Cynthia Efaw, Washington, D.C.

Leslie D. Elliott, Berkeley, California.

Bruce D. Eho, Desert Hot Springs, California.

Daniel Fefferman, University of California, Berkeley.

George L. Fernsler, Philadelphia, Pennsylvania.

John Fitzpatrick, University of Maryland.

Justin Fleischman, University of California, Berkeley.

Gary Fleisher, Los Angeles, California.

George Franklin, Wheaton, Maryland.

Gaynel Frizzell, Berkeley, California.

Marshall B. Frontingham, Washington, D.C.

Vera Gatlin, Dallas, Texas.

John L. Harris, New Haven, Connecticut.

Regis Hanna, University of Maryland School of Social Work.

Roger Hellman, University of California, Berkeley.

David Hess, Washington, D.C.

Richard Hunter, University of Maryland.

Ronald Humberd, Isla Vista, California.

Helen Irland, University of California, Berkeley.

Carol Jaquith, Silver Spring, Maryland.

Gary Jarmin, Los Angeles, California.

Roy Wharton, Georgetown University.
Andre V. Starrett.
Linda Jarmin, UCLA.
John Jehle, American University.
Travis, Jones, Washington, D.C.
Farley Jones, Washington, D.C.
Marilyn J. Kay, Los Angeles, California.
Therese Klein, Washington, D.C.
Jack Korthuis, Las Vegas, Nevada.
Linda Marchant, American Univeristy.
Nora S. Martin, Kansas City, Missouri.
Lisa Martinez, Los Angeles, California.
Giovanna Mathis, St. Louis, Missouri.
Hal McKenzie, New Haven, Connecticut.
Barbara Mikesell, CCNY.
Susan Miller, Los Angeles, California.
Wilma Miller, Los Angeles, California.
Barbara Newman, New York, New York.
Elizabeth O'Neill, New York, New York.
Sylvia J. Norton, Golden, Colorado.
Robert F. Oswald, Creve Coeur, Missouri.
Orah Pope, University of Maryland.
Ann Rantovich, Wheaton, Maryland.
Carl Rapkins, Buffalo, New York.
Emma Reed, Hollywood, California.
Michael Richardson, University of California, Berkeley.
Robert Rogers, University of Maryland.
Michael Roth, Los Angeles, California.
Steven Schatz, Silver Spring, Maryland.
Joseph Sheftick, Los Angeles, California.
Nannette Semha, New York Institute of Art.
Wesley Samuel, New York, New York.
Dale Smith, New York, New York.
Jon Schuhart, Los Angeles, California.
Neil Albert Salonen, Denver, Colorado.
Anne Smith, University of Maryland School of Social Work.
Barbara Snell, Rockville, Maryland.
Richard Snell, Wheaton, Maryland.
Hugh Spurgin, Washington, D.C.
David Stadelhofer, University of California, Berkeley.
Shirley Stadelhofer, Berkeley, California.
Norman Strattan, Los Angeles, California.
Jeffrey Tallakson, University of California, Berkeley.
Alice Van Dyke, Denver, Colorado.
Martha Vertreace, Chicago, Illinois.
Blandina Watson, Los Angeles, California.
James Weeks, University of Maryland.
Noonie Baker, Philadelphia, Pennsylvania.
Susan Barnett, Miami, Florida.
Dee Beckner, Kansis City, Missouri.
Gene Bennett, Denver, Colorado.
David Charnow, Washington, D.C.
Adam Chornesky, Washington, D.C.
Dennis Cormier, New York, New York.
Stephen Deddins, Lemay, Missouri.
Joan Doffman, Philadelphia, Pennylvania.
David Flores, Colorado Springs, Colorado.
Diane Frink, Colorado Springs, Colorado.
Anne Johnson, Washington, D.C.
Mary Ellen Holmes, Washington, D.C.
Susan Hughes, Oakland, California.
Carole Johnson, St. Louis, Missouri.
Carolyn Libertini, University of Maryland.
Julie Lewis, Washington, D.C.
Sara Mazumdar, Washington, D.C.
Glenda Moody, Washington, D.C.
Wayne Miller, University of Rochester.
Peter Mullen, Washington, D.C.
Galen Pumphery, Golden, Colorado.
Sandra Singleton, Washington, D.C.
Margie Stahon, Washington, D.C.
Joseph Stein, University of Rochester.
Fred Stock, St. Louis, Missouri.
Richard Woodard, Washington, D.C.
Louis E. Stephens, Jr., Los Angeles, California.
William Wyche, Colorado College.
Mark Whitman, Berkeley, California.
Thomas F. Flood III, Granite Springs, New York.
Neil Winterbottom, University of Maryland.
Charles M. Wright, Los Angeles, California.
Ray Barlow, Phoenix, Arizona.

SENATOR FULBRIGHT ON THE PRESIDENTIAL POWER IN FOREIGN AFFAIRS

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more rather than less, compelling in the decades ahead.

The dynamic forces of the 20th century—communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other . . .

The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons. (J. William Fulbright, Cornell Law Quarterly, Fall, 1961.)

GEN. WLADYSLAV ANDERS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. ZABLOCKI. Mr. Speaker, today is the 26th anniversary of the World War II capture from the Germans by Polish and British troops of the Monte Cassino stronghold near Rome.

On this occasion I would like to pay tribute to the memory of Gen. Wladyslav Anders, the able leader of the famed Polish II Corps in that battle. General Anders, known as the commander in chief of the Polish Forces in exile, died in London last week at the age of 77.

A military man of exceptional ability, General Anders led a cavalry squadron in World War I and in the Polish-Russian fighting of 1919–20 which followed Polish independence. After the German invasion of Poland in 1939, he commanded a cavalry brigade. Wounded numerous times, he was captured and held in solitary confinement in Moscow until 1941 when after the German invasion he was freed and appointed commander of the Polish prisoners of war who were freed from Soviet camps at that time.

It was while he was forming these men into divisions to fight the Germans that General Anders and his staff compiled evidence that the Katyn Forest massacre of thousands of Polish soldiers had been done by Soviet troops, not by Germans, as the Soviet Union had alleged.

The Polish II Corps or "Free Polish" Army led by General Anders fought side by side with the Allies in Italy and Africa. Their 1944 battle for the Italian monastery of Monte Cassino, which had become a German stronghold, was a highlight of their military campaigns.

Decorated for his military service by the United States, Britain, and France, General Anders lived in exile in England rather than return to a Poland dominated by the Communists.

Mr. Speaker, it is a source of grief to us that the people of the country which General Anders defended with such courage and conviction are under the yoke of communism.

Undoubtedly the memory of General Anders will serve as an inspiration to the Polish people and to all men who love liberty—the denunciations of him by the Polish Communist government notwithstanding.

"WE ALSO LEARN AND BUILD ON FAILURE"—DR. WERNHER VON BRAUN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Christian Science Monitor recently published a speech made by Dr. Wernher von Braun concerning the Apollo 13 flight in which he places the Apollo 13 accident in the perspective of progress.

Because of the interest of my colleagues and the American people in this flight, I place the article in the RECORD:

[From the Christian Science Monitor, May 14, 1970]

MISSION POSSIBLE

(NOTE.—"We also build on failures," Dr. Wernher von Braun told a recent gathering of the American Newspaper Publishers Association, at which he outlined the major U.S. space plans for this decade. In this way he put the aborted Apollo 13 flight in the perspective of progress. In March Dr. von Braun became deputy associate administrator of NASA. Excerpts from his remarks to the publishers follow.)

Now that the Apollo 13 astronauts are safely back on mother earth, some commentators have started singing the swan song for manned space flight. Others want to press forward ever more energetically. Those of us responsible for developing the nation's spacefaring capabilities and exploration of space have been given a jolting reminder, if we needed one, that success in flight and exploration is paid for in eternal vigilance and painstaking attention to detail.

The problem we have is an old one constantly with us: how to beat "Murphy's law." As many of you no doubt have heard, this is the principle that if anything mechanical can go wrong, sooner or later it will.

You can appreciate that in dealing with eight or nine million parts as complex as those in the combined systems of Saturn 5, Apollo, and the Lunar Module, the odds are pretty heavy that "Murphy" will win sometime. The fact that the "law" has operated only in a few minor instances in the six manned Apollo flights that preceded 13 is, I think, a tribute to all who participated in the program, and particularly our great national resource, the American aerospace industry, and its tens of thousands of men and women.

So I think Apollo 13 should be regarded as no more than a temporary setback, the loss of a mission objective but not of our mission in space.

The thing I believe we should remember is that we don't build just on successes. We also build on failures. Jack Swigert, whose

first experience in space might well have produced a more restrained outlook, remarked that "Apollo 13 has increased my confidence in this nation's taking the space program and doing something with it."

I think we learn something very important about ourselves, about the human capacities and capabilities for innovation that are in everyone when the need arises. Sometimes we should be reminded of these qualities, but also I want to point out the part training and self-discipline played, almost unnoticed, behind the swift decisions and moves made by the astronauts and ground crews in a rescue effort that has no precedent in human history.

The Apollo 13 incident also brought out the admirable part played by the domestic and international press. Over the years of the space program it has demonstrated some very responsible reporting, and this is only the most recent example. I think I appreciate the difficulties of describing so complicated and relatively new activities as space science and engineering projects for public consumption. I believe it is largely through your efforts that the youngsters of this country and the world are so knowledgeable about the space age, and accounts for the enthusiastic letters and interest we in the agency receive from these young people here and abroad.

There is a considerable gap in understanding the true values and meaning of going into space because few people can visualize how space science and a capability to send men on missions to the moon or the planets can touch them personally. Few people understood the true significance of the airplane, either, when the Wrights first flew at Kitty Hawk; not even the Wright brothers themselves. They had much more limited notions of the airplane's utility, and part of the reason for this was that men were venturing into an entirely unknown environment as a transportation medium.

The same is true of space transportation today. Our mental concepts and life habits are earth-oriented. The ability to go to the moon or Mars is regarded as something less than important, and this is only natural. But I am firmly convinced that the space program will prove to be one of the most important, creative, and beneficial to mankind ever undertaken by the United States.

SKYLAB PROGRAM

I think we must clearly establish in this new decade our goals and objectives as an agency first, and then define the hardware needed only after we know exactly where we are headed. So let us now review briefly some of the highlights of our space exploration plans for 1970 and thereafter in the present decade. I am sure most of you have heard about the Apollo Applications Program started several years ago, whose purpose it was to apply Apollo knowledge and hardware to new science and applications to be performed in earth-orbit. Well, times change and we have a new name for it, the Skylab Program, which we think is more descriptive of its purpose.

The overall purpose of Skylab will be to not only perform experiments, but to find out how men and equipment perform in the space environmental condition of weightlessness for an initial period of 28 days. You may recall that our longest previous stay in this condition was 14 days in Gemini 7 back in 1965 when Jim Lovell and Frank Borman made the longest earth-orbit on record.

Skylab will consist of four flights. The first will be an unmanned flight, boosted by a two-stage Saturn 5—only the first and second stage of a Saturn 5; the third stage is to be replaced by what we used to call the Orbital Workshop, now called Skylab. It will be this country's first orbital space station.

Skylab will have attached to it an airlock module and a multiple docking adapter so that the arriving command and service modules can dock for crew exchange. And also attached to Skylab will be the Apollo Telescope Mount, or ATM, which is a manned solar observatory to be serviced by the people living in the Skylab.

The crew of three will arrive one day after Skylab has been launched into orbit and has deployed its solar panels, both on the ATM and the Skylab itself. A Saturn 1–B will boost the crew in the command and service module which will dock to the multiple docking adapter, and they will slip through the adapter and the airlock into the workshop. When the 28 days are over, the three will crawl back into their command module, detach, and use the service module to deboost themselves back into a reentry, making a normal Apollo landing on the ocean.

Three months later, another flight will go up, and this time the crew will stay in the space station for 56 days. And finally, there will be a third visit, again of 56 days, after which the third crew will descend. The Skylab will then go into storage, but can be reactivated any time thereafter if more visits are planned.

The next space station to succeed Skylab will be modularized, each module accommodating 12 people. These modules can be stacked together, so that the station can grow as more modules are brought up, and the beauty of this arrangement is that different activities or experiments can be carried on in the several modules.

SPACE-SHUTTLE VEHICLE

The most important aspect of this second-generation space station will be the space-shuttle vehicle, a logistic supply spacecraft that will make repeated trips back and forth from the ground to orbit.

Everyone is aware of the high cost of using a one-shot Saturn 5, or even smaller one-shot vehicles, to boost a spacecraft and crew into orbit or on a lunar mission. So one of the basic steps in bringing down these costs is to build a reusable vehicle that can be refueled and fly again.

As we see it now, we probably need a two-stage vehicle. A typical example would be a big glider-like craft, carrying its own propulsion, to which a smaller glider, also carrying its own propulsion, would be side-strapped. The unit takes off vertically, like Saturn 5, and at about six times the speed of sound the first-stage propellant tanks would be depleted. At that point, the reusable booster would simply peel off and return to the ground, landing like an airplane. Only the reusable orbiter craft would reach orbit and join the space station. Then when it had delivered its cargo and/or personnel, it also would return to earth.

In addition to bringing down the costs of space operations, the reusable orbiter and booster is necessary to placing space flight on a practical footing, and it would have many uses in earth-orbital missions. I think it is fairly obvious that the space station and shuttle will provide the United States with several options for later space objectives.

EXPLORATION OF MARS

Another NASA objective for the early part of this decade is to continue the series of Mariner flights, particularly to the planet Mars. For 1971, we have two Mariners on tap, and instead of making flyby trips, it is planned to have them each orbit Mars. This is a pretty important step and in the right direction for obtaining the kind of coverage we got of the Moon with the Lunar Orbiters.

A flyby is rather limited to useful scientific time, as we know. With an orbit, instead of getting just one small swath of the planet's surface, you can map the whole planet. We hope to get weeks and possibly months of useful time with the orbiting Mars Mariners.

After the two orbiting Mariners, the agency plans to send a Viking spacecraft to Mars. This vehicle not only will orbit the planet, but it is designed to peel off a small lander segment. This lander will be provided with sensors and will radio its data up to the circling Viking for transmission to earth. The two landers from the two Vikings will be dropped down onto different Martian areas to supply scientists with data from more than one region. The Viking is now planned for 1975.

TRIP TO OUTER PLANETS

Another very exciting program is one based on a rare line-up of the outer planets of Jupiter, Saturn, Uranus, Neptune, and Pluto. I say "rare" in terms of our human framework, for actually it occurs about once every 177 years, which in the heavenly reference is fairly frequent. Now, the interesting thing about the Grand Tour, as it is called, is that we will use the powerful gravitational field of Jupiter, the biggest planet in our system, to boost our spacecraft on to the next planet, Saturn, and from there on to Pluto. Another similar spacecraft will approach Jupiter a little differently, and have Jupiter swing it around so that the probe is sent flying to Uranus and onto Neptune.

