United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Wednesday, June 24, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Eternal God, by whose grace we have been brought to a new day, may its hours be luminous with Thy presence and may we have joy in doing our work. Imbue us with a sense of divine direction that we may be instruments for advancing Thy kingdom on earth. In these perilous and difficult days help us to remember that Thou art the same yesterday, today, and forever.

Gird us now with a calm, confident, and courageous spirit to serve the cause of freedom, to ameliorate the ills of our day, and may we be to our fellow citizens an example of that righteousness which exalts a nation.

In the name of Him who said "Whoever would be greatest among you, let him be the servant of all." 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 (Mr. RUSSELL).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 24, 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.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 23, 1970, be dispensed with.

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

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair now recognizes the distinguished Senator from Wyoming (Mr. HANSEN) for not to exceed 30 minutes.

Mr. HANSEN. Mr. President, I yield briefly to the distinguished majority and minority leaders.

NOTICE OF DAILY LATE SESSIONS AND SATURDAY SESSION

Mr. MANSFIELD. Mr. President, I think I should announce to the Senate that not only are we going to stay in as late as we can every night—not late enough last night, but circumstances were beyond our control—but it is anticipated that we will have a Saturday meeting as well in an attempt to take care of the administration's legislation.

Mr. SCOTT. Mr. President, I realize that we are in a situation where we have to work at night and may very well have to work on Saturdays.

I have no complaint whatever.

The distinguished majority leader and I work very closely together in seeking to get the work of the Senate accomplished.

My own hope is that we can dispose of the foreign military sales bill as early as possible—surely by next Monday or Tuesday, if we will all, to use the phrases "put our shoulders to the wheel" and "leave no stone unturned," and various other phrases of that kind.

It can be done.

I hope it will be done. If it is done, there is a backlog of many measures which will be taken care of by the end of the fiscal year or thereabouts.

The Senate has the Nation's business to attend to. There are conference reports and appropriation bills to consider and a great deal of other work to do.

It could be, after we take care of the foreign military sales bill, with the majority leader's approval, that we could get back on the kind of schedule which would permit Senators, especially those who are up for reelection this year, the opportunity to attend to some of their other responsibilities which are, indeed, as essential to the conduct of the public's business, such as committee hearings, meetings with constituents, and the preparation of legislation, in addition to their actual duty on the floor of this Chamber.

I know that some of those who sit in the galleries watching the Senate in action do not always understand that the reason why Senators are not in the Chamber is that they are, in fact, pretty busy somewhere else.

Therefore, I hope that we could get on a schedule which would not be so taxing as the present one. But until we dispose of the pending bill, I entirely agree with the distinguished majority leader that we have got to stick with it until we get it done.

Mr. MANSFIELD. I agree with what the minority leader has just said. We do work very closely together. We do have an understanding of what is necessary to keep the Senate functioning.

I hope that it will be possible to dispose of the unfinished business before the Fourth of July recess; but to do so will take a good deal more coordination and cooperation on the part of all Senators than has been evident up to this time.

When I say "all Senators," I mean all those on both sides.

However, if we do not finish the unfinished business by the Fourth of July recess, which I believe begins on Thursday of next week, we will continue its consideration when the Senate returns from the recess and we will stay with it until it is finished.

That will mean, of course, that we will continue to operate on a two-shift basis each day; with a filibuster in the daytime, and another filibuster in the evening.

We will also be meeting on Saturdays, because it is our primary responsibility to the people of this country to take care of its business.

Therefore, as the Democratic leader, I want to assure my distinguished colleague, the minority leader, that it is our intention to cooperate as much as possible with the President and the administration in accomplishing the legislation which they have sent up.

I say that not at all facetiously, but in earnest and in good faith.

Mr. SCOTT. Will the majority leader allow me to substitute his phrase about filibusters to extended debate in the daytime and extensive debate at night?

Mr. MANSFIELD. Surely.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. SCOTT. 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.

ORDER OF BUSINESS

Mr. SYMINGTON. Mr. President, will the Senator from Wyoming yield briefly?

Mr. HANSEN. I am glad to yield.

IMPLICATIONS OF THE PENN CENTRAL BANKRUPTCY

Mr. SYMINGTON. Mr. President, one can only be alarmed over the repercussions that are now surfacing, and the ramifications that are developing as a result of the Penn Central bankruptcy.

The hearing held last Thursday, June 18, before the Subcommittee on Economy in Government of the Joint Economic Committee put this problem in realistic perspective. Not only did it produce an impressive unanimity of congressional and other opinion against the propriety of the administration's proposed invocation of the Defense powers to guarantee unsecured Penn Central loans going into default, but replies to questioning from Eliot Janeway, the New York economist, on this point elicited from him the judgment that the proposed guarantee of $200 million of loans would express, as he put it, "a tip to the waiter."

It would appear that this hearing was instrumental in deterring the administration from having gone through with this ill-conceived exercise. But the hearings served a no less constructive long-range purpose in focusing attention upon the problems posed by the Penn Central bankruptcy for the financial position of the United States, along with its social system.

Mr. Janeway's summary of the Penn Central involvement in short term, insupportable, unrepayable bank debt to the Euro banks belonging to the so-called Basle club, as well as to our own domestic banking system and the inflatable and supposedly gilt-edged commercial paper market in this country, raises two questions which are fundamental in scope and call for urgent and frank confrontation.

The first warning has to do with the reckless dissipation of our resources to the four winds around the world, action which has resulted in the loss of a great deal of our financial independence to the European creditors of the dollar.

The second adds another warning, namely, that the extent to which we have lost our financial independence may already be threatening the integrity of our system of private enterprise. That system grants risk takers the rewards of success, but holds them responsible for loss from failure.

The Penn Central bankruptcy puts the administration, the Congress, and the system on notice to examine whether we have so abused and undermined this our system of free enterprise as to threaten our society with dire financial consequences if the Government does not mount a massive program of bail-outs for bankruptcy.

Are we to commit our national resources to still further waste, or should we now realize that the zero hour has arrived to audit our commitment of national resources, so we can thereupon take those steps necessary to salvage our solvency?

POSTPONEMENT OF PHILIPPINE HEARINGS

Mr. SYMINGTON. Mr. President, at the request of the State Department, the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee has agreed to postpone hearings with respect to the General Accounting Office report about the payment of money by the United States to the Philippines.

In this connection I ask unanimous consent that a copy of a letter I wrote on this subject yesterday to the Secretary of State be printed at this point in the RECORD.

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

JUNE 23, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR BILL: Naturally I regret this last minute postponement you felt necessary incident to our open hearing with respect to the General Accounting Report about the payment of money by the United States to the Philippines.

If this is the way you believe it should be handled, that of course is satisfactory, but I would hope most sincerely that it could be scheduled immediately after the SEATO Conference which you plan to attend in Manila in early July.

What I don't agree on, however, is that these hearings should be held in Executive session. Hearings with respect to these transactions were held in public session in the Philippines, the witnesses under oath; and I believe the American people, who put up the money, are entitled to the same knowledge about this subject which the Philippine Government gave its own citizens.

Kind regards.

Sincerely,

STUART SYMINGTON.

THE REAL DANGER—A WORKING ALLIANCE BETWEEN THE SOVIET UNION AND RED CHINA

Mr. SYMINGTON. Mr. President, last Tuesday it seemed that often during the debate of that afternoon the Senate was pretty much tilting at various windmills.

For some 15 years I have noted periodically that the foreign/military policy of the United States would appear to be one of strength against the weak and weakness against the strong. One example: Our State Department warning to the British in 1956 that if they did not accede to our demand to pull back in the then being conducted Middle East war, we would attack the viability of their economy; this at the same hour Soviet tanks were crushing the people of Hungary in the streets of Budapest with nothing but relatively gentle admonitions from our Government.

Yesterday the press carried a headline "Russians Offer Huge Loan to Red Chinese."

The press also observed yesterday that American planes were now contributing to the destruction of the fourth country of what was once French Indochina.

Should we not consider the results we have obtained from this long and costly Indochinese venture, chasing these various peoples, on their own terms of guerrilla warfare all around the jungles of Southeast Asia, and at such high cost to the United States in lives and treasure?

As we continue to dissipate our physical, financial and moral resources in this latest military adventure, should we not be at least somewhat apprehensive about the real security problem which will result if the other two strong nations, the Soviet Union and Red China, first work out a financial alliance, and then form a diplomatic and military alliance.

This growing possibility is but one of the more unfortunate aspects of the war currently dragging on in more square miles of Indochina than ever before.

IS IT TIME TO BE AFRAID OF THE FEAR OF CRIME?

Mr. SYMINGTON. Mr. President, in that I am confident every Senator will be unusually interested in an extraordinary thoughtful editorial in the Kansas City Star of June 15 "Is It Time To Be Afraid of the Fear of Crime?" I ask unanimous consent that this editorial be printed at this point in the RECORD.

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

IS IT TIME TO BE AFRAID OF THE FEAR OF CRIME?

No one, least of all a politician running for office this fall, can doubt that crime is a fact of American life that is uppermost in the thoughts of American voters.

President Nixon said the other day that Congress needs to get busy at once on all the administration crime bills. He said that failure to act will "be something the people will remember." When? Maybe in the August primaries or the November general election. The President seems to be saying that Congress had better move fast to stamp out crime or else. And he may be right, in so far as voter reaction is concerned in this emotional issue.

Yet there is great doubt from many quarters about the effectiveness of several of the proposed administration remedies for crime. In general, most criminologists, many lawyers and others who work in the field constantly can agree with programs that will spend more money on law enforcement; better training for policemen; the upgrading of prisons and probation and parole operations, and anything that will move the courts toward swifter justice.

But that does not mean that everybody can agree with some of the more radical administration suggestions that seem to get around the United States Constitution as a matter of expediency. Nor is the opposition limited to softhearted theorists who want to empty the prisons and put all criminals on parole.

Sen. Sam J. Ervin, jr. (D-N.C.), says the big District of Columbia "model anticrime package" is a "garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation the Senate has ever been presented." In its final form policemen could enter homes or other buildings without warning; wire taps could be used to gather evidence on abortion, arson, brib-

ery, blackmail, kidnaping and other serious crimes; juveniles would be denied the right to trial by jury and a man convicted for the third time of a violent crime—including purse-snatching—would be given a mandatory sentence of life with no probation, parole or suspended sentence for 20 years. This is the "model" District crime bill which the attorney general says "will point the way for the entire nation."

Pretrial detention is a proposed change in the big federal package that would apply in all 50 states. It says, in essence, that a person charged with a dangerous crime (burglary, arson, rape, sale of drugs, robbery, murder, mayhem, kidnaping, assault) can be put in jail if the judge believes his release on bail would be hazardous to the community.

The concept has great appeal. The arrested individual who is released and then commits another crime while awaiting trial is a familiar figure in every community. Sometimes his bondsman or lawyer directs him into the ways of new and profitable crime in order to produce fees.

But how, under the Constitution, can this sort of thing be done with regularity? It could be excused, apparently, only because the courts and justice are slow. The defendant, in other words, is not getting the speedy trial guaranteed him and society by the Constitution. If the system breaks down, according to the concept of preventive detention, the defendant must pay. Why not fix the system?

The organized crime bill would allow a grand jury witness, refusing to testify, to be imprisoned for contempt for three years without trial or bail. It would seem to get around constitutional barriers against self-incrimination. Illegally obtained evidence (electronic surveillance) would not need to be disclosed to a defendant if adjudged irrelevant. The list goes on, and it adds up to a "devastating cure" in the words of one member of the House judiciary committee. The New York City Bar says the bill seems to say that the innocent do not need rights and the guilty do not deserve them.

But it is precisely that attitude which the U.S. Constitution and the long history of English common law inveigh against. In the United States the innocent still is presumed so until proved otherwise by the vast weight of law enforcement and government. Individuals cannot be forced to testify against themselves and policemen are not supposed to enter where they please on impulse.

It may be that the present air of fear and aura of violence will let the Constitution be set aside for expediency. But once we go down that trail it is difficult, if not impossible, to turn back. The rights that took centuries to gain can be lost for generations to come. Those liberties ought not to rise or fall on the basis of an election day conducted in an atmosphere of fright.

Mr. SYMINGTON. Mr. President, I again express my deep appreciation to the Senator from Wyoming for his courtesy in yielding to me.

Mr. HANSEN. Mr. President, I am delighted to have had the opportunity of yielding to my distinguished friend, the Senator from Missouri. I was impressed by his observations.

POSTAL REFORM LEGISLATION AND COMPULSORY UNIONISM

Mr. HANSEN. Mr. President, I share the sentiments of my good friend and distinguished colleague from Arizona, Senator FANNIN, with respect to the need for a close examination of the postal reform legislation now under consideration by the Senate.

Senator FANNIN has announced he will lead informative discussion on the issues raised by the section which would make possible compulsory unionism of postal workers.

The postal reform measure before the Senate contains a provision that would allow circumvention of longstanding Federal policy with respect to freedom of choice of the individual worker to join or not to join and pay dues to a union in order to work for his own Government.

As the Washington Daily News noted recently, the issue is "a section of the postal reform bill which would permit unions of public employees to negotiate a closed shop." The editorial went on to point out several objections to the idea of compulsory unionism among Federal employees:

The Post Office is a public service, and even under the reform bill would be financed in part by taxes. It ought not be subject to rule, directly or indirectly by union politicians.

Government service should be open to any citizen who wishes to work for the government, who is needed and who can qualify for the job, whether or not he belongs to a union.

The bill would not permit union shops among postal employees who work in any of the 19 States which now have Right to Work laws. Either way you look at it, this creates discrimination among postal workers.

The bill also would eliminate the current practice of requiring unions to pay for the bookkeeping inflicted on the Government by a dues checkoff. Why should the taxpayers pay for this?

The editorial summarized:

The compulsory union section is neither needed nor good business.

I agree.

There are those who have attempted to confuse the issue—who suggest compulsory unionism should not be at issue where postal reform is concerned.

To them, I say: It is very much an issue and must be discussed.

My position on postal reform is clear. I recognize the need for postal reform and have long advocated congressional action to accomplish this goal.

In fact, on October 11, 1968, I introduced a postal reform bill in the Senate. This legislation, the first postal reform legislation to be introduced in the Congress, was based on the recommendations of the Kappel Commission.

The need for postal reform was obvious. The taxpayer, the postal user, and the postal worker were all suffering under the present system. After the previous administration failed to take positive action in the 4 months following the release of the Kappel Commission report, I introduced S. 4187 at the close of the 90th Congress.

I recognized that my bill would have required further study and changes. I stated at that time that—

It is my hope that my colleagues will find time before the convening of the 91st Congress to carefully consider this bill and that Congress, working through its appropriate committees, will therefore be able to act more quickly to provide the much-needed legislation for postal reorganization.

Some of us have honest differences of opinion on just how postal reform should be accomplished and on the working details of the proposal. I did not necessarily agree with every conclusion reached by the Kappel Commission. But I did believe that the report was a sound foundation on which to begin consideration of the long-overdue postal reform.

When I reintroduced the proposal, S. 492, in the 91st Congress on January 22, 1969, I stated:

This bill, in its main intent, was introduced last October in the 90th Congress. I did not, at that time, introduce the bill with the expectation that the Members of Congress would, without long deliberation, rush it into law. The bill was introduced at that time to allow the Members adequate time to study the bill and to weigh its merits for consideration in the 91st Congress.

I fully expected that bill, following hearings by the Post Office and Civil Service Committee which would provide us all with more knowledge of the complicated facets of this problem, to undergo amendments and extensive polishing, for I did not claim my bill was perfect.

My hopes for action on this vital matter were raised when President Nixon, unlike his predecessor, recognized the need for action on postal reform and, on February 25, 1969, announced that reform of the postal system would be a major goal of his administration.

I deeply regret the failure of the Senate to heed these warnings and to consider postal reform early in the 91st Congress. This would have provided opportunity for the Senators to devote more time and study to the basic changes being made in our postal system. My colleagues could have familiarized themselves with every section of the proposed legislation in an atmosphere of careful deliberation.

However, the Senate committee did not begin hearings on the vital issue of postal reform until October 1969. This was 15 months after the Kappel Commission published its report, 12 months after the first postal reform bill was introduced in the Congress, and 7 months after the President's call for postal reform.

The committee's bill was not available until March 19, 1970. By this time, U.S. postal workers were on strike.

The Senate is now acting. The atmosphere is not one of sound legislative deliberation. It is one of crisis. The Senate has lost its opportunity to act, to lead. We are now asked to react.

Daily we are faced with reports, whether based on accurate information or not, that this group or that will strike if one provision is omitted from the postal legislation, that another group will strike if another provision is allowed to remain in the bill, that the President will veto the bill under certain circumstances.

Because we are faced with a crisis, it is difficult for the Senate to take the time to ascertain the true situation. It is even more difficult to withstand the pressures of various groups and enact sound legislation. But no matter how difficult the task, it is our duty to consider the proposal thoroughly, to be aware of the true impact of its provisions, and to enact sound legislation.

One subject of extreme importance which I intend to see is thoroughly debated is the terms of union membership of Federal postal employees. The Senate bill fails to guarantee in absolute terms that postal workers have the right to either join, or refrain from joining, a union. In my view, that should be a basic right of any citizen employed by the Government of the United States, along with his other rights. Therefore, we must discuss this postal reform legislation sufficiently to insure that the basic rights of Federal employees are protected. If it appears that such rights are endangered by pending legislation, the Senate must insure that the legislation is properly amended to guard against infringements of the workers' rights.

In order to clarify the issue in the minds of the American people, I submit two statements which certainly will not be disputed by those charged with enacting postal reform legislation:

First. Every present Federal employee, including the 750,000 who work for the Post Office Department, is guaranteed the right to join a union or to refrain from joining a union. This right is guaranteed under section 1(a) of President Nixon's Executive Order 11491, which states:

> Each employee of the executive branch of the Federal government has the right freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right.

Second. Under S. 3842, as reported by the Senate Post Office and Civil Service Committee, officials of the proposed Postal Service Authority will be permitted to negotiate a compulsory union shop contract which will force postal employees to join and pay dues to a union—or be dismissed.

Those are the facts as I read the Executive order and the reform proposal. We are witnessing here a proposed instrument that can ultimately be used to allow compulsory unionism of every one of the 12 million Federal, State, and local government employees.

AFL–CIO President George Meany, appearing before the House Post Office and Civil Service Committee in April, said he would give all-out support to the postal reform package.

Mr. Meany made it clear what he had in mind for the Nation's public employees when he announced that introduction of a union shop into the postal system would "not be lost on people whose job it is to deal with public employees on the state and local level."

We think this is only the beginning—

Mr. Meany told the House Post Office and Civil Service Committee, and, he said:

> We hope to be back before this committee in the very near future, urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers in the federal government.

The AFL–CIO News noted in an editorial:

> What's good enough for Uncle Sam ought to be good enough for every state, county and city.

Government employees—3 million Federal, 9 million State and local—are now gaining faster than any other sector of employment. They would make available to union professionals $400 million to $700 million annually with membership dues from $3 to $5 monthly, not to mention additional moneys to be gained through assessments or fines. The money resources and power of a few union leaders could reach fantastic proportions.

I submit that compulsory unionism for Federal employees is not good for Uncle Sam; nor is it good for any State, county, or city. I intend to do all I can to assure that the day does not come when a Federal employee must pay dues to a labor organization in order to work for his own Government.

This legislation subjects postal employees to section 7 of the National Labor Relations Act—which has led to widespread compulsory unionism in private industry. Section 7 specifies that employees shall have the right to form, join, or assist unions and the right to refrain from such activities, but shall be deprived of these rights "to the extent that such rights may be affected by an agreement requiring membership in a labor organization as a condition of employment."

Nineteen States protect workers in the private sector with statutes that permit employees a choice whether or not they wish to join a union. Proponents of the legislation before the Senate say that postal workers in those 19 States would be covered by these statutes. There is considerable disagreement with that conclusion. Regardless of this dispute, I contend that any American citizen in any State is entitled to work for his Government with the basic freedom to decide for himself whether to join a union.

Some have said the proposal would not obligate managers of the postal service to agree to a union shop provision simply because they would be required by law to bargain over this issue. That is an unusual way of looking at a matter of such a serious nature—of such impact on the individual rights of a Federal employee.

As I read the proposals, they provide for binding arbitration of collective bargaining disputes and empower arbitrators to impose the compulsory union shop on postal workers over any and all objections which might be raised.

In effect, Congress imposes the compulsory union shop by law whenever it sanctions collective bargaining with respect to union shop provisions. Congress permitted negotiation of compulsory unionism agreements when it enacted the National Labor Relations Act in 1933, the Labor-Management Relations Act in 1957, and also when it amended the National Railway Act in 1951. Today, approximately 75 percent of private sector employees covered by collective bargaining contracts are now under the compulsory union shop.

Mr. President, the elected representatives of the people of our Nation must oppose any legislation which fails to include the basic protection of freedom of choice. This freedom must not be abrogated.

As the Scripps-Howard newspapers pointed out editorially:

> The question for Congress is whether this is too stiff a price to pay for reform of the postal system, desperate as that need is. If the union shop possibility isn't in the package, the whole deal could be defeated by the union lobbies, even though an eight per cent pay raise is at stake. This is a sharp turnaround in public policy, which Congress should examine with extreme care; and on which outpouring of opinion from the public at large would be decidedly in order.

I have seen that outpouring from the public and most recently was especially encouraged when a member of the National Association of Letter Carriers Local No. 36 presented more than 900 signatures on a petition to Senator FANNIN, asking that the compulsory unionism provision of the postal reform package be deleted. A letter carrier from New York City, Mr. Vincent Sombrotto, also visited with Representative DAVID HENDERSON of North Carolina, who led the fight on that side to have H.R. 17070 amended so that it does not repeal the protection postal workers now have.

I would like to read the text of Mr. HENDERSON's reply to Vincent Sombrotto:

> DEAR MR. SOMBROTTO: I want to thank you for bringing to Senator Fannin and me the petition signed by 900 rank and file postal employees from the New York area stating their support for a Postal Reform bill which does not authorize the creation of a union shop.
>
> It is my candid opinion that if both the Administration and the representatives of the employee unions were not insisting upon the provision authorizing the union shop, there would be no problem whatsoever in enacting the Postal Reform bill with its provision for an immediate 8% pay increase for postal workers.
>
> Certainly, I would throw my full support behind the bill if this one provision is amended and am confident that it would quickly pass both the House and the Senate.
>
> If the bill is delayed unduly, it will not be because Congress has been dragging its feet or is unsympathetic to the plight of the rank and file postal workers. It will be because the unions and the Administration seem bent on making the bill carry the burden of compulsory unionism on its back.
>
> I hope my amendment will be quickly accepted by the House; that it will likewise be accepted in the Senate; and that the bill will very shortly be enacted into law.
>
> Your interest as a concerned employee is understood and appreciated.
>
> Sincerely,
>
> DAVID N. HENDERSON.

As we know, Congressman HENDERSON and the great majority of the Members of the House of Representatives who supported his position were successful in gaining acceptance of the amendment in the other body. This is encouraging action for the millions of Americans deeply concerned about protecting the freedom of choice of U.S. postal workers.

Mr. President, I am sure if the authorization for the compulsory union shop in the Senate version of postal reform were removed, the measure could pass tomorrow. I, for one, would vote for such a measure.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from

Idaho (Mr. CHURCH) is recognized for 30 minutes for a colloquy with the Senator from Arkansas (Mr. FULBRIGHT).

AN INSIDIOUS ASSAULT

Mr. CHURCH. Mr. President, it is my unpleasant duty to call the attention of the Senate to an article entitled "Against All Enemies" by Naval Capt. Robert J. Hanks, which appeared as the 1970 Prize Essay in the Proceedings of the U.S. Naval Institute for March. I say unpleasant because this essay presumably was chosen by a review committee of high-ranking officers, and it thus cannot be regarded in isolation from the thinking of other naval men. It is peculiarly offensive because, after the verbiage is stripped away, it basically argues that the nature and extent of external threats to our national security, together with the character of our response to them, are matters for the military to determine—rather than for those in Congress who are entrusted by the Constitution with these duties.

The declared theme of the essay by Captain Hanks is that an extensive antimilitary campaign has been launched in the United States—not just by the so-called radical left, but by what the author regards as more conventional and influential critics.

Mainly, the article deals with Senator J. WILLIAM FULBRIGHT, Ambassador John Kenneth Galbraith, and Gen. David M. Shoup. However, the author goes on to say—in a paragraph worth quoting in full:

> Perhaps the most critical proposals are being made on Capitol Hill, because action taken there can force inordinate reductions in and unwise withdrawals of American military forces. For example, Senators Clifford P. Case and Walter F. Mondale—with their young staff assistants—have mounted a campaign against aircraft carriers. Senators Michael J. Mansfield and Stuart Symington were temporarily deflected from their drive to slash U.S. force levels in Europe only by the Soviet invasion of Czechslovakia. New York's Senator Charles E. Goodell is attempting, at the time of this writing, to legislate complete troop withdrawal from Vietnam by 1 December 1970—regardless of the consequences.

Captain Hanks devotes a good deal of effort to summarizing what he thinks Senator FULBRIGHT and others have said about our military affairs. Much of this process consists of setting up strawmen without giving more than a modicum of quotations and without placing the latter in any useful context. At the end of these remarks, I will ask consent to have one of Senator FULBRIGHT's speeches, relevant to the issue raised in Captain Hank's essay, placed in the RECORD, where the reader may judge for himself the merit of the Senator's arguments, without the handicap of Captain Hank's blinders.

After reading several pages of Hanksian interpretations, one can only conclude that criticism of military programs and policies is not the business of the Congress, or of retired officers, or ordinary civilians, or really anyone except the military itself. The author notes there are bound to be isolated cases of wrongdoing but he contends they should be dealt with by the military itself.

> If we in the armed services—

He writes—

> are to do our part in frustrating the aims of those who would turn the American eagle into a lamb, we must continue to single out and eliminate those among us who, by their avarice and indiscretion, despoil our integrity and destroy our credibility.

After giving his own appraisal of the insidious campaign purportedly being directed against all things military, Captain Hanks jumps to the disturbing conclusion that—

> While the threat from without remains, we now face an equally potent challenge from within.

He then says:

> Our mission is clear: to ensure our country is not militarily weakened to the point that external enemies can, through the use of force, overthrow the U.S. Government and its Constitution.

Furthermore, he continues:

> If the United States is to be protected against the efforts of those who would place her in peril—whether through apathy, ignorance, or malice—we in the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it.

Mr. President, this inflated sense of professional prerogative is the very stuff of which military coups d'etats are made. The seizure of legitimate governments by military juntas is always draped in the self-serving excuse that patriotic duty left no other alternative. When the Navy honors one of its officers for intimating that certain of our leading citizens are "enemies" against whom the officers' "oath" should be invoked, it is time to ask what is happening to this Republic and its hallowed tradition of civilian supremacy.

There are other unpleasant aspects of the Hanks' essay which need not detain us long. For instance, the self-pitying refrain from Kipling about "Tommy Atkins." I find it difficult to identify the virtually Shanghaied and battle-weary British foot soldier of the 1880's with this comfortably situated American naval officer who began his active duty with the end of the fighting in World War II. The American counterparts of Tommy Atkins today are the draftees who are sustaining the bulk of the casualties in the jungles of Southeast Asia. Contrary to what Hanks implies, every Member of the Senate is intensely concerned about the welfare of these fighting men.

The essay concludes with a ringing invitation to fellow officers to overcome their "historic reluctance" to speak out and make themselves heard in opposition to the alleged antimilitary campaign. This clarion call to man the propaganda barricades is a bit flabbergasting. As Senator FULBRIGHT revealed only this week, no less than 4,400 publicists are already spending more than $40 million a year of the taxpayers' own money to mould public opinion to the military point of view. Surely, the Pentagon is not lacking in "overkill" where its public relations campaign is concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the essay, "Against All Enemies," by Capt. Robert Hanks, and a speech entitled "Dimensions of Security," given at the National War College by Senator FULBRIGHT on May 19, 1969.

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

AGAINST ALL ENEMIES

(By Capt. Robert J. Hanks, U.S. Navy)

"For it's Tommy this an' Tommy that,
an' 'Chuck him out, the brute!'
But it's 'Savior of 'is country' when
the guns begin to shoot;"

When Rudyard Kipling penned these words nearly 80 years ago, he described the British regular soldier as he was traditionally viewed by his countrymen. Though the United States of 1970 bears no resemblance to Kipling's Victorian England, the words could nonetheless be applied today to America's fighting men. In fact, some phrases now being tossed about are much more vitriolic than the second line of the above stanza.

Those who currently wear the uniform of the nation's armed forces are being branded as everything from idiots to conspirators. Military men—together with a large group of "conniving industrialists"—are charged with having formed an insidious coalition designed solely to extract unending self-enrichment from the labors of the American people. This conspiratorial concept holds that the military man's payoff comprises large amounts of money and liquor, the favors of co-operative women, and promises of lucrative jobs following retirement. Moreover, his basic perfidy is compounded by a narrow-minded and potentially disastrous willingness to destroy all life on earth if Communism—man's ultimate enemy in his benighted view—seems to be a serious threat. And finally, along with the vast army of bellicose veterans he has trained and indoctrinated in the past quarter of a century, he has transformed the United States into a militaristic and predatory nation which now preys upon the rest of the world.

Examined from any angle, this is a shocking picture. And it poses a rash of questions: Who levels such charges? Are the accusations true? How dangerous are they? Most important of all: What should be done about the assault?

To begin with, it must be understood that this is no academic exercise, for upon the answers of these questions most assuredly rests the future security of the United States. The charges cannot, therefore, be brushed aside and ignored on the assumption that, like previous anti-military campaigns in America, they will fade away before any grave damage is done. This is especially true if today's critics are more numerous or, above all, more influential than the usual lunatic fringe—those who will senselessly attack any available target at any given opportunity.

A survey of these critics—both actual members of the anti-military clique, and those whose utterances the cabal exploits—reveals that we are confronted with a highly articulate and extremely influential body. It therefore behooves us to listen most carefully to and examine as objectively as possible the charges that are being made.

The following spokesmen formulate probably the most effective pronouncements currently trumpeted by the anti-militarists. It should not be inferred, however, that the former individuals are labeled herein either as leaders or members of the anti-military movement. Nor are they being classified anti-military per se. But because their words serve as eminent fuel for use by those who tend

the anti-military fires, the views of these critics are vitally important. Lastly, one must note that their views will be scrutinized quite without regard to any particular order of motivation, influence, believability or sincerity.

At the outset it might be wise to digress or to speculate about the atmosphere within America that has spawned and nurtured the current outcry.

It seems reasonably clear that there are two basic causes. First and foremost is the war in Vietnam. This Southeast Asian conflict is one of the least understood—and therefore most unpopular—wars in our history, primarily because the attempts of three Administrations have failed to explain to the American people in convincing terms the nature of the war and the stakes involved. This failure and America's historic impatience syndrome have combined to disillusion and discourage a large segment of the population. With disenchantment has come increasingly vocal opposition to the war—and to the military.

The second major cause is strictly domestic: an explosive drive by minority groups—ethnic and economic—for instant political power, social equality, and financial affluence. This drive directly re-enforces the anti-war fever insofar as it involves competition for the national dollar; most especially, competition for that portion of the American budget presently devoted to defense.

Taken together, these two fundamental factors have contributed heavily to growing disrespect for constituted authority, urban riots, academic chaos, moral decline, predominance of personal aspirations over national well-being and, in extreme cases, the spectre of revolution and anarchy. It is against this backdrop that one must view the phrases now being lobbed into the military camp.

Perhaps the most widely known dissenter in the United States is Senator J. William Fulbright. He has long been a critic of defense spending; in particular, of how the arms produced by that spending are used. His objections to the Bay of Pigs and Dominican Republic crises are well known. So are his 1964 expressions of astonishment over the "uncritical support" the American people annually give to military funding. Since 1965, of course, the Senator has used his position as Chairman of the powerful Senate Foreign Relations Committee as a springboard for an unswerving campaign against the war in Vietnam; an issue he has clung to with the tenacity of a bulldog worrying a bone.

Until recently, however, Senator Fulbright's efforts have affected the military itself only indirectly. Deeply concerned with nationalism, which he considers the most dangerous force in this century, he advocates co-operative international approaches in almost every field of endeavor. He admits that nationalism cannot be legislated out of existence and therefore insists that the United States must lead the way by moving in the direction of a broader world community, while simultaneously directing substantially more of its collective energies toward the welfare of individuals. Implicit in this program is a considerable reduction in U.S. defense spending, first of all, to provide greater welfare support and, secondly, to demonstrate by example American willingness to lay down her arms. The Senator confesses that "to bring about [such] fundamental changes in the world we would have to take certain chances." Among them would be assuming the risk—he admits this is great—that other countries would read our "generous initiatives" wrongly and "bring about a calamity."

There is another thrust to Senator Fulbrights actions. Since 1965, he has hammered away incessantly at a "Constitutional erosion" which, in his view, has at once shouldered the Senate out of the foreign policy arena and witnessed Pentagon usurpation of all State Department prerogatives in the formulation and conduct of that foreign policy. One wonders parenthetically if the Senator believes that the locus of this usurpation has now shifted from the Pentagon to Henry Kissinger's' basement office in the White House. In any event, this segment of Senator Fulbright's dissent has been directed mainly at the civilian portion of the Executive Branch rather than—a few instances excepted—at the military services themselves.

In recent months, as his apparent frustration over Vietnam continued to grow, and as he increasingly turned his attention to arms control negotiations with the Soviets, Senator Fulbright expanded his target list to include direct questioning of military leaders, their beliefs and judgment. Again, using the ready-made forum of the Senate Foreign Relations Committee, he first trained his sights on U.S. overseas deployments, bases, and commitments. Then, in early 1969, he moved on his most spectacular target, the Safeguard Anti-Ballistic Missile System. Devoting special attention to military evaluations and recommendations, he achieved more than a little success in opening up a military credibility gap. His efforts drew loud huzzahs from hard-core anti-militarists across the country.

Nevertheless it must be emphasized that the Senator's campaign has been more implicit than explicit insofar as direct effects on the military itself are concerned. At the same time it must also be recognized that if his view of the external threat to the United States is overly sanguine, the net impact of his dissent could prove as dangerous as the fulminations of those who advocate immediate and complete unilateral disarmament of the United States.

More prolific in a literary sense and certainly more direct in his approach is another spokesman to whom the anti-military group looks for words and dogma. John Kenneth Galbraith is a long-time and most articulate liberal, a writer of some note—author of best-sellers—and former courtier of John Kennedy's Camelot. Mr. Galbraith is also an unabashed and outspoken battler against what he sees as the ultimate evil: the military-industrial complex. Perhaps the most revealing view of the beliefs held by this former chairman of the Americans for Democratic Action is provided by an article published in the June 1969 issue of *Harper's Magazine:* "How to Control the Military." As the title of his dissertation suggests, Mr. Galbraith claims that the military and its industrial allies have seized control of the country, placed its war chariot out in front, and are busily whipping the horses into a lather—in a headlong race to disaster. If any uniformed man has lingering doubts about the seriousness of the challenge confronting him or the capabilities of those who espouse the anti-military cause, he had better devote a few unemotional minutes to reading Galbraith's article.

Mr. Galbraith disclaims any belief in the conspiracy concept. He does so unconvincingly, however, observing almost immediately thereafter that "It would be idle to suppose that presently serving officers—those for example on assignment to defense plants—never have their income improved by wealthy contractors with whom they are working, forswear all favors, entertain themselves, and sleep austerely alone." Then, having nearly assassinated the entire officer corps, he reveals that he actually objects to the conspiracy theory, not because it is fallacious, but because it is gravely damaging to an understanding of the "military power," a commodity he forthwith defines for the benefit of the unanointed.

Comprising the "four Armed Services" [sic—with due apologies to the U.S. Marine Corps], the military industrialists, intelligence agencies, foreign Service Officers, the Defense-oriented think-tanks, and the Congressional Armed Services Committees, "military power" makes decisions based upon its own private needs, quite without regard for the imperatives of the nation or the national good. Such is the Galbraithian view.

Unlike the unthinking anarchists and idealists who seem to predominate on dissident picket lines, however, the sage of Cambridge has a solution. After explaining how this military juggernaut came to power, he offers an Olympian "political Decalogue"—his own Ten Commandments—to guide those of his disciples who seek to regain "control of the military."

His program is a broad one. It entails the election of a new President, purge of Congressional Armed Services Committees, and above all: organization. Its goal is control of the military through resistance to military programs, mobilization of scientific judgment, and negotiation with the Soviets. Galbraith professes that his is not a crusade against the military man himself, then states that World War II military leaders would be appalled to find their modern counterparts handmaidens of the arms producers. One might note at this point that the pen—herein at its innuendo best—is indeed mightier than the sword.

Because his academic robe is figuratively festooned with professional ambassadorial, doctoral, and liberal service badges, Galbraith exerts considerable influence in the land, especially amidst the political left and in the realm of academe. His assertions and dictums cannot therefore be ignored. They must be exposed and rebutted.

Then there is another sort of spokesman for those who today are producing the kitchen heat which all in uniform feel. He is the military leader turned town-crier.

Certainly as far as military men are concerned, the most publicized and best known such pronouncement in recent months has been Marine General David M. Shoup's article in the April 1969 issue of *The Atlantic*: "The New American Militarism." Motivation for General Shoup's efforts (Colonel James A. Donovan, U.S.M.C., Ret., got precious little credit for his co-operation) is most difficult to assess. Available explanations range all the way from the General's apparent failure to become one of the "New Team" during the Kennedy years to the possibility that, having looked war square in the face, he has become a true convert to pacifism. The truth, of course, must as usual lie somewhere in between. Regardless of his motivation, though, one may be forgiven for agreeing with the *National Observer's* astute conclusion that he "has provided a distinct desservice."

As anyone who has read the article will agree, the General laid about his person with a king-sized club. After bowing briefly in the direction of President Dwight Eisenhower's farewell address—a statement to which many critics of the military allude, but which few quote in its entirety—the ex-Commandant of the Marine Corps brought in a plethora of indictments. Those who wear the military uniform—especially with insignia of senior rank—are enthralled with war, viewing it as a competitive game, and the highroad to promotion. They have only a narrow, military education (and therefore, neither liberal nor cultural understanding); their primary loyalty is to their parent Service and the Department of Defense; they really do not understand Communism, either as a doctrine or a form of government; and they are more concerned with competing against aggression than with preserving the security of their own country. Moreover, they have brainwashed two generations of civilians—who initially held humanistic views—into becoming a bellicose, sword-waving second front. Unless these military officers are brought to

heel, the poisonous weed they typify will surely kill the nation they have sworn to defend.

To the extent that articles such as this undermine the nation's security by destroying the credibility of those who manage the U.S. armed forces or by demanding unwarranted reductions in those forces, they are truly a "distinct disservice." Moreover, such articles are far more insidious than others because the authors appear to the layman as idealistic and high-minded insiders who, unable to change nefarious conditions from within, have undertaken full public exposure as the only remaining means of averting disaster. There seems little doubt that, in this instance, the General became an instant hero to the New Left, SDS, and others of similar persuasion. Far more importantly, he has probably sown a significant crop of doubt amongst that vast body of people *Time* termed "middle Americans"—the bulk of the population, the people who dutifully pay their taxes, keep the nation running, and suffer radicals as well as their children in silence. And after all, it is this group which will ultimately decide the issue at hand.

Other voices are being raised in different ways, and they should not be overlooked. The messages vary widely.

Perhaps the most critical proposals are being made on Capitol Hill, because action taken there can force inordinate reductions in and unwise withdrawals of American military forces. For example, Senators Clifford P. Case and Walter F. Mondale—with their young staff assistants—have mounted a campaign against aircraft carriers. Senators Michael J. Mansfield and Stuart Symington were temporarily deflected from their drive to slash U.S. force levels in Europe only by the Soviet invasion of Czechoslovakia. New York's Senator Charles E. Goodell is attempting, at the time of this writing, to legislate complete troop withdrawal from Vietnam by 1 December 1970—regardless of the consequences.

Then there are the ignorant and intemperate tirades of the radical left. Such screechings will not be dignified with comment by this examination.

In microcosm, these are the kinds of words being used today to assault the American military. During the past months charges and accusations have grown from a trickle to a flood; a torrent which could ultimately submerge the military power of the United States. And the real danger in this assault lies in a few simple truths about the world in which we live.

It is a world of power politics. In that world are nations which wish America ill—perhaps one should be blunt: nations seeking, at the very least, our political demise. It matters not whether these nations act in concert or individually. (For this reason the issue of "monolithic Communism" is specious.) So long as one or more of these nations have the military power to inflict upon or threaten the United States with grievous national harm, then our security is in jeopardy. And so long as the United States has the military powers to prevent such harm, or to deter it through assured capability to retaliate in greater measure, that security is preserved.

Our foreign antagonists clearly understand this power equation which has governed international relations, particularly since the beginning of World War II. After that war, those nations and blocs of nations who would profit from our political passing attempted to circumvent that equation. They tried in Europe, in Korea, Cuba, and now in Vietnam, but to date they have failed. Always, America's armed strength and dedicated fighting men have blocked the way. As a result, the United States remains—as she has been for two-and-a-half decades—the Free World's main bulwark against the omnipresent tide of slavery and totalitarianism.

"For it's Tommy this, an' Tommy that, an' 'Tommy, wait outside';
But it's 'Special train for Atkins' when the [troopship's] on the tide—"

The outcry against all things military in the United States, if carried to its ultimate end, would upset that international power equation and destroy American as well as Free World security. Thus, while the threat from without remains, we now face an equally potent challenge from within. It makes little difference whether that challenge is generated and sustained by those who, because of myopia, fail to perceive the external dangers confronting us; by those who, through misunderstanding or wishful thinking, believe our enemies would benigny allow us to turn our backs on the world and concentrate all our efforts on our domestic ills; or by those who are enemies in the true sense of the word—idolaters of Mao and the deceased Ho—seeking a revolutionary Communist America. Nor does it matter if—as the *Long Beach Dispatch* put it—"a collection of liberals, misfits and ivory-tower dreamers, aided and abetted by either naive or calculating members of the media, are out to destroy the military itself." What does matter is that the continued existence of a free and democratic United States is at issue. There is an enemy within, regardless of his appearance or the design of the mantle with which he cloaks himself.

The question that now assumes critical importance for the military is: What should be done about it? The answer is not simple. One thing is abundantly clear, however, and that is what we should *not* do.

If the United States is to be protected against the efforts of those who would place her in peril—whether through apathy, ignorance, or malice—we in the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it.

Now is the time for everyone who wears the uniform of the American armed forces to take that oath out of the attic trunk, brush aside the dust it has collected, and read again the words upon it.

In concentrating on the main task of the past 30 years—the external threat—some of us may have forgotten that we solemnly swore to support and defend the Constitution of the United States against all enemies, foreign *and domestic*. That pledge is not directed to a particular Service, a partisan belief, nor is it a license to hunt for personal gain. It is instead a dedication to prevent violent overthrow of a form of government Abraham Lincoln saw as the "last best hope of earth. Our mission is clear: to ensure our country is not militarily weakened to the point that external enemies can, through the use of force, overthrow the U.S. Government and its Constitution.

No. We cannot remain either inactive or silent. Our oath of office most certainly does not condone such behavior.

But, before deciding what should be done, we must first ask ourselves another most difficult, but nonetheless vital question. How much truth is there in the accusations being hurled at the military?

In an organization as large as the U.S. armed forces, there are bound to be isolated cases of wrongdoing—cases which, when brought to light, are dealt with promptly by our uniformed services, leaders to the hilt of their political permissibility. Unfortunately, it takes only one such case to lend credibility to exaggerations and gross falsehoods that, though unrelated and groundless, inevitably follow.

In an organization as large as the U.S. armed forces, there could be a very few who, as General Shoup claims, hunger for glory and are quite willing to sacrifice much to obtain it; there could be a very few who compromise principle and integrity for personal material gain; and there could be a few others who subjugate national need to individual Service pre-eminence. We in the military must redouble our efforts to guard against these isolated cases and, if and when they occur, we must continue to deal with them promptly and effectively.

Thus, if we in the armed services are to do our part in frustrating the aims of those who would turn the American eagle into a lamb, we must continue to single out and eliminate those among us who, by their avarice and indiscretion, despoil our integrity and destroy our credibility. Our regulations require it; American citizens deserve it. It is, moreover, not enough that we remain vigilant against wrongdoing itself; we must strengthen that vigilance against the exercise of poor judgment which gives the *appearance* of wrongdoing.

Secondly, we must police our own requirements even more rigidly if we are to disarm the critics who decry "unrestrained military spending." Specifically, we must continue our efforts to forestall justifiable criticism by attacking the problem of national military needs with hardheaded pragmatism and absolute honesty, necessarily leavened with political realism and fiscal responsibility. We cannot forget that, all too often, the vociferous critic needs only a small bit of evidence, real or apparent, to make believable a broad spectrum of accusations.

When John Kenneth Galbraith points his pen at bureaucratic institutionalism, for example, he can cite just enough evidence to make his follow-on shotgun condemnation credible; especially to the layman. When a senator uncovers one badly written or carelessly monitored contract entailing any waste of funds, he can easily render a thousand ideal contracts suspect. When the armed services are accused of squandering public funds—be it on hardware, travel, research, or what have you—everything else we are trying to accomplish may be jeopardized.

We must continually ask ourselves, for instance, whether the American military establishment does contain some bloated staffs, worthless bases, unneeded weapons systems, or other examples of costs that cannot be supported on any rational basis—austere funding or otherwise. Insofar as the current budgetary reductions may cause us to eliminate such possible inefficiencies, they will serve us and the nation. If, on the other hand, we eliminate combat forces—the cutting edge of American military prowess—in order to hang onto a gaggle of military sacred cows, we will surely bring down on our own heads the legitimate anger of the very people we are pledged to defend. Like charity, responsibility begins at home. And, within the parameters of political reality, we must continue to be responsive to this responsibility.

We need to maintain unstinting self-vigilance because our very integrity is at issue. If, through indiscretions and sloppy practices, we permit our credibility to be shattered—it patently is chipped and cracked today—we can be sure that our sound advice and realistic requests soon will be *totally* ignored, even with respect to those issues which in fact, mean life or death for the United States.

Safe in the knowledge that we are properly policing our own conduct and environment, we are free to turn our attention increasingly to those domestic critics who would, knowingly or inadvertently, gamble away U.S. national security. And here it is pertinent to observe that while silence may be golden when fighting an aggressive external enemy, it is akin to sheer folly when combating assaults from within. In the lat-

ter instance, ammunition comprises words both spoken and written, and there is no place in such a conflict for a silent service. Moreover, the military man's historic reluctance to speak out must be overcome. Unless it is, and unless the military spokesman—buoyed by confidence in his own integrity and experience—confronts his critics directly, rather than speaking in bland, ineffectual generalities, he will make no headway at all in stemming the anti-military tide.

There is another vital requirement. As the very shrewd Galbraith noted, "There must be organization." Here we in the military are well endowed. (Certainly the SDS and others think so, judging from their efforts to subvert that organization from below.) It is an organization in being, needs only to be directed, and provides an almost infinite capacity for passing our own considered and documented view of American security needs to those most directly concerned: the vast, silent majority of the American people.

There is no other way, for instance, to counter assertions such as the one recently made by Marcus Raskin (co-director of Washington's Institute of Policy Studies) at the Conference on the Military Budget and National Priorities. He urged the abolition of the CIA, the National Security Agency, and the Defense Department within the next ten years. Only in this way, he claimed, can the "national security state" be eliminated and the continuance of a free society be assured. One can readily envisage two reactions to unchallenged irresponsibilities of this sort: chuckles of incredulity and delight in Moscow and Peking; and, in the United States, picket signs being hastily lettered by war, draft, and ROTC opponents.

Similarly, we owe it to the path under which we serve to refute, item by item, the inaccuracies, half-truths and, in too many instances, utter nonsense which currently inundate American media.

Our approach to the problem must, of course, be a dual one. Refutation and rebuttal are essentially negative reactions. A set of positive answers is equally important; answers built around our carefully reasoned and convincingly documented conception of this nation's security needs in today's real world. Inherent in such a view is an accurate, up-to-date assessment of the external threat and what the United States needs to meet it. Those needs must be arrived at not only in the traditional way, but with the leavening provided by an objective consideration of domestic political and fiscal realities as well. Unless this latter input is included, we will fashion not just a credibility gap, but a vast chasm of distrust; one that will multiply the risks facing the United States just as surely as will many of the anti-military proposals being propounded today.

Let there be no mistake about it; the current attack upon the American military is acute—and it is growing in intensity, Joseph Kraft recently expressed the view that to succeed in "chaining the defense monster," the critics must keep shooting away. This view is widely held.

Carried to fruition, the anti-military campaign threatens to so weaken this nation's defenses as to place the United States in the greatest jeopardy in its history. After all, since we do live in a world of power politics, our ability to control our own national destiny continues to depend upon the military power which at once protects us from external attack, and constitutes the backbone of our foreign policy posture. Reasonable and informed Americans recognize that this state of affairs will probably continue to exist until the arrival of that elusive millinenium when men and nations will at last conduct themseleves according to the Ten Commandments—God's; not Galbraith's.

"Then it's Tommy this, an' Tommy that, an' 'Tommy, 'ows yer soul?'
But it's 'Thin red line of 'eroes' when the drums begin to roll—"

This particular domestic battle will not be easily won. Like the war in Vietnam, it is somewhat different from anywhere we in uniform have experienced in our past. Barbs hurled by the New Left, or by public figures who seek to convert public confusion and unease into political capital are neither new to U.S. society nor difficult to understand. Complexity enters the picture when current domestic ills are added, and the waters are muddied by self-seeking cop-outs from responsibility, on the one hand, and opportunists on the other. Finally, the confrontation is further complicated by an ingredient uncomfortably unfamiliar to the modern American fighting man: the necessity for him to defend to his own countrymen his motivation, his judgment, and above all, his integrity. This latter, of course, is the hardest cheese of all to swallow. Nevertheless, it must be done.

We have the resources and the capability to combat the assaults now being made upon the military. Even General Shoup admits that the American armed forces include large numbers of intelligent and articulate individuals. They must make themselves heard. In speeches, in writings, and in general conversation. The opportunities are myriad; we need only seize them.

Again one must insist that this is the worst possible moment for the American Serviceman to react to the current attacks with injured feelings, righteous indignation, panic, or withdrawal. Unlike Tommy Atkins, no Kipling speaks for us to remind Americans, as Kipling warned the British, that "Tommy ain't a bloomin' fool—you bet that Tommy sees!" To honor the oath we have taken, we must speak for ourselves. If we do so with the same dedication and professionalism that we have so abundantly displayed on wartime battlefields, we shall be equally successful in protecting this nation against those who now endanger it from within.

For, given the whole picture—not just the slanted and perverted glimpse being broadcast these days—the American people will speak out with the sound and reasoned majority voice which will preserve the United States and its democratic processes. They have done thus for two hundred years. If we in the military keep our heads and faithfully honor the *whole* of our oath of office, they will be able to do so for another two hundred.

(NOTE.—A graduate of the U.S. Naval Academy with the Class of 1946, Captain Hanks served on the USS *St. Paul* (CA–73) from August 1945 to January 1949. He was assigned to AirASRon 892 in 1951–1952 and to the NROTC Unit at Oregon State University from 1952 to 1954. He was operations officer of the USS *Arnold J. Isbell* (DD–869) from 1954 to 1956, and for ComDesRon Eleven in 1956–57. He was executive officer of the USS *Floyd B. Parks* (DD–884) in 1960–1961, and commanded the USS *Boyd* (DD–544) from 1961 to 1963. Following two years on the staff of ComCruDesPac, he attended the Naval War College and, in 1966, he served first as Assistant for NATO Affairs, and then as Deputy Director for Nuclear Planning Affairs in the Office of the Assistant Secretary of Defense (International Security Affairs). He is currently Commander Destroyer Squadron Thirteen.)

DIMENSION OF SECURITY

(Statement by Senator J. W. FULBRIGHT)

In the old Western movies there was a standard climax in which the villian emerged from his hideout shielded behind the captive heroine and snarling: "Shoot me and the girl dies!" I perceive in this old melodrama a kind of analogue to my own relations with the military. In these years of criticizing our war policy in Vietnam, I have thought a number of times that I had my fellow politicians in the executive branch cornered—intellectually, that is—only to have them burst out of their hideout shielded behind the military in the role of the heroine, and snarling: "Shoot me and the girl dies!"

I am tired—as I expect you may be—of seeing the military used as a hostage for policies made by civilian officials. I am tired of having my criticism of the war in Vietnam interpreted as an attack on our soldiers in the field. In fact it is no such thing. The courage and endurance of our fighting men command the respect of all Americans; the fault in our war policy lies not with them but with the political decisions which committed them to an impossible task. We have been trying to defeat a nationalist insurgency on behalf of a government which has shown itself incapable of inspiring either the support of its people or the fighting spirit of its army. For reasons having nothing to do with the fighting abilities of our GI's or the leadership qualities of their Officers, that task has been found impossible—not in the sense that it is beyond our military means but because it is beyond any military means that we have been morally and politically willing to employ.

Some of us have perhaps not been as aware as we should of the anguish that Vietnam has involved for our professional soldiers. In the two world wars, and even the Korean War, our armed forces were bolstered by stalwart allies and strong public support at home. Both of these are lacking in Vietnam: our client is a weak reed and the American people are divided and demoralized. These, I am well aware, are heavy psychological burdens for an army facing a resourceful and tenacious enemy.

In addition, there is the specter of having to settle for something less than victory, perhaps even something less than a standoff. That would be a new experience for American soldiers, whose morale has been built not only on their unbroken history of success but on their "can-do" spirit in the face of any challenge. That spirit has served the American people well but it also contains a pitfall: it can lead an army to misjudge its prospects, by gauging them more on the basis of its own elan than a cold appreciation of the facts of the situation.

We politicians have a different standard. In our dealings with each other victories are rare; standoffs are routine; and sometimes we get beaten. Quite obviously soldiers cannot conduct wars by the pliant standards of parliamentarianism. But there is value in the experience of settling for less than you had hoped for, of trimming your sails, and carefully distinguishing between what you can do and what you cannot do. More than a few wars have been lost—I think of France in 1870 and Germany in 1914—in part because soldiers told their civilian chiefs that they could do more than it turned out they could do. And more than once in history a peace has been lost because politicians persuaded themselves that they could do more than it turned out they could do. In this connection, it occurs to me that few Presidential advisers, military or civilian, ever served their country and President better than General Ridgway did when he advised President Eisenhower in 1954, not that we could not intervene and win in Indochina, but that we could not do it at reasonable cost, or to any useful end. I think it is a great misfortune that there were no such persuasive "no-men" serving the Johnson Administration in 1964.

Mistakes are not liquidated with glory, and Vietnam, I believe, has been a mistake. At such time and by whatever means this war is ended, we are all likely to emerge somewhat sobered. There will be little for any of us to be proud of—except for the soldiers

who fought so hard in so unpromising a cause. I stress this point to you as soldiers not only because I believe it to be true but, frankly, because I have had the fear that, out of an exaggerated feeling of their own responsibility for the stalemate in Vietnam, some of our military leaders have been professing an unwarranted optimism about the war, thereby encouraging its continuation.

I. THE DILEMMA OF ENDS AND MEANS

Having emphasized as clearly as I know how that I have no criticism to make of military men, or their performance in Vietnam, I turn now to the influence in our affairs that I do criticize: not the military but militarism, and its effects upon American life. I do not propose to belabor you with a discourse on the military-industrial-labor-university complex. I expect you have heard something about it already—more perhaps than you have cared to hear. Nor do I propose to recite the list of our foreign installations and the names of the countries to which we have committed ourselves militarily by one means or another. I propose instead to suggest some of the ways in which our far-flung military commitments are bringing about profound changes in the character of our society and government—changes which are slowly undermining democratic procedure and values, and which, taken together, have set us on the path toward authoritarian government.

My theme is the relationship of ends to means, the connection between the objective of our foreign relations and the nature of the policies we pursue. The ultimate test of any foreign policy is not its short-term tactical success but its effectiveness in defending the basic values of the society. When a policy becomes incompatible with, or subversive of, those values, it is a bad policy, regardles of its technical or tactical effectiveness. I think we would all agree that the central, commanding goal of American foreign policy is the preservation of constitutional government in a free society. My apprehension is that we are subverting that goal by the very means chosen to defend it.

Confronted in the last generation with a series of challenges from dynamic totalitarian powers, we have felt ourselves compelled, gradually and inadvertently, to imitate some of the methods of our adversaries, seeking to fight fire with fire. I do not share the view that American fears of Soviet and Chinese aggressiveness have been uniformly paranoiac, although I think there have been a fair number of instances of that. My point is that the very objective we pursue—the preservation of a free society—proscribes certain kinds of policies to us even though they might be the most tactically expedient. We cannot, without doing to ourselves the very injury that we seek to secure ourselves against from foreign adversaries, pursue policies which rely primarily on the threat or use of force, because policies of force are inevitably disruptive of democratic values. Alexis de Tocqueville, that wisest of observers of American democracy, put it this way:

"War does not always give democratic societies over to military government, but it must invariably and immeasurably increase the powers of civil government; it must almost automatically concentrate the direction of all men and the control of all things in the hands of the government. If that does not lead to despotism by sudden violence, it leads men gently in that direction by their habits.

"All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science."[1]

[1] Alexis de Tocqueville, *Democracy in America* (New York: Harper & Row, Publishers, 1966), Vol. II, ch. 22, p. 625.

For more than a decade out of the last three we have been engaged in large-scale warfare, and for the rest of that period we have been engaged in the cold war and in ever more costly preparations for war. In the wake of our disappointment with the United Nations in the forties, we have taken it upon ourselves to preserve order and stability in much of the world, purporting to do on our own the things that Wilson and Roosevelt hoped to accomplish through world organization but never dreamed of America doing on its own. As I have said, I am not one of those who believe that these vast commitments were taken on out of delusion or the conscious lust for power. The threat, though exaggerated and distorted in some instances, has been real enough in others, but in either case the effect has been the same for our internal life. War, and the chronic threat of war, have been carrying us, "gently" by our "habits," toward despotism.

The dilemma involved in all this for a soldier must be a particularly agonizing one. It must sound as though he is being asked to fight with one hand behind his back, accepting limits upon his own stock in trade of which his adversary is free. And that is exactly what you, as soldiers, are being asked to do. You are asked to conceive of security in a dimension broader than that of your own trade. You are asked to conceive of security in terms of ends as well as means, in terms of the procedures and values of a free society as well as the most efficient means of thwarting an adversary.

There are times, to be sure, when a threat may seem so great and imminent as to warrant the circumvention of democratic procedure. There are times when war is thrust upon you. But there are times when a threat turns out in retrospect to have been less ominous than it seemed; there are times when we have some choice in the matter of war and peace. Psychologists tell us that our perceptions are only partly reflections of the real world; the other part is determined by our own expectations. I think that we have perceived more menace in the world around us than is actually there. I believe that we have had more choice than we have known. Korea was perhaps forced upon us; Vietnam was not. Pearl Harbor left us with no choice; the incident in the Gulf of Tonkin left us with ample choice. The Cuban missile crisis may have warranted unusual procedures; the Bay of Pigs and the Dominican Republic patently did not.

Because of the kind of country we are, we cannot, except in the most exceptional circumstances, allow foreign policy to take priority over domestic and constitutional requirements. Given a choice between the use of force and less certain but peaceful methods, it is in our interests to take a chance on the latter. Given a choice between efficient emergency procedures and cumbersome democratic ones, it is in our interests to gamble on the latter—in full consciousness of the possibility that our democratic procedures may cost us embarrassment or worse in our foreign policy.

It is quite beside the point to contend, as some of the advocates of the anti-ballistic missile contend, that it is safer to "err on the side of security," because security is involved on both sides of the argument. One has to do with the security of *means*, the other with the security of *ends*.

For three decades we have been erring on the side of the security of means. The consequences of that error are only now coming clearly into view. I should like to suggest what some of these consequences have been—economic, political and moral—and how they have undermined our security in its broader dimension.

II. THE PRICE OF EMPIRE

Every nation has a double identity: it is both a *power* engaged in foreign relations and a *society* serving the interests of its citizens. As a *power* the nation draws upon but does not replenish its people's economic, political and moral resources. The replenishment of wealth—in this broader than economic sense—is a function of domestic life, of the nation as a society. In the last three decades the United States has been heavily preoccupied with its role as the world's greatest power, to the neglect of its societal responsibilities, and at incalculable cost to our national security. The economic cost is reflected in the disparity of almost ten to one between federal military expenditures since World War II and regular national budgetary expenditures for education, welfare, health and housing. Then in the hands of the national executive, in a long-term trend toward authoritarian government. The moral cost is reflected in the unhappiness of the American people, most particularly in the angry alienation of our youth.

Speaking first of the economics of our global role: I have been told many times that, in terms of our gross national product, we can well afford to do the things that need to be done at home without reducing our activities abroad. The answer to that assertion is that we are *not* in fact rebuilding our cities; we are not overcoming poverty and building schools and houses on anything approaching a scale commensurate with the need; nor are we effectively combating crime, pollution, and urban and suburban ugliness.

Even if the economic resources were there, the psychological resources are not. The war in Vietnam has drained off not only money but political energy and leadership, and public receptiveness to reform. The war has totally altered the atmosphere of a few years ago, when hopes and confidence were high and the American people seemed willing to embark upon an era of social reform. An excellent start was made with the landmark legislation of 1964 and 1965, but Vietnam cut that short, dividing the country and the Congress, and inciting dissent and disorder. These in turn have given rise to a middle class reaction based on the fear of violence and anarchy. The result is an atmosphere uncongenial to reform, urgently needed though it is. Until the war in Vietnam is ended, there can be no prospect of the nation's more sober and generous instincts reasserting themselves, no prospect of a renewal of the nation's strength at its vital domestic source.

Having promised not to lecture you on the military-industrial-labor-academic complex, I confine myself to this one observation: With military expenditures providing the livelihood of some 10 percent of our work force; with 22 thousand major corporate defense contractors and another 100 thousand subcontractors; with defense plants or installations located in 363 of the 435 Congressional districts; with the Department of Defense spending $7.5 billion on research and development this year, making it the largest consumer of research output in the nation—millions of Americans whose only interest is in making a decent living have acquired a vested interest in an economy geared to war. These benefits, once obtained, are not easily parted with. Every new weapons system or military installation soon acquires a constituency—a process which is aided and abetted by the perspicacity with which Pentagon officials award lucrative contracts and establish new plants and installations in the districts of influential Members of Congress. I have not the slightest doubt that, if the anti-ballistic missile is deployed, it will soon acquire its own powerful constituency, and then we will be saddled with it—for reasons wholly independent of its ostensible military utility.

According to current intelligence calculations, made in terms of equivalent real purchasing power, the Russians are spending only three-fourths as much as we are on defense. Nonetheless, we are told, they threaten to pull ahead of us in strategic

weapons and we must be prepared to counter that threat. I do not understand why they should be getting so much more for their money than we are. Perhaps the fault lies in inferior American efficiency—a disconcerting thought. Perhaps it lies in the lack of legislative oversight of the defense budget comparable in rigor and thoroughness to that exercised over the much smaller budgets of the other departments.

Be that as it may, by any standard the amounts spent on defense have become staggeringly disproportionate to the rest of the economy. It fills me with dismay when Department of Defense officials suggest that, as part of a "grand design" for strategic policy, we may be forced to "win" an arms race with the Russians by relying on our superior resources to spend them into bankruptcy. Such a strategy puts me in mind of the practice among the Indians of the Pacific northwest known as the "potlatch." Starting as a rivalry in gift-giving for the sake of prestige, the practice degenerated, as the tribes became wealthier, into competitive orgies of waste and destruction. An anthropologist describes it as follows:

"No longer did the potlatch serve its traditional functions of redistributing wealth, validating rank, and making valued alliances. The wealth of these new rich seemed limitless, more than they could ever consume at a potlatch. So they instead destroyed vast amounts of wealth before the horrified eyes of the guests, as well as the other contenders, to dramatize the extent of their holdings. Fortunes were tossed into potlatch fires; canoes were destroyed; captives were killed. The competing claimants had no alternative but to destroy even more property at *their* potlatches.

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"A contender for rank ultimately found himself in a position whereby the only way he could humiliate a wealthy rival was to destroy one of the precious coppers"—a kind of bank note representing vast wealth. "The act was equivalent to wiping out all the debts owed to him. It was an incredible price to pay, but the man who made such a dramatic gesture no doubt rose meteorically in rank."[2]

Quite as inevitably as if it were deliberate, our imperial role in the world has generated a trend toward authoritarian government.

Vested by the Constitution *exclusively* in the Congress, the power to initiate war has now passed under the virtually exclusive control of the executive. The "dog of war," which Jefferson thought had been tightly leased to the legislature, has now passed under the virtually exclusive control of the executive. The President's powers as commander-in-chief, which Hamilton defined as "nothing more than the supreme command and direction of the military and naval forces," are now interpreted as conferring upon the President full constitutional power to commit the armed forces to conflict without the consent of Congress. On the one hand it is asserted that the initiation of an all-out nuclear war could not possibly await Congressional authorization; on the other hand it is contended that limited wars are inappropriate for Congressional action. There being, to the best of my knowledge, no other kinds of war besides "limited" and "unlimited," it would seem that the Congressional war power has been effectively nullified.

The treaty power of the Senate has also been effectively usurped. Once regarded as the only constitutional means of making a *significant* foreign commitment, while executive agreements were confined to matters of routine or triviality, the treaty has now been reduced to only one of a number of methods of entering binding foreign engagements. In current usage the term "commitment" is used to refer to engagements deriving sometimes from treaties but more often from executive agreements and even simple, sometimes casual declaration.

Thailand provides an interesting illustration. Under the SEATO Treaty the United States has only two specific obligations to Thailand: to act "in accordance with its constitutional processes" in the event that Thailand is overtly attacked, and to "consult immediately" with the other SEATO allies should Thailand be threatened by subversion. But the presence of 50 thousand American troops in Thailand, assigned there by the executive acting entirely on its own authority, creates a *de facto* commitment going far beyond the SEATO Treaty. In addition, on March 6, 1962, former Secretary of State Dean Rusk and Thai Foreign Minister Thanat Khoman issued a joint declaration in which Secretary Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion." This, obviously, goes far beyond the SEATO Treaty.

An even more striking illustration of the upgrading of a limited agreement into a *de facto* military obligation is provided by the series of agreements negotiated over the last sixteen years for the maintenance of bases in Spain. Initiated under an executive agreement in 1953, the bases agreement was significantly upgraded by a joint declaration issued by Secretary Rusk and Spanish Foreign Minister Castiella in 1963 asserting that a "threat to either country" would be the occasion for each to "take such action as it may consider appropriate within the framework of its constitutional processes." In strict constitutional law, this agreement, whose phrasing closely resembles that of our multilateral security treaties, would be binding on no one except for Mr. Rusk himself; in fact it is what might be called the "functional equivalent" of a treaty ratified by the Senate. Acknowledging even more explicitly the extent of our *de facto* commitment to Spain, General Wheeler, acting under instructions from Secretary Rusk, provided Spanish military authorities in 1968 with a secret memorandum asserting that the presence of American armed forces in Spain constituted a more significant security guarantee than would a written agreement.

Quite aside from questions of the merit or desirability of these commitments, the means by which they were incurred must be a matter of great concern to anyone who is concerned with the integrity of our constitutional processes. For at least thirty years power over our foreign relations has been flowing into the hands of the executive. So far has this process advanced that, in the recently expressed view of the Committee on Foreign Relations, "it is no longer accurate to characterize our government, in matters of foreign relations, as one of separated powers checked and balanced against each other."[3] To a limited extent this constitutional imbalance has come about as the result of executive usurpation; to a greater extent it has been caused by the failure of Congress to meet its responsibilities and defend its prerogatives in the field of foreign relations; but most of all it has been the result of chronic warfare and crisis, of that all but inevitable concentration of powers in time of emergency of which Alexis de Tocqueville took notice over a century ago.

Under circumstances of continuing threat to the national security, it is hardly surprising that the military itself should have become an active, and largely unregulated participant in the policy making process. Bringing to bear a degree of discipline, unanimity and strength of conviction seldom found among civilian officials, the able and energetic men who fill the top ranks of the armed services have acquired an influence disproportionate to their numbers on the nation's security policy. The Department of Defense itself has become a vigorous partisan in our politics, exerting great influence on the President, on the military committees of Congress, on the "think tanks" and universities to which it parcels out lucrative research contracts, and on public opinion. I was, quite frankly, disturbed to learn some weeks ago that the Department of the Army actually planned a national publicity campaign, involving exhibits and planted magazine articles to be solicited from civilian scientists, in order to "sell" the ABM to the American public and to counteract the criticisms of Congressmen and the scientific community.

Again, let me emphasize that the danger I perceive here is not military men but *militarism*. Applying the same principle to the executive as a whole, the danger of executive dominance over our foreign relations has nothing to do with the wisdom or lack of it in individual officials. A threat to democracy arises from *any* great concentration of unregulated power. I would no more want unregulated power to be wielded by the Congress than by the executive or the military—not even by the Senate Committee on Foreign Relations. The principle is an old and familiar one, and is just as valid today as it was when Jefferson expressed it in the simple maxim: "Whatever power in any government is independent, is absolute also."

In recent months the Senate has shown a growing awareness of the need for restoring a degree of constitutional balance in the making of our foreign policy. To a great extent this new attitude has been reflected in the debate on the anti-ballistic missile and a general disposition to bring the military budget under the same scrutiny that has always been applied to the budgets of the civilian agencies. In addition, the Senate is about to debate a "national commitments" resolution, the essential purpose of which is to remind the Congress of its constitutional responsibilities both for the making of treaties and the initiation of war.

These, I believe, are hopeful and necessary steps, but in the long run it is unlikely that constitutional government can be preserved solely by the vigorous exercise of legislative authority. No matter what safeguards of attitude and procedure we employ, a foreign policy of chronic warfare and intervention has its own irreversible dynamic, and that is toward authoritarian government. A democracy simply cannot allow foreign policy to become an end in itself, or anything more than an instrument toward the central, dominating goal of securing democratic values within our own society. I would indeed lay it down as a fairly confident prediction that, if American democracy is destroyed within the next generation, it will not be destroyed by the Russians or the Chinese but by ourselves, by the very means we use to defend it. That is why it seems to me so urgent for us to change the emphasis of our policy, from the security of means to the security of ends.

Finally, I would like to say a word about the moral price of our imperial role in the world. The success of a foreign policy, as we have been discovering, depends not only on the availability of military and economic resources but, at least as much, upon the support given it by our people. As we have also been discovering, that support cannot be gained solely by eloquent entreaty, much less by the devices of public relations. In the long run it can only be secured by devis-

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[2] Peter Farb, *Man's Rise to Civilization as Shown by the Indians of North America from Primeval Times to the Coming of the Industrial State* (New York: E. P. Dutton & Co., Inc., 1968), pp. 150, 151.

[3] *National Commitments*, Report of the Committee on Foreign Relations on S. Res. 85, United States Senate, 91st Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1969), p. 7.

ing policies which are broadly consistent with the national character and traditional values of the society, and these—products of the total national experience—are beyond the reach of even the most effective modern techniques of political manipulation.

History did not prepare the American people for the kind of role we are now playing in the world. From the time of the framing of the Constitution to the two world wars our experience and values—if not our uniform practice—conditioned us not for the unilateral exercise of power but for the placing of limits upon it. Perhaps it was a vanity but we supposed that we could be an example for the world—an example of rationality and restraint. We supposed, as Woodrow Wilson put it, that a rational world order could be created embodying "not a balance of power but a community of power; not organized rivalries, but an organized common peace."

Our practice has not lived up to that ideal but, from the earliest days of the Republic, the ideal has retained its hold upon us, and every time we have acted inconsistently with it—not just in Vietnam but every time—a hue and cry of opposition has arisen. When the United States invaded Mexico, two former Presidents and one future President[4] denounced the war as violating American principles. The senior of them, John Quincy Adams, is said even to have expressed the hope that General Taylor's officers would resign and his men desert.[5] When the United States fought a war with Spain and then suppressed the patriotic resistance to American rule of the Philippines, the ranks of opposition were swelled with two former Presidents, Harrison and Cleveland, with Senators and Congressmen including the Speaker of the House of Representatives, and with such distinguished individuals as Andrew Carnegie and Samuel Gompers.

The dilemma of contemporary American foreign policy is that, while becoming the most powerful nation ever to have existed on the earth, the American people have also carried forward their historical mistrust of power and their commitment to the imposition of restraints upon it.[6] That dilemma came to literal and symbolic fulfillment in the year 1945 when two powerful new forces came into the world. One was the bomb at Hiroshima, representing a quantum leap to a new dimension of undisciplined power. The other was the United Nations Charter, representing the most significant effort ever made toward the restraint and control of national power. Both were American inventions, one the product of our laboratories, the other the product of our national experience. Incongruous though they are, these are America's legacies to the modern world: the one manifested in Vietnam and the nuclear arms race, the other in the hope that these may yet be brought under control.

The incongruity between our old values and our new unilateral power has greatly troubled the American people. It has much to do, I suspect, with the current student rebellion. Like a human body reacting against a transplanted organ, our body politic is reacting against the alien values which, in the name of security, have been grafted upon it. We cannot—and dare not—divest ourselves of power, but we have a choice as to how we will use it. We can try to ride out the current convulsion in our society and adapt ourselves to a new role as the world's nuclear vigilante. Or we can try to adapt our power to our traditional values, never allowing it to become more than a means toward domestic, societal ends, while seeking every opportunity to discipline it within an international community.

We cannot resolve this dilemma by choosing to "err on the side of security," because security is the argument for both sides. The real question is: which represents the more promising approach to security in its broader dimension?

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

Mr. CHURCH. I am happy to yield.

Mr. FULBRIGHT. I thank the Senator for bringing to the attention of the Senate and the country this essay, not only because it happens to mention me, but because, as the Senator has pointed out, it also mentions other Members of this body whom the captain condemns as being inimical to the welfare of this country.

It would not be so serious if it were just Captain Hanks. But the character and the makeup of the U.S. Naval Institute, which selected Captain Hanks' work as the prize essay for 1970, in effect, means that the leading members of that organization, its board of control, have adopted the views of Captain Hanks as their own. I say this in the sense that they feel that it is representative in viewpoint and deserves their accolade and a prize, I believe, of $1,500.

I ask the Senator, does he not share that opinion in view of the fact that the admiral who has recently been confirmed as Chairman of the Joint Chiefs of Staff also happens to be president of the board of control of the U.S. Naval Institute, Adm. Thomas H. Moorer; that the vice president is Rear Adm. James Calvert; the secretary and treasurer is Cmdr. R. T. E. Bowler, Jr., and the directors—all, of course, high-ranking members of the Navy—include Vice Adm. William T. Mack, Rear Adm. Henry L. Miller, Rear Adm. O. D. Water, Jr., Rear Adm. Sheldon H. Kinney, Brig. Gen. Herman Poggemer of the Marine Corps, and Capt. Albert A. Heckman of the U.S. Coast Guard? It does seem to me that their awarding a prize for this kind of statement is a most ominous development. I wonder whether the Senator does not think it is true that the fact that the way this prize was awarded and considered makes it far more significant than if it were just the statement of a single captain in the Navy?

Mr. CHURCH. I agree with the distinguished Senator from Arkansas. The Naval Institute did award its prize to this particular essay, thus implicating the institute. The Senator mentioned those who serve on the board as being very high-ranking naval officers, including the present Chairman of the Joint Chiefs of Staff. The article, therefore, has to be considered in the light of its sponsorship.

Mr. FULBRIGHT. Does not the Senator think that this kind of attitude on the part of the military makes even more significant than many Senators realize the current discussion going on in the Senate involving the powers of the Commander in Chief? Of course, the Church-Cooper amendment to the Military Sales Act is specifically directed at Cambodia. But in a general sense, it is an effort to reestablish the role of Congress in our national life, and to give some balance between the three branches, specifically between the executive and the legislative in this case.

Here is an example of an attitude on the part of the military, which is under the direction of the President—at least under his direction nominally. I am not sure, in the case of the crisis which developed day before yesterday in Ecuador, whether a President was under the direction of the military or the military was under the direction of a President. You can take your choice. The fact was that the military took over, as they have recently in six countries in Latin America.

I am not suggesting they are about to take over in the United States. I am suggesting that the essence of the argument and the reasoning for the effort to reestablish the role of Congress in controlling the war power is a very important one. It is highlighted and made more important by an attitude on the part of some high-ranking military leaders that Congress is a threat and a danger, and that Members of this body, because they do not approve of the current military policy of this country, are dangerous to the country.

I think this should be brought to the attention of the Senate and of the public, that this matter of the balance between the executive and the legislative is far more important than just the personalities involved.

Mr. CHURCH. I agree.

Mr. FULBRIGHT. Does the Senator not agree with that?

Mr. CHURCH. I agree fully with the distinguished chairman of the Committee on Foreign Relations. The very fact that the essay is entitled "Against All Enemies," that the author urges officers to invoke their oath, not only against enemies without, but, by implication, against enemies within, and that the Naval Institute chooses to award its first prize to such an essay, raises very ominous questions about which Senators should concern themselves, whatever their partisan views, if they believe in the institutions of the Republic and the supremacy of civilian rule in the United States.

Mr. FULBRIGHT. And if they are interested in the preservation of our constitutional system; especially when you couple this award with the thrust of the essay. Captain Hanks has discovered that there are Members of the Senate and private citizens who deplore some of our military policies—he mentions Ambassador Galbraith and a few others—but I assume all of those mentioned by the Vice President 2 days ago would probably fall into this same category, because there was a suggestion in his remarks that they are all in some way subversive and not loyal American citizens. Hanks says his oath of office requires him to do what he can to eliminate from public life, at least, all of the people who do not share his views about the proper military policy for this country.

We should couple this attitude with

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[4] John Quincy Adams, Martin van Buren and Abraham Lincoln.

[5] Charles A. Barker, "Another American Dilemma," *Virginia Quarterly Review*, Spring 1969, pp. 239–240.

[6] The theme here developed, the dilemma posed by American power as against the commitment to an equality of rights in a community of world power, is adapted from an article by Professor Charles A. Barker of the Department of History of Johns Hopkins University, *ibid.*, pp. 230–252.

other developments such as, for example, the fact that our policy is so closely oriented to the support of the colonels in Greece. A number of Foreign Relations Committee members—including the Senator from Idaho—tried to limit aid to the military junta that destroyed the civilian government in Greece a few years ago, but we were defeated—by a close vote. This illustrates the principle that is involved: The tremendous power of the military in our country and in the Government to influence our diplomacy largely to determine which governments we recognize, what we do, and what aid we give to a country like Greece.

The civilian authorities in Greece, that is, the former civilian authorities, who were interested in a civilian-controlled government, believe and state publicly that our policy assists and helps keep in power the colonels. So all of this put together is, I think, a matter for deep concern for the people in this country who are interested in preserving the constitutional system which we enjoy.

Mr. CHURCH. Mr. President, no one aware of public affairs in this country would contend that the influence of the military in this country is not very great. This is the result, in part, of the complexity of our military commitments and involvements abroad, as well as the large size of our Military Establishment. In part, it is also due to the high reputation of our military men, a reputation, I may add, that is well deserved because historically, military officers, who have commanded our armies and our fleets, have been scrupulous to recognize the institutions of the Republic plus the supremacy of civilian control over the activities of the military. That is why I am so alarmed and disturbed that an article such as this should receive the endorsement of the Naval Institute via a board that includes men of extremely high rank in the Navy of the United States, including the present Chairman of the Joint Chiefs of Staff.

Since the article is susceptible to the interpretation we have given it, an explanation from the Chairman of the Joint Chiefs of Staff is in order.

Mr. FULBRIGHT. Does the Senator know of any precedent in which a high-ranking naval officer or any other high-ranking military officer has so clearly attacked Members of the Senate, condemning them in an indirect way—it is not very indirect, as a matter of fact, the association of the names together with his statement—does the Senator know of any precedent such as this in history? Has the Senator ever run up against a case such as this, perhaps outside the Civil War period?

Mr. CHURCH. Not in my memory.

Mr. FULBRIGHT. Not in modern times.

Mr. CHURCH. Certainly none that is connected to or has the sponsorship of anything like the Naval Institute.

Furthermore, I am unable to recall a period when the Vice President of the United States has undertaken to indict by name so many prominent figures in Government, in academic life, in the business community, in the press, and elsewhere. Perhaps we have reached a point where unprecedented things are going to become commonplace. If that is so, we are in for serious trouble in the United States. Our traditional, democratic institutions are in much more serious jeopardy than most would prefer to believe. Indeed, this may be an unprecedented time.

Mr. FULBRIGHT. I want to put in the RECORD a few facts about the institute which I do not believe have been put in.

The U.S. Naval Institute, located at Annapolis, is a private professional association established in 1873 to provide naval officers with an unofficial forum for the exchange of ideas about the development and improvement of the Navy. It has since broadened its scope to publish for all those interestd in seapower. The institute's current membership numbers about 60,000, of whom around 20,000 are "regular members"; that is, Regular officers of the U.S. Navy, Marine Corps, and Coast Guard. Other members are Reserve officers, enlisted men, and so forth. The president of the board of control is the Chief of Naval Operations, Adm. Thomas H. Moorer. The vice president and four of the six directors of the institute are admirals. The institute—really the publication, Proceedings—in effect, is the house organ of the top echelon in the Navy. The publisher is Comdr. R. T. E. Bowler, Jr., U.S. Navy, retired.

The institute is listed as a private, nonprofit institution for tax purposes, and can accept tax-deductible contributions under section 501 of the Internal Revenue Code. At the same time, it appears that—with annual dues of $8—there is more than ample money at the institute's command.

That amounts to dues of $480,000. That is quite a lot to start with. And they can award very large prizes for this kind of activity. Why this would be considered a private, nonprofit institution, when it awards prizes for articles of this kind, is beyond my comprehension. If it was a private organization and was not headed by the Chief of Naval Operations, I think it would be disallowed any tax exemption, on the ground that it is a propaganda, or lobbying, agency of a political nature.

Mr. CHURCH. Lobbying organizations are definitely not supposed to be tax exempt.

Mr. FULBRIGHT. I do not know what one would call this. I think this is one of the most outrageous violations I have seen of what I thought was the proper ethics of a military officer. As I have said, not only the Senator from Arkansas but also a number of other Senators are mentioned in the article, aside from private citizens.

Their patriotism is being challenged, questioned, by a naval officer, and in an article which is then awarded first prize by a tax-exempt agency headed by the man who is now Chairman of the Joint Chiefs of Staff of the United States, the largest and most widespread Military Establishment in the world today.

I think it is a matter that deserves very serious consideration by the Members of this body, and I thank the Senator from Idaho for bringing it up.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD some pages from the Naval Institute's publication, "Proceedings."

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

U.S. NAVAL INSTITUTE PROCEEDINGS, MARCH 1970

ARTICLES

"Against All Enemies"—The naval officer's solemn oath—to defend the Constitution against all enemies, foreign and domestic—should impel him to speak out against those who endanger the country from within.

"Arms for the Love of Allah"—The Soviet Union emerged from the Six Day War with its position in the Middle East greatly enhanced and its leverage in the Arab world substantially increased.

"The Navy and the Merchant Marine: Critical Coalition"—More than changes in attitude and organization will be required—it may take an act of Congress—if the Navy is to continue to play its traditional role as protector of U.S. merchant shipping.

"Combat Readiness Training"—Inflation or recession aside, there is reason to believe that a dollar spent today in improving the Navy's CRT program will produce value benefits worth almost six dollars.

"Deep Freeze Diary, 1968"—Commander McNeely commanded the 195 men who comprised the wintering-over detachment at McMurdo Station, Antarctica, in 1968.

"The Road to Wisdom"—The wider and deeper a policymaker's knowledge of history, the greater his "sense of history," the less likely he is to repeat the errors of the past.

"ASW vs. AAW: A Question of Direction"—Just because the tactical empires of anti-submarine warfare and anti-air warfare have been going their own way since the late 1940s does not mean they should, or can, do so in the 1970s.

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John T. Mason, Jr., Director.

Mr. CHURCH. I thank the distinguished Senator for his comments. I have raised the question because the Senate, as a key institution within our constitutional system, must be safeguarded against interpretations that can be placed upon an article of this character. Further explanation is now in order from the Chairman of the Joint Chiefs of Staff.

Members of the military, as well as civilians, are entitled to their opinion. But groups of citizens are entitled to express their opinion; both are entitled to participate in the electoral process; both are entitled to vote for or against political figures.

Moreover, the Pentagon has a very generous budget with which to present the collective military view on important issues to the American people. It has a very large number of publicists, not only throughout the country, but more than 300 right here on Capitol Hill. The military does not lack its rightful place in our scheme of things; it does not lack influence. Indeed, any impartial observer would have to regard its influence in our society as immense.

However, the propriety of an article of this kind, which raises the implication that men who disagree with the military viewpoint are of questionable patriotism and that the officer's oath should be directed not only against external enemies, but also again by implication, against the enemies within, this is dangerous stuff for all who have eyes to see it, and do not prefer to be blinded.

Mr. FULBRIGHT. It is especially dangerous against the background of three assassinations in recent years of prominent public figures in this country. I would think no one would want to encourage that.

Mr. CHURCH. Yes. And in a world where a precipitous trend in government has been toward military takeover, where each military takeover is always justified in language exactly like the kind employed in this essay, it is dangerous stuff. We cannot afford to overlook its full implications.

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

Mr. CHURCH. I yield.

Mr. GURNEY. I thank the Senator from Idaho for yielding.

I listened carefully to the colloquy between the Senator from Idaho and the distinguished chairman of the Committee on Foreign Relations, and I noted that the Senator from Idaho mentioned—and here I am paraphrasing what he said—the fact that the Vice President of the United States has been rather outspoken and has named individuals with whom he disagreed. There is no question about that; he has done so. And he struck a very responsive chord with a great many people in the United States. In fact, I think it is probably fair to say that a majority of the people agree with what he has been saying, the point he has been making.

My question to the Senator from Idaho is this: Is the Senator from Idaho suggesting that the Vice President of the United States should not have the opportunity to speak as strongly and loudly and frequently as he may on issues that may be controversial in the country that he feels very strongly about?

Mr. CHURCH. Of course not, as the Senator well knows. What I said was that the series of personal attacks the Vice President made, which are certainly within his right to make, are, in my memory, at least unprecedented. I did not say that he did not have any right, nor did I suggest, as the holder of a political office, that the same strictures applied to the Vice Presidency as apply to officers in the military service.

Mr. GURNEY. I am certainly glad to have that clarified, because I would think that we had, indeed, reached dangerous times if Members of this body thought the Vice President should not speak out strongly on things which affect him deeply.

Mr. CHURCH. The Senator heard my remarks, but he can read them again in the RECORD. He will find that no construction of those remarks could possibly lead to that interpretation or that conclusion.

Mr. GURNEY. May I pose another question to the Senator from Idaho. During the colloquy, he talked about other countries having experienced military juntas, not only as governments but also as groups which have taken over government. Does he suggest that the article written by Captain Hanks indicates that the Navy Department of the United States is about to effect a military coup or takeover in this country?

Mr. CHURCH. No. I think the Senator was here and heard what I said. If he did not, let me restate my arguments. One of the reasons for the high reputation the professional military enjoy in this country is the fact that our highest ranking officers, over the years, have scrupulously observed and recognized the supremacy of civilian rule.

The reason I am disturbed over the Hanks article is that it departs radically from what have been the traditional, professional standards of the military.

As one whose family has long been involved in the military, whose brother served in the Marine Corps as an officer all his life, whose cousins are high-ranking naval officers, and whose family for several generations has been deeply involved in and dedicated to military service, I have a high opinion of the military. I am sure my opinion is as high as that of the Senator from Florida. I would not want the great tradition of American military service, in any way, to be brought into question by an article of this kind. Neither do I want the U.S. Senate to be brought into question by such an article. That is why it has so disturbed me.

Mr. GURNEY. I am certainly reassured by the Senator's statement of the traditional role of the military in the Government of the United States. I certainly agree with him on that case. I wish I had the benefit of having read the article. I have not. It puts me at a loss, perhaps, to step into this colloquy further; yet, I must say, in listening to it as carefully as I could, and I did, that it seemed to me the direction of it and the import of it was that a naval captain had expressed himself strongly about matters he felt deeply about and the purpose of this colloquy was to, perhaps, stifle such expressions and make sure he did not do it again, and make sure that naval personnel who express themselves as strongly again, do not do it again. Am I correct on that?

Mr. CHURCH. No. The Senator is wrong. I would, again, suggest that he read the article. It will be printed in the RECORD and be available tomorrow morning. He can draw his own conclusions from it. I believe this article raises serious questions. I attempted to point to what those questions were. In the light of the fact it has been given a prize by the Naval Institute, and that one of the presiding members of that board is presently our Chief of Staff, a further explanation is definitely in order.

I would expect that he would be forthcoming in giving it. I repeat to the junior Senator from Florida that the article is available for each of us to read. It will be in the RECORD tomorrow morning where the Senator may read it. Each of us can draw our own interpretations from it. But from the language and the thrust of the argument, it gives me and other distinguished Members of the Senate basis for serious concern. If the article reflects the viewpoint of the Naval Institute, the Navy, or the Joint Chiefs of Staff, an unprecedented event has occurred within our constitutional government which speaks ominously of the future freedom of our Nation within.