By stealing some of the energy from the gravitational field of Jupiter in this manner we shall be able to visit all the outer planets in something like nine years instead of the approximately 40 it would require if we made one shot at the farthest planet, Pluto. And this means we can do with a much smaller rocket.

So far I have talked about manned space flight and scientific spacecraft, but while it is important to study the solar system and the earth-sun relationships that affect conditions here on the ground, the other side of NASA's objectives is, of course, an earth-related applications program.

Three of the most important objectives are communications satellites, and applications spun out of them, such as navigation or combined navigation and aircraft communications satellites; second, the family of earth-resources satellites that deal with crop surveys, mapping and geography, mineral prospecting, and the like; and finally, the weather satellites where the objective is to build up a worldwide weather forecasting system that will enable us, hopefully, to reliably predict the weather as much as two weeks ahead.

Now, we have only touched on our general goals and objectives for this decade, and I would like to emphasize that a well-balanced space effort includes both manned and unmanned programs. Rather than being competitive, manned and unmanned spacecraft complement one another in their particular strengths. To deny man his rightful and necessary role in space exploration is to ignore his peculiar gifts of mind and spirit which no machine can reproduce.

DR. JEROME L. RAFFALDINI HONORED BY UNICO

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. RODINO. Mr. Speaker, my good and dear friend, Dr. Jerome L. Raffaldini, was recently honored by the Newark Chapter of Unico International as the recipient of that organization's "I Am An American Day" award. The award is granted each year to that naturalized citizen who has achieved distinction in a profession or community service.

I am pleased to congratulate Dr. Raffaldini, for I can think of no one who deserves this honor more.

Born in Milan, Italy, and naturalized in 1957, Dr. Raffaldini, who originally came to the United States representing Italy's most prominent corporations at the first postwar industrial exposition of Italy, decided to remain in this country and was the architect of Walter Kidde Corp., as it is today.

Our community is the beneficiary of his decision, for Dr. Raffaldini is a warm and generous individual who cares deeply for his fellow man. His selfless dedication and concern, his compassion and sensitivity have served our community measurelessly.

Dr. Raffaldini exemplifies the invaluable contributions of the immigrant to his chosen land to which this Nation is deeply indebted.

My warm, personal congratulations are extended to a man who I am privileged to call my friend as well as to his wife, Theresa, and their children who are rightfully proud of Dr. Raffaldini.

Dr. Raffaldini is also the recipient of the New Jersey Man of the Year Award, 1967, and the Author Award from the Automotive Industry magazine in 1964.

I wish also to offer my sincere congratulations to Mr. Thomas J. Rosalanko, recipient of the 1970 Newark Unico Scholarship and to Miss Deborah Pauline Strack, recipient of the Columbus Nursing Scholarship for academic excellence. I wish them continued success and fulfillment in their future endeavors.

IT IS SIMPLY TOO EASY TO CONDEMN THE GUARD

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. BLACKBURN. Mr. Speaker, in this day of criticisms of law enforcement officers, it is unfair not to consider both sides of the issue. I think that John Crown, associate editor of the Atlanta Journal, makes some rather pertinent observations which should be considered in the interest of fair play.

I am taking the liberty of inserting a recent column of his in the CONGRESSIONAL RECORD:

KENT STATE UNIVERSITY: IT'S SIMPLY TOO EASY TO CONDEMN THE GUARD

(By John Crown)

For the past week it has been open season on the National Guard. The emotions aroused by the shooting deaths of four college students at Ohio's Kent State University has understandably sparked high feelings.

And to people already steamed up for one reason or another over military action in Indochina, it has been extraordinarily easy to transform those feelings to young men wearing the uniform of the U.S. Army in the National Guard.

That is just the point. It has been too easy to make the Guard the target of abuse and vituperation. It is only too easy to take one isolated incident and transform it into a general condemnation of the entire National Guard organization.

Violence begets violence. An act of violence is going to bring forth a reaction of violence. And people are going to get hurt.

Who was behind the violence at Kent State University has not yet been brought out. It is a safe bet it was not the four students who were shot to death. It is usually the innocent bystander who suffers. But someone or some organization whipped up the violence at Kent State, violence which justified the presence of the National Guard.

It was inevitable that in the recurring acts of violence on college campuses across the nation that someone was going to become a martyr sooner or later. Those deliberately inspiring the acts of violence counted on that.

And so four students at Kent State University died.

The investigation is not yet finished, but already there has been a question raised on whether it was a National Guard rifle that fired the fatal bullet.

But for the sake of argument let's assume that it was a National Guard bullet. I am somewhat nonplussed that so many people think that National Guardsmen must stand there and take rocks hurled at them as though they were confetti. Granted National Guardsmen should be disciplined, should be restrained, should be a cut above the screaming students who are throwing chunks of concrete at them. But they are not supermen who have no feelings. They can take just so much like any other human being.

National Guardsmen are first and foremost civilians, citizen soldiers who at the whim of a governor can be called away from job and home and family on virtually no notice at all and thrust into a confrontation with rioters and demonstrators. They are there to restore and maintain law and order. They generally do it without bloodshed.

In fact, that is one reason for the emotional reaction to the death of the four students—it was so completely out of character, so completely unusual, so completely extraordinary that there was an emotional reaction to it.

I am glad that one high official with the National Guard stuck his neck out to say so.

South Carolina Adjutant General Frank Pinckney took issue with what he called "any notions of the guardsman as an untrained, unrestrained and trigger-happy dolt." He termed the death of the four students "a terrible tragedy," which it was.

"I am not here to condemn or condone what happened at Kent State," Gen. Pinckney said. "I don't have all the facts and neither does anyone else at this stage."

But he noted that some 200,000 National Guardsmen have been called out in the past two years throughout the nation because of civil disturbances and "there hasn't been a single incident to blot the performance of these 200,000 men."

Since someone has to be condemned for the death of the four students, it is remarkably easy to condemn the National Guard as a national organization. It is easy. But it would be more realistic to consider those who whipped up the students into such a frenzy that somehow the ROTC building at Kent State was burned and somehow there were an awful lot of rocks flying through the air toward the National Guardsmen.

Whoever fired the fatal bullets at Kent State is not beyond condemnation. But there is more to it than whoever might have pulled the trigger.

SILENT MAJORITY FACULTY, TOO

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. NELSEN. Mr. Speaker, Kenneth Berg, editor of the Mankato Free Press, Mankato, Minn., has taken note of the rather puzzling disparity between what college instructors presumably think about campus disruptions and what they actually do about them. I wish to include this thought commentary in the RECORD at this point in my remarks:

SILENT MAJORITY FACULTY, TOO

A Carnegie Commission survey of 60,447 college instructors shows that more than 80 per cent believe campus demonstration threaten academic freedom.

Results showed further that more than 76 per cent favored, either strongly or with reservations, the expulsion or suspension of students who disrupt schools

Of those questioned, 5.5 per cent described themselves as "left," 41.5 as "liberal," 30 per cent as "middle of the road," 22.2 per cent as "moderately conservative," and 2.2 per cent as "strongly conservative."

The research team was headed by Martin A. Trow, sociology professor at the University of California at Berkeley.

He said that so many factors were involved in the survey that "caution should be exercised in reaching any conclusions."

So we'll take Dr. Trow's advice and withhold a conclusion or two that normally would appear obvious in face of the findings.

But we will ask one question.

If it is true, as 80 per cent of the instructors insist, that campus demonstrations threaten academic freedom, why does not more than a handful (if any, in fact) of the faculty on any one campus openly and publicly voice their objections to these disruptions?

Demonstrations in the past, be they at Mankato State College or Columbia University, have been marked by the conspicuous absence of the faculty in support of even the most enlightened administrations attempting to weather the given storm.

Ninety-three per cent of the surveyed instructors regard themselves as something less than the radical left or right. Are they also a part of the great silent majority that has the capacity and the prerogative to speak out positively, but elects not to—except in confidential non-incriminating polls, of course?

DEMOCRATIC NATIONAL COMMITTEE IS ESTABLISHING A CAMPAIGN CLEARING HOUSE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. JACOBS. Mr. Speaker, I insert the following statement of Lawrence F. O'Brien, Chairman of the Democratic National Committee, Thursday, May 14, 1970:

STATEMENT BY LAWRENCE F. O'BRIEN

WASHINGTON, D.C.—I am announcing today that the Democratic National Committee is establishing a Campaign '70 Clearing House—a vehicle for young people and other concerned citizens to put their energies and talents to work in the American political process this fall.

Our Clearing House will be a channel for students and all others who wish to participate meaningfully this summer and fall in general election campaigns throughout the country, and at all levels of government from Senate and Congressional races to gubernatorial and state legislative contests.

We will collect and organize systematically the names of persons who contact us, and we will make sure they are given the chance to work for the candidates of their choice. We will contact the candidates and offer the services of the volunteers who sign up with the Clearing House.

We will give our volunteers a variety of campaign materials and manuals, and we will conduct training sessions. The volunteers, as a result, will be going into these campaigns not only with high hopes but with essential information on how to raise money; how to use opinion polling; how to canvass a community and build up voter registration; how to use television and radio most effectively; how to advance and schedule a candidate to maximum advantage, and how to get out the vote.

We will not ask for the party affiliation of anyone who signs up with us. In fact, I want today to extend an invitation to the Republican National Committee to cooperate with us—either in a joint Clearing House, or at least in a separate effort to channel citizen participation into Republican campaigns.

I want to emphasize that while the student movement of the past two years really generated the idea of a Clearing House, it is intended for all to use—students, housewives and their husbands, business and labor, farmers and workers—all Americans.

Furthermore, the Clearing House stands ready to coordinate and cooperate with other organizations that are being formed for citizen participation in the 1970 general election campaigns.

I'm pleased to announce at this time that Philip M. Seib has agreed to serve as national coordinator of the Campaign '70 Clearing House. Phil has just completed a term as president of the student body at Princeton University. He's a 21-year-old Washingtonian, a former VISTA projects director, who will be graduated from Princeton next month with a degree in politics.

I was most encouraged to note that Princeton has decided to recess for two weeks prior to Election Day next fall so that students will be free to take part in campaigns. A number of other schools are considering this idea.

I strongly urge them to follow the Princeton example. These critical times demand the participation of young people in our democratic process. And that participation in turn, will provide an education not to be found in any classroom.

By taking these actions today, the Democratic Party is recognizing the fact that the vast majority of some seven million American college students has reached the age of political maturity. No one can seriously doubt their intensive desire to work for change and no one should underestimate their vast potential in reshaping and improving the political system in our country.

In many cases, the activist students and other concerned citizens have been frustrated by an old, established system that can be slow and stubborn in the face of change. The responsiveness of both major political parties has been seriously questioned, and thus the parties have become the targets rather than the vehicles for new political activist.

Particularly in the last two years, we have seen the energies of young people expended in demonstrations—for the most part in peace and for the cause of peace. Great energy, organization, planning and discipline have gone into these efforts. And yet, when the shouting stops, many of the people involved have been left to wonder the next morning: "What did we accomplish?"

The purpose of the Clearing House is to allow these concerned Americans to work in the most meaningful way for the election to public office of candidates whose views on peace, environment, poverty, the economy and the other crucial issues of our time, reflect their own hopes for their country.

We will begin to organize this project right now. We look to the participation of Young Democratic Organizations throughout the country to help in its implementation. A number of states have already completed their primaries and the general election campaigns are starting.

Interested citizens should write Campaign 170 Clearing House, Box 2300, Washington, D.C. 20013.

Through advertising and other methods we will be publicizing our Clearing House and we will be asking those to whom this appeals to let us know of their availability and of their particular interests.

CONGRESS VERSUS THE PRESIDENT

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. DEL CLAWSON. Mr. Speaker, the Washington Sunday Star for May 17 contains a penetrating discussion of the points at issue in the current debate on limiting the powers of the President which in my opinion clears away some of the miasma of unreasonable rhetoric of the past few weeks. I commend it to the attention of my colleagues at this point in the RECORD:

THE WAR POWER: CONGRESS VERSUS THE PRESIDENT

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the warmaking power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Civil War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to that war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee have stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of

American soldiers who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creating one. Any President's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the Presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

IOWA CITY STUDENTS FIGHT UNSOLICITED THIRD-CLASS MAIL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. SCHWENGEL. Mr. Speaker, the American history class of Mr. A. W. Zimmerman at City High School in Iowa City, undertook a rather unique project for Earth Day. The students attempted to collect a ton of junk mail. They did not quite reach their goal; however, they did collect a rather large amount of unsolicited third-class mail. All of the mail collected was returned to the sender at his expense.

These young people and their instructor are certainly to be commended for their efforts to focus public attention on this problem.

The students have drafted the following proposal with respect to the problem of "junk" mail:

A BILL PROVIDING FOR THE REVIEW OF U.S. POSTAL RATES

(By the American history class of City High School, Iowa City, Iowa)

We propose that the House and Senate of the United States Congress:

A. Maintain at present levels all first class mail rates:

1. Any additional increase in taxpayer support for other classes of mail, as has been proposed by President Richard Nixon, should be avoided.

2. First class mail is now the only class that pays its own way.

B. Review present second and fourth class rates:

1. Upward adjustments should be considered so each class of mail will be delivered without financial loss to the Post Office Department.

2. Consideration should be given to the holding of rates for educational materials at the present level.

a. This would continue the indirect subsidy to education.

b. Such a step would be justified by the reasoning behind federal educational assistance programs now in operation.

C. Review present third class postal rates:

1. The present rate structure for non-profit organizations should be maintained.

2. Bulk mail rates for all profit making organizations should be revised upward.

a. The present system of tax support for private enterprise, through support of its advertising campaigns, should be abolished.

b. The taxpayer should be relieved of his financial support for unsolicited mail designed to make a profit for the sender.

Also, I am inserting in the RECORD, news items from the Iowa City Press-Citizen further explaining their efforts:

JUNK MAIL PROJECT AT CITY HIGH—STUDENTS WAGE WAR ON "POSTAL POLLUTION"

(By Linda A. Svoboda)

People who want to try to get off the "junk mail" lists should take their bag of third class mail over to City High School where "Postal Pollution '70" is underway.

The object there—to collect a ton of unsolicited mail by April 22. That fits in well with a quickening pre-Earth Day trend in Iowa City: collecting junk for anti-pollution demonstration purposes.

This project sponsored by a City High American History class, has a twist. Every piece of mail that can be sent back at expense of the original sender will be returned.

The idea of collecting unsolicited junk mail occurred to students of the 22-member class as they were discussing the postal strike. The extra twist of sending it back was the contribution of their teacher, Alvin Zimmerman.

How, wondered the students during discussion, would the government finance pay increases to postal employes?

They talked about the deficit with which the U.S. Postal Department operates every year and looked into postal publication figures for 1968 and 1969.

There they learned, said Zimmerman, that the federal government loses two cents on every piece of third class mail and the loss is supposed to be made up by first class mail. The normal letter-writer subsidizing the third class mailer in a continuing deficit situation, didn't sit well with them, said the teacher.

There has been some speculation in Congress this past year that first class rates may go up to 10 cents.