Mr. GURNEY. Well, may I say that I *certainly shall* read it. I apologize for not having the benefit of having read it. I could engage better in this colloquy, but let me point to something else which has been disturbing in past years.

I can remember, when I served in the other body, at the time of the previous administration, and more particularly when Robert McNamara was Secretary of Defense, that up until that time, or up until the time, perhaps, that he invoked what apparently was the rule that those of us in Congress who had previously met rather freely with personnel from the Military Establishment, the Army, Navy, Marine Corps, and the Air Force, to find out about defense matters we were interested in and to exchange ideas—and we all know this—that that ability was cut off because, apparently, orders were issued by the civilian heads of the Department of Defense that the military people would not talk with Members of Congress.

Thus, literally, they were afraid to talk to us, and we were not able to get the benefit, perhaps, of defense problems which were on our mind and that we wanted to know something about.

I merely point that out and say that I hope we never reach the time we do not permit the military to express feelings which they obviously, strongly, deeply, and sincerely believe.

Mr. FULBRIGHT. Will the Senator from Florida yield briefly?

Mr. GURNEY. I yield.

Mr. FULBRIGHT. Let me read one or two paragraphs from the article to the Senator from Florida.

It reads:

> If the United States is to be protected against the efforts of those who would place her in peril—whether through apathy, ignorance, or malice—we in the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it.

Then he goes on:

> Thus, if we in the armed services are to do our part in frustrating the aims of those who would turn the American eagle into a lamb, we must continue to single out and eliminate those among us who, by their avarice and indiscretion, despoil our integrity and destroy our credibility.
>
> Our mission is clear: to ensure our country is not militarily weakened to the point that external enemies can, through the use of force, overthrow the U.S. Government and its Constitution.

All of that, read separately, and talking about only military matters, would be innocent enough; but this is coupled with a condemnation of a number of people who have already been mentioned—several Senators—Senator CASE on the Senator's side of the aisle—they are not all Democrats—Senator MONDALE, myself, Senator SYMINGTON, Senator MANSFIELD, Senator GOODELL—several of them.

Normally, military men of course are free to talk about military affairs, but it seems to me that this insinuates clearly that a number of public officials, such as several Senators, our majority leader, also former ambassadors, are so subversive that the military oath of office requires them to be eliminated.

I have never heard a military man talk this way before, privately or publicly, certainly not in an article in the public domain, and receiving a prize from a board of governors consisting of the highest officers in our Navy.

I have never, really, at any time, suggested, directly or indirectly, that our troubles are due to the military. I have always stated and pointed out on every occasion that the major decisions which brought us into the state we now are in have not been military but political decisions and most of them have been made by Democratic Presidents.

I have never tried, and do not now believe, that the military should be blamed for our troubles in Vietnam. Evidently, this man is not aware of that because, as he criticizes the policies, he identifies—I mean, because, I suppose, the Commander in Chief happened to be a Democratic President who made the decisions.

This brings about a confusion, I think, in their minds that is not warranted. The Senators he mentioned—and I am quite sure that I can speak for them—are not trying to condemn the military. They all have great respect for the military. We are not trying to weaken the military.

We are dealing with policies that are essentially civilian policies concerning the role of this country in Asia, the Middle East, or anywhere else.

I have never before heard a high-ranking military officer attacking Members of the Senate as if they were subversive when they are discussing matter of the highest policy, diplomatic policy, and international policy, which are really not military affairs.

No one is criticizing any of our military as such, in that they are not in any way carrying out orders or not serving the country.

Mr. GURNEY. Mr. President, I ask unanimous consent that I be permitted to speak for 2 minutes.

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

Mr. GURNEY. Mr. President, if I may reply to the distinguished chairman of the Foreign Relations Committee, first of all I point out that I certainly agree with him that no Senator suspects any other Senator of having subversive tendencies simply because he has strong feelings concerning our foreign policy in Vietnam or, for that matter, strong feelings on what our military weapons system should be, or what part in foreign policy our military people should play.

There is very deep difference of opinion on Vietnam.

I simply say that I think that perhaps we might learn some lesson from the article. Perhaps the language was too strong. I have not read it, but I will certainly read it in tomorrow's RECORD.

Mr. President, I know there are deep feelings among the military. These people are sincere and dedicated people and very able. Some of the actions we have taken in the Senate and some of the statements some of us have made perhaps on Vietnam trouble them greatly. They indeed feel, perhaps, that it has not aided the war effort and perhaps has hurt it.

I am not making a case for them. I simply say that they feel that way.

I think that last year when we had the very extended debate on the military procurement bill—the ABM portion as well as the other portions—a lot of military people felt that was a concerted effort, perhaps, to weaken the

Military Establishment. I am not saying they are right.

I am glad that we had the debate last year. I simply say that they feel very strongly about the matter.

I think that it may add something if their voices are heard, too, because we do want dissent, responsible dissent, so that we do have the opinions of everyone.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, there will now be a period for the transaction of routine morning business with a 3-minute limitation.

Mr. AIKEN. Mr. President, I ask unanimous consent that I may have 5 minutes in which to discuss what I think is a very important, nonpolitical subject.

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

THE INCREASES IN THE PRICE OF FUEL OIL

Mr. AIKEN. Mr. President, last week President Nixon urged labor and management to apply voluntary restraints to help control inflation.

On the day after the President's message urging voluntary inflation controls, he issued a proclamation increasing home heating oil imports by 40,000 barrels a day.

This was hailed by many as a concession to the Northeast.

The fact is, however, this small concession will not begin to offset the fuel oil price increases of this year to date nor prevent further increases.

The Northeast needs an increase in imports of at least 150,000 barrels a day if our home heating oil consumers are not to be charged on the basis of short supply.

At the same time the President announced an increase of 100,000 barrels per day in permissible crude oil imports.

This increase of 100,000 barrels per day of crude oil actually represents a decrease from the amount imported in the early part of this year when imports from Canada exceeded 500,000 barrels per day or far more than the permissible limit of 332,000 barrels.

While imports of 200,000 barrels or more per day in excess of quotas were permitted up to March 1 we are told that imports in excess of quotas will no longer be permitted.

For years New England has been the captive market of the oil industry with consumers paying well above national average prices.

Mr. President, the consumers of the Northeast are entitled to protection from the discriminatory practices of the oil industry.

I am not referring to the filling station operators whose earnings are usually controlled by the same people who fix consumer prices.

I am referring primarily to those who buy No. 2 fuel oil for home heating.

I now turn to the additional problem of price hiking for residual No. 6 fuel oil that is used by our industries and institutions.

On the very day that the President proclaimed a small increase in home heating oil imports, a company in southern Vermont wrote me advising that there had been four price increases in residual fuel oil since January 1 and their supplier had stated there will have to be additional price increases this year.

The supplier blamed this situation on the critical fuel shortage caused by the combination of restrictive oil import quotas and the fact that industries in some States have been required to switch to a fuel with a lower sulfur content which, of course, reduces coal usage and increases the demand for oil.

At the same time, a textile mill in northern Vermont complained of an increase in prices which will raise its fuel costs some $20,000 a year—and the end is not in sight.

Two days after the President had announced an increase in permissible imports of oil, a Vermont hospital reported that in addition to a 10-cents-per-barrel increase in No. 6 oil effective as of April 16—an additional increase of 39 cents per barrel would be effective as of June 8.

This increased cost of $5,000 per year will be passed on to the patients using the hospital.

Earlier information from a Vermont municipal electric light company shows the way the coal industry, now largely controlled by the oil industry, and the railroads are getting a profitable piece of the inflationary fuel pricing that is charged to New England users.

This municipal utility stockpiles coal during the spring, summer, and autumn months in order to meet the winter fuel needs.

In the past this coal has been purchased in 100-car shipments, but this is no longer possible.

All the railroads will deliver now is 30 to 40 cars at a time.

The balance is bought wherever it can be found in single car lots.

The railroads blame the coal industry, and the coal industry blames the railroads while both profit from this breakdown in service.

In terms of cost, the municipal utility I have cited is now paying $7.50 a ton at the mines for coal that cost $5.50 a ton last January.

Added to these inflationary costs I have mentioned is the decision of the Atomic Energy Commission to increase the price of enriched uranium, the fuel which Government-owned plants produce for atomic powerplants.

This increase is unwarranted and unnecessary and if permitted to stand will only benefit those electric utilities that use fossil fuels by making atomic electric energy more costly.

I regret that our Government has not taken more available and more effective steps to control inflation and provide equity in pricing fuels, and trust that this oversight will be corrected without further delay.

The PRESIDING OFFICER (Mr. EAGLETON). Is there further morning business?

Mr. KENNEDY. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. Mr. President, I yield to the Senator from Massachusetts if I have any additional time.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be permitted to speak for 4 minutes.

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

Mr. KENNEDY. Mr. President, I would like to commend the distinguished Senator from Vermont for the statement he has made on the floor this morning.

I know this has been a problem which all of us in New England—the part of the country that represents only 7 percent of the population but consumes 26 percent of the heating oil in this Nation—realize has been a great hardship to the people who live in New England.

This recommendation that has now been achieved or at least partially undertaken by the President to release some 40,000 barrels a day is only a small step.

Those of us who are from New England had hoped we could get as much as 150,000 barrels a day released, which according to the best information we had would have meant a reduction in cost of 2 cents per gallon to the consumer, the homeowner, and those who use the heating oil.

I commend the Senator for the reasonableness and the thoughtfulness of his statement. It is not just the articulate expression of a New England Senator, but I think all of the comments made by my colleague from Vermont are completely justified in the President's own task force report on the entire oil importation problem, a program which was recommended to the President, and upon which the President has deferred action.

We have worked on this issue together for many years and I applaud the Senator's articulation of what is a problem of considerable magnitude to the consumers of home heating oil in New England. We realize we are about to enjoy a warm summer but it will not be long before the winds of autumn come through that oldest part of our Nation. I think the Senator's expression of these facts today is a continuation of the long effort he has been working on for many administrations, both Democratic and Republican, for action which is long overdue.

I commend the Senator for his comments and his statement.

The Senator has been interested not only in this issue but in the entire power issue where he has taken a courageous stand and has brought to all of us judgment and thoughtfulness which was necessary in meeting these difficult problems.

Mr. President, I commend the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I thank my neighbor, the senior Senator from Massachusetts.

I made the statement simply because I do not want the people of New England to think something wonderful has been done for them, when such is not the case. As far as the people of the

United States are concerned, instead of getting an increase in the amount of crude oil imports, they will have a decrease of approximately, shall we say, 100,000 barrels a day because we have been told already there will be no imports over and above the quotas; whereas in January and February—and I do not know how far back beyond that—there were imports of 200,000 barrels a day over and above the quotas. Now, we have lost 100,000 barrels a day instead of gaining.

Mr. KENNEDY. Is it the understanding of the Senator that even with this modification or increase, it will not have any impact in the prices for heating oil for home consumers? We are not just interested in supply but also prices. Certainly consumers of home heating oil are interested in the price. I know the recommendation of the Senator and others has been directed toward prices, and I was wondering if the Senator from Vermont, in his study of this problem, has found that this very modest increase of 40,000 barrels will not result in any reduction in price for consumers.

Mr. AIKEN. No, although we should be grateful for small favors—the 40,000 barrel increase is hardly a drop in the bucket. Our people in New England are paying increased prices for petroleum. Prices are up for almost every other petroleum product of one kind or another, including gasoline, as the Senator knows.

I do not want the people fooled into thinking that something wonderful has been done for them, which will automatically lower their cost for heating oil and other oil products.

AMERICAN POW'S STILL SUFFER

Mr. GURNEY. Mr. President, during these discussions of the past few weeks of American policy in Southeast Asia one fact has been brought into clear focus which we must not allow to become blurred by the passage of time. That is the grim situation in which our 1,400 American prisoners of war find themselves in North Vietnam. I call this matter to the attention of Senators once again to remind them that the men and their families are suffering untold agonies and to call upon them to do all in their power to aid in their quick return to their homes.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may be recognized for 5 additional minutes beyond the normal limit of time.

Mr. KENNEDY. Mr. President, reserving the right to object, I wish to propose a parliamentary inquiry.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator will state it.

Mr. KENNEDY. Mr. President, according to the previous order, I understand that at 11:30 we will move to controlled time.

The PRESIDING OFFICER. The Senator is correct.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may speak until 11:30.

The PRESIDING OFFICER. The Senator is recognized for 4½ minutes, until 11:30.

Mr. KENNEDY. Mr. President, as one who controls one part of the time, I assure the Senator that any additional time he needs he will get.

Mr. McGOVERN. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

THE McGOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, the Washington Post this morning under the by-line of Phillip D. Carter published a news item about proposed strategy in the Senate of some Senators with respect to amendments relating to our policy in Southeast Asia.

The two concluding paragraphs of that article read as follows:

> Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote. This proposal would cut off funds for any Indochina involvement after Dec. 31, 1970.
>
> It is "common talk down on the floor," Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces. This vote has been slated for July or August.

Mr. President, I wish to say first of all that I hope that is not a true report of the intentions of those who are opposed to this amendment, which seeks to bring an end to our involvement in Southeast Asia. I would regard that procedure as contemptuous of the normal Senate courtesy that is extended to the author of an amendment in the Senate.

For a number of weeks we have advised the leadership on both sides of the aisle, individual Senators, and the public at large, that the so-called McGovern-Hatfield amendment would be called up for a vote on the military procurement authorization bill. I repeat that it seems contemptuous of the consideration usually given Members of the Senate for another Senator to move to bring a matter to a vote on a different bill at an earlier time, and it also seems a case of crude and cynical partisanship for us to be playing fast and loose with a life-and-death issue of this kind which involves the safety and well-being of our forces in Southeast Asia.

Mr. President, I want to serve notice on any Senators considering that kind of crass procedure that it is my intention to move to table any such effort if it comes prior to the time we have notified the Senate we are ready for the vote. I hope that Senators who support our measure will vote for the motion to table and that other Senators who respect the normal courtesy in this body will join in such a motion to table. Whether that move is made, I want to make clear there will be a vote to end the war when the military procurement authorization bill comes to the floor of the Senate. Any effort to defeat our amendment prior to that time as an exercise in partisan politics to embarrass the authors, will not preclude another vote which we are already committed to publicly. So let me put my colleagues on record here this morning that such a vote on the amendment to end the war will be held when the military procurement bill comes to the floor.

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly?

Mr. McGOVERN. I yield.

Mr. GRIFFIN. I am sorry, I just came on the floor and did not hear the full statement by the distinguished Senator from South Dakota. The Church-Cooper amendment which is attached to the military sales bill speaks in terms of no funds authorized or appropriated under this or any other act shall be used for such and such a purpose. So the Church-Cooper language——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent——

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair may state to the Senator from Michigan, the hour of 11:30 a.m. having arrived——

Mr. GRIFFIN. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

Mr. KENNEDY. Mr. President, reserving the right to object—and I will object—I would hope that additional time could be made available to the Senator from Michigan. I, as acting majority leader, will be glad to consent to that request for time once we are under controlled time.

Mr. GRIFFIN. Very well.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The hour of 11:30 a.m. having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill, H.R. 15628, to amend the Foreign Military Sales Act.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Kansas (Mr. DOLE). The time up to the hour of 1 o'clock is controlled and equally divided between the Senator from Kansas (Mr. DOLE) and the Senator from Arkansas (Mr. FULBRIGHT).

Mr. GRIFFIN. Mr. President, as the designee of the Senator from Kansas, I yield myself 5 minutes.

Continuing the discussion—which does relate to the pending business because I want to make the point that the Church-Cooper amendment to the Military Sales Act is phrased in terms of "no funds authorized or appropriated under this or any other act shall be used" for particular purposes.

There is no question but that the type of amendment the Senator from South

Dakota has been advocating would certainly be appropriate as a new section in the Military Sales bill. I suppose the only question is, when should the Senate vote on that kind of amendment? We have been debating the war in Southeast Asia and policies with regard thereto for some 5 weeks or more. Perhaps the Senator from South Dakota indicated earlier in his remarks why he does not want to vote on the McGovern-Hatfield amendment at this time; if he did I did not hear him.

Mr. McGOVERN. Let me read again what the Senator from Colorado said. He said:

> It is common talk down on the floor that some Senator might offer the same amendment (the McGovern-Hatfield amendment) early in an attempt to defeat it before its backers can strengthen their forces.

That speaks for itself. Here is a cynical movement anounced beforehand by the Senator from Colorado that, with the Senate having concerned itself now for the last 6 weeks with a very limited step relating to Cambodia, he proposes to bring up the so-called McGovern-Hatfield amendment for the purpose of defeating it before the Senate has an opportunity to turn its attention to that amendment.

All I am saying is that the Senator may bring that matter up for a vote whenever he wishes to, but there will be another effort to vote on it under the military authorization bill. If this cynical power play to defeat the amendment by premature action succeeds, I want to put the Senate on notice that there will be another chance to vote on it when the military procurement bill comes up. We have made that pledge both publicly and privately for 6 weeks, and we intend to keep it.

Mr. GRIFFIN. The Senator has a right to do that. I take exception to the term "cynical," because I think it would be in the interest of the Senate to get on with its business. After 5 weeks or more of debate on the war and policies with regard to Southeast Asia, we should proceed to a vote on the pending issues relating to the war. I believe we should dispose of the issues that remain and get on to other business.

Of course, the Senator from South Dakota does not agree with that view, and he is entitled to his opinion. I do not know whether the amendment will be offered or not. Personally, I hope it will be, so that we can vote. Then if the Senator wants to bring the amendment up again at a later date, of course, he can do that.

Mr. McGOVERN. The Senator understands who has delayed the Senate for the last 5 or 6 weeks. Certainly it is not the proponents of the Cooper-Church amendment who have been responsible for the 5- or 6-week delay. Of course, I cannot speak for the Senator from Idaho (Mr. CHURCH) or the Senator from Kentucky (Mr. COOPER), but I am confident they have been ready to vote for several weeks.

Mr. CHURCH. The Senator is correct.

Mr. GRIFFIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Michigan has the floor. The time has expired, by the way.

Mr. GRIFFIN. Mr. President, I yield myself 3 additional minutes.

I believe—and I think other Senators will agree—that the debate we have had on the war in Southeast Asia and policies related thereto has been very helpful and useful to the Members of the Senate and the country. I do not believe it has been time wasted. I am sure one of the reasons that so much time has been devoted to this debate is that the announcement was made a number of weeks ago that when we finished the vote on the Cooper-Church amendment we would then take up the Gulf of Tonkin resolution and after that we would take up the Hatfield-McGovern proposal. So this has been on the schedule anyway.

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. Having discussed this general subject so much, it would be expediting the business of the Senate to go ahead and vote now on the Hatfield-McGovern amendment. I am surprised the Senator from South Dakota does not want to vote on it.

Mr. KENNEDY. Mr. President, will the Senator yield to me for a statement in terms of the schedule?

Mr. GRIFFIN. I am glad to yield to the distinguished assistant majority leader.

Mr. KENNEDY. In terms of the schedule, with which I am somewhat familiar, I think the Senator from South Dakota, at least in terms of the intention of the leadership, has expressed our understanding of what was the order of procedure on some of the matters involving policies in Southeast Asia. I only raise the point in response to the observation of my good friend from Michigan with respect to when and at what time the McGovern-Hatfield resolution was to be considered. Obviously, those judgments and expressions by the majority leader are on the basis of the best information and judgment available at that period of time, and all of us know it is still an open question, but I would not want the RECORD to reflect that it was understood by the leadership at any time that this was a contemplated move. Certainly it is within the right of the Senator from Michigan or any other Senator to do it, but I wished to clarify my understanding of the schedule.

Mr. GRIFFIN. I received an avalanche of mail—and I am sure other Senators did also—following the telecast in which the Senator from South Dakota participated. But since then the volume of mail has gone down. Now, we are receiving little or no mail on it. Frankly, I think the Senator had better hurry up and have a vote. The support is waning.

Mr. McGOVERN. Mr. President, if the Senator will yield, the timetable the Senator just referred to has been upset by the move to bring up the Gulf of Tonkin resolution before the vote on the Church-Cooper amendment. The intention, as the Senator described here, was to dispose of the Church-Cooper amendment and then to move to a debate on the Gulf of Tonkin resolution and then on the McGovern-Hatfield amendment. But with reference to the Senator's comment on support falling for that amendment, he knows that the focus of attention for the last 5 or 6 weeks has been on the Church-Cooper amendment. That has been the matter under consideration and in the public eye. I assume that is why the Senator from Colorado has said he wants a vote real quickly now on the other amendment before we have had a chance to fully consider it and before the attention of the public is focused on that matter.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

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

Mr. GRIFFIN. I yield.

Mr. GURNEY. Mr. President, I certainly agree with the statement made by the Senator from Michigan in the colloquy that has just taken place. I think the important part of this whole matter is the point he made about this being a broad-ranging debate for the last 5 weeks.

For the last 5 weeks, it is true that it has centered on an amendment called the Church-Cooper amendment, but I think we have gnawed the bone of Southeast Asia backward and forward and up and down, and got every morsel of meat off it. I do not think there is any question about the views of any individual Senator about Southeast Asia, what ought to be done about it, when the war ought to be ended, or whether Vietnamization is working or is not working, and I agree wholeheartedly with the Senator from Michigan that if we spent another year on this matter, discussing it, we would not worry out any more legislative action and movement than we have right now.

I am delighted that we are going to vote on the Tonkin Gulf resolution, and I, for one, wish we could vote on the ending of the war amendment right after it, and then get on with the business of the Senate, which has been long delayed, and which we ought to get to.

Mr. GRIFFIN. Mr. President, I am sure no Senator wants to play politics with the war in Southeast Asia or make it appear that anyone is playing politics, but it could be interpreted that way.

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

Mr. GRIFFIN. I yield.

Mr. DOLE. I understand the so-called Hatfield-McGovern amendment is under review, or at least serious revisions are being considered at this time, and that might be a factor in whether or not it should be offered at this point. I mean if there are revisions being made which are different from those whereby hundreds of thousands of dollars were raised, perhaps we should wait for the revision.

Mr. McGOVERN. Mr. President, will the Senator yield on that point?

Mr. DOLE. I yield.

Mr. McGOVERN. I am not aware of any revisions which are being seriously considered by the sponsors of the amendment. I have heard reports that some other Senators who have not yet joined

as cosponsors have suggestions they want to make, and those ought to be considered at the proper time, when we can turn our attention to that amendment. But the cosponsors of the amendment have no thought, at the present time, of offering any substantial changes in the amendment.

Let me just say that I wish the Senator from Michigan had not left immediately after stressing the importance of not even looking like politics is being played with this issue. I think it does look like politics is being played with the issue when a Senator stands up and tells a press conference that he is going to move for a vote on an issue to defeat it before the Senate has a chance to debate it.

Mr. DOLE. I have not been a Member of this body too long, and do not fully understand what is politics and what is not politics; at least I have been accused by the Senator from Arkansas of such shortcomings.

Mr. FULBRIGHT. Mr. President, if I may say so, the Senator certainly understands the meaning of politics. I have never said he did not.

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

Mr. DOLE. I yield to the Senator from Florida.

Mr. GURNEY. I think the political aspect of this thing is whether it is ripe for a vote or not. Some people think it is, and some that it is not. But whether people consider that it is going to win or not is the political aspect of it.

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

Mr. DOLE. I yield to the Senator from Kentucky.

Mr. COOPER. Does the Senator think there is a plan on this side, among the opponents of the Cooper-Church amendment, that they may allow a vote, say, on June 30 or July 1? Is that the purpose of the long debate, to end it after the date set for removal of all troops from Cambodia?

Mr. DOLE. The debate has been fairly well balanced. There has been no monopoly of debate by those holding one particular view. But we are approaching the weekend, and probably next week we can have a final vote on the Church-Cooper amendment.

Mr. COOPER. I thought, since we were approaching June 30, there might be some such idea afoot.

Mr. DOLE. It is coincidental that we are also approaching June 30. There have been some amendments offered, and some have been adopted. From the outset the basic disagreement has been a matter of interpretation, not of how we feel about getting into another war in Cambodia. We are all opposed to that.

I plan to vote for the Cooper-Church resolution, whether any other amendments are adopted. We have gone a long way in the past 30 days. I commend the Senator from Kentucky; I have great respect for the Senator from Kentucky, and also for the Senator from Idaho, for their leadership and their patience in this matter.

Mr. COOPER. Mr. President, I must say, in response, that the Senator has told me a number of times that he would prefer that we come to a vote; but apparently there are some forces against which we could not move.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

Mr. FULBRIGHT. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Senator from Arkansas has the time.

Mr. FULBRIGHT. Actually, I would rather the Senator have it.

Mr. CHURCH. Will the Senator yield me 2 minutes?

Mr. FULBRIGHT. Yes.

Mr. CHURCH. Mr. President, regarding these disclaimers of politics and political motivation that have been made on this floor within the last few minutes, if the observation is accurate that the McGovern-Hatfield amendment is a sick patient, I certainly would not want to call in any of the Senators who have spoken on the other side of the aisle as doctors to attend to it.

I wholeheartedly agree with the position taken by the distinguished Senator from South Dakota that the McGovern-Hatfield amendment will be brought up prematurely by opponents of the amendment. It will have been taken out of the hands of the amendment managers, and voted on before public support can be fully marshaled in the country. This action cannot possibly be characterized by any other adjective than "political" at best, and "cynical" at worst.

If this premature, cynical effort by the opponents of the end-the-war amendment does take place—and the measure is killed at that time—the Senator from South Dakota should then proceed, at an appropriate time, to bring up the amendment again for a vote when the military procurement bill is before the Senate.

I commend the distinguished Senator from South Dakota for the courageous position he is taking on this vital issue.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

I wish to join the Senator from Idaho and the Senator from South Dakota. The Senator from New Hampshire, the other night, made great fun of the observations I made with regard to the manner in which the repeal of the Gulf of Tonkin resolution is being handled. The Dole amendment is before the Senate now. The remark attributed to the Senator from Colorado to the effect that he is going to bring up the McGovern resolution is in accord with the procedure represented by the Dole amendment. I am against that procedure.

My real interest about the Gulf of Tonkin resolution is not just in bringing it up. I have been here a good while, and I am perfectly willing to withdraw my earlier remarks to the effect that he has not been here very long. It does not matter how long he has been here, really—whether it has been a week, a month, a year, 6 years, or 50 years. The point I had in mind and was trying to make is that we have rules and procedures; we have our traditions and our generally accepted practices, and we ought to respect them.

The point is that if the Senate is to operate, in my view, as an effective part of our constitutional democratic system, there has to be some degree of respect of one Member for another, and some consideration for other Members. In other words, I do not know of any precedent, in 25 years——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. All right, 3 more minutes.

I know of no precedent for doing what the Senator from Colorado apparently is thinking of doing. The McGovern-Hatfield amendment is an important matter. It is well publicized; everyone knows about it, and it has great significance in the public mind and in the mind of the committee. Whether you are for or against it, it is a matter of great importance because it involves the war; it involves 100 deaths a week of our boys and billions of dollars in money.

Again, I know of no precedent for the Senator's action. I have never heard of a case such as this. Although it does not violate the rules, it certainly violates the traditions of normal, regular practice in the Senate.

I remember the days of the late Senator from Wisconsin, Senator Joe McCarthy; he had his own way of doing things, and I would exempt anything I say about following the rules in his case. He did not recognize many rules, either of the Senate or of anything else.

But I know of no case that is comparable to what the Senator from Colorado has announced he plans to do—to bring up another Senator's amendment with the avowed purpose of defeating it. This talk about it being timely and relevant to what we are doing now is perfect nonsense. The Senator from Colorado wants to bring up the amendment because, as he reportedly said, "I want to bring it up because I want to defeat it." He thinks there is a momentum which can defeat anything favored by the supporters of the Cooper-Church amendment.

That is obviously what he is counting on and it has nothing to do whether it is appropriate to bring it up now. It is because, as he has said, it may be a propitious time to defeat it because a momentum is developing on the issue of whether or not the Commander in Chief has carte blanche to do anything he likes in this or any other war. As I have said, I think this is a very dangerous interpretation of the Constitution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I will take as much time as I have available, and then the Presiding Officer can inform me that my time has expired. I do not think anyone else wishes to speak. If anyone else wishes to speak, I am perfectly willing to yield.

I think this matter has raised a very important question. I have been here a good while. I probably will not be here very much longer, but I think the Senate is an important institution, aside from any particular issue.

It is a unique institution, in which we have unlimited debate, free debate. The

Presiding Officer cannot gavel one down, as can be done in the House of Representatives.

I speak of the other body with the greatest respect. They have rules. But as was noted the other day, on very important matters they can allow you 45 seconds if you do not agree on a particular matter. I was a Member of the House. What can a Member of the House do over there if he does not happen to be in the hierarchy? He cannot do anything. The Senator from Kansas knows that. He was a more recent Member than I. I was there, and one could not say a word.

The Senate is a unique body, and it is unique not only because of the rules or the relative lack of them. It is because traditions have developed in this body, traditions that have developed over the years. No matter how bitter the opposition—I mean how strongly one may feel—respect is accorded to the rights of the other Members, and that does not mean just according to the rules. If we become so inconsiderate of other Members that we have to resort to the strict rules of the Senate, we will find that it is not much better than the House, if we really enforce them rigidly.

What has actually happened in the Senate by the procedure of unanimous consent, with the Members not raising a point of order and not trying to interfere, is that we have provided for the maximum freedom that can be available to any legislative body in the world.

This is what was really behind my remarks about bringing up the pending amendment to repeal the Gulf of Tonkin resolution. This amendment is not against the rules, the strict rules. It is certainly against the general understanding, the traditions, and the practices of this body.

It is the same with respect to the amendment of the Senator from South Dakota, and the procedure evidently intended by the Senator from Colorado. I have never heard of a case in which a Senator has said, "I am going to bring up ahead of time another Senator's amendment and try to get it defeated."

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

Mr. FULBRIGHT. I yield.

Mr. GRIFFIN. I am going to disregard, of course—and I think everyone else will—the Senator's reference to the late Senator McCarthy, because that certainly has no place at all in this matter.

The Senator from Arkansas has been a Member of the Senate much longer than I have, but in the short time that I have been here, does he not recall occasions when the former minority leader, Senator Dirksen, and even the majority leader, Senator MANSFIELD, have made a motion and indicated that, while they opposed their own motion, it was in the interests of the Senate to bring a matter to a vote? Certainly, the Senator from Arkansas recalls occasions when that has happened.

Mr. FULBRIGHT. I am not sure that the example the Senator uses is at all relevant to this case. Does the Senator mean that Senator Dirksen ever called up a bill or a motion, with respect to which I had announced an amendment, in order to defeat it?

Mr. GRIFFIN. I seem to recall occasions when motions to table were offered, to bring a matter to a vote, even though the moving party said, "I am going to vote against the motion to table."

Mr. FULBRIGHT. The Senator is mistaken about the whole question at issue.

I would be interested, if the Senator wishes, to ask the Parliamentarian to see whether he can come up with a precedent that is on all fours with what the Senator from Colorado is reported to have announced he is going to do with respect to the McGovern amendment. I would be interested to know whether there is a precedent. I do not know of any. A motion to table is not such a precedent.

Mr. GRIFFIN. How much time do the Senator from Arkansas and the Senator from South Dakota want on the McGovern-Hatfield amendment? I do not think there is any indication or disposition on this side to limit the time. If they want a good deal of time to discuss that issue, we will be cooperative on that.

Mr. FULBRIGHT. The Senator is very adept at confusing the issue. It is not a question of time. He wants the time. He has been the leader of the present filibuster to carry the pending business on until the end of June. He is trying to confuse the issue about what Senator ALLOTT reportedly said about Senator MCGOVERN's amendment. It is Senator MCGOVERN's privilege, having introduced it, to ask that it be brought up whenever he believes it is appropriate.

The only point I want to make to the Senator from Michigan and the Senator from Kansas is that the particular issues that we are dealing with now are far less important than the preservation of the traditions and practices of this body. If we can preserve our constitutional system, I think the Senate will have played perhaps the leading role, because it is the one institution, as I have said, in which there is free and unlimited debate. That is the main issue, it seems to me.

When you begin to get too hardnosed about these matters, too rough, and begin to infringe upon the traditional rights of other Members, then you are bound to create reactions; and if this goes too far, the Senate, as we know it, will cease to exist.

This is not a small matter. And I would like to do everything I can to preserve this body functioning more or less as it has, not because I think it is infallible or without fault, but because I think it serves an extremely important function.

This is the real meaning behind the Cooper-Church amendment—to reestablish the role of the Senate in the field of foreign affairs. That, I think, is its main significance. The fact that it relates to Cambodia as such is more or less incidental, at least in the long run. Fundamentally, the Cooper-Church amendment is an assertion by the Senate that this body still has a role to play in our constitutional system.

I hope that the Senator from Colorado will not precipitate the kind of reaction which I think is almost bound to happen, because, whether in Congress or in the field of military affairs, if we go too far in one direction, we get a reaction from the other, unless the opposition is completely eliminated and destroyed.

I do not think that would happen by bringing up the repeal of the Tonkin Gulf resolution. I have already made my speech about that. I am going to vote for its repeal. I am committed to it, of course. I still think that it is unfortunate it was not brought up according to recognized procedure.

It implies a certain disrespect for the Foreign Relations Committee, and I am the first to recognize the committee is not my private property. I happen to be one member of 15 members, and a transient member at that. But the institution of the committee system, and the Senate itself, is what I am thinking about.

Repeal of the Gulf of Tonkin resolution is not going to remake the world. I am not one bit bemused about the statement that it is, because to me, it is just one of the little pieces of debris of history lying around, and we thought we would throw it in the ashcan. Whether we repeal it is not all that important. I do not want to have a falling out with anyone about it. If it is not repealed, I shall not lose any sleep over it. But I think it should be repealed and that should be done in an orderly fashion in order to preserve some respect for the committee system.

I also think it is extremely important that all Members preserve some respect for other Members if they have an amendment on which they have worked and spent some time. They are entitled to present it and not have another Member appropriate it. This is like taking or appropriating someone else's property—not real or tangible property, but their interest, their work on a piece of legislation.

Mr. GOLDWATER. Will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I am glad to yield for a question.

Mr. GOLDWATER. Last Sunday afternoon, on the television program Issues and Answers, I believe it was the Senator from New York (Mr. JAVITS) who made the statement that the McGovern-Hatfield amendment was being changed in effect, so that it might not appear in the form in which it was submitted. In the event that happens, would the Senator object to the present form of the amendment being presented as an amendment to the bill?

Mr. FULBRIGHT. The Senator from Arizona should understand that I have no proprietary interest in that amendment. I believe that is a matter on which the Senator from South Dakota (Mr. MCGOVERN) should be consulted. If the Senator from Colorado went to the Senator from South Dakota and said, "Look, this is a propitious time to bring it up. Why don't we do it now?", I would have no objection. I think that the Senator from South Dakota, having put a lot of work into it, and having raised a considerable amount of money to bring it to the

public's attention, has an investment of time, energy, prestige, and so forth, in it and is therefore entitled to full consideration.

I do not care what he would be willing to do about it. I am not expressing my own interest in it, or in any other particular amendment. We can all generate our own. I think it is unfortunate for one Member to appropriate another Member's amendment. That is about all I am trying to say. I do not care if he wants to change it. I say to the Senator from Arizona that I think he recognizes we should have some respect for other Members' interest and rights in proposals to which they have given considerable thought, time, and energy.

Mr. GOLDWATER. I have no knowledge at all of what the Senator from Colorado intends to do. In fact, I never heard about this until I just walked into the Chamber this morning——

Mr. FULBRIGHT. The newspaper accounts were being discussed just before the Senator came in.

Mr. GOLDWATER. I do not know, but maybe the Senator from Colorado thinks that the present form of the McGovern-Hatfield amendment is a better form than one that would be changed, but if it were changed, he might very well offer it, and that this might be a better idea——

Mr. FULBRIGHT. According to the reports, the Senator from Colorado wants to defeat it, not to approve it. He apparently thinks the time is ripe to defeat it, according to what was said here a moment ago. The Senator from South Dakota talked about it earlier; there was a piece in the paper about it this morning.

Does the Senator from Kansas (Mr. DOLE) want me to yield to him now, as I am ready to yield the floor?

Mr. DOLE. I appreciate the Senator's comments with reference to the Senator from Kansas. It certainly was not my purpose to offer repeal of the Gulf of Tonkin resolution on the theory of having it defeated. My purpose is to offer it now and to have it repealed and, hopefully, I assume that will be accomplished after the vote today at 1 o'clock.

All of us who voted for the Gulf of Tonkin resolution in 1964 have an interest in it. There is not much controversy about its repeal. Do we want it in the bill or do we want to repeal it?

The Senator from Kansas has held the view for some time, that it should be repealed, that it serves no useful purpose, that it is obsolete, and that it is not relied upon by this administration and has not been relied upon, because we are not in a period of escalation but in a period of extrication. Therefore, it was offered in that spirit.

In addition, we have had considerable debate, not on the Gulf of Tonkin specifically, but we had the opportunity yesterday to hear the Senator from Arkansas discuss it in some detail. Everyone who has an interest in it has discussed the Gulf of Tonkin resolution.

Accordingly, I see no reason now why we should not proceed. We will proceed, of course. But it was not offered in the spirit of being property belonging to another. No Senator in this Chamber wants war. We in the minority do not believe that Senators who support President Nixon are pro-war or that those who do not support him are antiwar, or are in some other category.

It is difficult, as a member of the minority in the Senate, to seize the initiative, although we must be resourceful enough from time to time to try to do that. I am sure that the Senator from Arkansas understands that, and appreciates it, although he may not commend it. But at least the Senator from Arkansas understands, perhaps, one of the purposes for offering the Gulf of Tonkin resolution repealer at this time.

Mr. FULBRIGHT. I understand that, of course, the original move for repeal was initiated by the Senator from Maryland (Mr. MATHIAS). I did not initiate it. But it came to my committee. We considered it. We had hearings. Then we asked the Senator from Maryland—because the Gulf of Tonkin resolution provides for its repeal by concurrent resolution, to reintroduce his amendment in the form of a concurrent resolution, and he did so. That caused a little further delay. Then we reported it in the proper form.

As I say, the committee spent a lot of time on it and so did the Senator from Maryland. I felt some responsibility to protect his rights as well as those of the committee. I do not know about the Senator consulting the Senator from Maryland, but I agree that the Tonkin Gulf resolution should be repealed. I think it will be. But I would like to see it done in the proper form.

As Senators know, there are lots of bills on the calendar. If we come in here late some afternoon—or make a practice of it—and look over a bill and offer an amendment in the form of a bill on that calendar, there would not be anything illegal about it, but it would be considered poor practice. That is all I am saying.

Usually it is left to the leadership to decide when bills are called up. It is left to the leaders as a matter of policy. There is nothing in the rules which prevents the Senator from offering his amendment, and I suppose I could go to the calendar and pick up a bill that the Senator from Kansas has worked on, and gotten through the committee, and I could suddenly offer it as an amendment and get it passed, and then it would be the Fulbright bill, and I would get credit down home for someone else's bill. But as a matter of tradition and practice, we just do not do that; and we should not encourage it here because each Member has certain interests which he seeks to serve.

I say that the Senator is well within his rights to do it. But I still think it is not a practice that enhances the good will of other Senators. This is a relatively small body. And we operate in a very informal manner.

I approve of the rules when they are followed with consideration for other Senators. When they are not followed with consideration for other Senators, we get into trouble. Other Senators get mad and insist on strict application of the rules.

I have seen the Senate get into great difficulty—to the point where it is almost paralyzed—when Senators have a falling out with one another.

Under the rules providing for unanimous consent—which is the most significant part of our rules—if one Senator wants to be troublesome, he can be very troublesome in this body.

It is very different in the House. There the Speaker rules with an iron hand.

All I am saying is that it would be a great mistake if we were not careful of the rights of other Senators.

I realize that the minority gets frustrated with the majority. I have been a member of the minority, too. I do not criticize the Senator for that.

Let me say before I yield to the Senator from Mississippi, that the Senator says that no one wants war. I agree. We are all against the war.

I do not for a minute—and I do not think anyone else does, either—think that the President wants a prolonged war or an enlarged war.

What we are really arguing about is the appropriateness of the means. Do the means really promote what we believe to be the proper objective?

I do not insinuate the President is for the war. I do not believe that. I think that he would be as happy as I would be if the war were over tomorrow. However, we disagree on the means for ending the war.

I spoke to the President last year on a couple of occasions and told him my views on how to end it. Others have done the same.

I do not claim any monopoly. There are different views on how to end the war.

There are others who feel that the means being followed will not accomplish this end.

There are some people who want to get rich. Some means of getting rich are not considered proper. Some are approved and successful.

All we are talking about is the very practical matter of how to end the war. I think that the President knows the war is ruining the country. When the biggest railroad in the country goes bankrupt, as the Penn Central did, the President knows that is not healthy for the country.

I do not for a moment think that anyone believes that the President glories in this war or thinks that it is good for the country. No one is saying that. But I hope it is realized that we do have different views about how to get the war over, about how to end it.

I think that everyone agreed that it should be ended, but there is a great difference of opinion on how to do that.

That is all we are arguing about, and it is certainly a legitimate topic for debate.

The war is not being ended, obviously. It has gone on for 18 months under his administration.

We all acknowledge that the President inherited the war. No one denies that. But there are people who think that it

is so undermining the United States that it must be brought to an end by a negotiated peace and that the terms that have been offered for that are not sufficiently effective. Therefore, we say that the terms have to be made effective. We then get into the argument of what it takes to make them effective.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, will the Senator yield me 8 minutes?

Mr. FULBRIGHT. I yield 8 minutes to the Senator from Mississippi.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Mississippi is recognized for 8 minutes.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

I wish that every Senator could and would express himself on this question of jurisdiction particularly, because I believe we are heading for very serious trouble in a broad field concerning the jurisdiction of the Senate committees in the future.

I believe that the committee system is the working corps. It is the corps of accomplishment in the Senate. That has been true, as I see it, since I have been a Member of the Senate. We have overlapping jurisdiction between Foreign Relations Committee and the Armed Services Committee. The Senator from Arkansas talked about that. I have talked about it.

We have not always agreed on some points. We have tried to get along together on the matter and have done so fairly well.

It looked at times as if the Foreign Relations Committee was coming over very far, perhaps too far. However, I realized the concurrence of that committee's jurisdiction in a lot of cases. I have not complained about it. However, I do think that, whatever the Gulf of Tonkin resolution was intended to mean when passed, it was made a major part of the foreign policy of our Nation by President Johnson.

President Johnson repeatedly year after year, announced that he was operating under that authority. It may not have been unanimously approved of here, but no one got up and really objected. The Committee on Foreign Relations did not sponsor a resolution to repeal it or repudiate it.

We, to that extent, by implication made it part of our foreign policy. That is known in Hanoi, Peking, and Moscow, and everywhere else.

We come along now and the Foreign Relations Committee very properly held hearings on the matter. They have brought in a report. The committee had a vote on the matter and was prepared to debate it. That is entirely in keeping with the procedure. I have no objection to that. However, here they come along one afternoon at 4 o'clock—and I speak with great deference to our friend, the Senator from Nebraska, whom I have learned to admire greatly because he is a very fine Senator and very good on the floor—we take here a relatively unimportant bill and attach this major foreign policy issue to it as an amendment.

At 4 o'clock in the afternoon, after a small bill has been debated for 4 weeks, the proposal is offered as an amendment. Some Senators want to vote on it that afternoon. Some Senators want to vote on it the next morning.

I think we are sowing to the wind and we will reap a whirlwind on such procedure.

I commend the chairman of the Foreign Relations Committee for challenging this practice. He said he would vote for the amendment anyway. I will vote against it. I would be against it anyway. But do not count on that. I just passingly said that.

I want to bring out that our committee has under consideration the military procurement bill, to provide hardware, tanks, missiles, guns, weapons, ships, and submarines.

A section of the bill—and I do not say this to be critical of anyone—contains a resolution providing support for the Middle East. I did not vote for that.

I said in the beginning that I thought that was appropriately in the jurisdiction of the Foreign Relations Committee and that it was their responsibility. I said that I could not support it for that reason.

I bring that up now not to discredit any single member of the committee. As one member of the committee, I could not support that idea.

So at least to have a little consistency in this matter, I think that when Hanoi, Peking, and Moscow learn of the repeal of this resolution, particularly in such a precipitous way—whether the President opposes the repeal or not—the people in those areas will be impressed with the fact that this action is a further curtailment or repudiation of the powers and discretion of the President.

This ought not to be done without the most careful and deliberate consideration and debate. We have already a start in this matter by the Foreign Relations Committee itself.

Mr. President, I strongly oppose the idea, as I have said, of coming in here with a major policy change in this way. I do not think it is proper to come in with a major change in our foreign relations policy in this way, with a war going on that has been fought over these years, with over 40,000 men killed, when the former President relied on the measure as a part of his authority and our present President has not directly repudiated it—not directly. I wish he would say yes or no about it, frankly, but he does not seem to think he should, so I defer to him on that point. But we have not repudiated it and we have not repealed it. But now, here is an amendment on a bill which is being fought on another issue. The Cooper-Church amendment is in that bill, but now a major policy change would be added to it.

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

Mr. STENNIS. I shall yield in just a moment. Mr. President, I believe it borders on the ridiculous to me to come in here at the last minute and attempt to add this amendment to the bill.

I hope it will be defeated. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I moved to table the Dole amendment because I do not think it is proper. Apparently I have been misunderstood. I agree with everything the Senator has said. I thought the tabling procedure was the proper way to proceed.

Mr. STENNIS. I appreciate that. I was chiding the Senator a little earlier.

Mr. President, those are the main points I want to make. We have destroyers and other naval vessels there, and everything else. What are they going to do if they are attacked. They are there with the authority they had and the President had. This would only cloud the issue with them and our adversaries. The Senate has a special responsibility in the field of foreign relations. We have to pass on treaties and nominations, in addition to our other functions. To come in like this would be throwing in a wet blanket on a rather insignificant bill. I hope the Senate will not do it. We will regret the day we do it, if we do. It takes us down the road of disregarding jurisdiction when we should be traveling in the opposite direction and trying to clarify and get the matter of jurisdiction straightened out.

I hope the amendment is rejected.

Mr. HOLLINGS. Mr. President, will the Senator yield to me for 5 minutes?

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. FULBRIGHT. I yield 3 minutes to the Senator from South Carolina. If the Senator needs additional time he might get it from the Senator from Kansas. He has time remaining.

Mr. HOLLINGS. Mr. President, I have worked to support the Cooper-Church amendment for two reasons. My principle reason was to move quickly and soundly to sustain representative government. It was said by our President 10 years ago that those who would make peaceful revolution impossible make violent revolution inevitable. Taking this as their text, the campus radicals and dissenters in the streets have berated the establishment—more specifically the Congress—as unresponsive and irresponsible. The congressional support for our commitment in Vietnam has not been commendable. Too long have we heard the cry that American engagement in South Vietnam was illegal, immoral, and unnecessary. I have moved many times, to repudiate this. But President Nixon's incursion into Cambodia gave tremendous support to the argument and position of the radical. I felt it necessary to show that we in the Congress could listen to the concerned and the responsible and could act constitutionally. It was fortunate that we had the precedent of the Cooper-Church amendment on Laos and Thailand, because additionally we could act in concert with the President. The President had approved Cooper-Church as his policy. We could show that no longer was this a one-man operation with lack of credibility as was the case under President Johnson, but that the policy in Southeast Asia was the policy of the Congress, that representative government did work, that the policy of the people had been proclaimed by congressional action.

My second reason was to move to show some awareness of the lessons of the past

6 years in Southeast Asia. My desire has always been for military victory. I find the political-military division of this question wanting. Mr. President, you cannot secure political until you first establish internal security which calls for a military victory. But if we are not to have military victory, if we refuse to give the man on the field of battle the command to win, if the policy is to make a sanctuary of the enemy's country, then this military stupidity should not be spread to another Southeast Asian country. We should not widen the field of battle. We cannot prevail with a war of attrition in Southeast Asia. We should get out and in getting out let us not take on any more losing obligations or losing involvements.

The administration put great weight on Cooper-Church. It has had its floor leaders here on the Senate questioning the judgment and the patriotism and the sanity of the Senate itself. It is said that a requirement to consult for Cambodia was giving aid and comfort to the enemy. We had all become peaceniks and Communists. We had cut the ground out from under the Commander in Chief. We have denied food and ammunition and uniforms and support to the combat soldier while ordering him into combat. Now, in the face of all of this comes the floor leader of these charges who heads off into the opposite direction. He pleads on behalf of President Nixon to repeal the Gulf of Tonkin—that it is obsolete. To determine that a policy for battle in the middle of the battle is obsolete is to admit defeat of the policy. I do not see how a President can determine that the law of the land is obsolete. Factually, I cannot see how the authorization for the order rendered by Gulf of Tonkin becomes obsolete and yet the order itself given the soldier remains real. Constitutionally, the SEATO Treaty triggered the commitment of the United States in "accordance with the constitutional process" of the country involved. While Tonkin is not a formal declaration mandating war it is an informal one authorizing the Commander in Chief to take the necessary military action to protect the troops and interest of our country. Do away with this and you will formally repeal the commitment.

Lord knows, if a simple requirement to consult gives aid and comfort to the enemy as the administration has told us, Lord knows if a simple requirement to consult the representatives of the people cuts the ground from under the Commander in Chief and the soldier in battle, Lord knows if a simple requirement to consult obviates all chance for negotiations in Paris, then the formal repeal of the original commitment of this Nation should cause Mardi Gras in Hanoi, Peking, and Moscow. But more than that it obviates my principle reason of support for Cooper-Church. It says congressional support or action in Vietnam is totally unnecessary. President Johnson stated on CBS not long ago that he wanted the Congress with him, that he would not dare have continued in Southeast Asia without the Congress with him. Now comes the present Commander in Chief and says the Congress is obsolete. We find ourselves in the hands of the radicals. Responsive, yes. But responsible, no. We have moved to bolster representative government and in the same breath run around patting each other on the back, we say that representative government is obsolete.

I shall vote for Cooper-Church and I shall not engage in the over-reaction of President Nixon by repealing the Gulf of Tonkin. The Gulf of Tonkin does not require war. It merely authorizes military action. It is a positive way for the Congress to assume its responsibility and I am sorry at this hour that we assume irresponsibility.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, the Gulf of Tonkin resolution, it seems to me, is one of the keys to the argument now preoccupying the Senate with respect to the power of the President in this war and future wars. Unless it is cleared from the books we will not, and cannot, face the issue before the Senate and the country—the division of the warmaking powers between Congress and the President. If the President has the power to initiate undeclared war can Congress "undeclare" such wars, as part of its constitutional power to declare war? Can Congress stop a President other than by denying funds?

Perhaps the President could find funds in the Federal cupboard and use them to support troops. There is always the great argument that you would be depriving the men in combat who are in jeopardy of the means to do their job. It would be an unfortunate course but it may be the one we have to take if Congress does not resurrect the now atrophying policy war powers, so deliberately and explicitly reserved to it in the Constitution.

By clearing the decks of the Gulf of Tonkin resolution, we will have taken a step in dealing with a problem which American youth has so passionately and insistently demanded an answer on. That is: Who has the warmaking power? Can a President place us in a war—as we have been involved in a war since 1965 by a President—without public and congressional approval?

Unless this resolution is cleared from the books, President Nixon could subsequently make use of it, even though he says he is not now relying on it. It is there, and it gives him a lawful cloak of sorts for what he is doing, or might later seek to do.

I think a concurrent resolution, representing a solemn declaration by Congress, is the best course, but the Senator from Kansas has given us this early chance to terminate the Gulf of Tonkin Resolution, and I favor taking it. It will show the sentiment of the Senate and it will serve notice on the world of how we intend to proceed.

I believe we will proceed to cope with the Vietnam war by means of the Cooper-Church amendment and other amendments, and that we will do it effectively. We will let the President know our timetable and our policy as against the open-minded policy of Vietnamization of the President, which thus far has no terminal date established.

In the current debate we are writing a legislative record which history may deem as second in importance only to the deliberations of the Constitutional Convention itself. For this very reason, I opposed the second Byrd amendment, which has the unfortunate potential for being interpreted as Senate acquiescence in the concept of virtually unrestricted power devolving to the President, as Commander in Chief, in this era of undeclared wars.

The legislation I have introduced attempts to meet head on the problem of "undeclared" war. I believe that the age of mutual deterrence and "balance of terror" will continue to breed limited, undeclared wars, given the tumultuous state of our planet as a whole. In this respect, the world we will have to deal with, as regards a new delineation of the Nation's war powers, can well profit from the wisdom written into the Constitution. That wisdom was the bitter fruit of a long period of monarchal, imperial, and religious-ideological wars.

The Constitution divides and balances power. It deliberately tries to keep the power to get the Nation into war in the hands of Congress, as close to the people as possible, and away from the arbitrary exercise of Executive power.

We will only be able to face up fully to the truly historic challenge we now face when we have terminated the Tonkin Gulf resolution. This resolution, in addition to its legal implications, is a symbol of ill-considered congressional acquiescence in, and rubberstamping of, unlimited Presidential authority in warmaking. It wounds the wisdom of the Constitution. We are all agreed that it should be terminated.

I thank my colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Kansas has 24 minutes. The opposition has 5 minutes.

Mr. DOLE. I thank the Chair.

Mr. President, if there is any one basis upon which the administration's present policy can be said to rest, it is the President's duty to execute the law of the land. There are several sources of that law. Chiefly, they are the Constitution of the United States, which declares the President to be Commander in Chief and Chief Executive. It also invests in him certain implied and inherent powers which are not specifically delineated. There are laws duly enacted by the Congress; these also form part of the law of the land. In this instance specific reference can be made to appropriations to support the war and the Armed Forces in Southeast Asia. Treaties with other nations which have been ratified by the Senate also have become the law of the land. Here I refer specifically to the SEATO Treaty, which was ratified by the Senate, as I recall, with only one negative vote in February 1955.

Looking beyond purely domestic law, the United States presence in Southeast Asia find foundations in international law as well. There are three principal aspects of this basis: First, customary rules of international law, that is, the right of collective self-defense; second,

codified international law, through article 51 of the U.N. Charter; and third, conventional international law or treaty law, and specifically again with reference to Southeast Asia, the SEATO Treaty. The SEATO Treaty, aside from its role as a part of our domestic international law, is an element of international law.

Article 5 of the SEATO Treaty was referred to yesterday in a colloquy between the Senator from Kansas and the Senator from Missouri. Part of that article states, "According to constitutional processes."

The Senator from Missouri questioned whether the "constitutional processes" of the United States had in fact been following as specified in the treaty.

Of course, "constitutional processes" is somewhat vague, but I would suggest they include: consultations on an individual basis between the Executive Branch and members of the Senate and House; testimony of Cabinet officials and others in the Executive Branch before various congressional committees; votes on appropriations to support combat operations in Southeast Asia; action taken by the Armed Services Committees and the Foreign Relations Committees; and of course, and above all, ratification of the SEATO Treaty by the Senate.

Mr. President, as we near the time for a vote on repeal of the Gulf of Tonkin resolution, I think it would be well for Senators to consider these factors of domestic and international law which, apart from the Tonkin Gulf resolution, clearly uphold the authority of the Nixon administration to maintain U.S. forces in Southeast Asia while pursuing a policy of deescalation and disengagement of our committment there.

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

Mr. DOLE. I yield 5 minutes to the junior Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I appreciate the allowance of time by the distinguished junior Senator from Kansas, because the junior Senator from Alabama does not support the Senator's position with respect to the amendment he has offered.

I have observed and followed very attentively and admiringly the actions of the distinguished Senator from Kansas in fighting the Cooper-Church amendment, and I have participated to some extent in debate on the same side as the junior Senator from Kansas for I too oppose the Cooper-Church amendment.

As to the Gulf of Tonkin resolution, I believe that the passage of that resolution back in 1964 was a mistake and, based on statements made on several occasions here on the floor by the Senator from Arkansas (Mr. FULBRIGHT), it was passed under certainly a misapprehension of the facts, if not indeed a misrepresentation of the facts.

The Gulf of Tonkin resolution was used, I believe, as a basis for the escalation of the American participation in the Vietnam war. In my judgment, our participation in that war to the extent that we have has been one of the greatest tragedies that has befallen the United States. It was unwise to have passed the resolution. It was passed. It should not now be withdrawn. There are too many basic and fundamental recitals and findings of fact on the part of the Congress embraced in this resolution that would be wiped out by a repeal.

Mr. President, I am not concerned with the argument made by the distinguished Senator from Arkansas that this matter ought to be handled as a separate resolution, one that has been before the Foreign Relations Committtee.

I think that the distinguished Senator from Kansas had a perfect right to offer the amendment. What I object to is the fact the we would withdraw from the President the real basic and fundamental vehicle by which American action was taken in South Vietnam.

The resolution, in its preamble, speaks of the alleged attacks upon American ships, which may or may not have taken place, as follows:

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom—

Now, that is a state of facts that exists at this time—

and has no territorial, military or political ambitions in that area—

That state of facts still obtains—

but desires only that these people should be left in peace to work out their own destinies in their own way.

The President stands for self-determination by the peoples of South Vietnam:

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.

Are we withdrawing from that statement as one of our goals and one of the principles to which we adhere?

The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia.

We still adhere to that conviction, I assume.

Reading on, in section 3, speaking of the matter of terminating the resolution:

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,

I wish that the state of affairs at this time would enable the President of the United States to make that recital now, that the peace and security of the area is reasonably assured.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I ask for 2 additional minutes.

Mr. DOLE. I yield 2 additional minutes to the Senator from Alabama.

Mr. ALLEN. The other method is by a joint resolution of the two Houses. The amendment approach does vary somewhat from that, but it goes a step further, by being incorporated in a bill which requires the President's signature, whereas the concurrent resolution route would not. So the method chosen by the distinguished Senator from Kansas goes one step further.

It is the opinion of the Senator from Alabama that the enemy in Southeast Asia, and our real adversaries, Red China, and Russia, will take great comfort from the fact that, in repealing the Gulf of Tonkin resolution, we are showing, to some extent, our withdrawal of authority for our presence in Southeast Asia; that we are withdrawing our authorization to see the war in which we are engaged in Southeast Asia brought to an honorable conclusion; and that we are lacking the resolve and determination to carry on this war to an honorable end.

I know, by the test vote that was had on tabling this amendment of the junior Senator from Kansas, that the amendment is going to be overwhelmingly adopted. I believe that our action in this regard——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. One additional minute.

Mr. DOLE. I yield the Senator 1 minute.

Mr. ALLEN. Will be flashed rapidly throughout the entire world, and will be used as Communist propaganda to show our lack of resolve to see the war in Southeast Asia carried on to a successful and satisfactory conclusion.

I hope that the amendment will be defeated. I thank the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield 3 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I intend to vote for the repeal for the Tonkin Gulf resolution. It is unfortunate that repeal of this resolution has become entangled in the already complicated Church-Cooper amendment, but if I voted against the Dole amendment for procedural reasons my vote might be misconstrued.

I understand that the majority leader still plans to call up the previously scheduled Mathias resolution which also repeals the Tonkin Gulf resolution. Given its notorious history, I can think of nothing more fitting in the repeal of the Tonkin Gulf resolution than for the Senate to do it twice.

It should have been repealed long ago. In fact, it should never have been passed at all. We know now how prophetic the words of Senator Morse were when, during the debate over passage of the Tonkin Gulf resolution, he warned:

The resolution will pass, and Senators who vote for it will live to regret it.

Senator Morse went on to say:

There is great danger now that Congress will give to the President of the United States power to carry on whatever type of war he wishes to wage in Southeast Asia.

Indeed, there was great danger and we are still in the grips of the tragedy that followed. Of course, few of us ever

imagined at the time that President Johnson would use this resolution as authorization for sending American ground troops to fight in an Asian land war. Later, Under Secretary of State Katzenbach even went so far as to label the Tonkin Gulf resolution as a "functional equivalent" of a congressional declaration of war.

That is not, of course, what I, nor do I believe the Congress, had in mind. But the broadly worded resolution was interpreted to read that way by President Johnson. And Congress has learned its lesson. No longer will Congress grant such a blank check to the President whether he be a Democrat or a Republican. Before the United States is to become committed to propping up another Southeast Asian government, the people, through their elected representatives in Congress, must give their consent.

In repealing the Tonkin Gulf resolution, we will be one step closer to returning to the intentions of the framers of the Constitution.

Article I, section 8 of the Constitution grants to the Congress the sole power to "declare war, raise and support armies, provide and maintain a navy" and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." To be sure that Congress keeps a tight rein over the Armed Forces, the Constitution also provides that Congress can appropriate money for the Army for no more than 2 years.

The Constitution provides that the President shall be Commander in Chief of the Armed Forces. He is also given the power to make treaties which, of course, often commit the United States to defend foreign nations. But before any treaty can go into effect, it must be ratified by a two-thirds vote in the Senate.

The framers thus made clear their strong belief that committing the Nation to war was too important to be decided by one man. They had had the bitter experience of having to pay for wars that English kings started. The framers were careful, therefore, to divide the warmaking powers between the President and Congress, and to provide the Congress, through the power of the purse, with an additional check on the President.

President Nixon, of course, says he is not relying on the Tonkin Gulf resolution for his continued use of military force in Southeast Asia. He does not object to its repeal. Hopefully, he too has come to the realization that the United States cannot be the policeman of Southeast Asia. Hopefully, the President, in supporting the repeal of the Tonkin Gulf resolution, joins us in saying, "No more Vietnams." Because that is what we mean—"No more Vietnams."

I thank the Senator from Kansas for his courtesy in yielding.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield myself 2 minutes.

Mr. ALLEN. Mr. President, will the Senator from Kansas yield for a question?

Mr. DOLE. I yield.

MR. ALLEN. I ask the distinguished Senator from Kansas, if the amendment which he has introduced to repeal the Gulf of Tonkin resolution is adopted and the bill of which it becomes a part is enacted into law, will there be more authority or less authority for our military presence in Southeast Asia than now exists with the Tonkin Gulf resolution in full force and effect?

Mr. DOLE. In response to the Senator from Alabama, I would say that the authority would be the same, with or without the Gulf of Tonkin resolution. As I indicated yesterday and the day before, this was a resolution passed at the request of President Johnson in August of 1964, after an attack by the enemy on the high seas—after, I might add, the President had taken retaliatory measures. The House and the Senate were asked to pass the Gulf of Tonkin resolution. Many of us who voted for it—at that time I was a Member of the other body and voted for it—raised no objection to it. I stood mute in the House, as it passed by a vote of 414 to 0. It then came to the Senate, where, after some very brief debate—less than two days' debate—it passed by a vote of 88 to 2.

I felt at the time and feel now that it perhaps was not necessary. But it demonstrated that Congress and the American people were unified and united behind the efforts of President Johnson; and, frankly, that was the primary purpose of the Gulf of Tonkin resolution.

As a result of it, the war was escalated from some 18,000 troops in August of 1964 to some 550,000 troops. In that context.

I supported President Johnson. I do not intend to criticize former President Johnson.

When President Nixon assumed the Presidency on January 20, 1969, 500,000 men were there; and, of course, there were pressures on the President, from all sides—to escalate, to deescalate, to withdraw, to disengage. The President announced in May of 1969 a plan of Vietnamization, and that plan was put into operation, and it has been operating successfully. We have now reduced the troop level by 115,500.

The President has not relied on the Gulf of Tonkin resolution because, he is in the process of extrication, not in the process of escalation. But I certainly feel that the Gulf of Tonkin resolution adds no power to the President. He possesses power now by virtue of his powers as Commander in Chief, by virtue of the SEATO treaty, by virtue of appropriations made by Congress, by virtue of collective self-defense among nations, and by virtue of article 51 of the U.N. Charter and other facets of domestic and international law.

Mr. ALLEN. Mr. President, will the Senator yield for a further question?

Mr. DOLE. I yield.

Mr. ALLEN. I am not sure, but I believe that the distinguished Senator has stated that the Gulf of Tonkin resolution had some meaning when it was adopted but that it now has none. What the junior Senator from Alabama would like to inquire about is this: When did it cease to having meaning, if it does not now have meaning? Is it because the President is now deescalating rather than escalating, and would it be possible without the Gulf of Tonkin resolution to escalate the military activity in Southeast Asia if it became necessary to protect American troops there?

Mr. DOLE. That could be done without the Gulf of Tonkin resolution. Let me say to the junior Senator from Alabama that this is only the opinion of the junior Senator from Kansas. It may be 100 percent incorrect. I think President Johnson could have escalated without the Gulf of Tonkin resolution. It was my opinion then, and it is now, that it was meaningful from the standpoint that it did show unity and did indicate to the world and to the President that Congress was behind President Johnson, by a collective vote of 514 to 2.

Mr. ALLEN. Would it show a lack of unity now if we repealed it?

Mr. DOLE. It might, if the President were saying, "Don't repeal the Gulf of Tonkin resolution"—if President Nixon were saying, "I must have the Gulf of Tonkin resolution.

Mr. ALLEN. Well, what is he saying, by the way?

Mr. DOLE. That, he has not used it; and he does not rely on it. I would refer the Senator to the testimony of Assistant Secretary of State Elliot Richardson which was cited yesterday on this point.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has one minute remaining.

Mr. DOLE. I want to say in that one minute that I appreciate the comments of the Senator from Arkansas and have great respect for the Senate Foreign Relations Committee. It appears the only real difference is whether we should vote on this repealer today or at a time when it is brought to the floor by that committee, which I understand would be sometime near July 4.

The question today is not whether one is for repeal of the Gulf of Tonkin resolution. Most Members are. The question is whether we should repeal it today or wait until July 4, July 5, or July 6, a couple of weeks hence. It was offered in the spirit that we had had some 30 days of debate. It was offered in the spirit that it is not being used by this administration. It was offered in the spirit that, so far as I am concerned, every Member of this body is antiwar, notwithstanding certain appellations that may be added by those in the media.

I hope that the Senate will repeal the Gulf of Tonkin resolution overwhelmingly.

The PRESIDING OFFICER. All time of the Senator from Kansas has expired.

Who yields time?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Wisconsin.

Mr. NELSON. Mr. President, much has been written and said about the Gulf of Tonkin resolution and no doubt it will be a matter of discussion for many years to come.

As time passes and memories fade,

writers and columnists more frequently and dogmatically assert that the Tonkin resolution authorized a dramatic change in our role in Vietnam. They claim that Congress gave the President a blank check to start a land war in Asia.

Their interpretation is a fanciful distortion of both the resolution and history. The President, who was the author of the resolution, did not interpret it that way and never made any such claim for it until long after it was passed. His statements on Vietnam, both before and after passage of the resolution, clearly repudiate the claims later made by him and others that the resolution in any way altered our long established role of limited aid and technical assistance.

A few days after passage of Tonkin, the President said in New York:

Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do. They ask us to take reckless action which might risk the lives of millions and engulf much of Asia and certainly threaten the peace of the entire world. Moreover, such action would offer no solution at all to the real problem of Vietnam.

Then, on August 29, 1964, the President said:

I have had advice to load our planes with bombs and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land. And for that reason, I haven't chosen to enlarge the war.

Then in Akron, Ohio, on October 21, he stated:

We are not about to send American boys 9,000 to 10,000 miles away from home to do what Asian boys ought to be doing for themselves.

And, as late as March 20, 1965, 7 months after passage of the resolution, the President said:

Our policy in Vietnam is the same as it was 1 year ago. And to those of you who have inquiries on the subject, it is the same as it was 10 years ago.

Our policy for that 10-year period had been one of limited aid and technical assistance. Three Presidents during that period made it clear that we were not going to send our troops to fight a land war in Vietnam.

It was within the context of that history and those assurances by three Presidents that the resolution must be interpreted.

My vote for the Tonkin resolution certainly did not authorize a change in our role in Asia, as is amply demonstrated by my statements on that war both before and during our expanding involvement and as is evidenced by my votes against appropriations for the Vietnam war from the beginning to the present date.

I list below my votes against Vietnam appropriations. If it had been my intent by the Tonkin resolution to authorize a land war in Vietnam, I certainly would not have voted against the appropriations that made it possible.

I ask unanimous consent to have printed in the RECORD this list of my votes, together with statements I made subsequent to the passage of the Gulf of Tonkin resolution.

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

SENATOR NELSON'S VOTING RECORD IN OPPOSITION TO THE WAR IN VIETNAM

May 6, 1965—Vietnam Supplemental Appropriations—Nelson, Morse and Gruening voted against (H.J. Res. 447, appropriating $700 million for supplemental emergency funds for S. E. Asia.)

March 1, 1967—Vietnam Supplemental Authorization—Nelson and Morse in opposition. (S. 665, to authorize $4,467,200,000 in supplemental appropriations.)

March 20, 1967—Vietnam Supplemental Appropriations—Nelson, Morse and Gruening in opposition. (H.R. 7123 to provide $12,196,-520,000 for the support of military operations in S. E. Asia.)

April 19, 1968—Military Procurement Authorization—Nelson, Mansfield and Gruening in opposition. (S. 3292 to authorize appropriations of funds for military procurement and to provide for merging military assistance financing for South Vietnam and other "freeworld" forces there with the funding for the Department of Defense.)

June 25, 1968—Military Construction Authorization—Nelson, Morse and Young in opposition. (H.R. 16703, authorizing construction at military bases, including $215.1 million for S. E. Asia, and also authorizing the beginning of an ABM system.)

June 26, 1968—Proxmire Amendment to H.R. 17734—Nelson and nine others in support. (An amendment to eliminate $268 million for B-52 bombing operations in Vietnam from the appropriations.)

June 26, 1968—Supplemental Appropriations—Morse and Nelson opposed. (H.R. 17734, making supplemental appropriations, including $6,055 million for S. E. Asia Emergency Fund.)

July 2, 1968—Supplemental Appropriations—Nelson alone in opposition. (H.R. 17734, a conference report on the bill identified above.)

August 1, 1968—Military Construction Appropriations—Nelson, Morse and Young in opposition. (H.R. 18785, making appropriations for military construction, including $195,004,000 for South Vietnam and $12.1 million for Thailand.)

SENATE DEBATES, AUGUST 6, 7, 8, 1964

AUGUST 6, 1964: MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Present policy

Mr. NELSON. As I understand, the mission of the United States in South Vietnam for the past 10 years—stating it in the negative—has not been to take over the Government of South Vietnam, and has not been to provide military forces to do battle in place of South Vietnamese forces. To state it in the positive sense, our mission has been to supply a military cadre for training personnel, and advisory military personnel as well as equipment and materiel—our objective being to help in the establishment of an independent stable regime. And, if my memory is right, we had about 1,000 troops there the first 5 or 6 years, up to 1960. There are now approximately 16,000 troops there. In addition, it is now proposed that this number be expanded to, I believe, 21,000.

Looking at sentence 6 of the resolution, I understood it to be the position of the Senator from Iowa [Mr. MILLER] that Congress is saying to the President that we would approve the use of any might necessary in order to prevent further aggression. Am I to understand that it is the sense of Congress that we are saying to the executive branch: "If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam if it becomes the judgment of the Executive, the Commander in Chief, that this is the only way to prevent further aggression"?

Mr. FULBRIGHT. As I stated, section 1 is intended to deal primarily with aggression against our forces. "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."

This means to me that it is with regard to our own forces. I believe section 2 deals with the SEATO area, which we are committed to protect under our treaties, particularly when they ask for our assistance.

If the situation should deteriorate to such an extent that the only way to save it from going completely under to the Communists would be action such as the Senator suggests, then that would be a grave decision on the part of our country as to whether we should confine our activities to very limited personnel on land and the extensive use of naval and air power, or whether we should go further and use more manpower.

I personally feel it would be very unwise under any circumstances to put a large land army on the Asian Continent.

It has been a sort of article of faith ever since I have been in the Senate, that we should never be bogged down. We particularly stated that after Korea. We are mobile, we are powerful on the land and on the sea. But when we try to confine ourselves and say that this resolution either prohibits or authorizes such action by the Commander in Chief in defense of this country, I believe that is carrying it a little further than I would care to go.

I do not know what the limits are. I do not think this resolution can be determinative of that fact. I think it would indicate that he would take reasonable means first to prevent any further aggression, or repel further aggression against our own forces, and that he will live up to our obligations under the SEATO treaty and with regard to the protocol states.

I do not know how to answer the Senator's question and give him an absolute assurance that large numbers of troops would not be put ashore. I would deplore it. And I hope the conditions do not justify it now.

Mr. NELSON. We may very well not be able to nor attempt to control the discretion that is vested in the Commander in Chief. But the joint resolution is before the Senate, sent to us, I assume, at the request of the executive branch.

Mr. FULBRIGHT. The Senator is correct.

Clarification of intention

Mr. NELSON. It was sent to the Congress in order to ascertain the sense of the Congress on the question. I intend to support the joint resolution. I do not think, however, that Congress should leave the impression that it consents to a radical change in our mission or objective in South Vietnam. That mission there for 10 years, as I have understood it, has been to aid in the establishment of a viable, independent regime which can manage its own affairs, so that ultimately we can withdraw from South Vietnam.

Mr. President, we have been at the task for 10 years. I am not criticizing the original decision to go into South Vietnam. I do not know how long that commitment should be kept in the event we are unable to accomplish our mission. And I would not wish to make a judgment on that question now. But I would be most concerned if the Congress should say that we intend by the joint resolution to authorize a complete change in the mission which we have had in South Vietnam for the past 10 years, and which we have repeatedly stated was not a commitment to

engage in a direct land confrontation with our Army as a substitute for the South Vietnam Army or as a substantially reinforced U.S. Army to be joined with the South Vietnam Army in a war against North Vietnam and possibly China.

Mr. FULBRIGHT. Mr. President, it seems to me that the joint resolution would be consistent with what we have been doing. We have been assisting the countries in southeast Asia in pursuance of the treaty. But in all frankness I cannot say to the Senator that I think the joint resolution would in any way be a deterrent, a prohibition, a limitation, or an expansion on the President's power to use the Armed Forces in a different way or more extensively than he is now using them. In a broad sense, the joint resolution states that we approve of the action taken with regard to the attack on our own ships, and that we also approve of our country's effort to maintain the independence of South Vietnam.

The Senator from Wisconsin prompts me to make a remark which perhaps I should not make. He has said that we might be mistaken in our action. If any mistake has been made—and I do not assert that it has been—the only questionable area is whether or not we should ever have become involved. That question goes back to the beginning of action in this area, and I do not believe it is particularly pertinent or proper to the debate, because in fact we have become involved. However, the Senator has mentioned it. As an academic matter, the question might be raised. But having gone as far as we have in 10 years, it seems to me that the question now is, How are we to control the situation in the best interest of our own security and that of our allies? I believe that what we did was appropriate. The joint resolution is appropriate, because it would fortify the strength of the Executive and the Government. It would put the Congress on record—and we are the most representative body that we have under our system—as supporting the action. If anything will deter aggression on the part of the North Vietnamese and the Chinese, I believe it would be the action taken together with the joint resolution supporting the action. That is the best I can do about justification of the resolution. In frankness, I do not believe the joint resolution would substantially alter the President's power to use whatever means seemed appropriate under the circumstances. Our recourse in Congress would be that if the action were too inappropriate, we could terminate the joint resolution, by a concurrent resolution, and that would precipitate a great controversy between the Executive and the Congress. As a practical question, that could be done.

Mr. NELSON. I have a couple of additional questions. But first I wish to say that I did not suggest that by the use of hindsight I would now conclude that the intervention in 1954 was wrong. I do not know. I understand the necessity for the United States, since it is the leader of the free world, to do all it can in furtherance of the protection of the idea of freedom and independence, and that, to do so, we must make gambles. We shall lose some; we shall win some. I believe the public is slow to recognize that we have vast responsibilities, and they expect us to win every gamble that we take. I do not expect that. And I do not now rise here to criticize the original decision.

But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.

AUGUST 7, 1964

Interpretation

Mr. NELSON. Mr. President, I have read the RECORD. There was some colloquy on the floor yesterday. I noticed that every Senator who spoke had his own personal interpretation of what the joint resolution means.

One Senator yesterday stated for the RECORD that he understands the resolution to mean that there will be no more privileged sanctuaries.

Another Senator interprets the resolution to mean that it would authorize the Chief Executive to eliminate any aggression, future and present. Some Senators interpret this language to mean aggression against South Vietnam; others interpret it to mean aggression directly against our military forces.

Another Senator interpreted the joint resolution to mean that it is the sense of Congress that no change is suggested by Congress in the present mission in South Vietnam—the mission that has been ours for 10 years, which is to supply advisers, technical advice, and materiel, for the purpose of attempting to encourage the establishment of an independent, viable regime, so that we can withdraw our forces; and that it has not been our mission in the past 10 years to substitute our military forces for the South Vietnamese forces, nor to join with them in a land war, nor to fight their battle for them, nor to substitute our Government for theirs.

This 10-year-old limited mission can be legitimately defended as a responsibility of ours to assist free and independent nations; and it can be legitimately questioned, too, because of the geographic location of that mission.

In any event, I am most disturbed to see that there is no agreement in the Senate on what the joint resolution means. I would like to see it clarified.

Nelson's amendment

Mr. NELSON. In view of the differing interpretations which have been put upon the joint resolution with respect to what the sense of Congress is, I should like to have this point clarified. I have great confidence in the President. However, my concern is that we in Congress could give the impression to the public that we are prepared at this time to change our mission and substantially expand our commitment. If that is what the sense of Congress is, I am opposed to the resolution. I therefore ask the distinguished Senator from Arkansas if he would consent to accept an amendment, a copy of which I have supplied him. I shall read it into the RECORD:

"On page 2, line 3, after the word 'That' insert '(a)'.

"On page 2, between lines 6 and 7, insert the following:

"'(b) The Congress also approves and supports the efforts of the President to bring the problem of peace in southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is "limited and fitting". Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asia conflict.'"

This amendment is not an interference with the exercise of the President's constitutional rights. It is merely an expression of the sense of Congress. Would the Senator accept the amendment?

Mr. FULBRIGHT. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated. In other words, it states that our response should be appropriate and limited to the provocation, which the Senator states as "respond to provocation in a manner that is limited and fitting," and so forth. We do not wish any political or military bases there. We are not seeking to gain a colony. We seek to insure the capacity of these people to develop along the lines of their own desires, independent of domination by communism.

The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take responsibility for delaying matters.

I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. I would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy.

Mr. NELSON. Judging by the RECORD of yesterday, many Senators do not interpret the resolution in the same way.

Mr. FULBRIGHT. Senators are entitled to have different views. However, most members of the committee, with one or two exceptions, interpret it the same way.

AUGUST 8, 1964

Firmness clear

Mr. NELSON. Mr. President, yesterday I voted in favor of the joint resolution respecting southeast Asia. I did so upon the specific assurance of Senator FULBRIGHT, one of the authors of the resolution, and the chairman of the Senate Foreign Relations Committee, that in voting for this resolution, the Congress approved no change in our basic mission in Vietnam.

That mission is one of providing material support and advice. It is not to substitute our Armed Forces for those of the South Vietnamese Government, nor to join with them in a land war, nor to fight their war for them.

Yesterday Senator FULBRIGHT assured the Senate that although some have interpreted the resolution as a broader endorsement of any action against aggression, this is not its meaning. Rather, in response to my question, he stated that most of the Foreign Relations Committee, in reporting this resolution, interpreted it along the lines of an amendment I suggested.

I believe the resolution overwhelmingly approved by the Congress demonstrates the unity of our country and our strong support for the President. There can be no doubt about our determination to respond to aggression, nor our power to do so in a manner that is fitting to any occasion.

Having made our firmness unmistakably clear, I believe it would be equally fitting at this time to make it clear that, as the late President Kennedy felt, though we shall never negotiate out of fear, we do not fear to negotiate. We seek peace, and end to aggression, and the independence of the nations of southeast Asia. I believe the North Vietnamese and the Chinese have learned in the last few days that they can gain little by aggression. They should now know that they have every interest in avoiding further conflict. While this awareness is fresh, I believe we should attempt to make it clear that if negotiation and diplomacy

can achieve the objectives of peace and freedom, this Nation is more than willing to "walk the last mile" in search of a peaceful settlement.

For these reasons, I support the proposal of the Senator from South Dakota [Mr. McGOVERN] that a conference of the nations with interest in the area be convened in order to seek a political settlement in southeast Asia.

AUGUST 21, 1964

The situation in South Vietnam

Mr. NELSON. Mr. President, I ask unanimous consent that a column published in the Milwaukee Sentinal of August 12, 1964, by the distinguished columnist, Walter Lippmann, entitled "United States Is Protector of West," may be printed at this point in the RECORD.

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

"UNITED STATES IS PROTECTOR OF WEST—MUST AVOID BEING TIED DOWN IN ASIAN WAR

"(By Walter Lippmann)

"There is serious fighting in three widely separated places—in southeast Asia, in Cyprus, and in the Congo—and in different degrees we are much involved in all of them. Our Armed Forces are directly involved in southeast Asia. In Cyprus, our diplomacy is deeply involved. In the Congo, we are much concerned though, fortunately, we are not now involved at firsthand.

"The common factor in all three situations is that they are the aftermath of the breakdown of the old imperial systems—the French system in Indochina, the British system in the eastern Mediterranean, and the Belgian system in central Africa. Without even intending it, indeed, while wishing it had not happened, the United States has been sucked into all three situations.

"The end of the empires has left a vacuum of power which the liberated peoples have not yet mustered the strength or found the political maturity to fill without foreign aid. The cold war is in large part a conflict about whether the vacuum shall be filled by Moscow or Peiping or Washington.

"There is no certainty that there will not be other theaters of disorder in Asia, Africa, and the Americas. Indeed, the chances are that there will be others. Wherever and whenever a new theater of disorder appears, whenever there is a new revolutionary civil war, there will be a powerful suction pulling the United States to intervention and there will be powerful pressures here at home to push us to intervention.

"As the United States comes near to having a monopoly of the disposable military power in the Western World, we cannot afford to become totally engaged in any one theater or to commit all our reserves in one place. For that reason our intervention, when it cannot be avoided, must be limited, measured, and always directed to a political solution rather than to a military victory and unconditional surrender.

"Thus, it is a vital American interest to safeguard its strategic mobility. We could lose our mobility if we become hugely committed in one theater, and let ourselves become engaged in a total war, say on a long land frontier in south Asia. If ever, even for the noblest ideological reasons, we let ourselves be entrapped in such a war, our position in the world as protector of the interests of the West would be gravely shaken.

"We are very powerful. But we are not so powerful that we can commit all our reserves. The role which we have to play in this period of history cannot be sustained if we do not use a shrewd and prudent diplomacy to economize the use of military force.

"In applying these principles to southeast Asia we have to remember that the only great military force China possesses is her enormous army, and that in a serious conflict she would be bound to use it by attacking adjacent countries which we have promised to defend. It would be wishful thinking to suppose that China, though it can be hurt fearfully, is entirely helpless. And here at home we must not therefore ask American soldiers to fight an impossible war. We must make our readiness to negotiate an accommodation as credible as we make our readiness to retaliate against aggression.

"Everyone realizes that if, notwithstanding NATO and the U.N. and our own diplomacy, Greece and Turkey go to war, the western alliance will be deeply shaken. As the United States has the only mobile reserve force in the eastern Mediterranean, American responsibility for maintaining a balance of power in Europe will be increased.

"Since we are carrying virtually the whole burden of maintaining a balance of power in Asia, we cannot afford lavishly to overcommit ourselves by signing blank checks on our military power. We have signed too many of them already."

STATEMENT OF SENATOR NELSON, FEBRUARY 17, 1965

I rise to commend the Senator from Idaho, Mr. Church, for his exceptional speech. This is a most thoughtful presentation by a practical, hard-headed internationalist. The Senator from Idaho vigorously supports our position in the world as the defender of freedom. He speaks as one who seeks to strengthen our role and improve our position in international affairs.

His words are a refreshing and thoughtful contribution to the dialogue on our role in Vietnam.

I shall not attempt to elaborate on the thoughts expressed by him. He covered that ground thoroughly enough. However, one aspect of this continuing and ever-changing dialogue on our role in Vietnam is worthy of attention. That aspect is: What is the conception of our presence in South Vietnam?—and, should we change it?

Increasingly, in recent months, we have heard the voices of many who seem to have the view that the war there is in fact our war and that we should and must make the necessary investment of men and material to win at whatever the cost.

If that is our mission there, as some seem to believe, the rules of the game have been rather dramatically changed. I do not think our mission has been changed and I do not think it should be.

From the very beginning of our involvement it has been clear that our mission is a very limited one. Three presidents have clearly stated the proposition that our role is simply to give aid and technical advice with the objective of helping establish an independent, viable regime that is capable of managing its own affairs.

On October 23, 1954, when President Eisenhower first offered aid to Vietnam, he stated: "The purpose of this offer is to assist the Government of Vietnam 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 Vietnam in undertaking needed reforms."

On September 2, 1963, President Kennedy reaffirmed this policy: "I don't think that unless a greater effort is made by the Government to win popular support that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists. We are prepared to continue to assist them, but I don't think that the war can be won unless the people support the effort . . ."

And on August 12, 1965, President Johnson described the primary pattern of our effort over the last ten years: "First, that the South Vietnamese have the basic responsibility for the defense of their own freedom."

When we first agreed to help South Vietnam, French armies had just suffered a disastrous defeat at Dienbienphu. After spending an estimated $8.5 billion, after committing more than 400,000 first-rate soldiers, and after suffering 240,000 casualties, the French learned it is almost impossible to win a jungle war in Asia, except at incredible cost. As Senator Fulbright, Chairman of the Foreign Relations Committee, recently told the Senate, most responsible American officials realize that "it would be very unwise under any circumstances to put a large land army on the Asian continent . . ."

Our national policy has been to help with advice and material, but not to substitute our forces for those of the South Vietnamese government, nor to join with them in a land war, nor to fight their war for them. Our military personnel in Vietnam number only 24,000.

Based on our experience of ten years in Vietnam it clearly would be folly to expand our mission or the original concept of our involvement. When we became engaged there in 1954 I don't think anyone expected we would still be there in 1965. Certainly we do not intend to stay there until 1975. At some stage we must make a decision on whether it is possible to achieve our original objective. The accumulated evidence overwhelmingly indicates we cannot. If this is correct it is our national self-interest to seek ways and means of negotiating a constructive settlement. The President, of course, is in the best position to make the necessary tactical judgments to accomplish this end.

Whatever the final result in South Vietnam I think it is a necessary part of the educational process for us as Americans to recognize that in our relatively new role as leader of the free world we will be continually engaged in difficult risks and gambles in remote spots all over the globe. We will in the future as we have in the past take many risks in which the chances of success are much less than 50–50. The fact that we gamble in behalf of freedom some place and lose doesn't mean we should not have tried. If we never take any risks for fear of losing, we will never lose anything except our leadership of the free world.

STATEMENT BY SENATOR GAYLORD NELSON, MAY 6, 1965, ON HOUSE JOINT RESOLUTION 447

Sometime ago I prepared the preceding remarks for delivery on the floor of the Senate. Since then we have received the request for this supplemental appropriation. I have placed those remarks in the record now so that my position may not be misinterpreted. I am adding these remarks to explain my position on the measure before us.

My fundamental position on Vietnam and our role there has remained the same over an extended period of time. More than two years ago and on numerous occasions since I have expressed the view that it should remain a cardinal principle of our policy not to engage American troops in a land war in South Vietnam. Within the perimeter of this guiding principle there is great room for tactical variation. As the Commander in Chief of our forces it is the President's burdensome responsibility to decide the day to day tactics. From time to time we may agree or disagree with the tactics exercised but that is in the nature of the case. I along with the vast majority recognize where that responsibility lies and support the President in his incredibly difficult endeavor.

The issue before us is not whether we are unified in our purpose. We certainly are. It is not whether we are opposed to Communism, whether we are willing to fight for freedom, whether we are at one with the President in the objective he seeks—in each of these matters we are unified. That unity has repeatedly been demonstrated by every public opinion poll as well as the conduct of the Congress and the statements of the members.

Nevertheless, we are now asked to act within twenty-four hours on a 700 million dollar appropriation for the conduct of our commitment in Vietnam. It is conceded by everyone that the money is not needed immediately to support our commitment there. It is agreed by everyone that the President has the authority to transfer the necessary funds to fully support our efforts. It is recognized by everyone in this body that on a moment's notice Congress will authorize every additional dollar needed to supply, equip and support our forces without stint. So that there may be no doubt, if indeed there could be any, I know that 700 million dollars will be needed in our 1966 budget. A substantial part of it might be needed in fiscal 1965. That may be so whether we make the unfortunate decision to change our mission there or whether we maintain our repeatedly stated role. I support that expenditure and more too if and when it is required. We will not hesitate to spend whatever is necessary to support our troops in whatever enterprise we direct them. That is not at issue among us.

What is at issue right now is the wisdom of acting within hours upon this requested appropriation—acting without printed hearings and with precious little discussion—acting post haste, not because this money is required immediately but rather because this precipitous action is supposed to demonstrate our support for the President's conduct of foreign affairs as well as our unity of purpose in opposing Communist aggression.

My willingness to support the President in these two enterprises is a matter of record—abundantly so. I do not feel the necessity of demonstrating my support by forthwith voting aye on a bill that came to the Senate at 2:30 yesterday afternoon—a bill that had only brief hearings in either house—a bill that was supported only by a half page Senate committee report printed before the House bill arrived in our house. I object to legislating based upon what I read in the morning paper. No matter how sound the measure, I dissent from the proposition that the greatest deliberative body in the world should routinely give its stamp of approval to anything except under dire circumstances. No such circumstance has been alleged from any quarter.