The class will contact other secondary schools in the district, seeking permission to collect junk mail regularly at each. The collection point at City High is the library. Deadline for contributions is April 22, Earth Environmental teach-in Day.

The kind of material involved includes give away or sweepstakes offers, record club inducements advertisements, and similar unsought items.

If every City High student brings an ounce of mail per day from now until the deadline, the class will have about 1,100 pounds of mail. The students hope to collect the balance from other members of the community.

At the close of the project, the class will have to sift through the mound to find out what can be returned to the sender at his, or its, expense.

As a by-product, "We might even get some people off some mailing lists," said Zimmerman.

POSTAL POLLUTION

That campaign against "postal pollution" by an Iowa City High School class in American history has real possibilities. The class plans to send back all the "junk mail" it can gather on which the sender has to pay the return postage.

But there's a problem, too. If "junk mail" going one way taxes the capacity of the Post Office Department and runs up the deficit to its present alarming level, what will "junk mail" going both ways do?

READER COMMENTS—ABOUT JUNK MAIL

TO THE EDITOR:

In response to your recent editorial on postal pollution, I would like to offer the following information:

Third class ("junk") mail does place a financial burden on the Post Office Department, and therefore indirectly on the taxpayer. However, the efforts of City High students to collect 2,000 pounds of unsolicited mail to be returned to the sender will place no additional financial burden on the Post Office Department.

The mail to be returned will be mailed in the business reply envelopes enclosed with the unsolicited mail. These envelopes are provided by the sender for those who respond to the advertisement, and are returned to him via first class mail at his expense. In addition, the Post Office Department collects a 2-cent penalty for each piece of mail in order to cover the cost of collecting the postage. Thus the total cost to the original sender is 8 cents for a letter and 7 cents for a postcard.

Those pieces of third class mail that have the words "Forwarding address requested" printed on them can be returned at a cost of 10 cents to the original sender. No "junk" mail will be returned that will place an additional financial burden on the Post Office.

A. W. ZIMMERMAN,
Teacher, City High School.

SECRETARY HICKEL SPEAKS OUT ON POLLUTION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. ROBISON. Mr. Speaker, with each day that passes, the problem of pollution takes on new dimensions. There can be little doubt that the problem affects not just America but the entire industrial world. Just as one small example, it has been estimated that the works of art in Venice are being literally eaten away at the rate of 5 percent a year because of the sulphuric acid released into the air from nearby industry.

Just as significant is the loss of plant and animal life in this country. Rapidly, our natural resources are being depleted because of our failure in the past, and refusal in the present, to recognize the necessity for conserving those gifts of nature. These resources have now reached such an advanced state of deterioration that some are now questioning our ability to restore the balance of nature. Secretary of Interior Walter J. Hickel has, without a doubt, become one of the leading voices in the fight against environmental waste and pollution. I include in the RECORD his remarks before the American Society of Newspaper Editors on May 13, 1970, dealing with this important question:

REMARKS BY SECRETARY OF THE INTERIOR WALTER J. HICKEL

In the last twelve months America has experienced a great environmental awakening.

The broad base of the public has begun to realize that "standard operating procedure" threatens to destroy the very quality of life we have struggled for decades to create.

Suddenly we are confronted with an expensive bill to pay.

Responsible living, responsible manufacturing, responsible public utilities are going to cost more.

All of us as private citizens must face the real cost of producing a product and be prepared to pay more for essentials even if it means we must sacrifice a few luxuries.

A shift in public awareness has begun. Some credit for this goes to eminent ecologists and conservationists, like those who are sharing this panel with me today.

I am very pleased to be participating in this discussion with Professor Barry Commoner and David Brower even though we do *not* agree on many things.

Both have made significant contributions to the nation's environmental consciousness.

Mr. Brower was one of my severest critics when I was appointed as Secretary of the Interior and continues to be.

But one thing has become abundantly clear—the problem is too serious for us to waste time attacking each other.

Those of us who are committed to conservation in its highest sense must attack the problem together.

In the last fifteen months, thanks to the involvement of youth and the news media, a new voice of concern is being heard.

I commend the youth for their leadership, and I salute the men and women of the newspapers, magazines, radio, and television of this country.

Many of you here have dramatized the environmental crisis so graphically it has won national attention.

Equally important, you have highlighted the answers and solutions which are beginning to emerge.

You have been strong, but you have not left our people hopeless.

In meeting with college and graduate school students I have been repeatedly impressed by their eagerness to jump the generation gap . . . to communicate with the establishment . . . to work shoulder to shoulder with anyone who *really* cares.

Where this shift is really being felt is in Washington, D.C.

Last week I sent a letter to President Nixon which received some publicity.

There has been debate about that letter.

Whether I had indeed written it at all.

Whether I meant what I said.

A few thought it might have been merely fast footwork to avoid violence last weekend.

Most, I trust, recognized it resulted from a deep moral conviction.

As already reported in some of the press, I *did* write the letter.

It was . . . and is . . . the product of a deep belief on my part.

As a businessman in Alaska, as Governor, and as Secretary of the Interior, I have made it a policy to surround myself with young or young-thinking people.

We live in a world that changes drastically over night.

To interpret that world, to keep a balanced judgment, to make wise and relevant decisions, demands a flexible, unprejudiced mind.

Anyone can have such a mind. But I most often find such "seekers" and "creators" among young people.

Also for this reason I make a conscious effort to get out from behind my desk at the Department of the Interior to meet with student editors and leaders, to listen to their criticism, both positive and negative, and to share my own beliefs with them.

Of course, as Interior Secretary, my attention has centered on the environmental issue.

I participated in public sessions in which some heckled, but the broad base of the student community welcomed a chance to hear my views first hand.

I welcomed and profited from hearing theirs.

The problems now being debated are so important to the future of our nation . . . and of the world . . . that we must deal with them creatively and with open minds.

I was most grateful for the spirit in which the President received by views.

I am one of his most ardent supporters. I have utmost confidence in his leadership.

Some think the crisis is on our campuses. But let me ask: Are student demonstrations the disease? Or are they the symptom?

I refuse to look at any situation as a problem. I believe every challenge presents a positive opportunity.

The challenges we face demand an effort on the part of all our people.

We must take stock of what are the priorities for man.

The space voyages have shown us one overriding truth—we are all fellow passengers on one beautiful, but very tiny, globe hurtling through space.

The globe—our earth—is endangered by man's environmental abuses, and also, and very clearly, by our current approach to living together in a way which will assure our survival.

The time is here for all of us to leave the "fortress philosophy" of life behind and to enter a new era in which *how man lives* is approached positively and creatively.

We must move from the *age of security* to the *age of opportunity*. We must have the courage to set those priorities that are necessary not only in America but in the world so that most of our time, energy and money is spent on the living of life rather than on the destruction and defense of life.

I have been working for months to open up new channels for funneling public sentiment, especially the ideas from the young, to the top levels of our government.

To help meet the environmental challenge we set up SCOPE (Student Councils on Pollution and the Environment) and a task force within my office to work on the input we have been receiving from thousands of college students.

SCOPE is something we will expand so that every university campus that wants to be involved can participate. It is a new departure in common action taken by the youth and government on a vital national need.

Similar listening posts and clearinghouses exist in other departments, but often the public is not even aware that they exist.

Those of us in government have the mandate to lead. We also have the responsibility to listen.

This is the way, I believe, we can begin to carry out the convictions I expressed to the President when I wrote, "let us give America an optimistic outlook and optimistic leadership. Let us show them we can solve our problems in an enlightened and positive manner."

Let me cite an example.

Early this month we received more than 550 letters and telegrams thanking us for the action we took in Hilton Head, South Carolina, where the German chemical company B.A.S.F. is planning to build two $100 million factories in the beautiful resort area near Charleston.

This project promises to be a boost to employment and the overall economy of the State.

However, the plants were not designed with adequate environmental safeguards.

The adjacent estuary with its fish and plant life were threatened.

I wrote B.A.S.F. saying in effect: If you're going to use our water, do it responsibly.

It belongs to the public, and you can borrow it. But return it like you found it.

That is the cost of doing business.

The company decided to postpone their plans for a year. They want to study our regulations and see how they can meet them.

Please make no mistake—we are not out to stop progress . . . we want to make it responsible.

On April 27, a shrimp boat arrived in Washington from Hilton Head carrying a two-foot-high pile of petitions thanking us—45,000 people had signed those petitions!

This is what makes our efforts worthwhile.

Public demand and public support is giving us the go-ahead to work for tough legislation to protect our natural environment.

Congress is now holding hearings on vital environmental legislation proposed by President Nixon.

These bills include stringent emission control standards for the automobile. . . .

A $10 billion funding program to build and update the municipal waste treatment plants throughout the country. . . .

Fines of up to $10,000 a day for those who continue to pollute . . .

Full funding of the Land and Water Conservation Fund for buying park lands.

I recently urged Congress to increase this fund from $200 million to $300 million a year.

We need these added funds now or we could lose forever valuable additions to our park and recreation land reserves.

The President's initiative in this Congress marks, I believe, a turning point in governmental leadership in caring for our national habitat.

Is our program going to be sufficient to save the environment?

Of course not. It will require the total effort of America—not only those who are individually or privately concerned—nor is it just the responsibility of youth to bring the issue forward. All Americans must participate.

And the government has an obligation to provide leadership. And this we are committed to do.

I am a firm believer in the rights of the individual and the rights of the states.

President Nixon's emphasis is more and more on moving responsibility and power from the Federal government to the local level . . . where government is closest to the people it serves. However, we face problems in the environment which are bigger than any of us alone.

First we must *catch up*. Then we must *keep up*.

The Federal government must help industry catch up; then set the standards that make sure we keep up.

You cannot clean up part of a river, or one section of the sky. It's unfair to our people as a whole to permit negligence by one element of our citizenry.

That is why we need authority to regulate water quality standards, not state by state, but by entire river-basins.

We can't permit one city to clean up its pollution while the town upstream refuses to do the same.

There must be enforcement at the Federal level.

I see this as an extension of personal liberty . . . not an encroachment.

We can be free again to breathe pure air in our cities and swim in unpolluted waters in our rivers and lakes only if the Federal government sets responsible standards . . . and enforces them.

I am convinced that sound national planning is required to deal with a task as complex and interrelated as protecting the environment of 200 million people.

The American environment belongs to all of us.

Use it and enjoy it . . . but above all, respect and protect it.

President Nixon has asked us to work with him in repairing the damage to our environment and in seeking a new quality of life.

We in the Department of the Interior dedicate ourselves to renew and conserve our natural and cultural heritage. Please join us in this endeavor.

HEALTH CRISIS IN AMERICA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. ROSENTHAL. Mr. Speaker, President Nixon recently spoke about a massive crisis in health care and warned that we will have a breakdown in our medical system "which could have consequences affecting millions of people throughout the country." He was wrong, for the breakdown has already occurred, and the consequences are already affecting our people.

While there has been considerable improvement in the quality of life for most Americans, the fact still remains that a large proportion of the 20 million blacks, 5 million Mexican Americans, and 500,000 American Indians, and millions of others, spend their lives in conditions we would not let animals endure while the system of care for people with diseases associated with such conditions seems mainly to obstruct their receiving needed care.

Two eminent physicians, Drs. Lester Breslow and Paul Cornely—the president and president-elect of the American Public Health Association, in 1969 led a tour of public officials, private individuals, and media representatives to examine health conditions throughout the United States.

They visited Indian reservations, inner city slums, adult detention centers, and pockets of rural poverty. They went to these places, not because they were special, but rather because they were typical of conditions which characterize the lives of millions of Americans—and which are—seemingly designed to break the human spirit. Furthermore, everywhere they went, local health and welfare officials seemed as trapped by the rules as the people they supposedly were serving.

Jesse Jackson has written that hunger is not a hurting thing, it is a halting force with respect to the progress of a nation toward goals of unity, cohesion and growth.

The report of this group entitled "Health Crisis in America," illuminates the problem well. I include today the introduction and conclusions of that report in the RECORD:

HEALTH CRISIS IN AMERICA

INTRODUCTION

In the summer of 1969, as President and President-elect of the American Public Health Association, we undertook a tour to examine in microcosm health conditions in the United States.

Starting in a Mexican-American barrio in Houston, we journeyed to a rural community in the Central Valley of California; juvenile and adult detention quarters in Atlanta, Georgia; the Potomac River in Washington, D.C.; homes of off-reservation Indians in Great Falls, Montana; and the inner-city community of Kenwood-Oakland on the Southside of Chicago, Illinois.

Our aim was to investigate, firsthand, typical environmental and medical care situations directly related to the rise of serious health problems. We believed it was time for health professionals to see, hear and smell these situations which characterize the lives of millions of Americans, rather than to limit our view of the problems to health statistics, patients in clinics and laboratory specimens.

People from the neighborhoods, concerned professionals, some health and welfare officials, national and state legislators, and representatives of the news media joined our tour. Their participation reflects the rising and already substantial demand for improvement of health conditions in our country—improvement in housing, nutrition, air, water, jobs and medical care.

As public health physicians, we thought we knew pretty well the nature and extent of those conditions. But frankly, we were shocked, and are still reeling. Circumstances that can only be called health brutality pervade the lives of millions of American people who live in communities that seem designed to break the human spirit.

When viewed closely, the national and state programs which purport to deal with these conditions appear to represent a policy of domestic brinkmanship. They simply skirt disaster and do little to ameliorate underlying problems. President Nixon recently spoke about a "massive crisis" in health care and warned that we will have a breakdown in our medical system "which could have consequences affecting millions of people throughout the country." In fact, the breakdown has already occurred, and the consequences are already affecting our people.

We recall with pain—

Approximately 50,000 persons of the Kenwood-Oakland area of Chicago, who live in rodent- and insect-infested housing, with broken plumbing, stairs and windows. Today, these people pay from one- to two-thirds of their incomes for rent and are served by a total of five physicians in their community—a physician-to-population ratio less than one-tenth of the country as a whole—with the county hospital and clinics eight miles away.

A 53-year-old American Indian in Great Falls, Montana, veteran of the South Pacific in World War II, raising a family of six children (and one grandchild, whose father is now in Vietnam) on a pension and what he can scrounge by salvage in a junkyard. He can neither afford to buy food stamps nor return to the hospital for post-cancer treatment—closure of his bowel, which now opens on his abdomen—because his family would not have food while he is gone.

The farmworker in Tulare County, California, who said that exposure to pesticides from airplane spraying of fields, contrary to regulations and often leading to illness, was frequently not reported. "What's the use?" he asked. "We lose wages going to the doctor, get better in a week usually, and get no compensation, and they don't stop spraying."

The woman in Tulare County, eight months pregnant, whose Medi-Cal (Medicaid) eligibility had been cancelled last month because her husband had just found a temporary job, thus forcing her to seek care at the County Hospital which previous experience had taught her to hate.

The young woman in Houston, whose welfare check for a family of eight had been cut from $123 to $23 a month.