In the cloakrooms and on the floor numerous distinguished Senators from both sides of the aisle have expressed their concern over the precipitous manner in which we are disposing of this matter.

I have no notion what the President said to the majority and minority leadership at the White House. If he requested that this bill be passed this week within a 24 hour period instead of next week after ample discussion I have not been so advised. Though I have a very high regard and respect for the integrity, the patriotism and the genuine statesmanship of the leadership on both sides of the aisle I do not intend lightly to delegate my vote to anyone in support of any proposal.

My objection does not run to the merits of this appropriation. No matter what the variances of viewpoint, we all know this money will be needed in the future and will be spent. Yet, I think I speak accurately when I say that a very substantial number of this body is gravely troubled by the unseemly haste of our action here today. We all know that our military planning is not so faulty that we need this appropriation right now. If it were required today our very able Secretary of Defense would have urged action quite some time ago.

My dissent is based upon the conviction that when a matter of this import is before us we owe it to ourselves and the nation to discuss it deliberately and fully. That we may all end up agreeing on this particular measure does not detract from the importance of conducting the dialogue. There is a continuing public confusion about where we are going and why. Silence contributes to that confusion. Our branch of the government has its own obligation. We should not default in that obligation nor should we even give the appearance of doing so. Because of what appears to be a necessity for exceptionally speedy action on a large appropriation, there are many who will conclude that we must be intending to support or endorse a substantial expansion of our role in Vietnam if not a fundamental change in our mission there. I am sure that neither the Congress nor the President intends that. Nevertheless, you will see that interpretation put on our action from any number of sources within the next few days. I decline to lend my name in any way to that kind of misinterpretation.

Thus, at a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world we are stumbling over each other to see who can say "aye" the quickest and the loudest. I regret it and I think some day we shall all regret it.

Now in the gentlest way I know how I mention to this body that as of this very moment I have yet to receive a call from the leadership or any other source in government advising me of the grave necessity for instant action. I should think if this matter were really so urgent a fifteen minute party caucus would have sufficed at least to advise us so.

Thus, reluctantly, I express my opposition to our procedure here by voting no. Obviously you need my vote less than I need my conscience.

SENATOR NELSON'S STATEMENT ON VIETNAM, JANUARY 15, 1966

There are no easy answers to the agonizing dilemma facing America in Viet Nam. But of all the grim alternatives, it seems to me the wisest is to continue with great patience to seek a negotiated settlement while firmly refusing to escalate the conflict further. This is essentially a political and not a military conflict. It is a battle in Viet Nam for the hearts and minds of the Vietnamese. It must be limited to Viet Nam, and be fought by the Vietnamese if we are to have any realistic hope of an acceptable settlement. For along the "open ended" path of further escalation lies the specter of a major land war in Asia fought with U.S. troops, a war against which our best military minds—including the late General Douglas A. MacArthur—have repeatedly warned us. It has long been my view that our commitment should never be expanded to make that conflict an American war. And in a major speech last May 6, I pointed out that, despite a tendency to characterize people as "hawks and doves," most Americans including most Members of Congress are united behind these major principles: There must be no major land war in Asia; the problems of Viet Nam must be settled eventually by negotiations; and the main responsibility for stable government must rest with the South Vietnamese people.

The situation is even more dangerous today than it was in May. And the pressures to escalate the war are growing in many quarters. But I believe these cardinal principles should guide our policy. Even if a million American soldiers were to force all North Vietnamese units from South Viet Nam and to suppress the Viet Cong guerrillas with napalm and bayonets—even if we avoided an open clash with Red China—even then, when we withdrew as eventually we must, we would leave behind us only a charred, desolate country with little hope that it could maintain its independence one moment beyond the time we left.

There is no point in criticizing the mistakes of past policy. But it is crucial in looking toward the future to recall that our military advisors have been consistently overoptimistic when not actually dead wrong in their public statements of the Vietnamese situation. Secretary of Defense McNamara's estimate that the Americans could begin to pull out by Christmas 1965 is only the most famous example.

Those who look for a cheap "victory through air-power" should recall the glowing assurances last February that a few bombs on North Viet Nam would quickly bring that country to the conference table in a tractable mood. If anything, the opposite has been the case.

George F. Kennan, the former Ambassador and noted foreign policy expert, has recently advocated an effort to de-escalate the war, to "simmer down" the situation in Viet Nam. In a world where a nuclear holocaust is a distinct possibility, the survival of us all depends on containing armed conflict to as narrow an area as possible. This is indeed sound advice.

President Johnson has taken a long step toward localizing the war and achieving negotiations by calling a halt to the bombing of North Viet Nam. He deserves praise and support for his continued efforts to find peace in Viet Nam.

It is crucial that the war in Viet Nam not be allowed to escalate further. Now is the time to make every conscientious effort to de-escalate the conflict. For in escalation there is no practical hope of achieving our aims in that unfortunate country and a very real possibility of an Asian-wide war in which America would waste her resources and young men in a slaughter that could achieve nothing but those desperate conditions of chaos ideal for the spread of Communism.

STATEMENT BY SENATOR GAYLORD NELSON ON VIETNAM, SEPTEMBER 1, 1967

In recent weeks there have been renewed and vigorous discussions about the meaning and intent of the Tonkin Bay Resolution. It has lately been repeatedly asserted by Administration spokesmen, writers and others that the overwhelming vote for the resolution in 1964 expressed Congressional approval of whatever future military action the Administration deemed necessary to thwart aggression in Vietnam including a total change in the character of our mission there from one of technical aid and assistance to a full scale ground war with our troops.

This, of course, is pure nonsense. If such a proposition had been put to the Senate in August, 1964, a substantial number of Senators, if not a majority, would have opposed the resolution. What we are now witnessing is a frantic attempt by the Hawks to spread the blame and responsibility for Vietnam on a broader base. They should not be allowed to get away with it. It is not accurate history and it is not healthy for the political system. The future welfare of our country depends upon an understanding of how and why we got involved in a war that does not serve our national self interest. If we don't understand the mistakes that got us into this one we won't be able to avoid blundering into the next.

The intent and meaning of any proposition before the Congress is determined by the plain language of the act itself, the interpretation of that language by the official

spokesman for the measure and the context of the times in which it is considered.

Because of my concern about the broad implications of some of the language I offered a clarifying amendment. The official Administration spokesman for the resolution, Mr. Fulbright, said the amendment was unnecessary because the intent of the resolution was really the same as my more specific amendment. In short, according to Mr. Fulbright, the resolution did not intend to authorize a fundamental change in our role in Vietnam.

Three Presidents had made it clear what that limited role was, and this resolution did not aim or claim to change it.

If the official Administration spokesman for a measure on the floor is to be subsequently repudiated at the convenience of the Administration, why bother about such matters as "legislative intent?" In fact, why bother about Administration spokesmen at all? At the conclusion of these remarks I will reprint from the CONGRESSIONAL RECORD my colloquy with Mr. Fulbright which formed the basis for my vote on the Tonkin Bay Resolution. Had he told me that the resolution meant what the Administration now claims it means I would have opposed it and so would have Mr. Fulbright.

However, an even more important factor in determining the intent of that resolution is the political context of the times when it was considered by the Congress. It was before the Senate for consideration on August 6 and 7, 1964. We were in the middle of a Presidential campaign. Goldwater was under heavy attack for his advocacy of escalation. The Administration clearly and repeatedly insisted during that period that we should not fight a ground war with our troops. No one in the Administration was suggesting any change in our very limited participation in the Vietnam affair.

The whole mood of the country was against Goldwater and escalation and particularly against the idea that "American boys" should fight a war that "Asian boys" should fight for themselves, as the President put it in September of that year.

For the Administration now to say that the Tonkin Resolution considered during this period had as part of its purpose the intent to secure Congressional approval for fundamentally altering our role in Vietnam to our present ground war commitment is political nonsense if not in fact pure hypocrisy.

If Mr. Fulbright, speaking for the Administration, had in fact asserted that this was one of the objectives of the resolution the Administration would have repudiated him out of hand. They would have told him and the Congress this resolution had nothing to do with the idea of changing our long established role in Vietnam. They would have told Congress as they were then telling the country that we oppose Goldwater's irresponsible proposals for bombing the North and we oppose getting involved in a land war there with our troops. That was the Administration position when the Tonkin Resolution was before us. They can't change it now. It is rather ironic now to see how many otherwise responsible and thoughtful people have been "taken in" by the line that Congress did in fact by its Tonkin vote authorize this whole vast involvement in Vietnam. The fact is neither Congress nor the Administration thought that was the meaning of Tonkin—and both would have denied it if the issue had been raised.

The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections signal a new phase of the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material that they ever dreamed would be necessary. How man men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation. They have been caught and exposed in the very brief period of 24 months since we foolishly undertook a land war commitment.

They did not then nor do they now understand the nature, character and vigor of the political revolution in Vietnam. But in order to save face they are now demanding an expansion of the war. If they prevail we will then see another fruitless expansion which will not bring the war to a conclusion but will extend our risk of a confrontation with China.

Unfortunately the Administration continues its policy of so called controlled expansion of pressure on the North which really is nothing more nor less than endless escalation which will likely lead to a vast expansion of the war. It ought to be understood once and for all that no amount of pressure on the North will settle the war in the South. A complete incineration of the North will not end the capacity of the guerrilla to continue the fight in the South.

Though we committed a grave blunder in putting ground troops into Vietnam in the first place, it does not make sense to compound the blunder by pouring in additional troops. The administration proposal for 45,000 additional troops with tens of thousands more demanded by the military is simply a blind and foolish move in the wrong direction.

What the military really needs is a million or two million ground troops for the war they want to fight. Furthermore, no one can explain what possible proportional benefit this country or the free world will get for this kind of massive allocation of resources—even assuming this would win the military-political war which I think is highly doubtful.

There is no easy solution to our involvement, but now, before it is too late, is the time to decide what direction from here we are going to go in Vietnam.

There is, it seems to me, only one sensible direction to go and that is toward de-escalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war. As soon as the elections are over this Sunday we should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the military candidate for President, favors a bombing pause but our military oppose it. Whose war is this?

Next we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military war in the South. If they do not have the morale, the interest, the determination to win under these circumstances then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other South East Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

POLICY ALTERNATIVES IN VIETNAM

(Remarks by Senator GAYLORD NELSON at Conference on Vietnam, October 21, 1967)

I would not want to burden you today with a comprehensive review of our tragic involvement in Vietnam. I assume everyone here knows the background pretty well and has developed his own analysis and interpretation of what is coming to be one of the most serious tests of the American character ever to take place in our history. The outcome of the war in Vietnam may very well determine whether civilization as we know it will continue on this planet. In my opinion, it certainly will determine the kind of country America will be in the years to come.

In an effort to try to limit the range of my discussion, I propose to discuss three topics in relation to Vietnam:

First, the fact that the widely discussed Gulf of Tonkin Resolution of 1964 was never intended to authorize the kind of war we are fighting in Vietnam today.

Second, I want to discuss Secretary Rusk's remark suggesting that we are in Vietnam to counter some future thrust by Red China.

And finally, I want to discuss again the alternatives which I think are available, instead of our present disastrous course.

The Gulf of Tonkin resolution has become crucial to the debate over the war in Vietnam because it is being used more and more to put the stamp of Congressional approval on the war we are now waging, and to brand critics of our Vietnam policy as people who are somehow outside the mainstream of American thinking.

The Gulf of Tonkin incidents took place in the summer of 1964, when America was in the heat of a Presidential election campaign. There were reports of North Vietnamese torpedo boat attacks on American warships in the Gulf of Tonkin. Our naval air force, which previously had not been involved in the war, immediately responded by blowing up some North Vietnamese oil storage depots. Following this incident, the Administration asked the Congress to adopt a resolution authorizing the President to take all necessary measures to repel any armed attack against forces of the United States in Southeast Asia.

We had only about 16,000 Americans in Vietnam at that time, and our troops were strictly limited to serving as "advisers" to the South Vietnamese. They were not shooting at the enemy and being shot. Our planes were not striking at enemy targets.

Nor was it the mood of this country to change this situation. Senator Goldwater was calling for firmer action in Vietnam, but the Administration was summarily rejecting his proposals, and apparently scoring big political gains by doing so.

In this setting, the Gulf of Tonkin Resolu-

tion did not sound particularly earth shaking. One of our ships had been shot at, we had responded in kind, and Congress was endorsing this response.

But I began to worry when I heard some of the interpretations being placed on the resolution even before it was adopted. Those with a "hawk" position immediately seized upon this resolution to prove that their position was being vindicated—in fact, adopted as national policy. This was a ridiculous interpretation and I tried to make that clear in the Senate.

I asked (on August 6, 1964):

"Am I to understand that it is the sense of Congress that we are saying to the Executive Branch: 'If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam. . .?'"

Of course, I was assured, this was not the purpose of the resolution.

But I wanted to make certain. So we debated this resolution off and on for three days in the Senate. To pinpoint the issue, I offered an amendment making clear that the resolution did not authorize any change in our limited role in Vietnam.

I WAS ASSURED that the sense of my amendment was embodied in the resolution, that this was the Administration's own interpretation of the resolution. I was urged to withdraw my resolution to avoid the necessity for a conference between the Senate and House on two versions of the resolution.

Now it is true that these assurances came from a man who today is identified as a critic of Administration policies—Senator Fulbright. But in the summer of 1964, he was the Administration's official spokesman on this issue. He was managing the Gulf of Tonkin Resolution on the Senate floor. His words were accepted by everyone as faithfully representing the views of the Administration, with which he was in daily contact.

It is even more impressive to speculate on what would have happened if Senator Fulbright had responded differently. What if he had said, in response to my questions:

"This resolution would allow the Administration to decide hereafter whatever steps are necessary in Vietnam. It could be used to justify sending hundreds of thousands of American combat troops to Vietnam, and the launching of massive American air attacks on North Vietnam, right up to the border of China."

Senator Fulbright would have been the most repudiated man in American history. The Administration would have disavowed every word he uttered, for they would have echoed the statements being made by the opposition in the campaign, and they would have shocked the American public.

Secretary Rusk says today, "There was no question in anyone's mind as to the meaning of the Gulf of Tonkin Resolution." He is absolutely right. The Senate and the public were assured, and the Administration stood behind those assurances, that the resolution was NOT intended as authorization for escalation of the war.

With that question in clearer focus, let us consider the remarks made at the recent press conference by Secretary Rusk in which—I believe for the first time—he characterized the war in Vietnam as an effort on the part of the United States to contain the expansionist aims of Communist China, describing it as a nation which would soon have one billion citizens and would be armed with nuclear weapons.

Through three years of debate on the reasons for escalation of the war, I have suspected that this might be the ultimate justification for our policies there. But I have never heard this officially argued before.

At first we were said to be carrying out a commitment President Eisenhower made to supply certain unspecified assistance to the hard-pressed regime of President Diem. This argument suffered a near fatal blow when Diem was overthrown, amid charges that the United States at least tacitly approved of the coup which overthrew him.

Then it seemed that the best answer was that we were in Vietnam to help the country through the difficult period until it could hold elections and set up a new, responsible government. Under the terms of the Manila Conference we agreed to pull out in six months after stability was restored.

As the casualties mounted past 100,000; as the dollar cost of the war soared past the level of 26 billion dollars a year; as all our other good intentions had to be sacrificed to maintain the war effort, and as our allies became more and more bewildered, it became increasingly difficult to justify this massive investment in Vietnam in terms of our true national interest.

So now we have a new justification. We are containing the hordes of Red China. We are in the first stages of a thermonuclear showdown with the most populous nation on earth. Pushed to the wall to justify our actions, we have finally come up with a really dramatic justification which, I presume, is supposed to rally the western world behind the war and make us appear as heroes of western civilization.

This is rubbish. There are no Chinese troops involved in Vietnam. The war there is not directed or controlled by the Chinese and never has been. It is an internal revolution and war that has been underway for a quarter of a century.

The war in Vietnam does nothing to contain China, if indeed that is our objective. It is more likely to have the opposite effect.

The independence of the countries of Southeast Asia is important and an allocation to them of a fraction of the resources being expended in Vietnam would far better serve our national interests.

The 500,000 American boys and the $26 billion a year we are pouring into Vietnam are not fighting Red China. They are fighting an army of North and South Vietnam. This is proving to be a severe drain on our nation in terms of manpower, money and commitment to other urgent problems. But I have seen no evidence whatsoever that it is exerting a comparable drain on Red China.

In fact, our massive military presence in Vietnam, and our air attacks to within ten seconds of the Chinese border, are the one thing that enables Red China to continue its absurd posture in world affairs as the victim of capitalist aggression.

I repeat now what I have said previously: The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections of a new Saigon government signal a new phase in the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material than they ever dreamed would be necessary. How many men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation.

The question that faces us at this time is where do we go from here? It will not serve our country to reduce the quality of the dialogue to an emotional name calling contest about who is to blame. The fact is that the troop commitment of our forces in 1965 had the support of a vast majority of the Congress, the opinion leaders, the press, and according to the polls, the public too. I thought it was a mistake and said so then and on numerous occasions since. Nevertheless, it is my conviction that everyone (Republican and Democratic leadership alike) took his stand on our involvement in good faith. The paramount consideration of everyone was the best interest of our country. That remains our paramount concern, no matter what side we may be on.

If there is going to be an honorable conclusion of this matter, we will have to be willing to accept less than a conventional military victory and certainly much less than unconditional surrender.

The alternative will be a much more massive, expensive and fruitless involvement.

There is, it seems to me, only one sensible direction to go and that is toward deescalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war.

We should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the newly elected President, favors a bombing pause but our military oppose it. Whose war is this?

Next, we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of the South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military victory in the South. If they do not have the morale, the interest, the determination to win under these circumstances, then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other Southeast Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

Mr. McGEE. Mr. President, this body has spent a lot of time and even more rhetoric on the Gulf of Tonkin resolution. A case for all sides of the question has been made many times over. But just before we vote on the proposal to repeal the resolution, I want to take the opportunity to make one or two points for the record only.

The first point is that the substance of what we are about to do is very thin indeed. There is nothing in the Gulf of

Tonkin resolution that permits or withholds from the President or the Secretary of State or the Secretary of Defense any of the actions in Southeast Asia now taking place.

In short, action by this body on the resolution becomes something of an irrelevancy—and this is a time when it is desperately important that the Senate of the United States relate its deliberations in as specific terms as possible to the crises of our times.

Nor should we forget that nearly every Member of this body voted for the resolution on the one occasion when our judgment was requested. And while there have been numerous efforts by individual Members of the Senate to apologize for their vote several years later, I am not one of those who would be prepared to argue that we were either deceived or that we were just simple minded.

We voted then as we did because we believed it to be a wise statement of Senate judgment. And I think our honesty with ourselves should require us to say so now. But there is no resolution pending that permits us to do so.

Perhaps it does not strain the record too much at this late hour to suggest that, had the events in Southeast Asia gone more favorably after the Tonkin Gulf resolution was enacted, the Members of this body would be standing here on the floor yet today telling the world how they had participated in the enlightenment which had resulted.

That is simply another way of saying that the Senate of the United States is at this time trying to play a trick on the past by appearing to undo something that some of the Members at least wish they had not done.

History can teach us many things. Among others, it ought to teach us the folly of trying to repeal history. That which is done is done. And for this body now to lend its efforts along with its oratory to the pending repeal measure at the very least can be rationalized only as a political charade in a context of "fun and games." The sad consequence of it is that in these particular times we can ill-afford such antics.

The second point is that to repeal the Tonkin Gulf resolution now becomes an act fraught with some mischief and perhaps even some serious negative consequences.

The mischief is that our people here at home may read into the action itself more than even its proponents ever intended. At the very least, it may be interpreted as a slap at the President of the United States. In this context, it could become a complication hampering his efforts to deescalate and disengage with responsibility in Southeast Asia.

Its fallout almost certainly will have the effect of startling or even panicking the governments of a number of small, independent countries in Eastern Asia. Their inclination, we are told, will be to interpret it as an affirmation of American withdrawal from any sense of commitment in the Western Pacific.

In essence, the domestic politics within our own country which dictates the tactics on the floor of the Senate these days will not be understood or correctly interpreted by the Asians themselves.

Inasmuch, therefore, as the Tonkin Gulf resolution per se has so little substance in our current policy activities, and because it reflects more of tactical maneuvering rather than basic motivations, it appears to me that we are ill-advised in running the risks of its adverse impact in those parts of the world where we need respect and confidence and trust in American leadership.

And finally, a point which I wanted to make a part of the record before we vote, is that the pending proposal, the Cooper-Church amendment which precedes it, and the McGovern-Hatfield, which we are told is still to follow, ought not to receive the priority attention of the Senate of the United States.

I say that with full understanding of the genuineness and sincerity of my colleagues who have introduced the measures. We have a basic difference in philosophy in regard to the role of this body.

It is my view that the Senate at this very moment ought to be concerning itself with what our role ought to be in the next crisis, for surely there will be another and yet another; rather than spinning our legislative wheels over who did what to whom in the last crisis.

Our country has had a curious penchant for refighting the last war. But invariably this has seemed to be at the expense of or lack of understanding or sensitivity in regard to the next one. I beseech my chairman of the Foreign Relations Committee of the Senate, Senator FULBRIGHT, to turn the focus of the committee's powerful influence and rightful concerns to the need for updating the role of the Senate of the United States in crisis-policy decision-making.

Clearly, the procedures envisaged by the Founding Fathers nearly two centuries ago have been severely tortured by our own generation of lawmakers. In these times of which we are all a part we are caught between the forces of change—not the least of which has been the advent of nuclear weapons.

In my mind it is of questionable value for this body to be measuring the violations of constitutional intent from the past when we ought to be seeking a more modern and surely more enlightened procedure for the future. I realize that the newsworthiness of our present dialog seems to be far greater than would a scholarly and statesmanlike study of where we go from here. But the coverage or exposure or the popularity of the subject matter really is not the issue—and dare not be.

The issue is whether our form of government in a free society can survive meaningfully the tensions and crises in a nuclear world without law. I wish I had some ready answers to submit in the concluding remarks in this discussion. I do not have, and I am not aware of those who may have.

But I think it is time we try to find out how and in what tempo and through what mechanism the Government of the United States of America should be prepared to function in matters of critical foreign policy decisions in the future.

It is my hope that the Foreign Relations Committee in particular and this body in general will assign a top priority to this pursuit. If only we can agree to proceed toward that objective now, the rhetoric and the parliamentary maneuvering of the past many weeks may not appear as starkly shallow in substance as I believe they will appear if left as we see them now—devoid of positive and constructive and imaginative new suggestions on how we might more wisely proceed from here.

In sum, consideration of this resolution or the related resolutions still pending is not what the Senate ought to be doing at this time. Nor is it the way in which we ought to be doing it.

For these reasons, then, I intend to vote against the Dole amendment as I will the others currently pending.

Mr. BYRD of West Virginia. Mr. President, I shall vote to repeal the Gulf of Tonkin resolution, a resolution which was approved in a moment of crisis in 1964.

I believe that repeal of this measure—which history will find to be clouded with erroneous premises and ill-advised conclusions—is another step in reasserting the proper balance between the executive and the legislative branches.

At times of international crises, the use of the "resolution" has provided Congress with a means of prompt congressional support for the implementation of policies to thwart any foreign armed actions which might compromise the national security of the United States.

Resolutions give, in emergency situations, clear congressional and public support to the President; they allow the enemy no error of judgment as to the resolve of the American people to remain strong in the face of aggression.

But joint resolutions, such as the Tonkin Gulf resolution, have the force of law, and, except in the instance of a joint resolution proposing a constitutional amendment, require the signature of the President just as does any bill which passes both Houses.

The Tonkin Gulf resolution remains the law today, and will until it expires or is terminated in accordance with its own terms set forth in the language thereof.

But, these resolutions are by no means to be interpreted as congressional approval for the permanent employment of U.S. military forces over long periods of time. The Constitution clearly provides for other means of congressional action.

The repeal of the Gulf of Tonkin resolution is not an attempt to prematurely pull the rug from under our allies as some may contend. It is, however, an important and needed step which the Congress should take in reexamining the commitment of U.S. Armed Forces abroad.

Mr. FULBRIGHT. Mr. President, I said earlier that I would vote for the repeal because, of course, I am committed to repeal and have been for a long time. However, upon further consideration, in view of what has been said on the floor of the Senate, and also in reliance upon the assurance of the majority leader that he would bring up the Mathias resolution—which is a concurrent resolution

and which does not have to go to the White House—I shall vote against the repeal today and preserve the integrity of the procedure which I believe is very important to this body.

Therefore, I will not vote to repeal it today, but I do intend to urge the majority leader to bring up the Mathias resolution, as he has promised to do, in the very near future, and at that time I shall vote to repeal the Tonkin Gulf resolution.

With that final statement, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment of the Senator from Kansas (Mr. DOLE). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRAVEL. I have already voted in the affirmative. I withdraw my vote and state that I have a live pair with the Senator from Louisiana (Mr. ELLENDER). If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea."

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), and the Senator from Louisiana (Mr. ELLENDER) are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio (Mr. YOUNG) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The result was announced—yeas 81, nays 10, as follows:

[No. 167 Leg.]

YEAS—81

Aiken	Gore	Muskie
Allott	Griffin	Nelson
Anderson	Gurney	Packwood
Baker	Hansen	Pastore
Bayh	Harris	Pearson
Bennett	Hart	Pell
Bible	Hatfield	Percy
Boggs	Holland	Prouty
Brooke	Hruska	Proxmire
Burdick	Hughes	Randolph
Byrd, Va.	Inouye	Ribicoff
Byrd, W. Va.	Jackson	Saxbe
Cannon	Javits	Schweiker
Case	Jordan, N.C.	Scott
Church	Jordan, Idaho	Smith, Maine
Cook	Kennedy	Smith, Ill.
Cooper	Magnuson	Sparkman
Cotton	Mansfield	Spong
Cranston	Mathias	Stevens
Curtis	McGovern	Symington
Dole	McIntyre	Talmadge
Dominick	Metcalf	Thurmond
Eagleton	Miller	Tower
Fannin	Mondale	Tydings
Fong	Montoya	Williams, N.J.
Goldwater	Moss	Williams, Del.
Goodell	Murphy	Young, N. Dak.

NAYS—10

Allen	Fulbright	McGee
Bellmon	Hollings	Stennis
Eastland	Long	
Ervin	McClellan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Gravel, for.

NOT VOTING—8

Dodd	McCarthy	Yarborough
Ellender	Mundt	Young, Ohio
Hartke	Russell	

So Mr. DOLE's amendment (No. 715) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GURNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPEAL OF THE GULF OF TONKIN RESOLUTION

Mr. MATHIAS subsequently said: Mr. President, the magnitude of the vote by which the Senate repealed the Gulf of Tonkin resolution is a sure sign that the tide has turned. Those of us who stood alone and called for this action now find the crowd racing in our direction.

But such a tide must be taken at the flood. The Senate must take more than this step toward a reorientation of the role of Congress as we face the new foreign policy challenges of the 1970's. The Senate's action recognizes the importance of this issue presented by the Tonkin Gulf resolution in recent years. But our work is far from completed.

The majority leader's announced intention to further consider the issue of Tonkin Gulf by debate on a concurrent resolution to repeal it is welcome. The Foreign Relations Committee and the Senate should take today's vote as a signal to act favorably on the other provisions included in the original joint resolution cosponsored by the distinguished majority leader and myself: Repeal of the Formosan, Middle East, and Cuban Resolutions, a review of the problem of continuing wartime national emergencies and the desirability of a new and positive statement of congressional policy on Southeast Asia which endorses the aims stated by President Nixon in his Guam doctrine.

The Mathias-Mansfield resolution (S.J. Res. 166) has been reviewed by the Nixon administration and the administration does not oppose it.

If it is the intent of the Senate—as I believe it is and should be—to shoulder its full constitutional responsibility in the Nation's foreign policy, we must take swift and definitive action to repeal these outdated cold war enactments and to demonstrate that Congress can play the positive role intended by the Founding Fathers in making decisions on the use of U.S. Force abroad.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BAYH) 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.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes;

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; and

H.J. Res. 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following House bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve programs pursuant to such act, and for other purposes; to the Committee on Public Works.

House Joint Resolution 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; and

House Joint Resolution 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week"; to the Committee on the Judiciary.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE FEDERAL MARITIME COMMISSION (S. Doc. No. 91-92)

A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1971, in the amount of $700,000, for the Federal Maritime Commission (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to

law, a report on improvements needed in the reliability of the Navy manpower and personnel management information system, dated June 23, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT BY THE PUBLIC LAND LAW REVIEW COMMISSION

A letter from the Chairman, Public Land Law Review Commission, transmitting, pursuant to law, a report of the Commission, dated June 24, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the House of Representatives of the State of Ohio; to the Committee on Commerce:

"RESOLUTION

"Memorializing the Congress of the United States to exempt the 'Delta Queen' river steamboat from the Safety at Sea Law 89–777

"Whereas, It is common knowledge that the federal government through the enforcement of the Safety at Sea Law 89–777 is presently contemplating the terminus of the sailing days of the famed paddle wheeler, the 'Delta Queen' which travels 35,000 miles on the inland water ways each year using the great city of Cincinnati as its home port; and

"Whereas, Such contemplation has engendered controversy, consternation, public outcry and enmity throughout this state as well as on the national scene raising tempers and voices in protest; and

"Whereas, Such emotional uprising can be understood and justified by a momentary contemplation on the traditional, historical and memorable characteristics of this truly regal queen of the beautiful Ohio River, for it exists as a last vestige of those days, now only recalled in times of nostalgia, when the inland water ways of this country were witnesses to the august and giant steamboats churning the silent waters; and

"Whereas, The name 'Delta Queen', to millions of Americans and to all Ohioans is material evidence and a steadfast reminder of many of our historical heritages cherished so highly by all; therefore be it

"Resolved, That we, the members of the House of Representatives of the 108th General Assembly of Ohio, hereby adopt this Resolution and cause a copy thereof to be spread upon the pages of the Journal, thus memorializing and fervently encouraging the Ohio members of Congress to steadfastly continue their battle to preserve this Ohio and truly American monument by exempting the nationally renowned and the last remaining paddle wheel overnight passenger steamboat, the 'Delta Queen', from the construction standards of the Safety at Sea Law 89–777, so that Ohio may perpetuate her memorable river heritage and keep "steamboat around the bend on the beautiful Ohio"; and be it further

"Resolved, That the Legislative Clerk of the House of Representatives transmit properly authenticated copies of this Resolution to the Speaker of the House of Representatives; the Vice President of the United States; and to the Ohio members of Congress.

"Adopted May 28, 1970.

"Attest:

"THOMAS A. WHITE,
"Legislative Clerk."

A resolution adopted by the Koza City Assembly, Okinawa, Ryukyu Islands, demanding immediate removal of the poison-gas weapons from the Ryukyu Islands; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 737. A bill for the relief of Konrad Ludwig Staudinger (Rept. No. 91–942);

S. 783. A bill for the relief of Mrs. Wanda Martens (Rept. No. 91–943);

S. 2661. A bill for the relief of Kathrun Talbot (Rept. No. 91–944);

S. 3212. A bill for the relief of Curtis Nolan Reed (Rept. No. 91–945);

S. 3263. A bill for the relief of Maria Pierotti Lenci (Rept. No. 91–946);

S. 3461. A bill for the relief of Dr. Amado G. Chanco, Jr. (Rept. No. 91–947);

S. 3675. A bill for the relief of Ming Chang (Rept. No. 91–948);

S. 3994. A bill for the relief of 1st Sgt. Albert F. Thompson, U.S. Army (Retired);

H.R. 1695. An act for the relief of Alfredo Caprara (Rept. No. 91–950);

H.R. 2315. An act for the relief of Josefina Policar Abutan Fuliar (Rept. No. 91–951);

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands (Rept. No. 91–952);

H.R. 13740. An act for the relief of Kimball Brothers Lumber Company (Rept. No. 91–953); and

H.R. 14118. An act to amend section 213 of the Immigration and Nationality Act, and for other purposes (Rept. No. 91–954).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2514. A bill for the relief of Arline Loader and Maurice Loader (Rept. No. 91–955);

S. 3167. A bill for the relief of Kimoko Ann Duke (Rept. No. 91–956);

S. 3265. A bill for the relief of Mrs. Anita Ordillas (Rept. No. 91–957); and

S. 3364. A bill for the relief of Dr. Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell) (Rept. No. 91–958).

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91–959).

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

H.R. 17548. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–949).

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

T. Keith Glennan, of Virginia, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. MAGNUSON (by request):

S. 4016. A bill to provide for loan guarantees to assist railroads in acquiring, constructing or maintaining facilities or equipment; to the Committee on Commerce.

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

By Mr. MURPHY:

S. 4017. A bill to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Sheif Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. FONG (for himself and Mr. INOUYE):

S. 4018. A bill to extend the coverage of the Public Works and Economic Development Act of 1965 to the Trust Territory of the Pacific Islands; to the Committee on Public Works.

By Mr. MURPHY:

S. 4019. A bill for the relief of Luis Garcia; and

S. 4020. A bill for the relief of Hae Cha Zane (Kim); to the Committee on the Judiciary.

By Mr. HART:

S. 4021. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, in order to expand and strengthen Federal assistance for State and local law enforcement, to promote more effective correctional programs and better correctional facilities, to increase assistance for a comprehensive Federal and State program for the prevention and treatment of drug abuse and drug addiction, and for other purposes; to the Committee on the Judiciary.

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

By Mr. TALMADGE:

S. 4022. A bill for the relief of Rosemaria De Loach; to the Committee on the Judiciary.

By Mr. CANNON:

S. 4023. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of class action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on Public Works.

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

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

S. 4024. A bill to amend title IV of the Higher Education Act of 1965, relating to student assistance, in order to authorize special educational services for veterans; to the Committee on Labor and Public Welfare.

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

By Mr. DOLE (for himself, Mr. ALLOTT, Mr. BAKER, Mr. BENNETT, Mr. BURDICK, Mr. COOPER, Mr. CRANSTON, Mr. CURTIS, Mr. EASTLAND, Mr. GOLDWATER, Mr. GURNEY, Mr. HANSEN, Mr. HARRIS, Mr. HARTKE, Mr. HRUSKA, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. SMITH of Illinois, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG of North Dakota):

S.J. Res. 218. Joint resolution providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week"; to the Committee on the Judiciary.

(The remarks of Mr. DOLE when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 4016—INTRODUCTION OF "RAILROAD LOAN GUARANTEE ACT OF 1970"

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to provide for loan guarantees to assist railroads in acquiring, constructing or maintaining facilities or equipment. My introduction of this bill is merely for the purpose of having legislation before the Committee on Commerce which would provide an alternative measure to others which are before this committee. This bill is identical to part 5 of the Interstate Commerce Act which expired in 1963 except for certain technical changes necessary to bring it up to date and to make the Department of Transportation the administering agency.

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

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

The bill (S. 4016) to provide for loan guarantees to assist railroads in acquiring, constructing or maintaining facilities or equipment, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Loan Guarantee Act of 1970."

PURPOSE

SEC. 2. It is the purpose of this Act to provide for assistance to common carriers by railroad subject to the Interstate Commerce Act to aid them in acquiring, constructing, or maintaining facilities and equipment for such purposes, and in such a manner, as to encourage the employment of labor and to foster the preservation and development of a national transportation system adequate to meet the needs of the commerce of the United States, of the postal service, and of the national defense.

DEFINITIONS

SEC. 3. For the purposes of this part—

(a) The term "Secretary" means the Secretary of Transportation.

(b) The term "additions and betterments or other capital expenditures" means expenditures for the acquisition or construction of property used in transportation service, chargeable to the road, property, or equipment investment accounts, in the Uniform System of Accounts prescribed by the Interstate Commerce Commission.

(c) The term "expenditures for maintenance of property" means expenditures for labor, materials, and other costs incurred in maintaining, repairing, or renewing equipment, road, or property used in transportation service chargeable to operating expenses in accordance with the Uniform System of Accounts prescribed by the Interstate Commerce Commission.

LOAN GUARANTIES

SEC. 4. In order to carry out the purpose declared in section 2, the Secretary upon terms and conditions prescribed by it and consistent with the provisions of this Act, may guarantee in whole or in part any public or private financing institution, or trustee under a trust indenture or agreement for the benefit of the holders of any securities issued thereunder, by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made, or which have been made, for the purpose of aiding any common carrier by railroad subject to the Interstate Commerce Act in the financing or refinancing (1) of additions and betterments or other capital expenditures, made after January 1, 1970, or to reimburse the carrier for expenditures, made from its own funds for such additions and betterments or other capital expenditures, or (2) of expenditures for the maintenance of property: *Provided,* That in no event shall the aggregate principal amount of all loans guaranteed by the Secretary exceed $500,000,000.

LIMITATIONS

SEC. 5. (a) No guaranty shall be made under section 4.

(1) unless the Secretary finds that without such guaranty, in the amount thereof, the carrier would be unable to obtain necessary funds, on reasonable terms, for the purposes for which the loan is sought;

(2) if in the judgment of the Secretary the loan involved is at a rate of interest which is unreasonably high;

(3) if the terms of such loan permit full repayment more than fifteen years after the date thereof; or

(4) unless the Secretary finds that the prospective earning power of the applicant carrier, together with the character and value of the security pledged, if any, furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and reasonable protection to the United States. A statement of the findings of the Secretary required under the provisions of this subsection shall be made a matter of public record by the Secretary with respect to each loan guaranteed under the provisions of this Act.

(b) It shall be unlawful for any common carrier by railroad subject to the Interstate Commerce Act to declare any dividend on its preferred or common stock while there is any principal or interest remaining unpaid on any loan to such carrier made for the purpose of financing or refinancing expenditures for maintenance of property of such carrier, and guaranteed under this Act.

MODIFICATIONS

SEC. 6. The Secretary may consent to the modification of the provisions as to rate of interest, time of payment of interest or principal, security, if any, or other terms and conditions of any guaranty which it shall have entered into pursuant to this Act or the renewal or extension of any such guaranty, whenever the Secretary shall determine it to be equitable to do so.

PAYMENT OF GUARANTIES: ACTION TO RECOVER PAYMENTS MADE

SEC. 7. (a) Payments required to be made as a consequence of any guaranty by the Commission made under this part shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions of this Act.

(b) In the event of any default on any such guaranteed loan, and payment in accordance with the guaranty by the United States, the Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the defaulting carrier, carriers, or other persons liable therefor.

GUARANTY FEES

SEC. 8. The Commission shall prescribe and collect a guaranty fee in connection with each loan guaranteed under this Act. Such fees shall not exceed such amounts as the Commission estimates to be necessary to cover the administrative costs of carrying out the provisions of this Act. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

ASSISTANCE OF DEPARTMENT OR OTHER AGENCIES

SEC. 9. (a) To permit it to make use of such expert advice and services as it may require in carrying out the provisions of this Act, the Secretary may use available services and facilities of departments and other agencies and instrumentalities of the Government, with their consent and on a reimbursable basis.

(b) Departments, agencies, and instrumentalities of the Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this part.

ADMINISTRATIVE EXPENSES

SEC. 10. Administrative expenses under this part shall be paid from appropriations made to the Secretary for administrative expenses.

TERMINATION OF AUTHORITY

SEC. 11. Except with respect to such applications as may then be pending, the authority granted by this part shall terminate at the close of June 30, 1975: *Provided,* That its provisions shall remain in effect thereafter for the purpose of guaranties made by the Secretary.

S. 4017—INTRODUCTION OF A BILL TO TERMINATE OIL AND GAS PRODUCTION IN THE SANTA BARBARA CHANNEL

Mr. MURPHY. Mr. President, I introduce, for appropriate reference, the administration plan to terminate oil and gas production in a portion of the Santa Barbara Channel. I was happy to announce this plan at the White House on June 11 after consultation with President Nixon.

I need not retrace the course of events in the channel. I wish to mention, however, several salient points. It was easy for a past administration to grant leases in the channel, and it would be easy for this administration to continue to follow that course. I am glad that the President and the Secretary of the Interior have faced up to this problem—I believe due in part to my urging—and have developed the legislative package I introduce today.

The plan would create a national energy reserve off the existing State-created Santa Barbara oil sanctuary, in which there would be no oil production. In doing so, 20 existing leases would be terminated, the leaseholders being reimbursed in cash from the sale of oil produced from the Elk Hills Naval Petroleum Reserve. A Federal court will determine the value of the leases so terminated. Production from the wells where last year's disastrous blowout occurred will be continued until the chance for another such catastrophe has been precluded. The administration proposal contains many of my suggested solutions included in S. 2516 and S. 3351 that I have previously introduced.

Mr. President, I understand there will be further hearings on this problem before the Subcommittee on Minerals, Materials, and Fuels. I hope the subcommittee will examine the problems presented by the administration plan and, in fact, any possible plan to terminate oil production in the channel.

In particular, I look for testimony concerning the methods by which the Federal court can place a value on a lease terminated under the plan. I am sure it is not the intent of any official of the administration, and it is certainly not mine, that any leaseholder be given "something for nothing." On the other hand, both our Constitution and our sense of fair play require that a leaseholder not be given "nothing for something."

I also look for testimony concerning the effect, if any, that the sale of the oil produced from the Elk Hills Naval Petroleum Reserve will have on the crude markets in our State.

Finally, I hope the testimony will concern itself with the problems of terminating oil and gas production in the entire Federal area of the Santa Barbara Channel, as suggested by my bill S. 2516.

Mr. President, for those who say the administration plan is not enough, I repeat my White House statement that, "It is a good start," and I again wish to commend the President and the Secretary of the Interior for facing up to this most serious problem.

Mr. President, I would like to ask unanimous consent that the President's message to the Congress, the Secretary of the Interior's letter to the President, and the bill be printed in the RECORD.

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

The bill (S. 4017) to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes, introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 4017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the date of enactment of this Act all of the following described leases, and all rights thereunder issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, shall terminate and the United States shall be vested with all of the right, title, and interest in said leases:

P–0238	P–0213
P–0232	P–0201
P–0237	P–0228
P–0231	P–0234
P–0223	P–0227
P–0230	P–0219
P–0222	P–0211
P–0206	P–0220
P–0229	P–0212
P–0221	P–0200

SEC. 2. The Secretary of the Interior is authorized under such terms and conditions as he may prescribe to unitize all or any part of the following described leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, if he finds such action is necessary or desirable to prevent or minimize oil spillage, leaks, or other pollution:

P–0241 P–0240 P–0166

SEC. 3. (a) The holder of any lease terminated pursuant to this Act shall be entitled to bring an action against the United States for the recovery of just compensation for the lease or leases so terminated and such action shall be brought in the United States District Court for the Central District of California within one year after the date of enactment of this Act. Said Court is expressly vested with jurisdiction of any action so brought without regard to the amount of the claim therein. Trial of any such action shall be to the Court, without a jury.

(b) The amount of any judgment in any such action or of any compromise settlement of such action and any interest accruing thereon shall be certified to the Secretary of the Interior by the Department of Justice. There is authorized to be appropriated out of the Santa Barbara Channel Account such amounts as may be necessary to enable the Secretary of the Interior to pay such judgments and compromise settlements and any interest accruing thereon. In the event the funds in the Santa Barbara Channel Account are not sufficient to pay any amount so certified and appropriated there is authorized to be appropriated to the Secretary of the Treasury for advance to the Santa Barbara Channel Account out of any money in the Treasury not otherwise appropriated, such funds as may be necessary for such payments. The Secretary of the Treasury shall be reimbursed for such advances from funds paid into the Santa Barbara Channel Account in accordance with this Act, with interest thereon, at such rates as may be determined from time to time by the Secretary of the Treasury.

(c) There is hereby created in the Treasury of the United States a special account which shall be known as the "Santa Barbara Channel Account" from which the Secretary of the Interior is directed to cause payments to be made in accordance with the provisions of this Act. In order to provide the funds for the "Santa Barbara Channel Account," the Secretary of the Navy is directed to offer for sale on the open market under such competitive bidding procedures as he may establish, the United States' share of the oil extracted from Naval Petroleum Reserve Numbered 1 pursuant to the provisions of this Act and to pay the funds realized from such sale into the United States Treasury in each year, sales proceeds equal to the Government's receipts from Naval Petroleum Reserve Numbered 1 during the twelve calendar months immediately preceding enactment of this Act shall be credited to the General Fund and the remaining sales proceeds shall be credited to the Santa Barbara Channel Account. Any sums remaining in the Santa Barbara Channel Account after the payments authorized by subsection (b) have been made shall be transferred to miscellaneous receipts of the Treasury, and thereafter the funds realized under this subsection shall be paid into miscellaneous receipts of the Treasury.