A therapist in the Child Treatment Center, Atlanta, Georgia, where excellent work with youngsters in trouble was underway, but "the main difficulty is that the kids have to go right back to the same life that got them into trouble in the first place, and we can't do anything about that here."

An "uncooperative" chronic alcoholic who carried a card from Grady Hospital identifying him as an epileptic, but who, a few days before our visit, had occupied the "hole"—a 4 foot by 8 foot solitary confinement cell—in the Atlanta City Prison.

Dead fish floating in the dirty water of the Potomac, the "Nation's River," which flows through out capital city so polluted by untreated and inadequately treated sewage that fish cannot live there, and the spread of human disease-causing bacteria appears as a serious threat.

Everywhere we encountered lamentable excuses offered by local health and welfare officials, who seemed as trapped by "the rules" as the people they were supposed to serve.

While there has been considerable improvement in the quality of life for most Americans, the fact still remains that a large proportion of the 20,000,000 blacks, the 5,000,000 Mexican-Americans, the 500,000 American Indians, and millions of others live day in and day out in conditions we would not let our animals endure; and the "system" of care for people with disease associated with such conditions seems mainly to obstruct their receiving the care that is needed.

We visited the particular places mentioned because they are typical, not unique. The gross pollution of the Potomac exemplifies what is happening to the rivers and lakes of America. Atlanta treats her alcoholics essentially the same way such very sick people in cities across the land are treated, and Atlanta provides facilities for juveniles in trouble that are better than in many other places. These conditions characterize the lives of millions of Americans; they are not just isolated pockets of disaster.

The following separate reports on each of our visits indicate these disgraceful situations that millions of Americans now endure.

LESTER BRESLOW, M.D.,
President, APHA, 1969.

PAUL B. CORNELY, M.D.
President, APHA, 1970.

CONCLUSION

If any should think that we present an exaggerated picture, or too harsh a judgment based on "isolated" instances, let him spend as we did, a few full days actually looking, listening, and smelling. The conditions we describe are all too pervasive.

They speak for themselves and require no discussion. They are the basis for the disillusionment of millions of Americans with the "Establishment," especially with agencies of government that fail to take effective action on glaring health difficulties that deeply depress the whole quality of life.

We were struck by the utter inadequacy of our social response. The agencies that are supposed to deal with the problems appear to exist mainly as enforcers of rules that are carefully framed legalistic subterfuges to avoid providing needed services. Often these rules, of course, are there to guard against expenditures from the grossly insufficient budgets that are appropriated by legislative bodies.

The apathy of professional personnel in practically all the agencies of human services, with a few striking exceptions, was particularly disconcerting. Most of them seemed weighted down to the point of indifference by the system in which they work. The major challenge comes from professionals who are outside the official system linked up with grass roots organizations of people. Those in governmental agencies generally do not even seem concerned with the severe inadequacies

of health information, especially among the poor.

As physicians knowing something about Medicaid's shortcomings, we were appalled to see how harshly it works against the medical interests of individuals. Termination of benefits without reasonable notice and by arbitrary application of welfare rules that completely ignore medical realities is especially outrageous.

Overshadowing in health consequences even the problems in medical care for the poor was the lack of attention to environmental conditions. While adverse environmental conditions affect all persons to some extent, as in the case of the Potomac, the living conditions of the poor in America constitute an ever greater national disgrace when one considers the capability of our country and the living conditions of most people in the country. Housing literally not fit for animals, residences in sections of the cities marked for future industrial or commercial development and hence really abandoned for human habitation—these are typical scenes. Enforcement of local zoning and housing codes, if these even exist, is not seriously attempted. In fact, the only rule that seems to be systematically enforced is that the people continue to pay rent. The regulatory agencies do defend the interest of those who derive income from the property and the environment in which the poor live so miserably.

Now we wish to propose some lines of action, for health professionals such as ourselves and for the legislative and administrative branches of government. We share the conviction of many in our country, often expressed these past few months, that a nation with the technological ability and governmental resources to create a satisfactory environment for an Apollo space capsule on a trip to the moon must find a way to provide healthful living conditions for the people in Houston, Tulare County, Great Falls, Chicago, Washington, Atlanta, and everywhere else in this country.

As professional public health workers, we should first recognize our own deficiencies. Like others in professional and technical fields of endeavor, some of us have become closely identified with agencies and institutions whose bureaucratic interests may contradict the interests of the people we are supposed to be serving. Of course, we must be loyal to the agencies for which we work. But callousness in accepting the "rules" and the budgets, developed possibly as a protection against our own feelings of guilt as workers in too feeble programs, has insensitized us to the point where we no longer press vigorously to achieve adequate programs. We tend to resist the "community take-over" of health programs by people in impoverished neighborhoods, who have found that they must participate in setting the rules as a means literally, of survival. For too long the programs have stifled their participation; and the rules, established by others who do not understand the problems make less and less sense.

To avoid such professional myopia, we urge that public health professionals, no matter what their type of work or employment, devote some time each year to observing directly the conditions of life that generate health problems. It is one thing to treat a child in a clinic with a cut eye, but another thing to encounter him as we did in a Chicago neighborhood, with a patched eye, and to hear him describe and then see the broken stair rail at his house which permitted him to fall from the second floor onto glass on the ground adjacent to his house.

Further, we believe that health professionals should join hands with organizations of people that are emerging in neighborhoods throughout the country to fight for better health conditions. Everywhere on the tour we found that neighborhood organizations are springing up and arousing new hope. The advancement of public health today requires the development of effective alliances between such groups and those having technical competence in health work. Alliances of this sort would energize the efforts of all.

Although we knew before the tour that our health programs needed a drastic overhaul, the visits added a depth of understanding and feeling that we could not have obtained otherwise.

A health care program for the poor based on a month-to-month means test to determine indigency is unacceptable in a decent society. We can only begin to understand the indignity suffered by those who seek to qualify under a means test. But apart from that, the means test system requires the cancellation of eligibility for benefits because of slight temporary increases in income. This is standard practice under Medicaid throughout the country. Thus, access to medical care is often cut off just when it is most needed to boost a family out of the poverty-poor health cycle.

This makes no medical sense. Getting the information, keeping the records, and making the judgments each month, according to rules which are changed often with little or no notice by state and county officials, costs a substantial amount which could go a long way toward providing benefits on a yearly basis. The latter would be much more sensible from a medical standpoint and in the long run probably more economical. One must ask whether the present arrangement is designed to aid the poor or to perpetuate a bureaucracy. Medicaid as a whole—its system of eligibility, loose budgeting, crazy-quilt pattern of benefits, and failure to set standards for care—was fashioned out of the mold of old-fashioned, welfare-oriented programs. It is probably the most colossal excrescence of a welfare system that has long outlived its usefulness and, as President Nixon has indicated, must be revamped. What better place to begin the revamping than to set free the provision of health services for the poor from a welfare system that grossly distorts its purpose? Few would deny that health care for the poor is important and that a health care system should make medical sense.

It is time for Congress to assert that health care for the poor must be approached systematically; responsibility for the health care system must no longer be parcelled out in an uncoordinated way among dozens of Federal, state, and local public agencies. More than six per cent of the Gross National Product now is devoted to health care. With an increasing proportion of that directly out of government funds, it does seem timely that we develop a national policy and program on health care, instead of drifting and taking pot shots at drug prices and physicians' fees, horrendous as some of these may be. Our tour convinced us that health care for the poor, at least, in this country has broken down. The crisis is not coming; it is here.

The American Public Health Association would be pleased to join in the development of a national policy and program of health care for all.

In the meantime, convinced of the urgency by our tour, we make the following recommendations as beginning steps to relieve the chaos in health care:

1. Establishing eligibility for Medicaid on a yearly rather than monthly basis.

2. Channeling funds from Medicaid and other governmental health care programs to build comprehensive primary medical care services in poverty neighborhoods, linked to hospital services for cases in which the latter are needed.

3. Offering young physicians opportunity for service in poverty neighborhoods as an alternative to military service.

We would note, however, that health *per se* is only one part of what is needed to meet human health needs, and not the most important part. Again, the tour reinforced this point in our minds.

A national program to improve housing for the poor is urgently needed as a health measure. It is simply impossible to maintain health in houses that are physically unsafe and without elementary sanitation features. Such are the houses where millions of Americans now live. A national housing program must be more than what "urban renewal" has meant in many places: namely driving poor people out of dilapidated dwellings to make room for public and commercial buildings and residences for people of means, with little or no improvement in housing for the poor who are merely scattered by the "renewal."

The main housing program for the poor consists of welfare benefits which include an itemized amount for rent. Many hundreds of millions of dollars of this money goes to support housing that does not meet any standard. This means, in effect, that present national welfare policy subsidizes shockingly bad housing without any effort at quality control; it actually encourages landlords to continue making profits without improving the housing. We now spend an estimated $4.2 billion of Federal funds in public assistance payments. President Nixon's welfare reform proposal would add $4 billion, or double our expenditures. But the welfare reform proposal does not provide for the reforms that are needed to insure that Federal payments for housing do not continue to subsidize substandard dwellings.

Medicare provisions stipulate funds may not be used to pay hospitals failing to meet a standard of quality. Since housing may be at least as important to health as hospitals, we believe health interests require the same approach to housing as that taken to hospitals. Poor people are beginning to see the whole "establishment"—welfare agencies and law enforcement agencies—in support of rent payment but not decency in housing.

As a first step toward better housing for the poor, we recommend:

4. Prohibiting the use of money in individual welfare assistance budgets for payment of rent in housing that fails to meet local regulations.

5. Developing a national minimum-standard setting program for quality of housing in which monies derived from general tax revenues can be used as rent.

That hunger and malnutrition exist on a wide scale among the people of America is now openly acknowledged by the President and Congressional leaders. Food subsidy in this country, however, has meant and still means payment to agricultural interests either for not growing food or maintaining the price of food. The direct surplus food distribution program and the food stamp program have been relatively minor by-products of the subsidy to agriculture, designed largely for price control.

To overcome hunger and malnutrition in this country it will be necessary to convert the current "food program" that offers some assistance to a relatively narrow range of people *into programs* based on genuine need. On the tour, we encountered situation after situation in which people were obviously poor but did not qualify for the food program assistance (they lived in the wrong county or someone in the household got a temporary job last month); or they were so poor that they could not get enough cash at one time to purchase the minimum quantity of food stamps sold.

We, therefore, recommend as immediate steps:

6. Increasing by at least 50 per cent the amount of monies available for food stamps, and eliminating the requirement of a minimum quantity of food stamps to be purchased at any one time.

7. Establishing for all persons in the nation a guaranteed annual income sufficient to insure opportunity for adequate nutrition and other essentials for healthful living.

National policies and practices toward the American Indian have continued to be one of the most shameful streams in American history. The brutality continues, for example, in forcing Indians struggling to live off the reservations to return to the reservations for needed medical care; and in the statements which Secretary of the Interior, Walter J. Hickel, was quoted as making at the 1969 Annual Western Governor's Conference; namely, that the government had been a "little overprotective" of Indians and that his administration might reverse the trend because they "always have that crutch of being able to go back" to the reservations.

It is tragic that Indians must still depend for essential medical care upon "that crutch" which Mr. Hickel suggests taking away, but until something better is available they must fall back on it even when that means traveling more than 100 miles. No policy could be better designed to drive those Indians who are trying to "make a go of it" in the towns and cities of America back to the reservations than the policy of denying them urgently needed medical care. Yet that is exactly what we do.

Since responsibility for Indian health care was transferred to the Public Health Service, tremendous improvement has occurred in the health of Indians still living on the reservations. But just when that care is most needed, during the transition to off-reservation life, it is frequently denied because of the limits of the Federal program and the failure of state and local government to acknowledge Indians as citizens.

Pending further development of national social policy to assist Indians who want to achieve off-reservation life, we recommend as an immediate health measure:

8. Expanding the Public Health Service program for Indian health care to include adequate funds to pay for medical services for Indians in need for at least five years after they leave the reservation.

Degradation of our environment now has become a national issue. Hardly a day passes without major reference in the news media to the demand expressed by some national political figure or concerned group that one or another aspect of the environment be cleaned up. Our tour yielded us the opportunity to see, smell and hear the basis for this outcry: grossly polluted water, even in the nation's river, the Potomac; garbage and debris strewn not only over the landscape but accumulating in the vacant lots and alleys where children of the inner cities spend most of their time; air increasingly filled with physical and chemical waste—and noise—from what we call "advances" in industry and technology. This deterioration of America's living space results from our failure to respond to the collision between the growth and concentration of our population and our capacity to produce and use things. Our waste is drowning us, in the absence of control measures.

America must clean up. This will require a major alteration in our current policies on land development and use. Ineffectual rules and enforcement machinery, established for a time when air, water, and land seemed "free" and more than plentiful, must now be sharply brought up to date. We can no longer tolerate leaving these responsibilities in the hands of governmental agencies attuned to the short-term interests of industry and land developers.

We recommend:

9. Making the health of people (broadly defined, not just specific disease control) the paramount criterion in developing and implementing much-needed national policy on the environment. As a first step the Secretary of Health, Education, and Welfare should promptly develop and promulgate a comprehensive set of standards based on health criteria and without regard for any presumed ability to meet such standards, for the air, water, and land of our country.

Social advances such as those made in the United States bring changes in attitude toward many problems, including fundamental alteration in how we characterize problems. Not many years ago, for example, chronic alcoholics were drunken bums to be dealt with by the policeman and the jailer. Now, the chronic alcoholic is a sick person, provided he happens to be in the right social class. The rich chronic alcoholic goes to a private sanitarium run by psychiatrists; the middle-class chronic alcoholic goes to the clinics that are being established under health auspices; but the poor chronic alcoholic still goes to jail for drunkenness or some related offense.

This is true nationwide, not just in Atlanta where we saw it on our tour. Meanwhile the judiciary, as one branch of Government, is beginning to consider chronic alcoholism as a health problem.

In preparation for the social decision that alcoholism is a health problem we recommend:

10. Appropriating Federal funds on a large scale to support community services for treatment of the chronic alcoholic as a sick person.

It should be emphasized again that spending more money for health care services in the absence of fundamental changes in the organization and delivering of health services is not the answer. Our three-fold increase in HEW health expenditures between 1963 and 1970 is not the answer. Nor is the doubling of welfare payments the answer in the absence of fundamental changes in the welfare program. We are pouring money down the drain when we continue to subsidize substandard housing with Federal welfare payments.

Human needs in health are not being met and much more than the provision of health care services is involved. A strategy for health progress must be based upon improvement in the quality of life for all people—improvement in housing, nutrition, medical care and all the factors that determine health. As a nation, we must decide whether freedom in the pursuit of narrow economic advantage or devotion to the common good, health for all, is to be the guiding force of social life.

HARVARD SOPHOMORE OFFERS RIOT REPORT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. FISHER. Mr. Speaker, what on earth has happened at the once highly respected and prestigious Harvard University? The same question can be asked about Yale, Princeton, Columbia, and several others which were formerly highly regarded. Recently those schools have fallen to the depth of the jungle in many respects. Let us hope that this is a temporary flash in the pan, and those great institutions will restore themselves to the degree of public confidence they once enjoyed.