SEC. 4. Without regard to the provisions of Chapter 641, Title 10, U.S.C., the Secretary of the Navy is authorized and directed to produce, by whatever means he deems necessary, sufficient oil from Naval Petroleum Reserve Numbered 1 to fulfill the requirements of section 3 and section 6 hereof. The Secretary of the Navy is also authorized to renegotiate and modify existing contracts relating to production of oil from said Reserve in such manner as may in his judgment be necessary or advisable to enable such increased production.

SEC. 5. There is hereby created a National Energy Reserve on the Outer Continental Shelf in the Santa Barbara Channel, offshore of the State of California, under the control and supervision of the Secretary of the Interior. The said National Energy Reserve shall be made up of the land covered by the leases terminated pursuant to this Act, plus waived lease P–0235 and the following described tracts as shown on the official Outer Continental Shelf Leasing Map, Channel Islands Area Map No. 6B, approved August 8, 1966, and revised July 24, 1967 as:

CALIFORNIA

Official Leasing Map, Channel Islands Area Map No. 6B

Block	Description
50N66W	All
50N67W	All
51N66W	All
51N67W	All
51N68W	All
51N69W	All
51N70W	E½ and E½ W½
52N64W	All Federal Portion thereof
52N65W	All Federal Portion thereof
52N66W	All Federal Portion thereof
52N67W	All Federal Portion thereof
52N68W	All Federal Portion thereof
52N69W	All Federal Portion thereof
52N70W	All Federal Portion of E½ and E½ W½
48N69W	All
47N69W	All Federal Portion thereof
46N69W	All Federal Portion thereof
47N68W	All
46N68W	All Federal Portion thereof
47N67W	All
46N64W	All Federal Portion thereof

The National Energy Reserve shall be available for lease only as determined by the President and under such terms and conditions as he may prescribe in accordance with existing law.

SEC. 6. There is hereby authorized to be appropriated out of the Santa Barbara Channel Account to the Secretary of the Interior, the Attorney General, and the Secretary of the Navy such sums as may be necessary to carry out the functions and responsibilities that such respective officials are required to make under the provisions of this Act. Such sums shall remain available until expended when so authorized in appropriation acts.

The material presented by Mr. MURPHY is as follows:

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

In 1955 the State of California took steps to protect a particularly beautiful area of its coastline by creating a State Sanctuary extending sixteen miles along the Santa Barbara Channel and closing it to all petroleum exploration. About a decade later, however, the Federal Government issued leases for petroleum exploration immediately seaward from the State Sanctuary. Oil platforms were soon constructed and petroleum drilling began. In January 1969, a blowout in the Channel resulted in widespread oil pollution of the Sanctuary.

The twenty Federal leases seaward from the Sanctuary which were granted by the previous Administration should be cancelled. Legislation being submitted today would terminate these leases and create a Marine Sanctuary. Compensation to the lessees would be funded by revenue from oil production at the Elk Hills Naval Petroleum Reserve which is also located in California.

To avoid further marine pollution, however, it will be necessary to continue pumping oil from three leases in the area. The oil beneath the Channel where the 1969 blowout occurred is contained in a geological formation which was damaged by oil drilling. If not bled off this high pressure oil would escape through zones of structural weakness causing further pollution. The legislation I am proposing would, therefore, allow production on these three leases under strict management controls.

This proposal for Santa Barbara illustrates our strong commitment to use offshore lands in a balanced and responsible manner. It recognizes the earlier decision made by the people of California to set aside a part of their coastline as a sanctuary, and it extends the protected area across the Channel to Santa Cruz Island.

This recommendation is based on the belief that immediate economic gains are not the only, or even the major, way of measuring the value of a geographic area. The ability of that area to sustain wildlife and its capacity to delight and inspire those who visit it for recreation can be far more important characteristics. This proposal recognizes that technology alone cannot bring national greatness, and that we must never pursue prosperity in a way that mortgages the nation's posterity.

I urge the Congress to give this legislation early and careful consideration. It represents another way in which the Federal Government can clearly demonstrate its commitment to the quality of life in America.

RICHARD NIXON.

THE WHITE HOUSE, June 11, 1970.

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. SPIRO T. AGNEW
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

The bill provides a termination of 20 leases on the Outer Continental Shelf in the Santa Barbara Channel, seaward of the State of California Oil Sanctuary established in 1955, which were issued pursuant to the Outer Continental Shelf Lands Act. The Act further authorizes the Secretary to unitize certain producing oil leases in the same area when he finds that such unitization is necessary or desirable in the interest of good conservation and to prevent or minimize oil spillage, leaks, or other pollution.

The bill provides a method for payment of compensation to the holders of the leases terminated by this Act, with a suit in the United States District Court for the Central District of California as the method of determining damages resulting from the termination and provides that the compensation will be paid from the Santa Barbara Channel Account, upon certification of the Department of Justice. The funds paid into the Santa Barbara Channel Account are created by the sale of oil extracted from the Naval Petroleum Reserve Numbered 1, California. In the event the Santa Barbara Channel Account does not contain sufficient funds to satisfy outstanding judgment and compromise settlements, the bill authorizes an appropriation to enable the Secretary of the Treasury to advance funds out of any unappropriated funds in the Treasury in order to satisfy such judgment and compromise settlements, with the Santa Barbara Channel Account reimbursing the Treasury for such advances.

The bill authorizes the Secretary of the Navy to produce by whatever means he deems necessary, sufficient oil from Naval Petroleum Reserve Numbered 1, California, in order to fulfill the requirement to pay the claims arising from the terminated leases.

The bill creates a National Energy Reserve from the Outer Continental Shelf in the Santa Barbara Channel made up of the leases terminated pursuant to this Act plus the waived lease in the area, the unleased tracts south of the terminated leases and the tracts in the 55,000 acres of the Ecological Preserve and its buffer zone discussed below. The reserve shall be available for lease only as determined by the President. Appropriations of funds out of the Santa Barbara Channel Account to cover the cost incurring to the Interior, Justice and Navy Departments are authorized by the Act.

An order was signed on March 21, 1969, which turned the existing two-mile buffer opposite the Santa Barbara State Oil Sanctuary into a permanent ecological preserve. Until this order was signed, the area had no special legal status. This new Santa Barbara Ecological Preserve is 21,000 acres.

In addition, all unleased areas south of the Santa Barbara Ecological Preserve will be held as an additional buffer zone. No drilling or production will be permitted in this 34,000 acres. The buffer will help protect the Preserve and maintain the sanctuary concept of the State of California.

The Ecological Preserve and its buffer thus will total 55,000 acres.

About half of the remaining Federal lands in the channel are not leased. Before any consideration is given to leasing these areas, the public will be consulted and its recommendations carefully considered.

Drilling land already leased is now and will continue to be approved only after examination of all geologic, environmental, and engineering factors. These operations are being conducted under our new requirements and we have increased our inspection forces to assure compliance and early detection of any mishaps.

The Department also is pushing for new legislation to strengthen the Federal Government's role with regard to water pollution generally.

Simultaneous with our technical and scientific efforts to solve the danger of blowout and resulting pollution, we met with other Government departments and agencies, conservation groups, and interested citizens to consider specific proposals to deal with the problem as it existed in the Santa Barbara Channel off of Santa Barbara, California. The attached bill emerged from those considerations as our solution for the Santa Barbara Channel problem. This proposed bill would create a zone free of oil activities seaward from the State Sanctuary in the Santa Barbara Channel. The only activity would be that in conjunction with the unitized operations of certain leases as authorized in the bill. This unitization, while allowing production to relieve the pressure in the leak area, thereby reducing the danger of leaks, would also reduce the visible aspects of the oil operations on those certain leases by combining them.

The cost of terminating the 20 leases would be offset by production from the number of oil reserves in the Naval Petroleum Reserve Numbered 1, California. At the same time, the creation of a National Energy Reserve in this area would make any oil in the area available for national use only as determined by the President.

The Bureau of the Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

S. 4021—INTRODUCTION OF THE CRIME PREVENTION AND LAW ENFORCEMENT ACT OF 1970

Mr. HART. Mr. President, one statement on which all agree is that the Nation faces a crime crisis. We all know it. Crime—particularly violent street crime—has risen alarmingly in the last decade.

Fear of crime erodes our way of life, posing a greater threat to our freedom and security than foreign conflicts in distant lands.

The agencies which must meet this threat are breaking down under its sheer enormity:

Clogged courts delay and undermine the deterrence of punishment;

Overburdened police struggle to maintain minimum public safety; and

Prisons with meager resources for rehabilitation turn out hardened criminals instead.

Crusades against crime are offered by some who promise quick and easy solutions, but little commitment of sustained effort and resources.

The breakdown of law and order is not the accomplishment of some anarchistic conspiracy, nor of complacent officials or unpopular judicial decisions. It is the harvest of accumulated neglect and indifference to the urgent needs of our criminal justice system—neglect which persists despite outraged alarm over crime headlines.

The National Commission on the Causes and Prevention of Violence, on which I was privileged to serve made this point in the final report:

> For the past three decades, the primary concerns of the federal government have been the national defense, the conduct of wars and foreign affairs, the growth of the economy, and, more recently, the conquest of space. These problems have consumed the major part of the public attention. They currently devour more than two-thirds of federal expenditures and approximately 50 percent of federal, state, and local expenditures combined.
>
> Traditionally we have left the problems of social justice provision of essential community services, and law enforcement primarily to the states and cities.
>
> [But]: tax revenue available to the states and cities falls woefully below what is needed to discharge their responsibilities.

Mr. President, I introduce a bill entitled the "Crime Prevention and Law Enforcement Act of 1970."

This legislation deals with many aspects of the terrible crime problem facing the Nation. I ask unanimous consent that the bill be referred to the Committee on the Judiciary for consideration in its forthcoming hearings on Amendments to the Safe Streets Act of 1968, and related matters, with the understanding that the subject matter contained in title II be referred to the Committee on Labor and Public Welfare, should that be the desire of that committee.

THE SAFE STREETS ACT

TITLE I

Mr. President, title I of this legislation concerns the need to revise the present system of Federal aid to local agencies of law enforcement and criminal justice.

The Violence Commission, as well as the earlier President's Crime Commission, reached two basic conclusions:

Crime must be fought primarily at the local level;

Our cities need Federal assistance to mount a meaningful attack.

In 1968, Congress passed the Safe Streets Act. It was based on the bill I introduced in 1967—substantially altered—to provide such assistance. It is

the main vehicle for Federal participation in the battle against crime. We are now in the third year of that program and it is not going well. The Federal effort has been inadequate and misspent. The program has been sharply criticized in recent congressional hearings for failing to fight crime where it counts. Crime continues to rampage through our cities. What is wrong?

FUNDING

The threshold failure is simply lack of funds. The best of ranging estimates are that crime costs Americans between $50 and $100 billion a year, not to mention the toll in tension, injury and lives. Yet we now spend only some $5 to $6 billion annually on all aspects of law enforcement and criminal justice. This is not Federal expenditures alone, but the total of all local, State and Federal programs for police, prosecution, courts and corrections. That is about 1 percent of our national income. We spend more annually on Federal agricultural programs.

The Nixon administration has requested only $480 million for the Safe Streets Act program in fiscal year 1971. We should be spending at least twice as much, or $1 billion in the coming year—and $6 billion over the following 3 years. Doubling the administration's request for fiscal 1971 would add less than one-fourth of 1 percent of our Federal budget. Is that too much to spend on what is probably the No. 1 concern of millions of Americans?

This year, for example, the State of Michigan spent over a quarter of a billion dollars on law enforcement and criminal justice and received about $9 million under the Safe Streets Act. A 3-percent supplement will not go very far to ease Michigan's crime problem.

Attorney General Mitchell predicted that we would be spending close to a billion dollars in the foreseeable future. But we cannot afford to defer on this most pressing domestic need. The time has come for officials boldly trumpeting their war on crime to put their money where their rhetoric is.

The Violence Commission called for doubling our present investment in criminal justice and law enforcement, as rapidly as it "could be wisely planned and utilized." I think we can come close to that goal and use the money soundly now.

GOING WHERE THE CRIME IS

More money will not turn the tide unless it goes where the crime is. And that is in the big cities. True, no area is completely free from crime. But it is our metropolitan centers—New York, Detroit, Chicago, Los Angeles—which confront the escalation of street crime and the pervasive fear of violence. Robberies, for example, are 10 times more frequent in our biggest cities than in adjoining suburbs, 35 times more than in rural areas. As the Violence Commission emphasized:

> Violent crime in the United States is primarily a phenomenon of large cities. This is a fact of central importance.

In spite of this, the cities who need help most are being shortchanged. The Safe Streets program has not set realistic priorities.

The main defect is misallocation of funds produced by the present "bloc grant" approach.

The Federal Law Enforcement Assistance Administration—LEAA—disburses 85 percent of the money for action programs in bloc grants to the States. Only 15 percent of the action funds may be "discretionary grants" made directly by LEAA to State and local agencies.

Through bloc grants, the bulk of Federal assistance is allocated among the States according to population, without regard to the incidence of crime. Yet crime is not spread across the country in proportion to population. The national crime index shows that some States have more than six times the crime per capita of other States. In our 26 largest cities, with only 17 percent of the national population, occur half of the total violent crime.

Under the safe streets scheme, local needs were supposed to be protected by community representation on State planning agencies, and by the requirement that States "pass through" 75 percent of the action grants they receive to local government. It has not worked that way.

Even worse, the States have interposed still another layer of bureaucracy between the cities and Federal aid by grouping several counties into planning regions. The act permits States to "pass through" funds to local units "or combinations of them." So the regional groups can be the recipient and disburse them according to regionally set priorities—large cities can be badly gerrymandered in the process.

In Michigan, for example, Detroit and Wayne County, with 40 percent of Michigan's population, are grouped together with six other counties into one region, while smaller cities are in tricounty regions. Grand Rapids is placed into a rurally dominated region of 12 counties.

The States have dissipated millions of dollars in small grants for isolated programs of marginal impact in small towns and rural counties.

Thus, the bloc grant and regional subgrant system has added two lawyers of top heavy administration which drain funds and delay action while applications from the cities filter up and money trickles down.

Whatever "responsible federalism" may mean, at least it should insure that the level of government with day-to-day operating responsibility in an area such as crime also has the decisionmaking authority and funding independence to sustain its efforts.

Recent studies by the Urban Coalition and the League of Cities Conference of Mayors reveal disturbing disparity under the present program. Of $1.2 million received by Ohio last year, Cleveland received only $38,000 and Dayton $31,000. New York City, which accounts for 75 percent of the crime in its State, received only 43 percent of New York's LEAA funds.

Perhaps my own State best illustrates the absurdity which can result under the bloc grant approach. Grand Rapids, the second largest city in Michigan, with almost 200,000 people and an annual crime budget of $3 million, received $188 in 1969—no, the printers did not leave out any zeros—Lansing got $600; Ann Arbor, nothing. At the same time, a Michigan resort community of 9,500 received $17,000, and a rural county of 38,000 people with annual crime expenditures of $197,000 received a grant for $18,000.

Detroit has only 19 percent of the State's population, and it received 18 percent of the $1.05 million received in Federal anticrime funds by Michigan last year. Sounds sensible until you remember that Detroit accounts for almost half the crime in the State.

It does not take a mathematical genius to realize that under the present system priorities are out of whack. The needs of our Nation's high crime areas must be met directly and without delay, by providing more funds for discretionary grants from LEAA and, equally important, by making sure they go to the right place. The obvious target should be the centers of highest crime.

I propose that only 40 percent of the action funds go to the States in bloc grants, rather than the 85 percent now required by the act. The remaining 60 percent would be given by the LEAA in discretionary grants. Funds would be concentrated where they count; three-quarters of the discretionary funds would be zeroed in on a group of target cities that need help most:

First, those with populations over 200,000;

Second, those with populations between 75,000 and 200,000 and with particularly high crime rates;

Third, the largest city in a State if it does not come under the first two categories.

To take care of the criminal court responsibilities which many counties have in these cities, such counties could also receive special funds for that task.

No one suggests we ignore the problem of crime in our suburbs and rural towns. With the increased funding under my amendment, the States could still receive about the same level of bloc grants as the administration presently requests, while substantial funds were added for crash programs in our cities. After all, we do not put many soil programs in downtown Detroit, why spread our funds thinly in a fragmented fashion to high and low crime areas alike.

PLANNING

While giving more money to the cities, we must also enable them to use these resources more effectively. Here again, the bloc grant system has not worked well. Under the regional subgrant system, the 40 percent of LEAA planning grants which States must "pass through" to local units are received by the regional councils. The regions then plan for their entire multicounty area. Large cities within the region are often left in the cold, receiving little or no planning funds of their own.

Each level of government has a planning role to play. Some projects, such as crime labs and emergency communications networks, can best be planned at the regional level. States should play an important oversight role, plan major

statewide law enforcement or corrections programs, and assist small jurisdictions to coordinate their efforts.

But for large cities, the appropriate unit for major planning efforts is the city itself. They know their problems best and urgently need planning funds of their own to map a systematic attack.

My bill allocates 30 percent of the planning funds appropriated by Congress to those same large cities eligible to receive the bulk of LEAA's discretionary grants under the criteria I have indicated above. The remaining planning funds would still be distributed by the States. The basic fight against street crime in our cities must be planned by those on the front lines.

OFFICES OF CRIMINAL JUSTICE

My bill also implements another major planning recommendation of the Violence Commission: creation of an Office of Criminal Justice in each urban area to coordinate planning among different agencies in the city's criminal justice system and with other public and private resources in the community.

Periodic crime commissions are too transient. What is needed is a permanent action group involving the mayor's office, police, welfare services, boards of education and corrections, health agencies, labor, the bar, business. Detroit and some other major cities are taking steps to implement this proposal. They should be encouraged and assisted.

Such an Office of Criminal Justice could cut across redtape and exert effective, credible leadership because it would speak without a parochial interest and would view the entire system in balance. It also could be especially useful in spearheading efforts to:

Relieve police of the many nonpriority jobs they traditionally have been asked to perform, diverting health, traffic and regulatory tasks to appropriate public or private agencies;

Free police for crime-fighting by reducing police waiting time in court and other innovative programs; and

Provide more correctional information for pretrial and posttrial disposition of offenders and expand voluntary parole and probation programs to assist overloaded public offices.

MORE MANPOWER FOR HARD-PRESSED CITIES

My bill amends two other unrealistic provisions of the Safe Streets Act—limitations on Federal aid for personnel, and local "matching fund" requirements. Currently, no more than one-third of any grant may be used for pay of personnel. Moreover, cities must match Federal salary assistance with equal funds of their own.

These restrictions have hamstrung attempts to make headway in such crucial programs as drug control, juvenile corrections and court reform.

The mayors of our largest cities have testified repeatedly that manpower is the *key to major* breakthroughs in these top priority areas.

Rehabilitating addicts, diverting juveniles form the criminal system, streamlining court calendars—all are areas where concentrated efforts could have a dramatic impact—and where money for more and better trained personnel is the major hurdle.

No less critical are efforts to expand police protection, which in a real sense is our first line of defense against crime. Here again, the restrictions have hurt. Increasing patrols in high crime areas, reducing response time, and "cooling" community tensions, all require funds. Money is needed for attracting more personnel and for upgrading departments.

In short, our cities need more funds for people instead of hardware and more flexibility in setting their crime fighting priorities. LEAA could still exercise oversight through grant application approval. I would remove the limitation on compensation entirely and expressly indicate the kinds of personnel programs which should be funded.

It is common knowledge that our cities face a budgetary crisis. This is especially true for those which have tried to expand their law-enforcement budget to meet the growing crime threat. Most cities are hard pressed to maintain current levels of community services, let alone improve and expand police, court, and correction services.

But the steep "matching fund" requirements are not confined to personnel costs. Cities must also put up almost half the cost of most other federally assisted programs. This burden is unrealistic. And, to the extent it prevents those who need help most from participating in valuable programs, it makes the Safe Streets Act self-defeating.

We can take steps to insure that Federal funds are added to, and not substituted for, local efforts. But the budgetary crisis and crime epidemic in our large cities make the present approach a penny wise, pound foolish course which must be changed. I propose setting a reasonable matching requirement under which the Federal grant could pay for up to 90 percent of the program costs. In the case of discretionary grants made directly to LEAA, even the 10-percent matching requirement should be waivable where the recipient cannot reasonably expect to meet that burden.

Amending the matching grant requirements and the limitation on personnel assistance will permit concentrated efforts on two closely related fronts in the war on crime: drug abuse and juvenile delinquency. These areas must be given the highest priority under the Safe Streets Act and also receive a greater commitment of resources under other Federal programs.

JUVENILE CRIME

The Violence Commission emphasized that crime in our cities is disproportionately committed by youths. Indeed, over half the persons arrested in America during 1968 were under 18. Increases in both arrest and "repeater" rates are higher for younger age groups. Violence and vandalism beset our high and junior high schools, while the drug problem among youth spirals and clearly drives many of them to criminal activities. Perhaps most disturbing of all is the rapidly increasing arrest rate of 10- to 14-year-olds.

At all levels of government, file cabinets overflow with studies urging an all-out effort to divert juveniles and young offenders from the traditional prison system and head off their graduation from early delinquency to careers of serious crime.

My bill amends the Safe Streets Act to make clear that proposals should be funded for the kind of community based corrections facilities and programs which are badly needed in juvenile rehabilitation.

Juvenile authorities are constantly faced with a hard choice—often unappreciated by the public: They can return a young offender to the streets under inadequate supervision or sentence him to a State institution which is badly overcrowded and as likely to increase his future involvement in crime as to reduce it.

Expanded probationary programs, with better supervision, and intensive rehabilitation services is one answer. Another is the use of "half-way houses" available for initial disposition of appropriate cases, not merely for transition back into the community from a State prison facility.

Many States—and Michigan is a good example—already give the courts sentencing flexibility, including the possibility of suspending entry of final judgment, and criminal record, of a youthful first offender. This offers a significant incentive for the juvenile to complete whatever rehabilitation programs and conditions of probation the court assigns. But such enlightened procedures cannot be fully utilized without more resources for the programs to which likely candidates can be committed.

In addition to calling for more juvenile correction and rehabilitation projects under the safe streets programs, I testified this month before the Appropriations Committee, urging that Congress fully fund the Juvenile Delinquency Prevention and Control Act of 1968.

This act authorizes the Department of Health, Education, and Welfare to assist State and local programs which provide diagnostic services, preventive treatment and rehabilitation for youth who are, or who are in danger of becoming, delinquent. It charters the broadest possible attack on juvenile delinquency and should be a major vehicle for Federal assistance, but its potential has gone largely unrealized.

The act authorized expenditures by HEW of $25 million, $50 million and $75 million, respectively, for fiscal years 1969 through 1971, but the administration has only budgeted about $15 million for each year. In other words, for 1971, the President has requested less than a quarter of the funds authorized for this critical program.

It is hard for me to imagine a more shortsighted way to fix priorities. We must press for the full $75 million in the coming fiscal year and seek even more substantial commitments in future years.

CURBING THE DRUG PROBLEM

Drug abuse has rapidly become the major crisis faced by local law enforcement. Addicts driven by their drug hun-

ger commit nearly half of the street crime in our cities, while huge profits from the illicit traffic bankroll other underworld enterprises.

When addicts resort to crime to support their habits, the innocent victims ultimately pay.

Testifying before Congress this spring, the Mayor of Detroit, the Honorable Roman Gribbs, indicated just how high that price is in his city:

In Detroit, we estimate that there are presently 6,000 addicts walking our streets. Few of them can pay the price of the drugs they crave from legitimately obtained income. They are literally forced to resort to burglaries, muggings, robberies and holdups.

The cost of these crimes is enormous. Various estimates have been cited by authorities. Let me give you our best estimate and opinion of the cost of addiction and its relation to crime. We believe that the average addict needs about $50 per day to support his habit. This requires him to obtain at least $200 per day of other people's property. Simple arithmetic now places the annual cost of this condition at $438,000,000.

Now at the same time we could treat these 6,000 Detroit addicts using methods which we already have in hand and under a program which we have already initiated, for about $9,000,000 per year. All we need is the money.

A sustained, two-pronged attack is desperately needed: tougher, more effective enforcement against illegal traffic; and a massive national effort to reduce crime by treating addicts to remove their drug hunger.

On the enforcement level, the Controlled Dangerous Substances Act of 1969, recently passed by the Senate, provides personnel increases for the Customs and the Federal Bureau of Narcotics.

My crime bill amends the Safe Streets Act to place a similar emphasis on expansion and improvement of drug law enforcement at the local level. Increased funding of metropolitan task forces would enable them to work more closely with Federal narcotics officers and to concentrate on the pushers and mobsters behind the distribution networks, rather than isolated arrests of individual addicts.

Increased enforcement alone, however, is not enough. While addicts who commit crimes must be prosecuted, the revolving door approach—arrest, imprisonment, and eventual return to the street, still an addict—would not make a lasting impact on the problem.

We need to support a wide range of programs at the local level, including voluntary civil commitment of addicts not charged with offenses; commitment to treatment centers in lieu of sentence; and sentencing to corrections institutions with adequate treatment facilities.

A bill introduced by the able junior Senator from Iowa (Mr. HUGHES)—the Federal Drug Abuse Prevention, Treatment and Rehabilitation Act of 1970—of which I am a cosponsor, would provide the framework for such a comprehensive approach.

The act would centralize efforts now fragmented throughout the Federal Government, in a Drug Abuse Administration in the Department of Health, Education, and Welfare, which could make grants for local public and private programs.

The law governing rehabilitation facilities for Federal offenders would also be reorganized into stronger legislation, expanding the number of those eligible for treatment.

We should commit at least a half billion dollars to this effort in the first 3 years of the Act. Accordingly, title II of this legislation amends the bill introduced by Senator HUGHES to specify authorization for fiscal years 1971 through 1973 of $150 million, $200 million and $250 million, respectively.

CORRECTIONS

The shocking state of our antiquated, overcrowded corrections systems have been detailed enough. We all pay lip service to the goal of truly rehabilitative prisons, but have been reluctant to pay for them.

Corrections is still the most neglected aspect of the criminal justice system. Those who urge the need for modern, realistic approaches to rehabilitation risk angry charges of "coddling criminals," though such reform benefits society, too. Those who are frightened about crime often measure "success" by the number of persons sent to prison, when they should be as concerned about what kind of men come out.

Most offenders will be returned to society, and 60 percent of those now in prison have been incarcerated before. That is a poor batting average for a system supposedly geared to rehabilitation as well as punishment.

We can improve on it, if we change those features which now make prison a degrading, hardening experience, with inadequate training and counseling for a successful transition back into the community.

My bill adds a new part to the Safe Streets Act to increase grants for the construction, acquisition or improvement of State and local correctional institutions. It would encourage States and local communities to develop comprehensive corrections systems, using modern facilities and the most advanced practices. We do not want to simply build new fortress prisons.

The amendment provides guidelines to promote:

Regional cooperative operation of specialized institutions for particular categories of offenders;

Adequate attention to recruiting and training correctional personnel; and

Sufficient emphasis on community based programs of incarceration, probation and parole.

To insure an adequate share of the overall criminal justice budget is devoted to corrections, at least 25 percent of the toal appropriations under the Safe Streets Act would have to be earmarked for some purposes in that field.

OTHER LEGISLATION

Mr. President, in addition to my proposed amendments to the Safe Streets Act, other measures before the Senate are important elements of the effort to reduce the impact of crime. They deserve prompt passage.

PRETRIAL CRIME AND SPEEDY TRIAL

The Senior Senator from North Carolina (Mr. ERVIN) and I recently introduced a "speedy trial" bill, S. 3936, to deal with the disturbing crime committed by those already awaiting trial on another charge. Disgraceful trial delays of a year are not uncommon. Undermanned courts and clogged calendars produce assembly line justice and leave some defendants free to perpetrate other crimes.

Our bill is designed to protect the public against dangerous criminals, and, at the same time, to implement the constitutional guarantee of a speedy trial for the accused. The bill attacks the pretrial crime problem on several levels.

First, assuring swift trial and prompt punishment of offenders—with top priority given trial for violent crime;

Second, strengthening control of persons released on bail, probation or parole; and

Third, providing additional sentences for crimes committed while on release.

This Speedy Trial Act of 1970 requires Federal district courts to try offenders within 60 days of their indictment—strictly limiting delay except where clearly necessary for a fair trial or where the defendant is involved in another proceeding.

To insure compliance, each district court must submit a plan for implementing these provisions. These plans will be compiled in a report to Congress indicating the extra funds and personnel needed by any district to comply fully. Thus, the Congress will be able to assess the additional resources necessary to limit pretrial crime by speedy, efficient and fair adjudication. Those who really want to deal with the problem will know what is needed to do the job.

Second, the bill would establish Pretrial Services Agencies, to enforce conditions of release, which might include submission to narcotics treatment, and reporting to supervisory facilities such as halfway houses.

Finally, the bill deters pretrial crime by authorizing additional penalties which may be imposed on anyone committing new crimes while on release.

We have all heard of a very different approach to these problems: "preventive detention," under which accused persons would simply be imprisoned until they eventually were brought to trial. It has been widely hailed as "essential" to the fight on crime and billed as an instant cure-all. But all the ballyhoo will not withstand close scrutiny.

The Justice Department's own studies reveal that the amount of dangerous crime it might prevent would be small. Moreover, preventive detention raises such serious constitutional dangers of violating several freedoms guaranteed by the Bill of Rights that leaders of the American bar have stanchly opposed it on the ground.

Further, the procedural safeguards it requires would nullify much of its even limited usefulness. Adequate pretrial hearings to determine who should be detained, and related defense motions,

would only increase those very delays which have caused concern about pretrial crime in the first place.

Instead of sweeping the problem under the rug, or aggravating it, my proposal would meet the problem head on, and, equally important for our future as a free Nation, constitutionally.

PORNOGRAPHY

A problem of increasing concern to parents across the country is the pandering of pornography to our children. A bill introduced by the senior Senator from Maryland (Mr. TYDINGS), S. 2676, which I have cosponsored would prohibit the sale to minors of obscene materials which have been transported by the U.S. mails or in interstate commerce.

Committee hearings will be held soon on the various pornography control bills before Congress. The question of legislation to regulate what adults see and read is one thing. But a great percentage—some estimate up to 75 percent—of pornographic material circulating in this country eventually falls into the hands of our youth. Parents, and, to a more limited extent, local community groups have the major roles to play in protecting our children. But parents cannot monitor every piece of material that their children might encounter. They need help from the Federal Government.

There already is much State legislation on the books—some not strongly enforced because the laws are too vague or otherwise vulnerable to constitutional attack in particular instances.

The bill I support follows recent court decisions which expressly permit a broader attack on material peddled to children than on that purchased by adults. It is a criminal statute that does not involve prior restraint. It does require knowing intent and provides full due process for any prosecuted. Most important, the bill is carefully designed not to interfere with parental supervision of his own child.

The bill prohibits the sale or exhibition of pornographic books, magazines, photographs, drawings, and movies to those under 16. Prohibited categories are carefully defined and patterned after a State law recently upheld by the United States Supreme Court.

There will be some criticism for this measure by those who fear encroachment on written or spoken ideas, but I believe that this bill is action we can take, fully consistent with the first amendment, to protect our children.

CRIME LOSS INSURANCE

Another needed law which the senior Senator from Maryland (Mr. TYDINGS) has introduced, and which I am cosponsoring, S. 3311 deals with the disastrous impact which crime has had on small businesses in high crime areas of our central cities.

A report by the Small Business Administration last year showed that almost 40 percent of businesses in these areas had difficulty maintaining insurance against robbery and burglary—they faced excessive premiums, abrupt cancellations, or flat refusal. Crime insurance is simply not being written for small businessmen in high crime areas.

The Federal Government already has acknowledged the fairness of its providing reinsurance against fire losses suffered during riots. To receive such protection, insurance companies must also agree to insure central city properties against ordinary fire losses.

This bill will implement a similar plan in the area of crime insurance. The bill I support would require minimal antiburglary devices—gates, alarms, locks—as a condition of receiving insurance. It would help spread the risks of such insurance throughout the country.

We must step up the fight against crime. But we must help those who still suffer its effects.

POLICE LIFE INSURANCE

A final bill deals with a different kind of insurance, but one equally overdue. I have cosponsored this measure, S. 3, introduced by the senior Senator from Massachusetts (Mr. KENNEDY), to provide life insurance benefits to police.

The tensions and violence in our society which surface in crises requiring law enforcement personnel sometimes divert us from the fact that policemen daily risk abuse, injury, or even death in the course of protecting the public. Their lot is not an easy one—community appreciation may be obscured by strident hostilities. But we know how reassuring it can be to realize they are on the job.

This bill offers direct recognition of their frontline role in the fight against crime. It provides low-cost life insurance—including double indemnity for accidental death—for State and local law enforcement officers of a type similar to that now provided for servicemen.

Up to one-third of the cost of the program will be borne by the United States. Coverage continues after the officer leaves his job for a period during which he is given conversion privileges.

The benefits of this program will also be available to State and local governments which already have life insurance programs, either through the Federal program or continuation of the local program with a Federal subsidy.

The PRESIDING OFFICER (Mr. HARRIS). The bill will be received and appropriately referred.

The bill (S. 4021) to amend the Omnibus Crime Control and Safe Streets Act of 1968, in order to expand and strengthen Federal assistance for State and local law enforcement, to promote more effective correctional programs and better correctional facilities, to increase assistance for a comprehensive Federal and State program for the prevention and treatment of drug abuse and drug addiction, and for other purposes, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4023—INTRODUCTION OF THE ENVIRONMENTAL CLASS ACTION OF 1970

Mr. CANNON. Mr. President, all of us in this distinguished body and the Congress as a whole are aware of the environmental crisis that our high standard of living and technological competence has brought about. We are also aware of the great amount of legislation which has been passed seeking to improve our environment and covering such fields as water pollution, air pollution, disposal of solid wastes, land pollution, and so forth. I have always supported reasonable legislation and voted time and time again to provide the institutional arrangements and funding to implement our national goal to improve our environment. I do, however, believe that something is lacking in this Nation's arsenal to fight the very complex and involved pollution problems that we face.

The legislation I am proposing is intended as another tool to help the cause of a clean environment. It would give any citizen the right to recourse in a Federal district court. I know that in itself it is not a panacea, but it should make possible the resolution of many specific local pollution problems caused by the specific actions of an identifiable and traceable source. There are many who feel that the citizen already has the right in common law, but I am certain that a great number of our citizens are not familiar with this fact. If my bill makes this right widely known, it will have served a useful purpose.

Various sources of pollution do at present have recourse in law. As an example of this the Water Quality Act of 1965 requires States to establish adequate water quality standards. They, upon approval of the Secretary of the Interior, in effect become both State and Federal standards. One provision of the 1965 act also requires the Secretary of the Interior to establish adequate standards in the event the State fails to set standards or the standards proposed are considered inadequate. In either event the Secretary must propose standards to the State and if the State refuses to implement them after the entire review process is completed including review by a hearing board, the Secretary may file suit. The judicial process then is long and involved. However, the significant characteristic of setting standards under the 1965 Water Quality Act is the provision that permits the States, communities, and industries involved to be heard and present facts, argument and information in support of their position. The court must rationalize the issue on the basis of reasonableness of standards, technical practicality, and economic viability. It is obvious therefore that polluters do have a way to bring into court for adjudication standards which perhaps are too costly and are technically unachievable.

My bill merely gives to the citizen a similar right to bring action and have a court determine whether the source of pollution shall be abated, what penalties shall be paid if any, and what period of time shall be allowed for corrective action. The idea that the citizen has rights to a clean environment which he can exercise is not new, in 1965 the Johnson administration appointed an environmental pollution panel of the

President's Science Advisory Committee. This panel enunciated the following statement of national principle:

The public should come to recognize individual rights to quality of living, as expressed by the absence of pollution, as it has come to recognize rights to education, to economic advance and to public recreation. The American public does have a right to a reasonably clean environment and those who defile it should be brought to heel.

I know of no more equitable way than to bring them before the bench of justice in our American courts. The local courts are more apt to know the local conditions and the validity of facts that may be presented to it. It cannot be done by remote control from Washington or even in many cases from the State Capitol, many issues can and must be resolved at the local levels.

My bill would do a number of things.

It would grant to every citizen the right to a reasonable clean environment.

It would give citizens a standing in Federal courts to challenge bureaucracies which do not aggressively move to protect our environment.

It would give the courts a more effective and immediate role in striving for a better environment.

It would provide for better understanding of local pollution problems and offer at least an opportunity to resolve local issues at the grassroots level.

It would free the Federal Government to concentrate on large regional or sectional problems by concentration on river basin areas or air sheds which cross multiple jurisdictional lines, and focus on gross national and international problems.

I introduce this bill, entitled the Environmental Class Action Act of 1970, and ask unanimous consent to have this bill printed in the RECORD.

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

The bill (S. 4023) to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of class action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment, introduced by Mr. CANNON, 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. 4023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Class Action Act of 1970".

Sec. 2. (a) The Congress finds and declares that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(b) The Congress further finds and declares (1) that existing provisions of Federal law are insufficient to protect various groups of persons from the harmful or potentially harmful effects of air, water, and noise pollution from facilities or activities which affect interstate commerce and (2) that civil actions on behalf of classes or groups of persons injured or endangered can be an effective and useful machinery for the protection against these harmful effects.

(c) The Congress further finds and declares that many States provide no remedy under State law whereby many persons, each having a small claim, can seek redress in the courts for the potential hazards and harmful or possibly harmful effects of air, water, and noise pollution from facilities or activities which affect interstate commerce. It is, therefore, in the public interest to provide a Federal remedy for groups having a common interest in that they are or may be adversely affected by these environmental hazards.

(d) The Congress further finds and declares that air and water pollution and the creation of unreasonable mechanical noises have a deleterious effect on the health and welfare of persons who are exposed to these hazards. The Congress further finds that these environmental hazards are largely caused by persons who are engaged in interstate commerce, or in activities affecting interstate commerce.

SEC. 3. Any person who is engaged in any activity which affects interstate commerce and who is responsible for any pollution of air or water or for the creation of any unreasonable mechanical noise shall be subject to liability in monetary damages, injunction, declaratory judgment, or other appropriate relief in a class action brought by any person representing the interst of a group or class of persons whose lives, safety, health, property, or welfare has been endangered or may be adversely affected in any way by such pollution or noise.

SEC. 4. The United States district courts shall have jurisdiction of class actions brought under section 3 of this Act without regard to the amount of controversy.

SEC. 5. The remedies provided by this Act are in addition to any other remedies which may be available, and nothing in this Act shall be held to preempt or otherwise interfere with any Federal or State law.

S. 4024—INTRODUCTION OF A BILL TO AUTHORIZE SPECIAL EDUCATIONAL SERVICES FOR VETERANS

Mr. KENNEDY. Mr. President, I introduce for myself, and the senior Senator from New York (Mr. JAVITS), a bill which would provide grants to institutions of higher education for developing special educational services for veterans.

These services would include remedial and other special services designed for veterans who by reason of a deficiency in education or training or by reason of deprived educational, cultural or economic background, or a physical handicap which resulted from military service, require counseling, tutorial or remedial assistance, or some other form of help in order to qualify for or successfully pursue a higher education.

The need for special services for veterans is shockingly clear. This year, over 1 million GI's who have seen service during the Vietnam conflict will return as civilians, at a rate of approxmiately 90,000 a month. The figures will rise even further if the troop pullout and the move toward peace which we all so fervently hope for is achieved in Vietnam.

But of the Vietnam veterans discharged through June of 1969, only 20.7 percent had used their benefits.

And the most serious shortcoming is among those who need educational assistance the most—those veterans who have not completed high school. Over 20 percent of our discharged veterans are high school dropouts—approximately 230,000 in fiscal year 1970. Yet only 6.1 percent of the eligible high school dropouts have taken advantage of the post-Korean conflict educational programs. This rate is only one-third of the participation rate for the Korean conflict and World War II programs in the comparable first 3 years of operation of those programs.

At the present time, then, nine out of 10 new veterans who have not completed high school simply do not use the GI bill. To me, Mr. President, this is a tragically wasted opportunity, and we should do all we can to encourage veterans with weak academic backgrounds to continue their education.

This bill represents a two-pronged approach. First, it seeks to make education more attractive to veterans with academic deficiencies by offering improved attention in a more comfortable environment. Second, it seeks to encourage colleges and other educational institutions to admit veterans and develop special programs for them, thereby expanding their educational opportunities.

The bill calls for a system of grants, contracts, and special supplementary assistance to be paid to institutions of higher education and other educational institutions to develop programs consistent with this goal.

The basis for the new program is that even though a veteran may have dropped out of high school or had a mediocre record, presumably in his years in the service, he has developed maturity and responsibility. If he does have the motivation to continue his education, we should recognize that he is a good prospect and that his high school performance is an inaccurate indication of his ability and potential. We want to assure that he has a chance to develop fully and swiftly in the most conducive educational environment.

One notion would be for postsecondary or other schools to give special preparatory training to veterans, right on the campus, strengthening their background so that they can gain admission to an institution of higher education. They could eventually attend the school which gave them the training, or they could go elsewhere.

Once a veteran with academic deficiencies is admitted and attending school he still may need special tutoring in order to succeed in his studies. Such assistance could be supported under this bill.

A broad range of programs, geared to the disadvantaged veteran and to other veterans with special needs, would be developed.

Mr. President, the bill which I introduce today basically incorporates the idea for special educational services for veterans which I introduced June 12, 1969, in the form of an amendment to

the GI bill of rights. That proposal passed in the Senate along with other amendments raising the veterans' educational payment. But the provision was dropped in conference because the House conferees felt, among other things, that the Veterans' Administration was not the appropriate body for making direct grants to institutions.

Therefore, I am reintroducing the proposal as an amendment to the Higher Education Act. My bill would include special educational services for veterans in title IV, part A, of the Higher Education Act along with the talent search and upward bound programs found there. The authorization for fiscal year 1971 for these programs is $96 million; the budget figure—and the amount approved by the House and Senate Appropriations Committee—is $15 million; thus no additional money authorization would be required.

Mr. President, the Nation has a rare opportunity both to assist and to gain from those who have broken out of disadvantaged backgrounds and matured in the service, and to help all veterans with special needs.

If we follow through with full veterans' programs, including special assistance for the educationally disadvantaged, we can insure that returning veterans will not revert to unproductive lives in ghetto or other areas. Rather, veterans whose horizons and aspirations have been broadened in the service can continue to contribute to our national welfare as constructive, well-educated citizens.

We have an obligation both to the men and women as individuals and to society as a whole to give them the chance.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 4024) to amend title IV of the Higher Education Act of 1965, relating to student assistance, in order to authorize special educational services for veterans, introduced by Mr. KENNEDY (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SENATE JOINT RESOLUTION 218—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH AN ANNUAL "DAY OF BREAD" AND "HARVEST FESTIVAL WEEK"

Mr. DOLE. Mr. President, I am grateful to my many colleagues who join me in cosponsoring a joint resolution to call on President Nixon to proclaim October 6, 1970, as the Day of Bread and the week in which it falls as a week of Harvest Festival.

It seems right that we should pause to reflect not only on what we have given but what we have received from our tremendous agricultural productivity and efficiency.

It has often been said that we are the best-fed Nation in the world. Perhaps so. We have unparalleled variety, quantity, and quality, and yet, it is evident that not all Americans are sharing this abundance equally, either through lack of means or nutrition education. A Day of Bread and Harvest Festival Week can help focus public attention on what we have—and, at the same time, on what needs to be done and what is being done.

President Nixon recently signed into law a bill passed by this Congress improving and expanding the Child Nutrition Act and the National School Lunch Act. Secretary Hardin, as he promised, will very soon have a food stamp or commodity distribution program operating in nearly every county in the United States.

One year ago President Nixon said:

> The moment is at hand to put an end to hunger in America itself for all time.

I believe we are moving rapidly toward that goal.

But this is just part of the story of what is being done in the interest of better nutrition. The private sector—the food industry—is moving aggressively to bring better nutrition to more people—as I knew they would. In this, the wheat and wheat products industry has taken a leadership role.

One of the strongest recommendations of the White House nutrition conference was for increased iron fortification of flour and bread because of evidence of widespread iron deficiency anemia. It is significant that a month before that conference, the milling and baking industries had proposed to the Food and Drug Administration a fourfold increase in iron fortification of enriched flours and breads. Hopefully, that proposed action will be approved soon. The milling and baking industries are now consulting with the appropriate scientific bodies about other changes in the enrichment program, including the possibility of the enrichment of all flour used in snack foods, mixes, and other products where technologically feasible.

Several private companies have taken steps to assure that their wheat products deliver the maximum possible nutritional benefits. The day is not far off, I am sure, when the flour and bread enrichment program will help eliminate recently disclosed dietary deficiencies, as it did so dramatically in the early 1940's.

Mr. President, the Day of Bread and Harvest Festival Week have the wholehearted support of virtually all elements of the wheat and wheat products economy. They will arrange for appropriate observances in each of the 50 States and many cities, and they will coordinate their efforts with similar groups in several foreign countries.

Mr. President, I urge the Senate to give speedy approval to this joint resolution for a Day of Bread and Harvest Festival Week.

The PRESIDING OFFICER (Mr. EAGLETON). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 218) providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week," introduced by Mr. DOLE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A BILL

S. 3942

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from Wyoming (Mr. MCGEE) be added as a cosponsor of S. 3942, to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes.

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

PROVISION OF A FEDERAL PROGRAM FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE—AMENDMENT

AMENDMENT NO. 732

Mr. HART. Mr. President, I submit an amendment intended to be proposed by me, to S. 3562, the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970.

That bill, introduced by the junior Senator from Iowa (Mr. HUGHES) is now before the Committee on Labor and Public Welfare. It provides an extremely sound, well thought out, and comprehensive approach to prevention and control of our spiraling drug problem, at the Federal, State, and local levels. I am a cosponsor of the measure and strongly support it.

This amendment seeks to insure a commitment of resources commensurate with the ambitious, but vital, goals of this legislation. My amendment specifies authorized funding of $600 million over the next 3 years; namely, $150 million for fiscal year 1971, $200 million for fiscal year 1972, and $250 million for fiscal year 1973.

I believe at least this amount can be spent effectively now to implement the proposal of the Senator from Iowa, but I submit the amendment for his subcommittee's study and subject to consideration of any different amounts it may recommend.

The PRESIDING OFFICER (Mr. BAYH). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 732) was referred to the Committee on Labor and Public Welfare.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 BY IMPOSING A TAX ON THE TRANSFER OF CERTAIN EXPLOSIVES—AMENDMENT

AMENDMENT NO. 733

Mr. TYDINGS. Mr. President, I recently submitted a bill, S. 3865, to help prevent the rash of bombings which in recent months have resulted in terror, destruction, and death across the Nation. My proposal was designed to prevent these terrible occurrences by keeping explosives out of the hands of persons, such as criminals and the mentally deranged, who should not have explosives in the first place.

Black powder is an explosive which is not readily available, but which is being used by sportsmen who enjoy the art of muzzle loading and by others whose hobbies involve antique weapons. It is noteworthy that in the Federal Firearms Act of 1968, Congress has already registered its intent to protect those who keep and use antique weapons from inhibiting regulations.

While my explosives bill clearly was not intended to hinder the good sport of muzzle loading, some have expressed concern that the bill might be interpreted otherwise. To clarify this, I am offering an amendment to my bill that will specifically exclude from coverage the sale or transfer of up to 6 pounds of black powder and up to 1,000 percussion caps to a member of an organization, such as the National Muzzle Loading Rifle Association, that is reliant upon black powder for the firing of antique weapons.

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

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

The amendment (No. 733) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 733

On page 2, line 2, insert the following:

"However, this Chapter does not regulate, impose any tax upon or otherwise cover the purchase or transfer of up to 6 pounds of black powder and the purchase or transfer of up to 1,000 percussion caps by an identifiable member of the National Muzzle Loading Rifle Association or by a member of other organizations, as specified by the Secretary of the Treasury, that are reliant upon black powder for the firing of antique firearms."

PROVISION OF A TEMPORARY INCREASE IN ANNUITIES UNDER THE RAILROAD RETIREMENT ACT OF 1937—AMENDMENT

AMENDMENT NO. 734

Mr. PROUTY submitted an amendment, intended to be proposed by him, to the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 735

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

CONSUMER PRODUCTS GUARANTY ACT—AMENDMENT

AMENDMENT NO. 736

Mr. McINTYRE. Mr. President, I submit an amendment intended to be proposed by me to the warranty bill, S. 3074.

The purpose of the amendment is to clarify the definition of the term "consumer product." This term is presently defined in the bill as a product normally used for personal, family, or household purposes, but does not include real property or securities. This creates a problem because under existing law, fixtures and appliances which are permanently affixed to a house become real property. Thus, many products such as heating and air conditioning systems, garbage disposals, gas ranges and the like, which this bill was designed to cover, may, in fact, be excluded.

The amendment which I am submitting makes it clear that such products are intended to be covered by this act.

I urge my colleagues to give this matter their serious attention.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed and will lie on the table.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 721 THROUGH 726

Mr. CRANSTON. Mr. President, on Monday, June 22, 1970, I submitted six amendments to S. 3867, a bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

These amendments deal with the following subjects:

First. Preferences for approval of plans for manpower and public service employment prime sponsors and procedures for disapproval of such plans—amendment No. 726;

Second. Veterans' participation in manpower programs—No. 721;

Third. Family planning as a manpower program and public service employment program activity and availability of family planning services to participants in such programs—No. 722;

Fourth. Revision of statutory eligibility for new careers program participation—No. 725;

Fifth. Representation of poverty communities on manpower and public service employment councils—No. 724; and

Sixth. Proportionate allocation of manpower services within poverty communities—No. 723.

For the general information of Senators, I now ask unanimous consent that the text of these six amendments be printed in the RECORD at this point.

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

AMENDMENT NO. 721

On page 5, strike out line 10 and insert in lieu thereof the following:

"SPECIAL LIMITATIONS AND CONDITIONS".

On page 5, line 11, insert "(a)" after "SEC. 5.".

On page 6, between lines 2 and 3, insert the following:

"(b) Any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall be accorded a guaranteed preference for admission to such programs over other applicants with similar needs and qualifications, and any amounts received by such persons under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act."

On page 9, line 4, strike out "and business and labor," and insert in lieu thereof "business and labor, and veterans' organizations,".

On page 18, line 22, strike out "appropriate" and insert in lieu thereof "maximum".

On page 18, line 24, after the word "service" insert a comma and the following: "including job registration, job placement and labor market information".

On page 23, line 12, strike out "and labor" and insert in lieu thereof "labor; and veterans' organizations".

AMENDMENT NO. 722

On page 5, strike out line 10, and insert in lieu thereof the following:

"SPECIAL LIMITATIONS AND CONDITIONS"

On page 5, line 11, insert "(a)" after "SEC. 5.".

On page 6, between lines 2 and 3, insert the following new subsection:

"(b) No trainee in any program assisted under this Act shall be required to accept family planning services furnished as part of any such program. Acceptance of such services shall not be a prerequisite to the eligibility for or the receipt of any benefits under any such program."

On page 9, line 6, insert "family planning," before the word "recreation".

On page 11, line 2, insert "family planning;" before the words "public safety".

On page 12, line 9, strike out "and medical care" and insert in lieu thereof a comma and the following: "medical care and family planning".

On page 20, line 13, insert "family planning services," before the word "physical"

On page 20, line 21, insert "family planning," before the word "public".

On page 23, line 10, insert "family planning," before the word "vocational".

On page 27, line 9, insert "family planning," before the word "child".

On page 33, line 9, insert "family planning," before the word "education".

On page 34, line 7, insert "family planning services," before the word "counseling".

On page 38, line 20, insert a comma and "family planning" after the word "placement".

On page 46, line 24 ,after the word "services", insert the following: "(including family planning services)".

On page 70, line 14, insert after the word "health" a comma and the words "family planning".

On page 71, line 17, after the word "facilities", insert a comma and "family planning clinics".

AMENDMENT NO. 723

On page 9, line 23, insert before the semicolon a comma and the following; "and that

all ethnic subcommunities of the population to be served will be served in relative proportion to the percentage of such population which any such subcommunity comprises".

On page 11, line 19, before the semicolon insert a comma and the following: "and assurances that all ethnic subcommunities of which such participants are members will be served in relative proportion to the percentage of such participants which any such subcommunity comprises".

On page 24, line 3, before the semicolon insert a comma and the following: "and that ethnic subcommunities of the population to be served will be served in relative proportion to the percentage of such participants which any such subcommunity comprises."

On page 25, line 24, before the period insert a comma and the following: "and assurances that all ethnic subcommunities of which such participants are members will be served in relative proportion to the percentage of such participants which any such subcommunity comprises".

AMENDMENT NO. 724

On page 9, line 2, before the comma, insert a comma and the following: "other significant segments of the poverty community".

On page 23, line 6, before the semicolon, insert a semicolon and the following: "other significant segments of the poverty community".

AMENDMENT NO. 725

On page 36, strike out lines 5 and 6, and insert in lieu thereof the following: "be a low-income person if he or his family receives cash welfare payments, food stamps, or surplus commodities.".

AMENDMENT NO. 726

On page 10, strike out lines 4 through 10 and insert in lieu thereof the following:

"(b) (1) When a State and a unit or units of local general government (or a combination of such units) within such State each submit for approval acceptable plans under subsection (a) to carry out a comprehensive public service employment program serving the geographical area under the jurisdiction of the unit of local general government, the Secretary shall approve the plan of the unit of local general government for the geographical area under its jurisdiction. When two or more units of local general government each submit such acceptable plans which include a geographical area under the jurisdiction of each such unit, the Secretary, in accordance with such regulations as he shall prescribe, shall approve as the plan for that geographical area the plan which he determines will most effectively carry out the purposes of this title. The Secretary may, under such regulations as he shall prescribe, disapprove a plan submitted by a unit of local general government (or combination of such units) where he determines that the population to be served by such unit (or combination of such units) is not sufficient for the feasible development and administration of such plan.

"(2) Subject to the provisions of paragraph (1) of this subsection, the Secretary shall approve a plan submitted by a State or unit of local general government under subsection (a) which is consistent with the purposes of this title and meets the requirements of subsection (a). A plan shall not be disapproved without—

"(A) written notice of intention to disapprove such plan, including a statement of reasons therefor;

"(B) provision for a reasonable time to submit corrective amendments to such plan; and

"(C) an opportunity for a hearing upon which basis an appeal to the Secretary may be taken as of right."

On page 24, strike out lines 8 through 14 and insert in lieu thereof the following:

"(b) (1) When a State and a unit or units of local general government (or a combination of such units) within such State each submit acceptable prime sponsorship plans under subsection (a) to serve the geographical area under the jurisdiction of the unit of local general government, the Secretary shall approve the plan of the unit of local general government for such geographical area. When two or more units of local general government each submit such acceptable plans which include a geographical area under the jurisdiction of each such unit, the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of local general government plan which he determines will most effectively carry out the purposes of this title. The Secretary may, under such regulations as he shall prescribe, disapprove a prime sponsorship plan submitted by a unit of local general government (or combination of such units) where he determines that the population to be served by such unit (or combination of such units) is not sufficient for the feasible development and administration of such plan.

"(2) Subject to the provisions of paragraph (1) of this subsection, the Secretary shall approve a prime sponsorship plan submitted by a State or unit of local general government under subsection (a) which is consistent with the purposes of this title and meets the requirements of subsection (a). A plan shall not be disapproved without—

"(A) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

"(B) provision for a reasonable time to submit corrective amendments to such plan; and

"(C) an opportunity for a hearing upon which basis an appeal to the Secretary may be taken as of right."

NOTICE OF HEARINGS ON S. 3974, DEALING WITH THE DISTRICT OF COLUMBIA

Mr. SPONG. Mr. President, as chairman of the Public Health, Education, Welfare, and Safety Subcommittee of the Senate Committee on the District of Columbia, I wish to give notice that a hearing on S. 3974, a bill to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia, will be held on Monday, June 29, 1970. The hearing will begin at 10:00 a.m. in room 6226 of the New Senate Office Building.

Individuals and representatives of organizations who wish to testify at the hearing should notify Mr. Edward Maeder at 225–4161, before 12 noon on Friday, June 26, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the Staff Director, room 6218, New Senate Office Building, Washington, D.C. 20510, for inclusion in the hearing record.

ADDITIONAL STATEMENTS OF SENATORS

ADDRESS BY VICE PRESIDENT BEFORE NATIONAL SHERIFFS' ASSOCIATION

Mr. McCLELLAN. Mr. President, the National Sheriffs' Association held its 30th annual informative conference in Hot Springs, Ark., earlier this week. We were proud to be hosts to this conference in Arkansas and privileged to have the Vice President, Hon. SPIRO T. AGNEW, address the conference yesterday, June 23.

The Vice President discussed the crisis in drugs, one of the many critical problems facing our Nation—and our law enforcement officials—today.

Mr. President, I commend the Vice President's informative address to all concerned citizens and ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY VICE PRESIDENT BEFORE NATIONAL SHERIFFS' ASSOCIATION

I am pleased to be with you at this assembly of sheriffs from all parts of the Nation. As a former county executive, I know something of the burdens you bear and challenges you face as the local guardians of a lawful and just society.

It is appropriate that I use this opportunity to discuss with you one of the greatest crises facing law enforcement officers and all of us as a Nation. That crisis is drugs—and particularly the drug problem with respect to youths.

At no risk of exaggeration, it may be said that this society is being caught up in and carried along by a steadily mounting wave of drug abuse. Consider these facts:

In all of last year, customs officers seized 624 pounds of hashish. In the first *three months* of this year they seized more than double that amount. Their first quarter haul was equivalent to 400 tons of marijuana.

10 billion sedative dosage units will be produced this year . . . the equivalent of 50 for every man, woman, and child in the country. One-half of this supply will get into illicit markets.

It is estimated that over one-half million citizens are now dependent on non-narcotic drugs—sedatives, stimulants, and the like. A recent study has shown that 24 per cent of all students have tried amphetamines, with the family medicine cabinet being a major source of supply.

There are now perhaps 200,000 heroin addicts in the Nation, with recruitment growing fastest among the under 21's.

Estimates put the number of those who have smoked marijuana at between 8 and 20 million persons.

This is, of course, only the leading edge of the problem. It says nothing about the amount of drugs escaping customs officers, the arrests not made, or the drug abuse from the back alleys to the most affluent homes which remains surreptitious and unreported.

The alarming fact is that we may be just in the first stages of this collective national "trip." It is expected that the use of all forms of drugs in the next decade will increase a hundredfold.

We are in fact, in the midst of a drug culture that threatens the future of our society if we do not act swiftly, forcefully, and intelligently to bring it under control.

Millions of men and women in the United States turn daily to their physicians for tranquilizers, pep pills, diet pills, and sleeping pills. Still more millions turn, with the encouragement of massive advertising campaigns, to the corner drug store to buy a variety of medicines to calm their nerves, put them to sleep, or keep them awake. We as a country have hardly noticed this remarkable phenomenon of *legal* drug use. But it is new, it is increasing, and the individual and social costs have yet to be calculated.

The youth of our nation, being energetic and adventurous, have in large numbers

turned to new sources to get drugs. Many of these sources are illegal and the drugs obtained from them are also in many cases illegal. Our young are experimenting with drugs of great potency and great danger. Their participation in illegal channels of security drugs has brought them into serious and, in many cases, tragic conflict with our criminal justice system.

Ten or twenty years ago the criminal justice system was dealing with illegal drug use primarily in America's ghettos where the problem is still particularly acute. But now it is much broader. Young people from outside the ghetto are involved with drugs in unprecedented numbers. In the last five years, urban drug arrests have risen 280 per cent; suburban drug arrests have gone up 105 per cent! By far the greatest increases are among those under 18.

Although law enforcement agencies have responded vigorously, they are everywhere confronted with new problems which are not solved by the old approaches. The 12 year old "heroin pusher" and the 16 year old "marijuana dealer" are now commonplace.

In order to effectively cope with this problem we must acquire much more knowledge than now exists about these drugs and get that knowledge before the public as dramatically as possible. Once we do this, your job as law enforcement officers will become much easier.

The now recognized menace of LSD offers an excellent example of what I am talking about. Experimentation and use of this mind blowing drug was on the increase until recent evidence came to light that it would produce damage to chromosomes and result in malformed babies. This new knowledge apparently has brought about a sharp reduction in the use of the drug.

Heroin, in particular, is a drug with which you, as law enforcement officers, are concerned. Your focus in the past has been on the heroin addict, who often turns to crime in order to support financially his costly, illegal habit. But many of those who become hooked have graduated from marijuana use to this more virulent form of addiction. While medical treatment for heroin addiction improves, it does not lessen the menace to society. We *must* find better ways to get across the message of the dangerous and self-destructive nature of this drug *before* our young people become enticed to using it. And this involves reaching parents as well as the young.

President Nixon, recognizing that fact, stated last December that there would be no higher priority in this Administration than seeing that the public is educated on the facts about drugs.

Accordingly, he has taken these steps:

Established a new $3.5 million program to train school personnel in drug abuse education.

Created a National Clearinghouse for Drug Abuse Information giving the public one central office to contact.

Modified the Law Enforcement Assistance Administration to allow large cities to apply for funds to be used for drug education as well as law enforcement.

Embarked upon an expanded campaign of public service advertising against drug abuse.

And, supplemented by $1 million the funds for increased research into the effects of marijuana on man.

Along with better public understanding of the drug problem, there is need for more realistic laws. The Administration has also recognized this need and has moved forcefully to correct the problem.

In the past, numerous young lives have been ruined because of the law making possession of marijuana a felony, with sentences often more severe than for involuntary manslaughter. Such a law invites circumvention and every circumvention undermines public respect for the law.

Under the Controlled Dangerous Substances Bill proposed by the President, present inequities would be eliminated and penalties would be more closely tailored to the crime. There can now be a second chance for a youth who has taken a misstep and has been charged with possession for personal use. This would be in the discretion of the judge. On the other hand, tougher penalties would be meted out to drug profiteers. A dealer could be sentenced from 5 years to life and would also face a mandatory fine of $50,000 and forfeiture of property.

This legislation has passed the Senate and is now before the House, where it has been facing a delay in the Interstate and Foreign Commerce Committee. It might help if you gave your Congressman a nudge and helped us dislodge it.

The Administration also has moved forcefully to improve enforcement. All of you, of course, are familiar with the massive raid of this past week: 139 persons in 10 different cities were arrested. It is estimated that the ring involved handled 30 per cent of all heroin sales in this country and 75 to 80 per cent of all cocaine sales. It was the largest Federal narcotics raid in history.

But this is just the beginning of the crackdown planned by Attorney General Mitchell. The enforcement personnel in the Bureau of Narcotics and Dangerous Drugs have been increased by 25 per cent this year and are expected to increase by an additional 17 per cent in the next 12 months. In customs, a supplemental budget approved by Congress will provide $8.75 million for 915 additional men and new equipment.

These are some of the proposals that the Nixon Administration has made or is now considering in the area of drug abuse. They are good proposals. But as everyone of you knows, laws will not be enough to handle this problem.

This is a problem primarily of individual citizens. And it is a problem that demands for a solution not only knowledge, but also courage. Let me give an example. Most people admit that heroin and LSD and methadrine are dangerous. But a lot of people say that marijuana is different, that it is no more dangerous than alcohol. And they say, in fact, that the older generation is hypocritical when it drinks whiskey but won't allow the smoking of marijuana.

And that is the kind of problem I am referring to. We are not hypocrites. We have made our mistakes, and some of them we have admitted, and some of them, perhaps, we have not admitted as quickly as we should, because of pride. But we have given our best efforts to our country and to our children, and we must not allow ourselves to be dissuaded by arguments that depend on a false reading of our motives.

We must stand up for things that we believe are right and talk out against those things that we consider wrong, even if occasionally we are found to be in error. In our opinion, marijuana is dangerous. It is not just the grown up equivalent of alcohol. Alcohol has been known for thousands of years and it has won the approval of peoples and governments. And that is the difference. Marijuana too, has been known for thousands of years, but in every single nation in the world that has had a long acquaintance with marijuana and its consumption, the use of this drug is forbidden by law. That is a striking fact. It may not be a proof of marijuana's danger, but it is a weighty historical point, and I believe that, until strong evidence to the contrary is brought forward, stronger than we now have, we must assume that this drug is dangerous. And knowing that, we must have the courage to stand up and say to our children, No, pot is not the equivalent of whiskey. It is harmful, and that is why we forbid it. We do not forbid it out of whim, or out of taste, but because in our best judgment, it is dangerous.

We forbid it by passing laws. And these laws, as well as many others, are enforced by you men here today. And, gentlemen, I should like to say one thing now that I feel very strongly: If we are to preserve freedom in this country, then the burden of law enforcement must fall on men like you, on local law enforcement officials. I say this because you men are accountable to your own communities, you in particular, because you are elected officials. But this is also true of the police officers who work together with you, because they are appointed by men who are elected and are therefore accountable to their communities. And this is the kind of law enforcement, the law enforcement that is answerable to its community, that is the fundament of freedom.

For when community control is removed from law enforcement and the burden of keeping peace is placed upon the national government, then there is a serious danger of over-centralization of authority. But there will never be a need for such centralization of authority if you men continue to serve your communities as well as you have in the past.

Your work is hard, and especially in the last few years you have been exposed to a form of abuse that is appalling. You are often called upon to prevent anarchy in the streets. And when you do your job, you are often called fascists, and pigs. Yet I wonder if your detractors have even stopped to think that if you did not enforce the law at the local level, an anarchy so ferocious would result that in the end the citizens of this nation would turn in desperation to a tight and brutal centralization of authority simply to ensure their bodily safety? This tight and brutal centralization of authority is what we never want to have, for it is the base of fascism. You are the men who stand against it.

And I wonder if your detractors have ever considered the dignity of your work? We hear a lot today about meaningful work and about service to others. Yet what could be more meaningful than helping to keep violence out of one's community? And what could be a greater service than saving the life of a fellow citizen? This is the work that you men do, and you can be proud of it. You can be proud in the knowledge, that if you did not do your work and discharge your duties, your fellow citizens would be in danger, and they might suffer or die. It is a knowledge that few men can boast, and it gives you dignity.

We hear a lot about peace nowadays. But what peace is more important to a man than peace on his own streets? And you are the men who keep it. You make our communities safe and guard our liberty against the invasions of anarchy and the invasions of central power. You are the men who receive unending abuse and do not quit your posts. You are the men who give the people of this nation every day, right in their own neighborhoods, an example of service and selflessness and sacrifice. I, for one am grateful, and I thank you.

CONCLUSIONS CONCERNING PRIVATE PENSION PLANS, ISSUED BY THE PRESIDENT'S TASK FORCE ON THE AGING

Mr. JAVITS. Mr. President, the report of the President's Task Force on the Aging, dated April 1970, entitled "Toward a Brighter Future for the Elderly," has just been released to the public. There are two conclusions in it which I think are particularly noteworthy—the task force's conclusions concerning private pension plans. The conclusions are: First, that the United States should establish an Independent Pension Commission to protect employee rights under

pension plans, and, second, that there be established a system of portability of pension credits.

In addition to these specific recommendations, the text of the task force's discussion also reaches into the area of minimum standards of funding, vesting, and other matters, all of which I have recommended to the Senate in my bill, S. 2167, the "Pension and Employee Benefit Act."

Mr. President, as these recommendations are so pertinent not only to that bill but to hearings covering the general subject of pension plans now authorized to be conducted by the Committee on Labor and Public Welfare, of which I am the ranking minority member, I ask unanimous consent that an extract from the task force report, containing its recommendations 4 and 5 dealing with private pension plans, be printed in the RECORD.

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

PENSIONS

INTRODUCTION

The Task Force believes that voluntary programs which supplement the basic social insurance system are particularly desirable in as diverse an economic structure as that of the United States. Employee pension programs deserve strong encouragement as a matter of public policy because of: (1) the flexibility and diversity which they permit; (2) the contribution which their funding makes to saving and economic growth; and (3) the recognition which they give to each individual's participation in the productive process. The Task Force believes that the full potential of voluntary arrangements to provide retirement income is still far from realization, despite the great extension in coverage and the improved levels of benefits achieved during the past two decades. Recommendations 4 and 5 propose actions which Government can take to improve, accelerate, and extend such arrangements.

Recommendation 4

Although several Federal agencies are involved with different aspects of employee pension plan administration, not all aspects receive Federal attention. As a result, employees are not uniformly provided assurance that the benefits they have earned will be translated at a later date into retirement income. These benefits can be endangered in one or more ways.

The Task Force is concerned that employees have full access to information regarding their interests. Employees have suffered when they have been unable to obtain or have been unwilling to seek information about their plans or have been unable to understand technically-phrased information they have obtained.

It is also concerned about the way in which large accumulations of pension fund assets are managed. Although the quality and level of responsibility of the management of most pension funds meets high standards, infrequent instances of flagrant abuses have occurred. If abuses are uncovered, practical remedies currently do not exist.

The Task Force conceives of another sense in which employee rights need additional protection. Because the Task Force believes that career mobility and occupational change enhance life satisfaction, it is concerned that preparation for retirement not hinder an individual's desire to seek new employment. Moreover, it recognizes that in our society people are often forced to change jobs because of technological advances or economic upheaval. For these reasons the Task Force looks favorably upon measures which lead in the direction of making pension benefits vested after a relatively short period of service. With earlier vesting, individuals could make several career changes during their working lives and still earn a substantial pension at retirement.

The Securities and Exchange Commission looks out for the interests of those who own stock. The Task Force believes that the rights of the 40 million Americans who are covered by a pension plan are equally as vital as the more substantially protected rights of the 20 million American shareholders. It is convinced that a new Federal approach to pension programs is highly desirable. Such an approach would involve the Federal Government in: (1) assuring full reporting on the operations of plans, on the essential provisions and rights of employees and pensioners, on the character and extent of funding, and on the results of periodic examinations by independent actuaries and accountants; (2) determining whether standards of prudence and fiduciary responsibility have been met, conflicts of interest have been avoided, and funding objectives have been achieved; (3) acting on behalf of participants to correct or redress deficiencies disclosed in the examination process or through the legitimate complaints of participants; (4) sponsoring research in technical areas of pension planning; (5) determining and promulgating appropriate standards for funding and vesting and subjecting such standards to periodic review; (6) exploring possible innovations in the extension of pension coverage; and (7) supporting legislative programs designed to stimulate the sound growth of pension, disability, and survivorship benefits.

We, therefore, recommend that an independent Pension Commision be established and that it be authorized to engage in activities which result in protection of employee rights in the fullest sense. We further recommend that operations of this Commission be financed through fees paid by plans for services rendered by the Commission.

Recommendation 5

The Task Force recognizes that a high proportion of pension coverage has already been achieved in major industries and in stable employment situations. Further extension of coverage is more difficult because it involves reaching a larger proportion of small firms and organizations whose future at best is precarious. The Task Force is nevertheless convinced that the employee pension concept carries with it so many advantages for the Nation and its future elderly that its continued growth is vital. Imaginative new programs must be sought.

The Task Force believes some type of "portability" system should be devised so that an employee working in occupations in which conventional group coverage is rare can have a standard form of retirement account into which the employee and any of his employers who agree to do so can make contribution throughout his working career. The economics of modern computer technology suggests that high recordkeeping costs which in the past militated against such a system are no longer compelling.

We, therefore, recommend that the President direct the Pension Commission, as a high priority, to enlist the ingenuity of the financial community in designing as a companion to the Special Security system a portable voluntary pension system.

FRIENDSHIP AND THE FUTURE

Mr. TYDINGS. Mr. President, I have long advocated a bi-regional approach to aviation in the National Capital region. The need for coordination among the Washington area's three major airports is dramatically illustrated by the tremendous increase in air passengers the area will experience. By 1990, some 100 million people will fly. In 1968, the number was 14 million.

This staggering increase will require coordinated planning and operations among Dulles, Washington National, and Friendship if adequate service is to be provided and an equitable distribution of traffic is to be achieved.

I feel strongly that any plans for the future utilization of Washington National and Dulles of necessity must include Friendship.

Friendship is Maryland's primary aviation facility. Yet it serves a good portion of the Washington area's traffic as well. Used by the citizens of Prince Georges and Montgomery Counties, the District of Columbia, and the Virginia suburbs, Friendship plays a key role in providing a high standard of air transportation for the National Capital region.

I spoke about Friendship and the future of aviation in the Washington area in testimony before the Aviation Subcommittee on June 12. I ask unanimous consent that my statement be printed in the RECORD.

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

STATEMENT OF SENATOR JOSEPH D. TYDINGS

Mr. Chairman, as a member of the Aviation Subcommittee I welcome this opportunity to comment briefly on a regional airport system for the Baltimore-Washington area.

This area represents an important market for commercial aviation. Site of the nation's capital and the City of Baltimore, the bi-region generates over 5% of U.S. domestic flights yet at present contains only 2% of our population.[1] The coming revolution in air transportation, exemplified by the Boeing 747, the McDonnell-Douglas DC–10, and the Lockheed L–1011—the so-called air buses—combined with our rapidly increasing population will make, and already is beginning to make, heavy demands on the Baltimore-Washington bi-regional aviation facilities.

The annual number of passengers using the bi-region's three major airports (Friendship, Washington National and Dulles) is expected to increase from 14 million in 1968 to 46 million in 1980, and to some 100 million in 1990. In 22 years an additional 86 million people will take to the air. High speed trains, which we certainly require, may divert some of these passengers but no more than 13 million.[2]

This staggering increase in air traffic necessitates a bi-regional approach to airport planning and operations. Moreover, the growth rates of Prince Georges, Montgomery, Howard, and Anne Arundel counties make the concept of a bi-region increasingly less valid. In the not too distant future we shall have to speak of the Baltimore-Washington *region*.

This fact also lends support for a single, unified approach to aviation development. At hearings I chaired last spring on the Utilization and Future of Major Airports in the National Capital Region, the need for a regional approach to aviation in the Baltimore-Washington area was clearly established.

Such a need has been recognized by the Civil Aeronautics Board,[3] the National Capital Planning Commission,[4] the Regional Planning Council of Baltimore,[5] former FAA Admin-

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Footnotes at end of article.

istrator E. R. Quesada,[6] the Metropolitan Washington Council of Governments,[7] and noted aviation consultants R. Dixon Speas and Associates.[8] Additionally, the present FAA Administrator made mention of his support for a regional approach to Baltimore-Washington aviation in a May 7, 1970 speech to the Aviation-Space Writers Association in Washington. Finally, DOT Secretary John Volpe added his endorsement when he said, in a letter to me dated December 19, 1969, "We believe that the three major carrier airports should be viewed as part of a regional system of airports . . ." Yet implementing any regional approach to aviation in the area, requires the inclusion of Friendship International Airport in both airport planning and operations.

In 1968 Friendship handled 19.6% of all air carrier passengers in the Baltimore-Washington bi-region. Dulles handled only 11.4% while Washington National accounted for the remaining 69.0%. Future projections show that Friendship will play an even greater role. In 1975 the FAA estimates that Friendship will receive 28.3% of the total air carrier passengers while the figures for Washington National and Dulles will be 52.1% and 19.6% respectively.[9]

Friendship at present is used by 3.7 million people a year. Its terminal capacity, however, is between 4 and 5 million. This gap will close shortly. Nine million people are expected to transit Friendship by 1980, 24 million by 1990.[10] The airport is in urgent need of expansion but, unlike Washington National, has the room to expand. Unlike Dulles, Friendship already has a traffic generating capacity of its own.

The need to include Friendship in any regional airport system is suggested by the 1967 statistic that 10% of all the air passengers in the Washington area flew via Friendship.[11] In 1966 in Prince Georges County, which accounted for nearly 6% of total Baltimore-Washington Bi-region passenger originations, over one-third of those starting off on flights used Friendship. In Montgomery County, which accounted for 12% of the bi-region passenger originations, over 15% used Friendship.[12] By my calculations this adds up to over 150,000 people in the Maryland suburbs of Washington, D.C. who flew via Friendship. Given the great growth in population of these counties and the improved services offered at Friendship (the Allegheny flights to New York for example) I am confident this number is at the present time much larger.

Given the expected future growth in the area's population as well as the percentage increase in the number of people who fly, I am equally confident that the future figure will be even more significant. The Baltimore Regional Planning Council confirms this with its estimate that in 1990—only twenty years from now—approximately 11.5 *million* passengers from the Washington Region will use Friendship. Of this 11.5 million, 5.2 million would be from the District of Columbia, 3.7 million from Washington's Maryland suburban counties, and 2.6 million for Washington's Virginia suburban counties.[13]

Friendship's association with the National Capital Region is further illustrated by the domestic air freight transport system that serves the Baltimore-Washington bi-region. Centering around Dulles, Washington National, and Friendship, this system serves not only the two cities but also is an important regional collection-distribution center and major air freight transfer point on the East Coast. Some 40 cities exchange at least 40,000 pounds of air freight per month with the three airports.[14] In 1960 Friendship accounted for 22% of the bi-regional air cargo tonnage. In 1967 the figure was 33%.[15] With the new United Airlines air freight terminal at Friendship, the airport should continue to handle significant amounts of the bi-region's air freight.

Mr. Chairman, the subcommittee is considering legislation promoting a multi-State airport authority for the National Capital Region. Much of the discussion, however, has been directed toward Dulles and Washington National. I wish to speak for Friendship.

Friendship International Airport must be associated with a regional airport authority. Friendship must be an equal partner with Dulles and Washington National. Its representatives must participate in any discussion to create such an authority.

This is not to say that Friendship's *sole* function is to serve the metropolitan Washington area. Friendship is Maryland's primary aviation facility. This must be made clear. The airport serves all of the State, as well as parts of Delaware and Pennsylvania. The newly created city-state airport authority in Maryland should provide momentum to make the needed improvements at Friendship. The airport is an economic asset to our state and an immeasurable convenience to her citizens.

But Friendship does serve the bi-region. The CAB recognized this when it certified Friendship as an airport of service for Washington, D.C. Friendship serves Montgomery and Prince Georges Counties, Washington, D.C. and parts of Virginia. Its legitimate interests in the bi-region must be represented and protected. This can only be done by participating fully in the discussions about a regional airport authority. What we are really talking about is a good portion of Friendship's future. Not to participate now, at the beginning is a sure way to encourage the past discrimination against Friendship that we would all like to forget.

The Baltimore Regional Planning Council has stated, "A key to Friendship's future is the policy determined for Washington National." Not to participate in any discussions is, in my view, to throw away the key. The Council went on to call for "accelerated planning and unprecedented cooperation."[15] I agree and call for Friendship's active participation in the discussions creating a Baltimore-Washington Regional airport authority.

Mr. Chairman, this concludes my statement. Let me thank you for the opportunity to testify.

FOOTNOTES

[1] R. Dixon Speas Associates, "Joint Air Transportation Demand-Capacity Study of the Baltimore-Washington Bi-Region," 1968, page 4–1.

[2] Regional Planning Council (Baltimore), "Friendship and the Future," August 1969, page 3.

[3] U.S. Senate, Committee on the District of Columbia, Subcommittee on Business and Commerce, Hearings on Utilization and Future of Major Airports in the National Capital Region, March 19 and May 27, 1969, page 51–52.

[4] *Ibid.*, page 36.

[5] R.P.C., page 3, 4.

[6] U.S. Senate, page 10.

[7] See Metropolitan Washington Council of Governments, "Air Facilities Planning in metropolitan washington (sic.), January 1968 and "Air Travel Demand in the washington-baltimore (sic.) Region 1970–1990," 1968.

[8] R. Dixon Speas Associates, page 2–3.

[9] U.S. Senate, page 16.

[10] R.P.C., page 3.

[11] *Ibid.*, page 6.

[12] R. Dixon Speas Associates, page 4–25, 4–26.

[13] R.P.C., page 10.

[14] D. H. Reeher, James W. Dwyer, Analytic Services Inc., "The Washington-Baltimore Regional Air Freight Transport System," March 1970.

[15] R.P.C., page 11.

KENT STATE STUDENTS MAKING A CONSTRUCTIVE EFFORT

Mr. SCHWEIKER. Mr. President, recently a constituent from Pennsylvania brought to my attention a news report that three students from Kent State University have begun a drive to raise money in order to help pay for damages caused by student disturbances in Kent, Ohio, a few weeks ago.

I commend these students for their efforts and also say that I am glad to see that constructive student activity is also being printed in the news. I feel that all too often we see a one-sided picture of these events and that in order to view the whole situation we need to see all sides. I ask unanimous consent that an article published in the Philadelphia Bulletin of June 2, 1970, be printed in the RECORD.

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

THREE AT KENT STATE RAISING MONEY FOR RIOT DAMAGE

KENT, OHIO.—Three Kent State University graduate students, wanting "to get involved," have begun a drive to raise at least $1,000 to help pay for damages that students inflicted on stores here a month ago.

Mrs. Mary Ann Hamilton, with two other psychology students, started the collection to reimburse merchants for expenses not covered by insurance after about 500 students smashed windows May 2.

Two days later, four students were killed in a confrontation with the national guard, called to quell the disturbances.

"Regardless of how students feel about some of the local businesses, we feel a responsibility toward the individual merchants to see they do not suffer from mob action," Mrs. Hamilton said. "We hope our fellow students share this responsibility."

HARRY WALL: THE EPITOME OF THE GOOD POLITICIAN

Mr. CHURCH. Mr. President, on June 12, one of Idaho's most remarkable public figures—Harry Wall of Lewiston—submitted his resignation as Democratic national committeeman for Idaho at the State Democratic assembly in Twin Falls.

In his 18 years of party service, Harry Wall epitomized the good politician. He is respected not only by his fellow Democrats, but by Republicans as well for his sense of fairplay and the high ethical standards which marked his tenure as national committeeman.

Bill Hall, editorial page editor of the Lewiston Morning Tribune and one of the most astute political writers in my State, summed it up well when he wrote:

More than any other man I have met in politics, Harry Wall infects the two party system with decency. In this era when so many seem to be losing respect for such essential institutions as the adversary system of politics, the Harry Walls, by the force of their own example, have minimized the damage. By his nature and his deeds, he has brought honor to his party and thereby to our system of government.

Harry Wall will be greatly missed as Democratic national committeeman for Idaho, but I am grateful that his counsel will still be available to his hundreds of friends, including myself. I ask unanimous consent that Bill Hall's column be printed in the RECORD:

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

ALL HONOR TO HIM

(By Bill Hall)

TWIN FALLS.—There aren't a dozen people in Idaho who could spend 18 years in a state party office and remain popular.

Lewiston's Harry Wall, who submitted his resignation Friday as Democratic national committeeman for Idaho, has accomplished that. If anything, he is more respected and better liked by the party faithful today than he was when first elected to the post 18 years ago.

Wall stands so high in his party at this point because he is a gentleman in the frequently ungentlemanly art of politics. He is a square shooter with impeccable ethics in a business that is supposed to have none but does because of the Harry Walls.

Wall's strength also rests on his studied neutrality as a party official. As the representative of all Idaho Democrats to the Democratic National Committee, he has refused to take sides in domestic primary battles. Privately he has his preferences, but he never makes them known. His response to all candidates contesting for a party nomination is that he will back the winner.

Idaho Democrats have also long valued Wall for a mercenary but understandable reason. He is one of the best and most consistent fund raisers in the history of the party.

He is an exception in another way. He has almost as many admirers among knowledgeable Republican politicians as he does in his own party. Again, the reason is his high sense of ethics. Wall supports his party to the hilt but his blows against the opposition are never below the belt. Men of equal ethics in the Republican party value him highly as a friend, and that doesn't happen very often in politics either.

To many national figures in the Democratic party, Harry Wall is the party in Idaho. Candidates for president and members of the national press, unbeknownst to Wall's Lewiston neighbors, have over the years checked most often with Wall if they wanted to know what is happening in the Gem State Democratic party.

The most successful behind-the-scenes politicans are those who remain behind the scenes. Wall is successful because he has shunned personal publicity throughout his tenure as committeeman. But he failed in that goal Saturday when he was brought before the Democratic State Convention at Twin Falls and forced to endure a tribute from former Congressman Compton I. White and a standing ovation from the delegates.

They applauded because he has helped to elect so many of their number. They applauded because he has raised so many thousands of dollars for the party. They applauded because he has devoted so many hours to the party. And they applauded because they like him.

But, if the reader will permit a personal note (and those who known Harry will), I applaud him because, more than any other man I have met in politics, Harry Wall infects the two party system with decency. In this era when so many seem to be losing respect for such essential institutions as the adversary system of politics, the Harry Walls, by the force of their own example, have minimized the damage. By his nature and his deeds, he has brought honor to his party and thereby to our system of government.

FREDERICK BABE RUTH BASEBALL LEAGUE

Mr. TYDINGS. Mr. President, in view of the Babe Ruth Baseball special order of June 16, I invite the attention of the Senate to the Frederick, Md., Babe Ruth League.

This organization, now in its 18th year, offers an excellent opportunity for boys, aged 13 to 15, to participate in a fine baseball program. The Babe Ruth Baseball Organization is a self-supporting group sponsored by the civic, fraternal, and business interests of Frederick City and County. It draws its support from local volunteers and enables 120 boys to engage in a sports program.

This summer, the Frederick Babe Ruth Baseball League will sponsor a statewide tournament. Six teams will participate in this event which will run from July 25 to August 1.

I heartily endorse this athletic program as an important contribution to the development of good character and sportsmanship qualities in our youth. Opportunities for organized recreation and fitness are far too limited in our society and I comment on the achievement of the Frederick Babe Ruth Baseball League.

SUPREME COURT DECISION PROVIDES ANOTHER REASON TO HALT SENDING DRAFTEES TO SOUTHEAST ASIA

Mr. PROXMIRE. Mr. President, on May 5 I submitted Senate Resolution 401 calling for the immediate end to sending draftees to South Vietnam and Cambodia, and calling for our remaining military commitments there to be fulfilled by volunteers.

In a few days I intend to offer the substance of my resolution as an amendment to the military authorization bill. The Senator from Wisconsin (Mr. NELSON) and the Senator from Iowa (Mr. HUGHES), who have introduced bills on related draft issues, have indicated their intention to join me in sponsoring the substance of the amendment.

This policy can be put into effect, and put into effect now. It is feasible for a number of reasons:

The President has announced that some 265,000 American troops will be withdrawn from Vietnam by April 1971. Of those now serving in the Army in South Vietnam, only about 140,000 of the 385,000 are draftees. Thus, about double the number of the draftees now in South Vietnam will be withdrawn by next April.

As the President's proposals for an all volunteer Army are implemented, and they should be implemented as soon as possible, there remains no good reason to send draftees to Southeast Asia.

But there is still another reason, a reason which is the result of recent events.

On June 15, the Supreme Court held that young men are now entitled to exemption from the military service as conscientious objectors not only on deeply held religious grounds, but also if the individual "deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless imposed upon him a duty of conscience to refrain from participating in war at any time."

It is not my purpose to argue the pros or cons of that decision. But I do want to say something about its effects because it greatly strengthens the case I have been making that we should halt sending draftees to South Vietnam and Southeast Asia now.

In interpreting this decision, the head of the Selective Service, Mr. Tarr, said that the rules he intended to publish to implement the decision would include a number of specific requirements.

The individual would have to ask for exemption on grounds other than that objection was based merely on his personal moral code. He would have to prove that he had consulted wise men in coming to his decision. He would have to show that he held a systematic belief. And he would have to prove that he had had some kind of rigorous training in order to prove his sincerity. As Mr. Reston wrote in the New York Times for Sunday, June 21:

But the hard fact is that the Supreme Court's decision, obviously designed to be fair and strike a balance between religious and ethical objectors to the war, is unfair to the poor.

The sons of the rich and middle class in America can now appeal to the Supreme Court's decision for relief. As a matter of fact they can flood the courts with appeals and even threaten the whole Selective Service System, but the sons of the poor are now in even more trouble than they were before. They don't have the money to hire lawyers. They don't have the education to prove that they went through a rigorous system of religious training, or that they followed the counsel of what the Director of Selective Service calls "wise men."

One of the major objections to the draft today is that it is so grossly unfair to the poor, the black, and the uneducated. The interpretation of the Supreme Court decision by the Director compounds the unfairness and the inequities of the draft.

That decision is yet another reason, and a major reason, why the amendment I intend to offer to stop sending draftees to Southeast Asia should be adopted by the Senate and signed into law.

I ask unanimous consent that Mr. Reston's article and a second article from the New York Times on the Supreme Court ruling, written by Mr. Fred P. Graham, be printed in the RECORD.

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

THE PRIVILEGED SANCTUARY OF CONSCIENCE

(By James Reston)

WASHINGTON.—The Congress, the Supreme Court, and the Director of Selective Service have now all spoken on what beliefs or convictions should relieve a man from serving in the armed forces of the United States, but the result is such a tangle of conflicting views that even a draft board of judges, saints and philosophers would scarcely know what to make of it.

The three branches of the Government all agree, as they have from the beginning of the Republic, that there is, and should be, what one might call a private and privileged sanctuary of conscience. They acknowledge that for some men with certain deep personal convictions about the meaning of life and death there is a "higher law" which forbids the killing of another human being, and that this "higher law" must be respected.

THE BASIC QUESTION

But which men and which beliefs? Here the Congress, the Supreme Court and the Direc-

tor of Selective Service fall apart. Must the test be "religious beliefs" or may the beliefs be ethical? Are you exempt from the draft if you were a card-carrying Methodist with a perfect attendance record at Sunday School, and draftable if your philosophy of nonviolence came from Santayana or Huxley? How do you render unto Caesar the things that are Caesar's and unto God the things that are God's if you don't honestly believe in either Caesar or God, but still believe with all your soul that killing is wrong and you can't rest in the night if you do it?