Under leave to extend my remarks I include a column by William F. Buckley, Jr., which appeared in the San Angelo, Tex., Standard-Times on April 26. The article follows:

HARVARD SOPHOMORE OFFERS RIOT REPORT

(By William F. Buckley)

I turn this column over to a sophomore at Harvard, Mr. Laurence T. May, who writes about the events in Cambridge on April 15:

Dear Mr. Buckley: You probably read the piece in the New York Times concerning the riot in Harvard Square last Wednesday. The article was a bit brief for an event described by the Commissioner of Public Safety as "the worst civil disturbance in the history of the state." I was there for a lot of the action and will agree with the statement. The mob was the most ugly I have ever seen. The ferocity, the determination, the hatred they felt for the police was frightening. People who think that these kids are only frustrated youths, upset about the war or whatever, have no conception of what they are really dealing with in situations like this riot. I don't think I'm at all astray if I say that what I witnessed was nothing more than the collective expression of the criminal mind.

These kids were, a lot of them anyway, on drugs. I have never seen groups of "kids" quite as literally mad as I saw Wednesday, yelling; the ones with painted faces added to the barbaric imitations. The defiance was unmatched; even in prison where you would expect a hell of a lot more frustration than what is caused by a war 5,000 miles away, the inmates would not repeatedly return, repeatedly club cops, repeatedly throw wine bottles or whatever. Convicts at least exhibit some cunning in riots; the Harvard riots have none of that, unless you count the attempts by professionals to firebomb buildings. Imagine, if you can, kids so passionate as will run through clouds of tear gas to hurl cobblestones at retreating police.

The mob arrived in Harvard Square at 7 p.m., there being four officers on duty there. One officer tried to "reason" with the group near him and they simply laughed in his face: "pig m-f." By 7:30 Cambridge police were lined up behind the "MBTA" Kiosk. Above them, on the wall surrounding Harvard Yard 10 feet off the ground, were at least 150 "streetpeople." The rioters threw rocks, bottles, boards, bricks . . . you name it . . . down onto the police who simply stood in rank. Down went one cop, hit by a brick, down went another. Still they didn't move from ranks.

Behind the wall Harvard University police moved to clear the kids off. Incredibly, a senior tutor and an assistant Dean of the College told the University police to leave the kids alone: "We don't want any trouble. Don't start a riot." This while a full riot was in progress. The incident has caused understandable friction between university and city police. A university cop told me last night that he is afraid that if they need assistance from Cambridge some day, it will not be given quickly.

Harvard students generally abstained from actual rioting, though there were a number of identified exceptions. Mostly, they were just stupid: stupid not to stay off the streets, so they got clubbed or gassed or obstructed police. The rioters were mostly those the press rather charitably called "hippies"—the drop-outs, the long-haired welfare recipients, the panhandlers, the druggies, and the ubiquitous professionals.

George Wald, Harvard's Nobel-winning flower child, was of course in the middle of things. He actually went up to policemen in the streets, demanded that they stop, demanded that they "use reason" with the kids. While he was so engaged, a kid hit a cop with a baseball bat painted black (doesn't show up at night, nor in news photos usually).

Wald, by the way, says he fears "lower-class Catholics becoming outraged." Imagine if I told him I feared middle-class Jews rioting in the streets!

The next target is New Haven on May 1st. Unless the Panthers are freed and $10 million indemnity paid to the party, the "political dissenters" say they'll destroy the city.

Do you think there are Communists involved? My fellow students don't, even when the Communists say they're Communists! You see, the riot was caused by the frustrations of the kids in the Harvard ghetto. Perhaps we'll have a federally-sponsored summer program soon, or a swimming pool in Harvard Yard. Better, a Head Start course for Harvard students.

MOTHERS DAY 1970

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. BROCK. Mr. Speaker, a Mothers Day sermon delivered by Dr. Walter R. Courtenay of the First Presbyterian Church of Nashville has captured the role of the modern-day mother.

I would like to include this sermon in the RECORD because I feel it has something to say to all of us. Dr. Courtenay addressed his words to all mothers, but particularly to those mothers of soldiers in Southeast Asia, and to the mothers of students on troubled campuses, hit by demonstrations and violence.

I insert the article at this point in the RECORD:

[From the Nashville Banner, May 11, 1970]

MOTHERS DAY 1970—(JUDE 1:17-21)

(By Dr. Walter R. Courtenay)

Today is Mothers Day, a day when we speak appreciatively of those who were our first nursery, our first pantry, our first playground, and our first means of transportation.

Whenever we deal with the subject of motherhood, we always confront two problems, first, what mothers should we talk about on a day like this, the young mothers with their little children around them; the not so young, whose teenage children confuse them with their attitudes and philosophy of life; the still older whose children are now grown, some successes, some failures; or the older mother whose silver hair turns gold in the glow of the after sunset? Every woman who has reached the age of 60 knows the tremendous changes that occur between the birth of the first baby and the time when life is mostly the history of yesterday.

The second problem is that we tend to idealize mothers, who are only slightly related to reality. Few mothers achieve the ideal, even as very few fathers, sons, and daughters achieve the ideal. Mothers, after all, are persons of flesh and blood. They are people who have vices as well as virtues, weaknesses as well as areas of great strength. But, in the main, the mothers of America have achieved accomplishments that are both high and wholesome. It is because of this that we pause to honor motherhood today. It is well that we do so, and I am pleased to do so, because I remember all too well my own mother and the wonderful girl who became the wonderful mother of my sons.

As we pause to observe Mothers Day we do so in the midst of disturbed conditions throughout our country. The America that I see around me today is completely foreign to the America that I have known all my life. The war in Vietnam goes on with its staggering cost of men and money. The entire nation is shackled to it, and our society is being dragged down and plunged into attitudes and moods that are uncomplimentary to us and which give the world a distorted picture of this land we love.

In all of this, the mothers of all ages and conditions are involved, some having sons and daughters in colleges, some having sons and daughters who this fall will enter college, some having husbands and sons in the armed forces, and some having loved ones on the battlefronts of Asia. Some have sons who may soon have to break away from normal vocations and avocations and learn the arts of brutal war.

Mothers cannot help but be worried as they look out of their windows upon a world that is so jumbled and as messy as a city dump. We cannot blame them for asking the questions, what is ahead for our loved ones, what is ahead for our nation, what is ahead for the world? Are we now doomed to anarchy and a peaceless America? Is there no way, and is there no one, who can alter the streams of events carrying us swiftly toward the rapids and the plunge of the mighty waterfall?

Today we cannot avoid thinking of the mothers of the four Kent State students who this past week were killed. Regardless of the factors, their loss is a staggering, irreparable one. We, of course, assume that these youngsters were innocent. We assume that they shouted no obscenities, threw no bottles, rocks or steel slugs, hurled no profanity and insults. We assume that they did not curse the soldiers or patrolmen, nor spat upon them. We assume that they were fringe people who understandably gather to observe these absurd displays of temper and terror. Innocent they may have been but they were part of that noisy minority group led by hard core radicals from off and from on the campus, who were determined to create a situation that hopefully would end bloodshed. I agree that bottles, bricks, rocks, steel slugs and profanity are not the same as bullets, but they are weapons of offense.

It is to be regretted that the leaders who created the disturbances were not where the action was when young Guardsmen, hearing shots and fearing for their lives, opened fire in self defense. The facts are not all in, and in all probability we will never know the actual facts of what created the death of these students at Kent State. But we can pause on this day to extend our sympathy and our prayer to the mothers of those who died, and the mothers of the young people who were stupid enough to become part of that senseless mob.

BE REALISTIC

Here we must be realistic about campus disturbances. First, they never involve the majority of students. Second, they seldom involve the students who are on the college campus to get an education. Third, the disturbances are rarely spontaneous. They are planned, they are fanned, they are fomented, they are created. Fourth, they are never non-violent. The lighted fuse of a dynamite charge may seem non-violent, but you and I know that that fuse, once lighted, will eventually explode the dynamite. Of course, the leaders on our campuses claim non-violence even while they are collecting the bottles, the rocks and the steel slugs with which to confront the patrolmen and, if necessary, the National Guard. After heads are broken and members of the mob are arrested, naturally they cry out against police and guard brutality, and loudly protest their own innocence.

There is a hard core of anti-order, anti-America radicals on every campus and in every community. Their contribution to America's prosperity, security and peace is nil. Their contribution to America's disunity, disorderliness, and disgraceful conduct is beyond measure. They organize, they incite, they motivate, they spread false rumors, information and charges. They foment alienation and senseless antipathy. They do all they can to arouse the beast in students and to give it liberty. They begin the rallies, and they they lead until the action gets too hot. They encourage sabotage and subversion. They draw into their ranks idealistic, impulsive, excitable students who know little of the facts but whose emotions are aflame. Thus, they create a mob and when confrontation comes, the hard core leaders put the idealistic, excitable students in the front ranks of the battle and seek safety for themselves. They are seldom beaten and bruised. They are trained to use others, but never to get hurt themselves.

Let it be clearly understood that the organizers, the fomenters, who lead the idealistic, excitable, venturesome students are in no sense representative of their campuses. By any measure, they are not loyal, informed, clear thinking Americans. They are the paid servants of subversive forces. They are the manipulators of situations. They are the managers of chaos. They are anti-America, anti-decency, anti-democracy, anti-justice, anti-free speech, anti-law, anti-authority, anti-church and anti-God.

BUT ONE GOAL

They have but one goal, to so disrupt our normal ways of life that institutions in America cannot function with success. And all of this is blamed on the war in Vietnam.

Let me read part of an editorial that appeared not long ago in the Nashville Banner: "In the 5500 years of recorded history there have not been more than 230 years of peace, and in the relatively brief history of the United States, there have been fewer than 20 years in which one of our armed services has not been engaged in some military operation. Despite these facts, most Americans still cling to the delusion that peace is normal and war is abnormal."

We are in Vietnam because of a solemn and sacred treaty. We are there because the Viet Cong are the paid henchmen of Hanoi, and Hanoi is but the satellite of Moscow and Peking. If the border created by treaty had been honored by Hanoi and her expansionist allies, if the border created by Great Britain, France, Russia, the United States and others had not been crossed, and if the South Vietnamese people had been left to develop their own way of life as Hanoi and the rest of us had agreed, we would not be in Vietnam today.

And now we are in Cambodia. The adolescent intellectuals in our midst, the critics of our current Administration, and the hard core hirelings of subversive forces have joined ranks to create further division in our midst. Now, we are not fighting Cambodia. We are fighting the same enemy that we have been fighting for five years. The drive to destroy the sanctuaries with Cambodia makes sense. Actually we have not invaded Cambodia. We have invaded communist territory held for the past five years by the Viet-Cong and the soldiers of Hanoi. Cambodians have not owned nor controlled this area of their country during the last four or five years. We have invaded Hanoi territory. We have invaded Viet Cong territory. We have not invaded Cambodian territory, and we are not at war with Cambodia. The war has escalated only in the sense that we have finally decided to do what we should have done a long, long time ago.

No one can rejoice over our presence in Asia, least of all the mothers who have husbands and sons in the armed forces in Vietnam. On this Mothers Day I am all too conscious that such mothers are not being honored publicly as they have been in all the other wars that we have fought. Many hus-

bands and sons will never return to these mothers, and many husbands and sons will return but never to a normal way of life again. The tears of such American mothers today are truly salty, and their vision has to be misty, and their hearts have to know pain.

MOTHERS DAY 1970

Mothers Day 1970 is a day fraught with danger. Never has our unity been so seriously jeopardized, nor citizen responsibilities held so cheaply. The moral fibre of our people seems flabby in the face of the forces that disrupt law and order, decency and loyalty, fairmindedness and fair delivery. Standards of value long held valid are now trampled in the mud along with the ashes of burned American Flags and hopes. Respect and good manners seem to have evaporated in heat of bad tempers. Vulgarity and cheapness are honored rather than condemned. God and His Law mean little as radical students and their idealistic followers seek to jerk the rug of honor and respect from under our feet. Quicksands have been substituted for hard trails, lies for truth, revolution for renewment, and a hog's view of life for that of mature, informed, responsible people.

Nor do many of our leaders in Congress, college and church seek to improve our situation, for they demand the impossible while believing with all their hearts in the improbable. They subsidize and support subversion and arson. They add fuel to the social fires that threaten to destroy us, and not once have I seen a fire extinguisher in the hands of any of them seeking to put out the flames that threaten our land. Students and others who call policemen "pigs" and National Guardsmen "bastards" and "s.o.b.'s" now become angry when a leader in high responsible position refers to certain students as "bums." We have always had bums. They have always been part of our campuses. We have always had bums in our communities. Let's call them what they are, and not quibble about it. We have more on our college campuses today because we have admitted to our campuses people that should never have been admitted in the first place. Many are there for no other purpose than to disrupt the tranquility of the campus, and to bring our institutions to a state of helplessness.

I could believe neither my eyes nor my ears the other morning when a law professor of the University of California stood on a platform and exhorted students to go on with their violence, and concluded his remarks by saying, "We are either going to liberate this country from within, or we will do it from without."

DIFFICULT TO RESPECT

I find it difficult to respect the TV commenators of our national chains who speak of student unrest as if the majority of students were involved, who speak of student riots as if most of the students on the campus were part of the riots. None supports the administration nor the people responsible for law and order in our nation. To me it is most unfortunate that faculty members, congressmen and churchmen join these people to further disturb and disrupt our normal way of life.

I say to you this morning with all the conviction I possess that when dissent becomes descent into ways and words that dishonor the sacred and belie the sensible, it is time for American leaders to take strong action. When mobs feel free to throw bottles and rocks, steel slugs and profanity, not to mention Molotov cocktails, why should they resent the use of our more normal weapons of defense on the part of our policemen and our National Guard? It seems sensible to them to curse, to riot, to burn, and create disorder, but irrational for policemen and guardsmen to defend themselves and the honor and security of our society.

TO THE MOTHERS

To the mothers of this church and community who have tried to do a good job in rearing their children to respect God and their citizenship, and to carry their responsibilities with a real sense of commitment, I tender my sympathy, my encouragement and my prayers. To the mothers of America who are striving to do the same I offer them my help. To the mothers of the slain Kent State students I can only offer my tears and my regrets, my sympathy, and my hope for better things. To the mothers whose children have exchanged a heritage of value for a mess of communistic pottage, and a normal faith in the cross for an absurd faith in the hammer, I can only send my sympathy and my encouragement. To the mothers whose husbands and sons and daughters are on the front lines of Vietnam and Cambodia today, I can only remember them in prayer before God that they will have the strength to endure.

This is indeed a strange Mothers Day, but it ought to remind us that emotions are seldom rational, that anarchy destroys but never builds, and that a life or a program that is not built in accordance with the absolute laws of God and the universe cannot long endure.

I hope, therefore, that the events of the past week will motivate us to prevent further deterioration within our nation, and to cancel out the repeats of Kent State. We must do all in our power to rededicate ourselves to the task of character building, of Christian nurture, and of loyal American citizenship. We must dedicate ourselves anew to the creation of American unity and the building of security. We must get on with the church's main task, that of bringing men into a full commitment to Christ to the end that they may then go out into the world to live lives that honor God and elevate the standards of men. We must return to America's major task of making this land of ours the land of the free and the home of the brave.

"The greatest battle that e'er was fought—
"Shall I tell you where and when?
"On the maps of the world you'll find it not;
"It was fought by the Mothers of Men."

I repeat again the words of Jude, "Now do remember, dear friends, the words that the messengers of Jesus Christ gave us beforehand when they said, 'There will come in the last days mockers who live according to their own godless desires.' These are the men who split communities, for they are led by human emotions, and never by the Spirit of God. But you, dear friends, build yourselves up on the foundation of your most holy faith, and by praying through the Holy Spirit keep yourselves within the love of God."

POLLUTION—A DIRTY WORD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial appearing in the Dearborn, Mich., Press, an outstanding publication edited and published by Mr. Robert F. Smith, a distinguished citizen of Dearborn, Mich., entitled "Pollution—A Dirty Word."

I believe this fine editorial expresses well the concern so much abroad in our land on man's incredible destruction of his environment.

POLLUTION—A DIRTY WORD

What are we going to do about pollution? Shall we stand by while the verbal tirades pass back and forth between industry and the concerned government officials and citizens? Or, do we, who constitute the vocal minority and the silent majority, take some action?

Each year the destruction of the environment progresses geometrically. In the early '60's Rachael Carson was looked on with interest, but without concern, as she forecast the peril of environmental destruction in her book "The Silent Spring."

At that time, the environment was still relatively clean. But, today, a hot, windless day in New York City or Los Angeles takes its toll in lives. Scientists can accurately state that within the next generation death due to air pollutants will become an everyday occurrence.

Yet, pollution extends further. It is the oil slick on the Atlantic or Pacific coast beach. We can live with black, gooey beach. All we have to do is move down the beach to a cleaner spot.

But, migrating birds and seals move in and become saturated and suffocated by the mess. We can live with their deaths, but we must remember that their passing is not an isolated incident.

It is a symptom of a world-wide sickness. Perhaps we could even rationalize and live with the extinction of entire species. Their deaths, though, are the signs of an impending destruction which, so far, we have been able to outrun.

The handwriting is on the wall, written in the foreboding script of death. This is not a problem which will pass if we look the other way. We can not let this one slide.

In spite of the danger, industry continues to spoil the atmosphere. Their problem, though, is just as difficult. Many of the April 22 marchers demanded an immediate halt to activities of offending industries.

Think about it. What if someone came into your house today and told you to stop washing dishes and clothes, and demanded that you stop using electricity which is made by polluting power plants? What if they further demanded that you leave your car in the garage because of the carbons it emits?

You couldn't do it and neither can industry.

We must end pollution of the air, the soil and the sea. We must stop the noisy assault on our ears by car and truck horns, jet aircraft and the cacophonic din of urban complexes. We have to learn how to handle the exploding population, the disposal of hard pesticides, the conservation of the dwindling stock of trees, and the filthy mass of litter which has now penetrated as far as the deepest trench in the Pacific Ocean.

But, if we demand that industry cease polluting operations immediately the economy will collapse. We must move quickly, but with intelligent alternatives for the rebirth of the dying world.

Protests without intelligent proposals behind them are useless. The federal government has begun the process of halting pollution but its first steps are feeble and slow instead of strong and rapid. $100 fines, $1000 fines, even $100,000 fines are ridiculous, especially when levied against a billion-dollar corporation.

The federal government must enforce stringent measures ranging from monitoring and surveillance to on-the-spot checks and large fines handed out on the basis of units of pollution.

Large corporations which boast of $150 million pollution control projects should be prodded onward instead of patted on the back. If a corporation can spend more than $250 million for changing the signs on its offices, then it can surely afford to lay out as much, or more, for pollution control.

Each of us must be conscious of the prob-

lem, not politically, not as a tax deduction, but as a personal problem which is just as serious as having a revolver pointed at your temple.

If we accomplish some of our aims, we have no reason to be proud. We are not gaining a thing. All we must attempt to do is break even. We must give back what we have taken.

WASHINGTON NOTES "ECKHARDT OF TEXAS"

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. TIERNAN. Mr. Speaker, in the current edition of Harper's, there is a rather apt narrative of our distinguished colleague from Houston, the Honorable BOB ECKHARDT.

The author of this article is Edwin Yoder, Jr., associate editor of the Greensboro Daily News. Mr. Yoder's objective and pertinent sketch of BOB ECKHARDT is well drawn as he easily catches the spirit, personality, and brilliance of my good friend from Texas.

I have sat next to BOB in committee since my arrival here in the House over 3 years ago, first on Science and Astronautics and presently on Interstate and Foreign Commerce, and I could not agree more with Mr. Yoder's high appraisal of this thoughtful and conscientious Member of Congress.

I commend this article to the House and include it as part of my remarks here today:

WASHINGTON NOTES: ECKHARDT OF TEXAS

(By Edwin M. Yoder, Jr.)

When Representative Bob Eckhardt of the eighth district of Texas entered the U.S. House of Representatives in early 1967, he encountered a lot of problems—the cards are always stacked against the new boys, especially if they are already fifty-three years old and stand little chance of achieving seniority. But the worst problem was that his natural political allies in the House could not believe Eckhardt was a liberal.

In the first place, he speaks in the soft drawl of East Texas, and even after his real political sympathies had been suspected he would still horrify a correct Yankee liberal by going over to the Senate side to testify on a bill and bandying genial colloquialisms with people like Senator Sam Ervin, Jr. of North Carolina, laughing and saying things like, "But *Senatah*, isn't that like sending the possum to chase the *dawg*?" Usually there is a gold watch chain strung across the waistcoated paunch of his three-piece suit; and above the unvarying bow tie the vaguely Claghornish hair tends to tumble down to eye level. The truth is, Bob Eckhardt *looks* like a Southern tory, and when you first meet him you expect him to think like an Allen Drury caricature of a Southern Congressman.

In the second place, Eckhardt *isn't* a liberal. He is actually an almost quaint example of the genuine federalist who flourished in the early days of the Republic but began to become extinct during the stresses of the 1830s. He really believes in the balanced system of state and federal power that Madison & Company put together, but he differs from most Southerners of that apparent persuasion in that he is usually for the underdog rather than the top-dog. In a twelve-year legislative career (which included several terms in the Texas Assembly before his election to Congress) Bob Eckhardt has worked for industrial safety legislation, civil rights, arms control, conservation, consumer protection, and other generally un-Texan causes.

Still, it was quite a while after he took his seat in Congress for metropolitan Harris County (Houston), in a seat he had in fact helped design as a member of the Texas House, before the suspicious Congressional liberals began to notice him. "The hardest group to crack," surprisingly, "was the Democratic Study Group," a loose confederation of House liberals who supply each other with study papers and voting positions in an effort to dent the well-fortified House committee establishment.

Some of this suspicion was allayed, last June, when the U.S. Supreme Court delivered its decision in *Powell v. McCormack*, with Chief Justice Warren delivering the last of his great libertarian opinions and holding that the House had illegally deprived the Harlem Congressman of his seat. In reaching that verdict, the Court quoted at length from an elegant discussion of the parliamentary issue written by Bob Eckhardt in the University of Texas law review. Typically, Eckhardt regards Powell as a rogue but believes that even a rogue has his rights under the Constitution. Powell never bothered to thank Eckhardt for his pains, but that hardly matters to Eckhardt.

His advocacy of Powell's unpopular cause is only one in a series of improbable positions in which Bob Eckhardt has found himself. When the omnibus crime-control bill came to the House floor in the summer of 1968 on a tide of "law-and-order" sentiment, he joined a small group of liberals in opposing its riot-control section, believing it to be a departure from the Bill of Rights and—as important to a real federalist—an unprecedented and uncalled-for expansion of federal criminal law.

The same considerations, basically, governed a recent decision that put him among the tories. He opposed—persistently—the Constitutional amendment, passed overwhelmingly by the House last September, providing for the direct popular election of Presidents.

"I think you're being countryslicked," he told the New Yorkers, Californians, and other urban Congresmen who voted for the amendment, noting that the five largest states, containing a third of the people, control only six committee chairmanships in Congress—15 per cent. Under the electoral college, he argued, the President is a "super-legislator" whose "innovative quality" the country needs. He voted in a minority of seventy.

As his progressive colleagues in the House began to perceive that Eckhardt is a man of rare independence, they began to admit him to those almost conspiratorial little cells of the like-minded that operate beneath the huge, unwieldy surface of the House. Eckhardt is active in several informal bands, in addition to the large and rather inchoate Democratic Study Group, which he mysteriously designates as the "True Believers," the "Hard Core," and another so ultra-confidential that no stranger is admitted—the "Group."

When I visited Eckhardt in Room 1741 of the Longworth Building for a week last September, I found myself barred from any spying on the Group, which was then mapping legislative strategy on defense procurement. (At that time the procurement bill, which had been debated by the Senate for three months, seemed likely to pass the House in a few days, and it did.) I did manage to visit the Hard Core, a somewhat less serious group of House activists who gather weekly over Danish rolls and coffee to intrigue against the inertia of the committee establishment.

On that particular morning, Eckhardt had ridden his bicycle all the way from his house on N Street in Georgetown to Capitol Hill, his route taking him past the little red town house where John Kennedy once lived, by the reflecting pool and the Lincoln Memorial. During those morning bicycle rides, Eckhardt ponders the coming day on the Hill and sometimes writes verses—he is an amateur versifier and cartoonist—about House colleagues. Two years ago, pedaling the same 35-minute route, he got to thinking about Representative H. R. Gross, the Iowa Republican watchdog whom he admires at a safe ideological distance, and wrote:

It's good enough for Mr. Bow
To just preserve the status quo.
And Dr. Hall will gladly tell 'em
His status quo is antebellum.
"What bellum, then?" cries Mr. Gross.
"The Civil War is much too close.
I'd fain retreat with right good speed
To England prior to Runnymede."

"Mr. Gross," Eckhardt says, "sees the world as not having changed much from the days when it was ruled by the British Navy. Mr. Gross, you know, is the one who combs the Congressional Record to find out how much tax money's being spent for those limousines he sees parked below the Capitol steps."

Mr. Gross, comfortably established by virtue of the seniority system, is the kind of Congressman Eckhardt isn't—and couldn't be—both because of his orthodox power in the House and because of his outlook. But it isn't as if the House were a strange place to Eckhardt, even if its usual entrees to power are shut to him. His maternal uncle, a Republican named Harry Wurzbach, was there under Harding and Coolidge, and as a boy Eckhardt once campaigned with him. "Some fool fired a pistol at him during a speech, and another time they tried to count him out but he demanded a recount and claimed his seat after the House had already convened." Another uncle on his father's side, a Bryan Democrat, sat during the Teddy Roosevelt era. His father's cousin, a "Southern bloc conservative," was in the House in New Deal days. Eckhardt's constituency in northeast Harris county provides a further variation on the family legacy. It is a labor-minority district, which reelected Eckhardt last year with a 70 per cent majority, even though there was considerable Wallace sentiment among the oilworkers and steelworkers. His thumping majority was all the more remarkable in that Bob Eckhardt has never disguised the fact that he isn't a segregationist. (In a Houston television debate thirteen years ago, he dismissed the then-fashionable revival of "interposition" as "digging up John Wilkes Booth and trying to run him for President.")

When Bob Eckhardt pedaled his bike up Constitution Avenue on the September day we were to breakfast with his friends of the Hard Core, a more or less routine week in the House was in prospect—no large dramas or dilemmas but a good window on the House as an institution at this stage in its history. Most of the week's newspaper headlines generated on Capitol Hill would, as usual, dwell on the Senate. Senator Charles Goodell would pass a milestone in his countermarch toward reelection by introducing his resolution to extricate the U.S. from Vietnam. Judge Clement Haynsworth, Jr., President Nixon's nominee for the Fortas seat on the Supreme Court, would explain his stock portfolio to the Senate Judiciary Committee.

On the House side, there would be little business on the floor worth remembering, although Bob Eckhardt would speak briefly for a bill to revive railway passenger service, recalling a trip through the Rockies in a decrepit Pullman car when he and the ancient porter sought to raise the temperature above freezing. (In some ways, the House

floor is nearly as removed from a Congressman's hour-by-hour concern as the Senate, which by custom is never called anything but "the other place." Every few hours the bells would ring and the lights flash on the clock above Sam Houston's portrait behind Eckhardt's oval desk, and the Congressman would scurry over for a quorum call or a vote. To a stranger looking down from the well-invigilated galleries—you may not rest your elbows on the railings or take notes—the House chamber, in its dim reds and browns, suggests a railway depot of the last century where some berserk station master is droning about legislation rather than train schedules.)

The Longworth Building, where Eckhardt parks his bike every day for a quick elevator ride to the seventh floor, is one of three House office buildings. Its offices are arranged four-square about a courtyard planted with three forlorn rows of shrubs, and looking down from a fourth-floor window you half expect to see a queue of prisoners taking the air.

On this morning, the Hard Core were meeting in the offices of Representative Dave Obey of Wisconsin, a newcomer whose office walls are decorated with peace emblems and anti-DDT posters, and whose credentials no doubt permitted him quicker entree into the inner cells of House liberalism than Eckhardt's. In fact, Eckhardt is the only Southerner in the Hard Core. Others—Representative Ed Koch of New York, Abner Mikva of Illinois, Patsy Mink of Hawaii, Brock Adams of Washington—have some seniority behind them but not enough to be part of the committee establishment that runs the House. Gathering in Obey's office, the regulars joke about the District of Columbia crime bill, a civil libertarian's delight from the Justice Department. Koch complains that post offices in his district are dumping his news letters and asks what the others do about that problem. Patsy Mink, just back from Hawaii, takes a good bit of ribbing about her new district, now mainly agricultural. "Boy, am I going conservative," she says.

The Hard Core is representative, I gathered as I listened to the discussion, of a certain group of younger, seniority-shy members who hold senior members in some affection but believe that the committee chairmen are too powerful and too independent. This they blame largely on the "leadership," a word spoken in Eckhardt's circles with a certain bemused disdain. Speaker McCormack, the ancient presiding officer of the House who is familiar to Americans as the old gentleman with the gaping mouth who sits behind the President during joint sessions, is agreed to be wrapped up in "the goody game." He is preoccupied, they complain, with housekeeping matters like the controversial extension of the Capitol West Front, improving the food service in the various dining rooms, and placating House employees. (If Mr. McCormack is somewhat remote from the infighting on national issues, he perks up at the slightest sign of disorder or discontent in the household. When one fairly prominent Midwest Democrat joined several others in speaking about the treatment of the dining room employees, he was startled by the Speaker's response. "After the speech, he telephoned to say that he's with us and followed it up with a meeting and other phone calls. You know why? If there were an employees' demonstration, *he's* the one who'd be embarrassed.") Majority Leader Carl Albert, McCormack's deputy, is suspected of secret sympathies. But as the heir-apparent to the speakership he must play conciliator. When Bob Eckhardt took me by Mr. Albert's office, I found the Majority Leader a friendly, diminutive man with twinkling eyes and a soft voice. He bristled only when I asked him the usual clichés about the House—for instance, that it has become a less responsive chamber than the Senate.

On the Wednesday before I met with the Hard Core in Obey's office, the insurgents had won a small victory in the caucus—a resolution "adopting" the 1968 Democratic platform as the basis for legislative initiative in the 91st Congress. "You can't understand the caucus problem," Eckhardt explained, "unless you understand that it's the only House forum where people who think as I do—the activists, the impatient younger members—have a potential majority." The powerful committee chairmen despise the caucus. "Do you know the difference between a caucus and a cactus?" one asked. In a cactus, the pricks are all on the outside." Knowing as they do that the insurgents want to use the caucus to bring pressure on them, the committee chairmen yearn for the old days when Speaker Sam Rayburn controlled it, fearing that it would develop into a scene of family quarrels among Democrats, especially over civil rights.

I learned still more about the recent history of the caucus, a few days later, when Eckhardt sent me to track down Representative Morris Udall of Arizona. To talk with Udall, who used to be a star athlete, you have to stay in motion. First he would lean against the marble pillars in the hallway outside the members' entrance to the House chamber (suggestive, in its tawdry ornateness, of a Byzantine seraglio). Then something would happen, Udall would dart into the chamber, where a debate was in progress over an amendment to the Wilderness Act, and after a bit he would return and we would move out on the porch overlooking the West Front. On the run, I discovered why Udall stood as a test candidate for the speakership in January 1969 against Speaker McCormack, a somewhat quixotic enterprise in which he had Eckhardt's support. Udall would say nothing to disparage the leadership, but he pointed out that his "Dear Democratic Colleague" letter of December 26, 1968, was a matter of record, having appeared in the *New York Times*. It was, in effect, Udall's platform, and it spoke for Eckhardt and others in declaring that the House "can and should be a source of innovative programs" and that "too often House Democrats have failed to extend to our newer and more marginal members the kinds of recognition . . . that would give them deserved strength in their constituencies."

Udall cupped his hands, forming a sort of canyon. "In theory," he said, "when the elections come, the House is supposed to have a heavy turnover"—he swept one hand over the other, indicating a major washout—"but it takes a real flood—a 1964—to do that, and in most years only the marginal few at the bottom of the gully, eighty or so, are exposed and washed away." It still rankles with House activists that the leadership did so little to protect the so-called "Goldwater liberals" elected in the 1964 landslide from the inevitable washing away in 1966.

In the speakership race, Udall pleaded for "constructive, rational, and responsible airing of differences in caucuses." He got a meager fifty-eight votes on the secret ballot, indicating to at least one of his staff members that "there are either a lot of secret sympathizers with the seniority system or a lot of liars." But combined with other pressures, the Udall challenge brought more alterations, one of them an upgrading of the caucus. It now meets monthly, not sporadically as under Rayburn, and it debates issues rather than merely ratifying the decrees of the elders.

The change is important to Eckhardt, for with most of the Hard Core types he believes that the Democrats' loss of the White House last year drastically changed their role. "Under Kennedy and Johnson," Eckhardt says, "the leadership was a conduit of Presidential leadership and we had a sense of motion. Nixon exerts little or no pressure, and with White House pressure off, the committee chairmen are more lackadaisical and independent."

Eckhardt was excited by what happened in the mid-September caucus, the week before I visited his office. Representative Jonathan Bingham and others, with Eckhardt playing a last-minute parliamentary role, managed to pass a resolution directing the committees to seek legislative goals in the 1968 platform. The coup displeased the elders, some of whom tried to divert the attack from the Democratic committee moguls to the White House. ("You can hear the old bulls roaring when one of us gets up in the caucus," said one of the Hard Core.)

It was the visit of Mr. Ezra Schacht of Houston one morning that introduced me to the full range of a Congressman's labors in ombudsmanship, labors Eckhardt takes very seriously. Mr. Schacht, dressed in a natty brown suit with blue pinstripes and a matching striped tie, had just delivered certain legal papers to the Supreme Court in behalf of his son, who is trying to appeal a prison sentence for antiwar activity. Danny Schacht, a young electrical engineer working at his father's plant, had acted in an antidraft skit outside the Houston draft induction center two years before. Several nights later, as Eckhardt summarized the story, FBI agents arrested Danny Schacht and charged him with violating a law prohibiting the unauthorized wearing of a military uniform. In May 1969, the sentence was upheld, even though young Schacht's lawyers argued that the antidraft theatrics were protected by the First Amendment, as well as by a law permitting an actor to portray a soldier "if the portrayal does not tend to discredit the armed forces."

This "exception to an exception," as he calls it, intrigues Eckhardt. With his aides Julius Glickman and Chris Little, both lawyers, he discusses the Constitutional issue. If the Supreme Court accepts Schacht's appeal, he decides, he may submit an *amicus curiae* brief arguing that the whole proceeding was unconstitutional if the theatrical use of an Army uniform must be confined to skits reflecting credit on the armed forces.

The Schacht case is one of hundreds that come to a Congressman's attention every year, making his office a sort of ganglion where the nerve fibers of governmental relations meet. The mails every day are heavy, and have been for three years, with military problems—mainly over the draft.

I asked Eckhardt for other examples of the ombudsman's role. From the files he brought out several worn manila folders concerning George Vincin, a Houston odd-jobs man who joined the Army in 1935—thirty-five years ago—and still seeks back pay for false imprisonment. Recently, Eckhardt wrote to the Secretary of the Army what is perhaps the hundredth letter in the case, calling Vincin's "the most shocking bureaucratic abuse that has ever come to my attention." Falsely accused of sodomy while in the guardhouse at Fort Brown, Texas, in 1938, Vincin served five years at Leavenworth, even though his key accusers admitted lying. His thirty-year effort to clear his name and collect back pay is incomplete: he has a pardon signed by President Johnson, who took a personal interest in the case, but still lacks the back pay; and unless the Army supports private legislation Eckhardt has introduced to grant Vincin his back pay, it will probably fail. Vincin, Administrative Chris Little told me, once flew from Houston to Washington to check on his case. "When I sent him down to the Army liaison office he took one look at the uniforms and fled on the next plane."

Kristina Truitt, Eckhardt's tall caseworker, handles the ombudsmanship operation, which ranges from cases as grim as Vincin's to those as comic, and as far beyond Eckhardt's miracle-working power, as that of the mother who recently wrote to complain

that the Air Force band would not accept her son as a French horn player. "I can certainly understand your keen disappointment that your son was not accepted," Eckhardt wrote in a letter of skillful Haim Ginott-like consolation. "After doing his very best to perfect his skill in the French horn, he must have been crestfallen that he was not chosen."

Some pleas for help run to the bizarre. An Army enlisted man who has been in and out of military dispensaries in the Far East wrote to ask Eckhardt's advice on a drug to restore his sexual powers to normal. As we talked about bureaucratic mix-ups one morning, a Houston lawyer telephoned to ask the Congressman's help in speeding home the body of an oil-rig operator who'd died of a heart seizure in Libya.

"His wife," Kristina Truitt explained, "asked for an autopsy, which seems to have thrown the Libyan government into an uproar. She's waived the request, but they don't embalm the dead in Libya." At the State Department, Kristina found an office wholly concerned with American deaths abroad, which for a $10 cable fee will make inquiries. (Somewhere in the labyrinth of the diplomatic establishment, we speculated there must be a deputy assistant secretary of state for death.)

Every Congressman is to one degree or another a guardian of the Danny Schachts and the Vincins and others who run afoul of the law or bureaucracies, but I had the feeling that Eckhardt's office takes its ombudsmanship almost as seriously as the legislative process itself. From the wall near Eckhardt's desk stares down Eckhardt's formidably bearded great-great-grandfather, Robert Kleberg, who came to Texas from Germany in the 1830s, seeking he said "unbounded personal, religious, and political liberty" and expecting to find "in Texas, above all countries, the blessed land of my most fervent hopes."

After lunch that day came the lobbyists, two gentlemen who wanted to discuss Representative John Dingell's bill pending before the Interstate and Foreign Commerce Committee, of which Eckhardt is a member, to curtail FCC licensing of pay television.

As the staff removes the dishes and glasses, Eckhardt explains that on an average week like this one he may see perhaps a dozen lobbyists of one kind: representatives of railway unions who are quarreling among themselves over a bill to adjust the retirement fund; the pay-television people; the Quakers, who want to enlist Congressional help for the October 15 Moratorium.

"When I came to Congress," he recalls, as we wait for the pay-TV people, "my first reaction was, There's far less lobbying here than in the Texas legislature." But it's only subtler—less obtrusive, more professional. You have to make yourself available for it. But it wasn't that way in Austin. When the Texas House would adjourn for lunch and the big doors would swing open, dozens of lobbyists would swarm outside, waiting to snare you for lunch if you'd go. I believe a man could go to Austin and live off the land for the whole session. You had to hide from them. I remember I was eating one night with my family at a place in Austin. I asked for the check and found it'd been paid. I looked across the room and there was a prominent lobbyist, just smiling and nodding. He didn't even come to the table. "Is he a friend of yours, Daddy?" one of my little girls asked.

"The first time I ran for the Texas legislature—it was 1940, I was just out of law school and I got what I call my mandate from the people to practice law privately—old man Edmonds Travis, a lobbyist for several Standard Oil subsidiaries, told me, 'Bob, what you do is you attack all the venal interests except one, and that's where you get your money. You attacked them all.' As a rule, Capitol Hill lobbyists make themselves scarce, usually hole up at the Hotel Congressional. The key point of contact is usually between a highly specialized lobbyist and the specialized staff people of a standing committee. Intimate friendships spring up there—it's the rivet point. Friendships that outlast terms. They probably have a greater influence on legislation, especially if it's technical."

Mr. Pieter van Beek, who has come to talk with Eckhardt about pay-television, turns out to be a vice president of Zenith Radio Corporation, which makes the signal-scramblers for pay-TV. An erect, Chicago Dutchman with darting eyes, a clipped moustache, and a manner of precise speaking to go with it, he looks as if, transposed to the days of the Battle of Britain, he had just stepped from the cockpit of a Spitfire. In fact, Mr. van Beek is a bit battle-shocked from the pay-television wars, and he launches into a resigned and rather doleful history of the effort of pay-TV to gain licensing by the FCC. Anticipating the point, Eckhardt breaks in: "You really want me to do nothing—right?" Nothing, that is, about the Dingell bill. As a member of the Commerce Committee, Eckhardt knows the legislation, which the local broadcasters are pushing to forestall a potential competitor. Dingell himself, as Eckhardt explained later, wants to reserve a number of the dwindling VHF frequencies for noncommercial uses, but his aims and those of the commercial broadcasters mesh. A glance at Eckhardt's mail on the subject, which was plentiful, indicated that the broadcasters are waging a fairly strenuous campaign for the Dingell bill. "We want to put you across to your constituents," the letters say, in effect, "and please drop in for a live interview next time you are in our area, but be sure you vote right on the Dingell bill." Eckhardt concludes the interview with Mr. van Beek by saying that he is "disposed" to vote against the bill, a way Congressmen have of signifying hope without airtight commitment.

Eckhardt is a do-it-yourself man when it comes to bill drafting, which is unusual in a chamber where it is admitted that too much legislation is either written or rewritten under the influence of specialized lobbies. In recent months, the House of Representatives has suddenly developed for the first time the practice of cosponsoring legislation, too, which means that there is a constant flood of bills begging for every Congressman's signature, whether he knows what's in the bill or not.

Eckhardt has a philosophy about writing legislation. "For instance," he said, "Lyndon Johnson's Great Society legislation suffered in some cases from the fact that he is what I call a legislative entrepreneur—result-oriented—not a craftsman. Too little of that legislation was governed by a firm view of what a bill is supposed to accomplish, and how.

"Look, for example, at the contrast between the Economic Opportunity Act and, say, the Wagner Act, which was modeled on a functioning New York law. Congressional acts, like the common law, ought to move carefully from precedent to precedent.

"But I'm the first to admit that it isn't easy to be a good legislative craftsman—not with twenty thousand or so bills coming into the House every year. That's why the committees are up here are so important. To survive them, a bill must gain the attention of a committee and surviving a committee means passing muster with men who've spent a lot of time mastering the details of taxation, say, or trade regulation, or judicial procedure."

("One thing you ought to say about the House," I was told by one of Eckhardt's colleagues as we marched through the cavernous corridor that joins the office buildings to the House chamber, "is that a man's committee work is his life here, if he's serious. The real legislative craftsmen are in this house. Time is so short that when someone is allowed to speak he usually has something to say—not like the Senate, where you might hear almost any Senator talking in a half-assed way about almost any subject. You won't often hear it over here. Too little time.")

Too little time; too many members. During a week of prowling through the U.S. House of Representatives and talking with Bob Eckhardt about his job, these are the constant refrains. Because of them, the House is a pyramid resting on its apex, where legislation is usually marked pass or fail at a narrow, closely confined level. During the week I visited in Room 1741, the Commerce Committee was meeting almost every morning to complete the drafting of a complicated piece of airport legislation, and although the sessions were closed, its final action and vote would almost certainly determine the bill's fate on the House floor. "Back in Texas," Eckhardt told me, "a committee report might be overthrown or not—nobody thought very much about it. Here's almost never." In the House conveyor belt for legislation, subcommittee chairmen defer to each other, committees to subcommittes, chairmen to subcommittee chairmen, and the House as a whole with very few exceptions to its committees. Often bills come to the floor under so-called "closed rules," with amendments barred. Democratic in theory, the legislative process is elitist in practice.

Bob Eckhardt, who brought an expert knowledge of federal labor law to the House, concentrates in the field but doesn't confine himself to it. I sat in late one afternoon as he and his aides, Glickman and Little, chewed over Eckhardt's "consumer-class-action" bill, a piece of legislation reflecting his passion for the fine points of federalism, combined with his interest in consumer protection.

"Today," he told me, "it costs the average consumer of, say, a defective box of breakfast cereal so much in legal fees that it would be silly to sue the company that made it. But if a number of similarly defrauded customers could pool their resources and bring a suit under the more liberal federal class-action rules, maybe some redress would be forthcoming.

"The victimized consumer ought to be able to get to court and collect when he's victimized by fraud, but a good piece of legislation will enable him to do so as elegantly as possible—without cluttering the law. You ought to be able to do it without writing a whole new federal law of deceit." (Eckhardt's federalist fastidiousness drips from every word.)

"But isn't the problem really that the courts would construe the law too narrowly, rather than too broadly?" asks Chris Little.

"Maybe," Eckhardt concedes, "but if we define deceit too broadly the bill wouldn't pass anyway. It'd be like a Nixon program—all good intention and no action."

By 6:30 p.m. the House has usually adjourned and most of the staff have left. Eckhardt, Little, and Glickman end the day by deciding that Glickman will continue to consult with Senator Tydings' office, which is also interested in the class-action legislation for consumers, seeking to pool their efforts in a definition of fraud large enough to incorporate state laws but narrow enough to oblige Eckhardt's federalist qualms. A version of the bill was introduced in May 1969, and if Eckhardt and his cosponsors are lucky either the Commerce or the Judiciary Committee or both will arrange hearings for the bill. Only

then, months after the first discussions and possibly jostled by several competing bills, would it reach the full light of legislative conflict as most Americans see it and understand it. But in the House, that would be the end, not the beginning.

SENATORS MISSTATING THE FACTS

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. BROCK. Mr. Speaker, this past Tuesday night, five liberal Senators appeared on nationwide television to urge popular support for their attempt to cut off funds for our forces in Vietnam. They said Vietnamization is not working, that the President's action in Cambodia is an admission of failure, and that we must unilaterally and immediately pull out of the entire area.

They are misstating the facts.

First, Vietnamization has proven increasingly productive. One-hundred fifteen thousand of our troops have already come home, and the President has announced the withdrawal of 150,000 more. In addition, Secretary of Defense Laird has indicated that 1 year from now there will be no American forces in Vietnam on a combat status.

In our struggle to end this war, while leaving the Vietnamese people the means and ability to defend themselves, I believe the Vietnamization program has proven a strong step in the right direction.

On television, Senator MCGOVERN's group also said the Cambodia action was not necessary for continued withdrawal.

They are wrong.

Can they really justify the situation which existed before this operation? For 5 years the Communists have used sanctuaries in Cambodia to rest, resupply, and retrain their troops. For 5 years they have used sanctuaries in Cambodia to fire upon our men, yet American men had no right to defend themselves. In so many words, these sanctuaries not only prolonged the war and made Vietnamization much more difficult, but they were a constant threat to the life of every American in Vietnam.

This we could not allow. The safety of our remaining forces and the people of South Vietnam depended on our actions in Cambodia—an action taken not alone, but in concert with the army of South Vietnam.

Let us look at what that action has accomplished. Preliminary reports indicate our combined forces have seized 7,540 weapons, 2,499 tons of rice, over 22,000 rockets and mortar rounds, 8,500,000 rounds of small arms ammunition, and 12 tons of medical supplies. Over 3,300 enemy bunkers have been destroyed and 178 vehicles have been captured or destroyed.

The supplies already confiscated could have equipped three enemy battalions. The food alone would have fed 6,000 Vietcong soldiers for 1 year—a year in which they could have brought death and destruction to thousands of Americans and South Vietnamese, always retreating into their privileged sancutary in Cambodia.

Every American wants peace. But, we must achieve a peace which will last, not one simply leading to more war, either in Asia or anywhere else. I believe our temporary operations in Cambodia will bring us closer to that goal. I know that President Nixon seeks such a world of peace with every ounce of his strength. I hope he is successful—despite his critics—for all of our sakes.

THE LEGITIMATE ROLE OF CONGRESS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's Cambodian decision has prompted a rash of congressional response, reaction, rhetoric, and resolutions, most of which have been well intentioned, yet some of which have been ill advised. What is basically at issue here is the proper constitutional role of the Congress vis-a-vis the executive on decisions affecting war and peace. Most will agree that over the years there has been an erosion in the war powers of the legislative branch and an inversely proportional growth in the powers of the executive branch. It may be argued that this trend is necessitated by the realities of our nuclear age and the need for rapid response in times of crisis. But it may also be argued that the Congress has abdicated too much of its responsibility and that the time has come to restore a proper and realistic balance between the legislative and executive branches in matters involving the commitment of American troops abroad.

We are now faced with the question of how best to restore this balance without creating a constitutional crisis and without placing unrealistic limitations and restrictions on the President. I think that most will agree that the President must be allowed some flexibility and freedom if he is to function effectively as Commander in Chief. I do not think there are many reasonable men who would seriously advocate tying the President's hands while he is attempting to extricate our troops from South Vietnam in a safe and honorable manner. At the same time, there is a growing expectation in Congress that the President should consult with us before making any future commitments of this nature. I think such an expectation is both reasonable and realistic and is in keeping with our delegated responsibilities under the Constitution.

On May 5, the Washington Post editorialized against imposing unrealistic limitations on the President's flexibility. Instead it proposed that the Congress, "adopt a national policy of withdrawal from Vietnam, leaving the timing of the exit flexible so that our forces there would encounter a minimum of danger and a vacuum would not be created overnight." The Post went on to editorialize:

If these issues are sincerely debated, we suspect that Congress will go on record in favor of a flexible withdrawal policy, as indeed, the Nixon administration did before the recent escalation fever set in. In any event, Congress ought to be shaping the national purpose. If it is going to reclaim the war power previously relinquished to the President, it has an obligation to take a substantial share of the responsibility for the course that is to be pursued.

The Post editorial concluded by posing the question:

Can it (the Congress) only kibitz and flounder, or can it assume a positive role and an honest responsibility in shaping a national policy?

Mr. Speaker, I think the point is well taken. This is no time for the Congress to simply assume a negative role by attacking the Presidency and thereby risking a constitutional crisis. Instead we should be seizing upon this opportunity to exert a positive influence and assuming our honest responsibility in shaping a national policy. This is what I am attempting to do through House Concurrent Resolutions 595 and 610 and I am proud to say that there are over 30 Members of this body who have either introduced or cosponsored this resolution. The thrust of the resolution is threefold in nature: First, it would put the Congress on record in favor of a national policy of continued American troop withdrawals from South Vietnam; second, it would put the Congress on record in favor of a national policy of avoiding a wider war in Southeast Asia; and finally, it would put the Congress on record as reaffirming its constitutional responsibility of consultation with the President on grave national decisions affecting war and peace.

It seems to me, Mr. Speaker, that this is the type of responsible and positive approach which the Congress can and should take at this time. It is in no way intended as a rebuke of the President; rather, it is Congress' way of expressing a willingness to reassert its constitutional prerogatives and to define national policy in Southeast Asia. I think the American people want and expect us to act in such a forceful, positive, and responsible manner at this time.

Last Friday, writing in the New York Times, James Reston said the following:

There are legislators, of course, who want him to get out now and some others who want to impose a deadline of a year or eighteen months for total withdrawal, but they do not have the votes. The majority is merely trying to redress the balance, leaving the President reasonable freedom of action, and guaranteeing the Congress the right of consultation and limited control.

Mr. Speaker, that is exactly the intention of my resolution, and I would welcome the support of my colleagues. At this point in the RECORD I include a copy of my resolution along with the Washington Post editorial and the Reston column to which I have alluded:

CONCURRENT RESOLUTION

Whereas the Constitution of the United States expressly delegates to the Congress the power "to declare War" and "to make Rules for the Government and Regulation of the land and naval forces," and expressly delegates to the President of the United States the authority to act as "Commander

in Chief of the Army and Navy of the United States . . . when called into the actual service of the United States"; and

Whereas the President is pursuing a national policy designed to bring an honorable end to the war in Vietnam through the withdrawal of American troops, through a reduction in the level of hostilities, and through negotiations; and

Whereas the President has already withdrawn over 115,000 American troops from South Vietnam and has announced plans for the withdrawal of an additional 150,000 troops to be completed during the spring of 1971; and has pledged to "withdraw more than 150,000 troops over the next year" if progress is made on the negotiating front; and has reaffirmed "this Government's acceptance of eventual, total withdrawal of American troops" from South Vietnam; and

Whereas the President has reported that "progress in training and equipping South Vietnamese forces has substantially exceeded our original expectations"; and

Whereas the President has pledged to the American people that "we shall avoid a wider war" in Southeast Asia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby declares that it is the national policy that American troop withdrawals from South Vietnam shall continue in line with the expressed intention of the President, and that the Congress fully supports all efforts by the President to achieve a negotiated settlement; and

Be it further resolved, That the Congress hereby declares that it is that national policy to avoid enlarging the present conflict into the neighboring states of Cambodia, Laos, Thailand or North Vietnam; and

Be it further resolved, That the Congress hereby reaffirms, accepts and expects to exercise its Constitutional responsibility of consultation with the President on all matters, now and henceforth, affecting grave national decisions of war and peace.

[From the Washington Post, May 5, 1970]

WHAT IS A RESPONSIBLE WAR ROLE FOR CONGRESS

The country has a right to expect that, in the present emergency, Congress will do something more than fulminate or merely spin its wheels, or just say no. Despite the deep concern that is felt on Capitol Hill over the widening of the war in Indochina, many of those who are most critical of the President's action talk nonsense when they get around to what should be done. Congress should indeed be getting into the act, not in the role of a kibitzer, or a vindictive naysayer, but in that of a responsible national policy-making body.

The course advocated by Senators McGovern, Hatfield, Goodell and Hughes is too reckless for serious consideration. Congress, they say, "must either legislate the conflict by declaring war or veto and end it." To declare war in the present situation would, in our view, be akin to madness, as these four gentlemen doubtless would agree. It would commit the nation to use of all its military, economic and moral resources in a remote part of the world where our interests are tangential and our military reach is already overextended. It would risk the possibility of involvement with both China and the Soviet Union without serving any imperative national purpose. It would imbed us in concrete when what we need is room for flexibility.

No doubt the real purpose of the McGovern-Hatfield-Goodell-Hughes foursome is to focus attention on their alternative of vetoing and ending the war. But ending a war is not accomplished by the stroke of a pen or a denial of money. With our men still facing an enemy in many different areas of South Vietnam, in Laos, and now Cambodia, no rational Congress is going to tell them to fight no more. And it would be scarcely less calamitious to declare that no funds could be spent in connection with that conflict after December 31.

Congress could, however, adopt a national policy of withdrawal from Vietnam, leaving the timing of the exit flexible so that our forces there would encounter a minimum of danger and a vacuum would not be created overnight. We should like to see Congress debate and act on such a policy. It would necessarily have to face some vital questions. How important is continental Southeast Asia to our larger international policies? Does Vietnam have any vital relation to our national security? Just what is a "just peace" and have we the capacity to induce or impose or maintain it? What right do we have to set ourselves up as the arbiter of the future of that area? At what point might it be said that we have accomplished all that could reasonably be expected of us?

If these issues are sincerely debated, we suspect that Congress will go on record in favor of a flexible withdrawal policy, as indeed, the Nixon administration did before the recent escalation fever set in. In any event, Congress ought to be shaping the national purpose. If it is going to reclaim the war power previously relinquished to the President, it has an obligation to take a substantial share of the responsibility for the course that is to be pursued.

In the face of this great need for a reshaping of national policy, leaders of the Senate Foreign Relations Committee walked into a trap of its own making by demanding an audience with Mr. Nixon and reacted in petty fashion to the President's clever counter-suggestion that the Senate committee meet him jointly with the House Foreign Affairs Committee. Foreign Relations had a right to try for a separate meeting. But no treaty is under discussion. So the President has an equal right to argue that the subject of such a session ought to be the broad national policy of liquidating the war in an orderly fashion, and that this concerns the House and the country as much as it does the Senate.

The time has come for discussion of a comprehensive policy—not for petty bickering or jurisdictional squabbles. There seems to be much awareness of the fact that the President's action has placed him on trial in the court of public opinion, and Congress is no less on trial in its own sphere. Can it only kibitz and flounder, or can it assume a positive role and an honest responsibility in shaping a national policy?

[From the New York Times, May 15, 1970]

WASHINGTON: PRESIDENT AND CONGRESS—A LIMITED BATTLE

(By James Reston)

WASHINGTON, May 14.—It is clear now that there is a determined move in the Congress, and particularly in the Senate, to limit the President's warmaking powers by denying him funds to carry on the Indochina war as he pleases.

This is taking the form of legislation in the Senate to cut off money for U.S. military operations in Cambodia after June 30, to repeal the Tonkin Gulf Resolution, which the Johnson Administration used as the legal basis for its activities in Vietnam, and to set limits on the amount of military equipment the Pentagon can declare "excess" and transfer to other countries.

More than likely, President Nixon will avoid a constitutional crisis on this issue. He has already committed himself to get all U.S. troops out of Cambodia by the end of next month. He doesn't need the authority of the Tonkin Gulf Resolution to carry on the war, and he can live with limits on his authority to transfer surplus arms to other nations.

Besides, he has enough trouble on other fronts without taking on a Democratic-controlled Congress whose votes he needs for his economic and social programs at home. Indeed, he is rapidly finding himself roughly in the dilemma of Pierre Mendes-France, who had to face the decision to withdraw the French army from Indochina or the prospect of not being able to govern.

Similarly, even the chairman of the Senate Foreign Relations Committee, J. William Fulbright, and the other antiwar Senators know that they will lose if they try to press too hard for limitations on the President's Commander-in-Chief powers. They want the troops out of Cambodia within a few weeks and out of Vietnam on a faster schedule than presently planned, and in the present mood of the country, the Congress and the White House, they may be able to achieve both aims without a divisive constitutional battle.

REDRESSING THE BALANCE

What is happening here is another of those historic tussles to keep a fair balance between the President's power to act effectively and Congress's power to influence or control his actions. Since the invention of the atom bombs and the intercontinental ballastic missile, decisive warmaking power has swung to the President.

These devilish devices, in the hands of a nation which had proclaimed its hostility to the United States, made the Congress realize that the U.S. could be attacked and even destroyed before the Congress could ever vote, let alone debate, a declaration of war. Accordingly, it readily gave over the power to act quickly and secretly to the Chief Executives, who have been using it and adding to it.

President Truman did not seek the authority of the Congress for his intervention in the Korean War. President Johnson took the country into the Vietnam war almost by stealth. He decided when to enlarge the American expeditionary force, when to bomb and where, and when to stop the bombing—with results that increasingly convinced the Congress that it had given up too much.

In short, the swing back in Congress has been coming on for quite a while. When President Nixon challenged the Senate's right to consent to his nominations of Judges Haynsworth and Carswell to the Supreme Court, the Senate struck him down twice. And when he invaded Cambodia without consulting Congress, revolt was on.

One of the odd things about this is that the movement to cut back the President's warmaking powers is now being led, not by the conservatives, who historically have sought to limit Presidential authority, but by the liberals, who since Franklin Roosevelt's day, have approved more and more Presidential power.

LIMITED OBJECTIVE

This present controversy, however, should not be exaggerated. Most of the President's critics have a limited objective. Mr. Nixon is going to be in the White House for over two-and-a-half years at least. The aim is not to paralyze him, but to limit his power to invade countries on his personal whim, to keep him to his promise to get out of Vietnam as fast as possible, and to commit him not to go off on more military adventures without consultation.

There are legislators, of course, who want him to get out now and some others who want to impose a deadline of a year or eighteen months for total withdrawal, but they do not have the votes. The majority is merely trying to redress the balance, leaving the President reasonable freedom of action, and guaranteeing the Congress the right of consultation and limited control.