These are hard questions to answer in the middle of an undeclared war in Vietnam that has taken over 40,000 American lives and well over a million Vietnamese lives, South and North. But despite the emotion of the war, serious men and women in all branches of the Government here are struggling to deal with them objectively and they are coming out with different answers.

THE BASIC DIFFERENCES

The Congress passed a law exempting from military service any citizen "who by reason of religious training and belief is conscientiously opposed to war in any form." It added that "religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation. . . ."

But the Congress drew a sharp distinction between religious and ethical beliefs. It said quite clearly that relief from military service did "not include essentially political, sociological, or philosophical views or a merely personal moral code."

What the Supreme Court has done in the last few days is to reject this distinction between religious and ethical objections to serving in war. The majority opinion of the Court was as follows:

"If an individual deeply and sincerely holds beliefs that are purely ethical or moral in source and content, but which nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual a place parallel to that filled by . . . God in traditionally religious persons. Because his beliefs function as the religion of his life, such an individual is as much entitled to a religious conscientious objector's exemption . . . as is someone who derives his conscientious opposition to war from traditional religious convictions. . . ."

THE SHARP DIFFERENCES

This sharp difference between the Congress, which rejected nonreligious exemptions, and the Supreme Court majority, which approved them, sent the reporters running to the new head of Selective Service, Curtis W. Tarr, for his answer to the dilemma, and he was just young enough, honest enough, and foolish enough to try to resolve the conflict before he had time to think through all the legalities and moralities, and get his guidelines down on paper.

Accordingly, he suggested some rules that must have startled most members of his draft boards in all the communities of this country, who have to pass judgment on draftees next Monday morning. Draftees who claim exemption, Mr. Tarr said, must be "sincere." There must be "no question" about it. Draftees must be opposed to all wars and not just the Indochina war. They must have more than a personal moral code, but must prove that they had consulted "wise men" and some "system of belief" and gone through "some kind of rigorous training."

On these laws from the Congress, decisions from the Supreme Court, and "guidelines" from the Director of Selective Service, young men of draft age in this country are obviously in trouble. They don't know where to turn, and the paradox of it is that the confusion favors the rich and hurts the poor.

There is something reassuring philosophically about the Supreme Court's support of ethical as distinguished from religious opposition to the war, something even exciting and ennobling about the American system that still struggles with life's great imponderables.

But the hard fact is that the Supreme Court's decision, obviously designed to be fair and strike a balance between religious and ethical objectors to the war, is unfair to the poor.

The sons of the rich and middle class in America can now appeal to the Supreme Court's decision for relief. As a matter of fact, they can flood the courts with appeals and even threaten the whole Selective Service system, but the sons of the poor are now in even more trouble than they were before. They don't have the money to hire lawyers. They don't have the education to prove that they went through a rigorous system of religious or ethical training, or that they followed the counsel of what the Director of Selective Service calls "wise men."

One has to respect the officials of the Congress, the Executive and the Court for grappling with these fundamental human and philosophic questions, but while the aim all around is fairness and equality, the result is obviously unequal and unfair.

NEW RULES—NOT ALL OF THEM CLEAR—ON C.O.'s

(By Fred P. Graham)

WASHINGTON.—The occasional governmental tendency to say it like it isn't was never more apparent than last week, when the Supreme Court and the Selective Service System took turns obfuscating the subject of conscientious objectors.

The Court led off on Monday, with a ruling that any young man is entitled to be exempted from military service as a conscientious objector if he "deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless impose upon him a duty of conscience to refrain from participating in war at any time."

INTERPRETIVE OPINION

As Justice Hugh L. Black explained in his opinion, this result was reached by interpreting the conscientious objectors provision of the Selective Service Statute. The provision specifically exempts from the draft only those who oppose military service "by reason of religious training and belief (which) does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

Nonlegal minds were still boggling over this judicial feat when, the following morning, Selective Service Director Curtis W. Tarr announced that he was issuing guidelines to assist the country's 4,087 draft boards in observing the new Court decision.

The draft boards will indeed grant conscientious objectors status to men who say they do not believe in God. Mr. Tarr said—so long as they can prove that they "have consulted some system of belief" and that their objections to military service are "the result of some rigorous kind of training."

Taking words at their accepted meanings, it was difficult to square either the Supreme Court decision with the statute, or the Selective Service guidelines with the Supreme Court decision. But both the justices and Mr. Tarr had good reason to stretch words, for the law and the Selective Service System have much to lose from abandoning the previously accepted concepts.

The Supreme Court would apparently feel obliged to declare the statute unconstitutional if the justices were to admit that Congress had passed a law (as it undoubtedly intended to do) to grant draft deferments to young men who go to church, while denying them to those who do not. To declare the law unconstitutional could strip all young men of C.O. exemptions, for the Court has expanded the term "religious" to include any you man with "deeply felt" moral, ethical or religious beliefs.

This having been done, Mr. Tarr's task of deciding which young men rate C.O. status seems to be shifting from a process of separating the devout from the hypocritical to a problem of telling the doves from the chickens.

He is obviously making every effort to retain as many objective criteria as possible, so that young men will have to show some form of pacifist beliefs and will be discouraged from seeking C.O. status on the basis of their personal aversion to participation in the Vietnam war.

That is why in the teeth of the Supreme Court's holding that religious training and belief in the traditional sense is no longer necessary, Mr. Tarr said there are no plans to change the form that draft registrants must use to apply for C.O. status. It uses the word "religious" 11 times in inquiring about the applicants' beliefs.

The same purpose is behind the new requirement that unchurched applicants must prove that they adhere to a secular "system of beliefs" involving "rigorous training." This is a continuation of the draft system's longstanding association of conscience with institutions, as a way of avoiding having to take individuals at their word.

This instinct on the part of the draft system dies hard, despite Supreme Court decisions, as was seen after the Supreme Court declared in the Seeger v. United States case in 1965 that men didn't have to hold traditional religious beliefs to be C.O.'s.

SERIOUS THREAT

The fact is that although draft officials say the C.O. problem is miniscule, it could become a serious threat to the system under the strains of the anti-Vietnam feeling among the young.

In 1965, the year of the Seeger ruling, C.O.'s made up less than 2 percent of the total draft-eligible men. Last year the figure had risen to 4 per cent—and that includes only those who were granted C.O. exemptions. The Government does not say how many were turned down.

"We'll have a field day with this ruling," a young New York draft lawyer said last week. "If enough kids ask to be C.O.'s and take the Government to court, we could jam up the system until it's at the point of collapse."

This strategy of ending the draft by miring it in a legal morass places the youth radicals strangely in concert with the Nixon Administration so far as their ultimate ends are concerned. The Administration also finds the draft a troublesome nuisance, and hopes to replace it with an all-volunteer army.

BLADENSBURG, MD., SENIOR HIGH SCHOOL GRADUATION

Mr. TYDINGS. Mr. President, on June 11, Mrs. Ruth S. Wolf, a member of the Board of Education of Prince Georges County, Md., addressed the graduating class of Bladensburg High School, Bladensburg, Md. Her talk, which consists of excerpts from the speeches of six former Presidents, is particularly timely at this moment in our Nation's history. I ask unanimous consent that

Mrs. Wolf's speech be printed in the RECORD.

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

ADDRESS TO GRADUATING CLASS

(By Mrs. Ruth S. Wolf)

Tonight I bring you the sincere congratulations of every member of the Board of Education, and personally I bring you my very warm good wishes. I've known many of you for a long time and I rejoice with all of you on this auspicious occasion.

To the torrents of advice you have been receiving I would add, briefly, the words of several Presidents of the United States:

From Jefferson:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles . . .

From President Lincoln:

What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling sea coasts, our army and our navy. These are not our reliance against tyranny. All of those may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Then President Garfield 90 years ago said:

"Let our people find a new meaning in the divine oracle which declares that 'a little child shall lead them', for our own children will soon control the destinies of the Republic."

From President Truman:

"The supreme need of our time is for men to learn to live together in peace and harmony."

And President Dwight David Eisenhower in his prayer at his first inaugural asked most earnestly:

"Give us, we pray, the power to discern clearly right from wrong, and allow all our words and actions to be governed thereby, and by the laws * * *

From President John F. Kennedy:

"For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities . . . our success or failure, . . . will be measured by the answers to four questions: First, were we truly men of courage?

"Second, were we truly men of judgment?

"Third, were we truly men of integrity?

"Finally, were we truly men of dedication?"

I hope these words from the past will challenge you in the future.

SENATOR MURPHY URGES INCREASE IN BILINGUAL AND DROPOUT PREVENTION PROGRAMS

Mr. MURPHY. Mr. President, as a cosponsor of the Mondale-Murphy amendment adding $5 million to the dropout prevention program and as the principal author of an amendment, which I had planned to offer with Senators YARBOROUGH and TOWER, providing an additional $5 million for the bilingual program, I am pleased to join in the amendment which will be offered, which also combines an amendment of Senator BAYH adding $10 million to title III and title V of NDEA. The merging of these three amendments was necessary because of the parliamentary situation.

BILINGUAL EDUCATION

An increase of $5 million for the bilingual program would increase the amount available for this important program to $30 million.

I was pleased to have cosponsored the Bilingual Education Act with Senator YARBOROUGH in 1967. I have frequently stated that Congress should be particularly proud of this program. Not only was the bilingual concept conceived by the Congress, but it was also enacted over the objection of the executive branch in 1967.

The need for the bilingual program is obvious when one examines the education statistics for the Mexican American, the Nation's second largest minority group. They show: First, that 1 million of the 1.6 million Mexican-American children entering the first grade in the five Southwestern States will drop out before they reach the eighth grade. Second, that in my State 50 percent of the Mexican-American youngsters drop out by the eighth grade. Third, that by the time Spanish-speaking youngsters have reached the third grade over 89 percent of them have repeated one or more grades. Fourth, that the average number of years of school completed for individuals with Spanish surnames is 7.14, for nonwhite, 9, and 12.14 for whites. Significantly, over the past 30 years, while the education gap between whites and blacks has been closing, the education gap between the Mexican-American with respect to both blacks and whites has increased. Fifth, that in my State, Spanish surname students comprise 14 percent of California's school-age population but less than one-half of 1 percent of the students at the University of California's seven campuses are Mexican Americans. Sixth, that Mexican-Americans account for more than 40 percent of the students classified by school districts as "educable retarded."

Mr. President, each year since the bilingual program was enacted, I have been trying to point out to my colleagues, particularly those who do not represent the Southwestern States, the critical need for and the rationale of bilingual education. I was very pleased to hear Senator MAGNUSON, chairman of the Education Appropriations Subcommittee, say on the floor yesterday what he did. I do believe and I am very much encouraged that more and more Senators are beginning to realize the importance of the program. He said:

The committee, as well as the House of Representatives, has increased funds for bilingual education. I think all of us on the committee, Mr. President, were somewhat surprised to learn that there were a great number of children in this country who needed bilingual education. I could not even come near to guessing the total number in need.

We find that more than 5 million children with limited ability in English and from homes where English is not spoken need this assistance, since most of them attend schools where all classes are currently conducted in English. I have been told that 5 million is a conservative figure, but at least that is the best figure we have. The expansion of pilot and demonstration projects in bilingual education is imperative, and the Office of Education should interpret the committee and House action as a directive to expand these programs as rapidly as possible.

Each year I urged the Senate Appropriations Committee to increase the funding of the bilingual program. In testimony to the Appropriations Committee in April of this year, I urged $40 million for this program. The bill as reported to the Senate from the Appropriations Committee provides $25 million. This is the same sum as appropriated by the Congress last year. I was disappointed that the committee did not recommend funding at the $40 million level. I am deeply appreciative to the Appropriations Committee for providing $25 million. Those of us who have followed and labored for this program these past years are aware that we have come a long way in alerting America to the educational needs of youngsters who do not speak English at home and of the potential of the bilingual program in redressing some of the sad educational statistics of these youngsters. The critical nature of the problem and the limited objective data and rather substantial subjective evaluation that is coming in cogently argue for a stepped-up bilingual effort.

When I testified to the Appropriations Committee and urged $40 million, I was convinced that this sum was essential and greatly needed. Since my statement, a development has taken place in the administration which I believe makes it imperative that additional sums be provided for the bilingual program. For on May 25, then Secretary of Health, Education, and Welfare Robert Finch notified more than 1,000 U.S. school districts where language barriers discriminate against Spanish-surname, Chinese, and other national origin minorities that such barriers must be eliminated. The new policy statement of HEW requires that where the inability to speak English excludes Spanish-surname, the Chinese, and other national origin minorities from effectively participating in the school district education programs, the district "must take positive steps to correct the language deficiency in order to open the program to these students."

Mr. President, I support this policy which I understand marks the first time that HEW has defined its policy with respect to discrimination against national origin minorities under title VI of the Civil Rights Act of 1964. This title prohibits the use of Federal funds for programs that discriminate on the basis of race, color, or national origin. I believe the issuance of this new policy can be traced to the experience gained under the bilingual education program and is another indication of the growing evidence that this bilingual program is on the right track.

This new policy, welcome as it is, may cause hardships to school districts having large numbers of non-English-speak-

ing students. That is why I am asking the Senate to increase the funding of the bilingual program by $5 million. A critical need for increased bilingual funding existed prior to this policy statement, but this new policy statement makes it imperative that we provide additional funding for the bilingual program.

Mr. President, in conclusion, the amendment would provide an additional $5 million for the bilingual program. The bilingual concept is a bold new approach to remedy defects and to change ways of educating children who enter school with no or a very limited knowledge of English. As I have said before, for the Mexican American and the Chinese student we seem to have the "education breakthrough" that we have been looking for. The new policy statement by HEW is based on that experience, and we should increase the funding so that the school systems in the various States may meet their responsibility under this new policy and the responsibility to children with limited English-speaking ability.

Mr. President, I ask unanimous consent that Secretary Finch's press release and the HEW memorandum that was issued with respect to discrimination of national origin-minority children be printed at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. MURPHY. Mr. President, I ask unanimous consent that my testimony before the Senate Appropriations Committee on April 23, 1970, on various educational programs be printed at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. MURPHY. Mr. President, an editorial entitled "Break Language Barrier in Schools," published in the Los Angeles Times, is worth noting. I ask unanimous consent that it be printed at the conclusion of my remarks.

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

(See exhibit 4.)

DROPOUT PREVENTION PROGRAM

Mr. MURPHY. Mr. President, the second program which would be increased by the proposed consolidated amendment would be the dropout prevention program, which would be increased by $5 million, bringing its total to $15 million. I was the author of the dropout prevention program, which was incorporated in the Elementary and Secondary Education Amendments of 1967.

The program was drafted in consultation with some of the leading educators in the country, including Dr. James Conant. It was drafted because I felt that both for society's sake and for the students' sake, we cannot allow 1 million youngsters to drop out of school each year. This is particularly true in view of the fact that we are in the midst of an education explosion and a technological revolution, making a high school education or the acquisition of a skill a must.

In introducing the measure, I also cited statistics showing that the high dropout rates in our 15 largest cities varies from 21.4 to 46.6 percent. As bad as these rates were, when one focuses on the poverty schools within these areas, the dropout rate is shocking. In these poverty schools, 70 percent drop out. These dropouts are the "social dynamite" that Dr. James Conant warned the country about in 1961. This is the problem to which the dropout prevention program is addressed.

The dropout prevention program was designed to give maximum freedom and flexibility for experimentation at the State and local level. Under the program, local and State educational agencies submit innovative proposals which zero resources on a particular school or on a particular clasroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban and rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the State educational agency, is required to identify the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, and most significantly, the program requires objective evaluation.

Mr. President, naturally, I am very proud of the program and the interest in it that has developed across the country. Probably the project that has generated the most national interest is the Texarkana one. In this project, the local school system decided to raise reading and math scores of potential dropouts. Performance contracting, as the name implies, means that the company must perform in order to get paid. In other words, payment is made only for results. The performance contract in this instance calls for the raising of reading and math scores one grade level in 80 hours of instruction for $80. Importantly, the school system is deeply involved, with the contract stipulating that when the experiment is concluded, the company must have made the school personnel capable of continuing the instruction method used.

Preliminary results are most encouraging indicating that the contractor has raised reading scores 2.2 grades and math scores approximately 1.5 grades in only three-fourths of the anticipated instruction time. These figures indicate that the contractor is ahead of its performance contract. Also, of the 125 students enrolled in the experimental program, only two have dropped out and one was because of pregnancy. In contrast, in a control group, 10 percent of the youngsters have already dropped out.

Mr. President, this is hard data, and it indicates the program is working. That the Nation's school systems and the country are doing more than passively watching Texarkana can be seen by two rather significant developments. First is the interest of the city of San Diego in planning a $2.4 million performance contract. Although this is the first large urban school district in the country to express an interest in this type of approach, I do know that other large school systems; namely, Detroit, Dallas, Little Rock, and Los Angeles, are also exploring the potential of such an approach. The second significant development was the May 14, 1970, announcement by the Office of Economic Opportunity of a multimillion-dollar experiment in performance contracting aimed at improving the reading and mathematics level of children from poor families.

Mr. President, we know that dropouts are involved in crime at a rate of 10 times higher than high school graduates. We are all concerned with the riots and disturbances that have plagued all too many of our school systems. I believe that the dropout prevention projects are having a salutary effect on these troubled school areas. For example, in Baltimore and St. Louis, despite general student demonstrations and disturbances in the area where the dropout projects are located, the disturbances did not occur in the schools where the dropout programs are in operation.

Mr. President, the dropout prevention program is a no-nonsense practical approach to education. Some of the concepts built into the dropout prevention program are going to have a significant impact on education programs throughout this country. Dropout prevention projects are required to spell out their objectives. Having stated their objectives, they will be held accountable for achieving them. Most important, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax investment. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the dropout prevention projects.

Mr. President, the interest and the potential in the dropout prevention program can be seen in the fact that over a thousand requests from independent agencies to submit preliminary dropout prevention programs have been received by the Office of Education. To fund all these programs would take over $700 million. It was this kind of interest and the merit of the program that prompted some of my colleagues on the Labor and Public Welfare Committee, when we earlier considered the ESEA extension, to move to increase the authorization of the dropout prevention program to $250 million by 1974. Obviously, as the author of the dropout prevention program, I was very pleased with this strong indication of the Labor and Public Welfare Committee's support, but I did what perhaps is unheard of—I urged my committee colleagues not to raise the authorization level by that magnitude. I pointed out that the dropout prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are

large enough to have significant impact, while at the same time small enough in number, to be carefully monitored and evaluated so that their success could be assured and duplicated in other sections of the country. These educational research and development efforts, the dropout prevention projects, are live educational laboratories whose works had great national interest and implication in dealing with some of the most persistent domestic problems confronting our country.

Mr. President, in the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform:

> One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution.

The dropout prevention program is causing educational waves. The dropout program is "touching" actual educational institutions. The dropout prevention program will produce change and will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country.

Mr. President, the President, in his compromise HEW message, singled out the dropout prevention program as a priority education program. The previous administration was equally enthusiastic about the dropout prevention program. As Senators may recall, I was going to offer an amendment to the compromise Labor-HEW appropriations bill on February 28 of this year, but rather than possibly upset the compromise that had been reached, I withdrew the amendment. The original HEW appropriations measure for 1970 had provided $20 million for the dropout prevention program, but the final appropriations figure was only $5 million. For HEW appropriations for fiscal year 1970 the Senate Appropriations Committee had recommended $20 million. The previous year, fiscal year 1969, the Senate adopted a floor amendment offered by me which increased the dropout prevention program funding from $10 million to $20 million. So the Senate has shared the enthusiasm of both President Nixon and former President Johnson with the dropout prevention program. The difficulty has been on the House side, so I think it is imperative that the Senate adopt this amendment and I would strongly urge that the Senate conferees, following its adoption, stay firm on the Senate figures.

Mr. President, the bilingual and the dropout prevention programs are two of our most important programs in my judgment on the education books. Increased investments in these programs will produce great national dividends and in the long run will save the Nation money.

So, Mr. President, when this amendment is called up, I do hope that it will have the overwhelming support of the Senate.

I ask unanimous consent that an article entitled "Teaching Machines Helping Poor Students," published in the New York Times of May 24, 1970, be printed at the conclusion of my remarks.

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

(See exhibit 5.)

EXHIBIT 1

HEW Secretary Robert H. Finch today notified more than 1,000 U.S. school districts where language barriers discriminate against Spanish-surnamed students and other national origin minorities that such barriers must be removed.

The HEW policy was defined in a memorandum distributed today to all school districts with more than five percent national origin minority enrollment.

"If students cannot understand the language their teachers are using, it's hopeless to expect them to learn," Secretary Finch said. "There are some 2,000,000 Spanish-surnamed students in our public schools and almost 200,000 Oriental students. Overcoming the English language deficiency that exists is a first-order of business."

Spanish-surnamed students include Mexican-American, Puerto Rican, Cuban and Latin-American national origins.

The HEW memorandum, signed by J. Stanley Pottinger, Director of HEW's Office for Civil Rights, underscores the responsibilities of the school districts under the law. The Office for Civil Rights administers Title VI of the Civil Rights Act of 1964, which prohibits use of Federal funds for programs that discriminate as to race, color or national origin.

The memorandum is the first time the Department has defined its policies with regard to possible discrimination against national origin minorities.

Specifically, the memorandum states that where inability to speak and understand the English language excludes national origin minority group children from effectively participating in a school district's educational program, the dstrict must take positive steps to correct the language deficiency in order to open the program to these students.

In addition, school districts must not assign these students to classes for the mentally retarded, as has been done on some occasions in the past, on the basis of criteria which essentially measure or evaluate English language skills. Districts also may not deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to teach English language skills.

The memorandum adds that any ability grouping or tracking system used by the school system to deal with the special language skill needs of these children must be designed to meet these needs as soon as possible and must not operate as an educational dead-end or permanent track.

School districts also have the responsibility to insure that national origin-minority group parents are notified of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

"We realize, of course," Mr. Pottinger said, "that many school districts receiving the memorandum are already making extensive efforts on their own initiative to help remove English language deficiencies.

"For example, school officials are increasingly aware of the need to talk to parents in the language they best understand, in counseling and guidance sessions, in sending out written health notices, or in any other area of communication. These are examples of affirmative action that should be encouraged. There are many others."

Mr. Pottinger said that from now on the areas of concern he mentioned would be regarded by personnel in his office as a part of their responsibilities in their routine reviews of school districts to determine compliance with the Civil Rights Act of 1964.

EXHIBIT 2

MEMORANDUM

To: School Districts With More Than Five Percent National Origin-Minority Group Children.

From: J. Stanley Pottinger, Director, Office for Civil Rights.

Subject: Identification of Discrimination and Denial of Services on the Basis of National Origin.

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portugese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

EXHIBIT 3

TESTIMONY OF SENATOR GEORGE MURPHY TO SENATE APPROPRIATIONS COMMITTEE ON VARIOUS EDUCATION PROGRAMS, APRIL 23, 1970

Mr. Chairman, it is a pleasure to appear before the Committee again. With the long delay in the education appropriations for fiscal year 1970, it seems like only yesterday that I was urging the funding of educational programs. Now, we are working on fiscal year 1971 appropriations. We simply must all do what we can to see that the funds for educational programs are provided earlier.

NEED FOR EARLY FUNDING

When I was first appointed to the Education Subcommittee in 1967, I wrote many educators in California seeking their counsel and assistance. In almost every letter, the educators complained and expressed their deep concern over delays in the funding of education programs. School systems face a very serious problem, for teachers must be hired early and plans must be made if they are to make the wisest use of their resources. To complete the education appropriations, as we did for this fiscal year, when the school year was over half completed, seems inexcusable. My purpose in saying this is not to place the blame, but merely to urge that we in the Congress vow that this inordinate delay will not be allowed to occur again.

I have supported advanced funding for education programs, and this would help greatly. Whether advanced funding or earlier appropriations, or both, we must do better. I am pleased with the speed with which the Congress is moving on education appropriations this year.

I want to again testify on various programs and in some detail on two that mean so much to me and for which I have been working over the past several years. I am referring to the Bilingual Education and the Dropout Prevention programs. I am particularly grateful to this Committee for their response in past years as evidenced by the support they have given these two programs.

I had a major role in the enactment of these progrrams having cosponsored the original bilingual program, and having been the sole author of the dropout prevention program. On both of the programs, I have diligently worked and fought for adequate funding. It has not been easy, but progress has been made with the funds for the bilingual program advancing from $7.5 million in fiscal year 1969 to appropriations of $25 million for fiscal year 1970. The dropout prevention program, although not funded in FY 1969, was given $5 million in FY 1970. For both fiscal years 1969 and 1970, the Senate Committee wisely provided $20 million for dropout prevention, but our problem has been on the House side. I was pleased that the House for FY 1971 has provided $8 million for the dropout prevention program. I once again am urging the Senate Appropriations Committee to provide $20 million for the dropout prevention program.

DROPOUT PREVENTION

Mr. Chairman, the dropout prevention program was authorized by me in 1967 and it was incorporated into the Elementary and Secondary Education Amendments of that year. The program was drafted in consultation with some of the leading educators in the country, including Dr. James Conant. It was drafted because I felt that both for society's sake and for the students' sake, we cannot allow one million youngsters to drop out of school each year. This is particularly true in view of the fact that we are in the midst of an education explosion and a technological revolution, making a high school education or the acquisition of a skill a must.

In introducing the measure, I also cited statistics showing that the high dropout rates in our fifteen largest cities varied from 21.4 to 46.6 per cent. As bad as these rates were, when one focuses on the poverty schools within these areas, the dropout rate is shocking. In these poverty schools, 70 per cent drop out. These dropouts are the "social dynamite" that Dr. James Conant warned the country about in 1961. This is the problem to which the dropout prevention program is addressed.

The dropout prevention program was designed to give maximum freedom and flexibility for experimentation at the state and local level. Under the program, local and state educational agencies submit innovative proposals which zero resources on a particular school or on a particular classroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban and rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the state educational agency, is required to identify the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, and most significantly, the program requires objective evaluation.

Probably the project that has generated the most national interest is the Texarkana one. In this project, the local school system decided to enter into a performance contract with private industry to raise reading and math scores of potential dropouts. Performance contracting, as the name implies, means that the company must perform in order to get paid. In other words, payment is made only for results. The performance contract in this instance calls for the raising of reading and math scores one grade level in 80 hours of instruction for $80. Importantly, the school system is deeply involved, with the contract stipulating that when the experiment is concluded, the company must have made the school personnel capable of continuing the instruction method used.

Preliminary results are most encouraging indicating that the contractor has raised reading scores one and one-half grades and math scores approximately one grade in only 45 hours of instruction. These figures indicate that the contractor is ahead of its performance contract. Also, of the 125 students enrolled in the experimental program, only two have dropped out and one was because of pregnancy. In contrast, in a control group, ten percent of the youngsters have already dropped out.

Mr. Chairman, this is hard data, and it indicates the program is working. That the Nation's school systems are following Texarkana is seen by the fact that San Diego is planning a $2.4 million performance contract. This is the first large urban school district in the country to express an interest in this type of approach. I do know there are other large systems, namely, Detroit, Dallas, Little Rock, New York, and Los Angeles, which are carefully considering this approach.

Mr. Chairman, we know that dropouts are involved in crime at a rate of ten times higher than high school graduates. We are all concerned with the riots and disturbances that have plagued all too many of our school systems. I believe that the dropout prevention projects are having a salutary effect on these troubled school areas. For example, in Baltimore and St. Louis, despite general student demonstrations and disturbances in the area where the dropout projects are located, the disturbances did not occur in the schools where the dropout programs are in operation.

Mr. Chairman, the dropout prevention program is a no-nonsense practical approach to education. Some of the concepts built into the dropout prevention program are going to have a significant impact on education programs throughout this country. Dropout prevention projects are required to spell out their objectives. Having stated their objectives, they will be held accountable for achieving them. Most importantly, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax investment. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the dropout prevention projects.

Mr. Chairman, the interest and the potential in the dropout prevention program can be seen in the fact that over a thousand requests from independent agencies to submit preliminary dropout prevention programs have been received by the Office of Education. To find all these programs would take over $700 million. It was this kind of interest and the merit of the program that prompted some of my colleagues on the Labor and Public Welfare Committee to move to increase the authorization of the dropout prevention program during the ESEA extension to $250 million by 1974. Obviously, as the author of the dropout prevention program, I was very pleased with this strong indication of the Labor and Public Welfare Committee's support, but I did what perhaps is unheard of—I urged my committee colleagues not to raise the authorization level by that magnitude. I pointed out that the dropout prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have significant impact, while at the same time small enough in number, to be carefully monitored and evaluated so that their success could be assured and duplicated in other sections of the country. These educational research and development efforts, the dropout prevention projects, are live educational laboratories whose works had great national interest and implication in dealing with some of the most persistent domestic problems confronting our country.

Mr. Chairman, in the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform: "One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution."

The dropout prevention program is causing educational waves. The dropout program is "touching" actual educational institutions. The dropout prevention program will produce change and will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country.

Naturally, Mr. Chairman, I was delighted when the President in his compromise HEW message early this year singled out the dropout prevention program as a priority education program. The previous Administration

was equally enthusiastic about the program. As the members will recall, I was going to offer an amendment to the Labor-HEW Appropriations bill on February 28th, but rather than possibly upset the compromise that had been reached, I withdrew the amendment at the behest of Senators Magnuson and Cotton with the understanding that FY 1971 appropriations would be considered within months and we would be able to do something about the funding then. So, I not only hope that the Senate will appropriate $20 million for the dropout prevention program, but also hold that amount in conference.

BILINGUAL PROGRAM

Mr. Chairman, the House also is beginning to come around in connection with the bilingual program, as they have included $25 million for FY 1971. I always point to the bilingual program with pride because it is a good example of congressional initiative. As the committee will recall, this measure was enacted over the objection of the Executive Branch in 1967. The bilingual education program is aimed at dealing with the severe educational problems of youngsters whose dominant language is other than English. The program is of tremendous importance to many minority groups.

There are five million Mexican Americans in the United States located primarily in the southwestern states. My state is proud of the fact that more Mexican Americans—1.5 million as a matter of fact—live in California than in any other state. The Mexican American faces the same problems of poverty and discrimination as other minority groups, but in addition they labor under a language handicap. For the typical Mexican-American child grows up in a home where the parents speak little or no English. Naturally, the language spoken in the home, Spanish, becomes the child's language. This Mexican-American child, often from a low-income family, then enters school and runs into the language barrier.

Senators, for a minute, imagine what it would be like if you or your youngster were to enter the first year of school where the language of instruction was different from the one you used and spoke at home. You would not only have to master a new language, but also master a subject matter in the new language. Would it come as a surprise if you became frustrated and fell behind, discouraged and dropped out? The answer to this question helps to explain the education deficiencies of Spanish-speaking children and others whose dominant language is other than English.

The education statistics for the Mexican American are to put it mildly, shocking. They show: (1) That one million of the 1.6 million Mexican-American children entering the first grade in the five southwestern states will drop out before they reach the eighth grade. (2) That in my state 50 per cent of the Mexican-American youngsters drop out by the eighth grade. (3) That by the time Spanish-speaking youngsters have reached the third grade over 89 per cent of them have repeated one or more grades. (4) That the average number of years of school completed for individuals with Spanish surnames is 7.14, for non-whites, 9, and 12.14 for whites. Significantly, over the past thirty years, while the education gap between whites and blacks has been closing, the education gap between the Mexican American with respect to both blacks and whites has increased. (5) That in my state, Spanish surname students comprise 14 per cent of California's school age population but less than one-half of one per cent of the students at the University of California's seven campuses are Mexican Americans. (6) That Mexican Americans account for more than forty per cent of the students classified by school districts as "educable retarded."

Similar language problems are faced by the Chinese, Japanese and Indian populations of California. The Chinese population of San Francisco is particularly in need of the help of a bilingual program. The school system is being severely impacted with a growing number of Chinese students with a language handicap resulting from the changes made in the 1965 immigration laws. I have been working with the Office of Education to secure additional funds under the bilingual program for San Francisco so as to alleviate this situation, and am confident that I will soon be making an announcement that additional funds will be forthcoming. So the Chinese population faces a problem very similar to the Mexican American, and the bilingual program has a great deal of importance for them also.

Last year, in testifying before the Committee, I cited a study done by the California State Department of Education, which showed that Mexican-American youngsters, labeled by the school system as "educable retarded" made remarkable increases in I.Q. test scores when such tests were administered in Spanish. This study, which I understand was the first of its kind in the nation, saw some childrens' I.Q. increased by 28 points with the average climbing 13 points. These thirteen-point-average increases, incidentally, would have placed these youngsters above the mentally retarded level. Children below this level in my state are placed in special classes whereas above the level, they are part of the regular classes.

One wonders how many of the Mexican Americans who make up the forty percent of the educationally handicapped in California would be in regular classes had the test been administered in Spanish. And, how many of the large number of Mexican-American dropouts could be prevented if we substantially increased the funding of the bilingual education program. I believe many, and that is why I have been such a strong advocate of this program.

The Bilingual Education Act is a commitment to reverse these statistics, to provide a solution to the education problems of Spanish-speaking children who in fact do not have an equal opportunity, an equal chance because of their inability to speak English.

Mr. Chairman, there is limited objective data available, although a report I examined from the Marysville, California, School District after the second year of experimental programs said: "Analysis of the data tend to support the hypothesis that Spanish-speaking pupils are better able to learn when they use their native language and have systematic instruction in English as a second language."

In an effort to get a firsthand reading on the workings of the bilingual program in California, I asked my staff in cooperation with Dr. Eugene Gonzalez, of the California State Department of Education, to contact some of the bilingual project directors and share with me their thoughts with respect to the workings of the program. I believe that one cannot read these subjective evaluations without coming to the conclusion that insofar as the second largest minority group in the country—the Mexican Americans, and the Chinese as well—are concerned, we seem to have in the bilingual education program the educational breakthrough that we have been searching for. The bilingual education program offers the hope based both on the limited objective evidence available and the considerably more subjective evidence of limiting the sad educational statistics that I earlier cited.

Mr. Chairman, furthermore, we should be supporting the bilingual program not only because of its great potential of eliminating a national liability, but also because bilingual education should be regarded as a national treasure, one that should be developed for both a better America and a better world. Modern means of transportation are, in effect, shrinking the distance between nations and the world's peoples. We can expect in the 1970's travel between peoples of the world unparalleled in the history of mankind. Bilingual Americans are and will become even more a great national asset. Rather than allow such an asset to waste, it should be developed to its fullest potential.

To cite the need for educational resources in the bilingual program, in addition to the rather severe situation I mentioned in San Francisco, the City of Los Angeles, where the largest concentration of Mexican Americans in the nation is found, has not yet been funded under the bilingual program. They do have an application pending and I certainly hope that favorable action will be taken on it.

The Senate should continue its commitment to the bilingual program, and I believe that the program should be funded at the $40 million level. I would like to ask unanimous consent that this survey done among project directors of the bilingual program be printed in full in the Record.

COOPERATIVE EDUCATION

Another program, Mr. Chairman, in which I have been very interested and which seems to me has a great deal of significance to our society in the seventies is the cooperative education concept. I was the author of the cooperative education program on the Senate side, which was included in the Vocational Education Act Amendments of 1968. In addition, I have been working for the funding of cooperative education programs at the higher education level, having hosted a two-day seminar at the University of Southern California on this subject in 1969. This concept seems to me very sound, seems to make particularly good use of the educational facilities and space, and helps to remove the barriers that too often separate the classroom learning from the real world of work. It also has the advantage of allowing the student to earn money to help meet education expenses. Students plea for relevance of subject. Cooperative education properly run could be a real response.

Mr. Chairman, the House earmarked 1 per cent of the higher education work-study money, or $1.6 million, for cooperative education at the higher education level for 1971, and I certainly hope the Committee will also see fit to provide at least this much for this program. For cooperative education and vocational work-study under the Vocational Education Act, the House provided $24 million, the full amount requested by the President. Certainly, this is a bare minimum, in my judgment.

Mr. Chairman, I ask unanimous consent that an article I wrote in the San Francisco Chamber of Commerce magazine with respect to cooperative education, as well as my Senate floor statement on cooperative education in 1968, be printed in the Record. (See exhibits 2 and 3.)

URBAN AND RURAL EDUCATION, PART C—ESEA

On one more final matter, Mr. Chairman—I authored the Urban and Rural Education Act of 1969, which has been incorporated as a new Part C to the Elementary and Secondary Education Act. Basically, this program provides for a thirty per cent "add-on" to school districts having a large number or a high concentration of low-income children. For qualifying districts under my program a thirty per cent "add-on" regular Title I funds is provided. Funds under this Part must be used at the elementary or pre-school level. School districts participating must coordinate regular Title I funds with Part C funds in a comprehensive plan and must list their specific objectives under this Part. And, most importantly, like the dropout prevention program, they will be held accountable for achieving them.

Mr. Chairman, the House of Representatives added a provision to H.R. 16916, the

educational appropriations bill, which provided that all the funds appropriated for Title I must go to the regular Title I program. This is clearly legislating on an appropriations measure, because under the Elementary and Secondary Education Act extension, passed earlier this year, after appropriations for the regular Title I program reach $1.397 billion, the new Part C program, which I authored, would be funded. The Part C program was endorsed by leading educators and educational organizations from all across the country. It was accepted by the Committee after long and careful discussions. It was agreed to in the subsequent conference with the House. I strongly urge the Committee to reject this legislative language of the House Appropriations Committee, and provide additional resources to the most needy school districts in the country, from which education "SOS" signals have been flashing for some time.

Mr. Chairman, I would like to ask unanimous consent that a statement I made on February 17th and a few remarks made on February 18th be placed in the Record. (See exhibits 4 and 5.)

RESPONSE OF PROJECT DIRECTORS IN ANSWER TO TELEPHONE QUESTION CONCERNING ITEMS THAT COME TO MIND AS A RESULT OF THE BILINGUAL PROGRAM

BARSTOW

Mr. CHAVEZ. There is a need for more in-service training for both teachers and aides; the co-mingling of attitudes so we could have a cohesive program; an awareness on the part of the teachers to problems which were otherwise hidden from them. Learning as a cognitive process is the same in Spanish as in English. This is what we would primarily be interested in.

BRENTWOOD

Mr. YAÑEZ. Actually the parents have been coming to the school. We had an open house with almost 90% turn-out. Mexican-American people who had decided to come to school have been coming to our dinners. A Mexican lady said, "We are glad you are here because we have somebody with whom to communicate." Before she had never attended any meeting. The parents are more relaxed about the fear their children will come to school and not be understood. More of the children are coming to school with smiles rather than grim looks. Our project had a page spread in the Brentwood newspaper. I feel it is a tremendous program; I had been in the classroom for fourteen years and feel this is the right direction to go, especially when you have a 40% Mexican-American enrollment in your schools. We are setting up a barbecue; we had a breakfast and open house; I spoke to the Lions Club. (Not Title VII but the Brentwood program is to be part of a movie. Officials in Washington phoned and asked if they would be in the movie. They are not telling the story of Title VII but they want to show how we teach the Spanish-speaking in America and how we treat the Spanish in Brentwood.)

The children were timid at first. It is a good feeling trying to get the people involved and it has affected the attitude of the parents and children. The parents feel now that the children might finish school and amount to something. The program has made a tremendous impact in Brentwood and I am trying to let the people know what is happening.

CALEXICO

Mr. LOPEZ. 1. We are trying to set up a truly bilingual situation. This is very difficult because we do not have any ESL two-language level proficiency. In our program we have one-third English speaking, one-third bilingual with greater proficiency in English, and one-third Spanish speaking. That is the makeup of the class and we have one teacher and one aide. The teacher has given instruction to each level but as far as language is concerned there are no materials available so we are in the process of developing a curriculum. We want to make certain the children are keeping abreast.

2. We need help in writing of curriculum because teachers do not have the expertise to write curriculum. . . . We pursue the challenge; there is a Spanish speaking need. Before the Spanish students were put aside where we would teach them English. Now we put them all together in the classroom with English speaking students and it creates a challenge to the classroom teachers simply because of the different levels of language proficiencies in English and Spanish. Another problem is to find people who can find the time to evaluate. There are a lot of proposals so it is difficult to spend the time that is required. We do have the evaluators at least two days of the week for the rest of the year because the evaluator has to be involved in classroom development.

Through this particular type of program we have actually developed a greater cooperation or socialization with all three different levels of the speaking groups. Previously the three distinct groups would segregate themselves, now they all socialize together. We do need some more time for the development of curriculum. All of the curriculum development should be put together in one little soup kettle and should be used by all. Teachers developing materials are basically pack rats, they don't like to share discoveries.

CHULA VISTA

Mr. JUAREZ. I notice a growing awareness on the part of school personnel and community people about the needs of the youngsters this program is intended to reach. This is perhaps the most hopeful thing.

Secondly, since we have been reviewed in the South Bay area we have found that the existing resources are very numerous and it is tapping the youthful environment. There is an awareness and uniqueness to the bilingual and bicultural environment that exists here. The inter-district plan has permitted the people involved to begin to communicate about areas of community concern and teachers have met in teacher sessions. We have been able to have dialogue between elementary, junior high school and high school teachers for the kind of instructional program that is needed in a bilingual program.

One of the things that holds much promise is a growing cooperation on the part of the school and home as it relates to the learner that we are going to reach. This will develop into a positive thing that has come out of the program so that the school and the home will both be communicating and both be promoting in instructional growth of the student.

COMPTON

Mr. GOODMAN. 1. We have had a tremendous community response; children who have never responded before in the classroom are now bubbling. Parents and aides have noticed children beginning to talk, in fact you can't shut them up. By using the language of communication we have actually opened up the youngsters. The children now respond in a normal classroom as regular normal children when Spanish is used as a language. This has been noticed by teachers, aides, and parents. We thought of taking one child to the principal, but realized, that he was simply overly enthusiastic; the children are communicating.

2. Teachers who formerly had these youngsters have remarked they didn't know the children could respond. The children are happy; attending school regularly; learning their ABC's in Spanish, and learning them quickly. We have had a tremendous success with the program. These observations come from teachers other than bilingual teachers; they come from bilingual aides who worked with the youngsters in a regular classroom state; this became notable the third day of the program. We notice these factors becoming very distinct.

The children in the bilingual program respond; they respond in Spanish. They have been characterized as being silent in the English classroom but they are not that way in the Spanish classroom; they communicate and interact; they do not feel stereotyped. This is established by bilingual teachers, aides and other teachers. The children appear to be learning at a faster rate in Spanish since we are teaching the basic subject matter in their language. They surprise us; they pick up their numbers faster in Spanish. Some of the materials have stimulated them. English is taught as a second language. It appears that as we give the instruction in Spanish, the transference into English is extremely easy. They pick it up easily. I have worked before under ESL and it was very difficult because you were not working with the Spanish language. . . . The struggle we had when we worked only with English is gone.

We use ESL techniques but both teachers have remarked that the youngsters pick up English so quickly. We did not expect this influence upon the other language to be so quick. The children are aware that they live in an English speaking country. They continue to ask in Spanish how to say the same thing in English and we discover that once they have a little word in Spanish, the English word slips right in. We think the program has been very successful so far. The teachers are thrilled with it. There is so much to be done that the program development has slightly overwhelmed us; we unlocked a reservoir; we have touched a linguistic resource. We have Spanish speaking parents born in Compton who say they wish they had this opportunity. It is too early to measure but we are developing measurement devices; we can only tell of what we have seen. This information comes from other than classroom teachers. The bilingual teachers are amazed; they had no idea how vibrant and alive, very active these children could be—just normal American youngsters.

The overwhelming factor is that they are so happy; very happy. It appears the home is quite happy. The parents decided. The program has its problems. Our concept in Compton is to develop original curriculum material as it pertains to the child. It is original; because of my background we actually develop our lesson from originality. The material that I was able to get are Spanish language books developed for children who speak Spanish and live in a Spanish speaking environment. We do not use dual English-Spanish books. The youngster will be taught to read and write. In the English classes they will be taught from English language materials that we use in our own schools. We will not use translated materials. We will use only foreign language materials that have been successfully used in Mexico and Latin America. The curriculum material will be original and designed for Spanish speaking children who live in the United States. It is really bilingual. Both of our project teachers are teaching Spanish daily in our high school. Teachers in the school have asked to borrow our materials already to help the youngster who is not in our program.

EL MONTE

Mr. RODRIGUEZ. My immediate reaction is something that one of the parents said the other day. This parent is of Mexican ancestry but speaks nothing but English at home. Without realizing the child was growing up without hearing Spanish. After being in his class for a few weeks the child goes home speaking Spanish and wants to speak nothing but Spanish. The first thing she learned was how to greet her grandfather in Spanish.

They were thrilled. (I actually talked to the mother in the sentences preceding this—she was in Mr. Rodriquez's office and was so pleased with her little girl's progress, Bernice.)

When we spoke to parents while we were organizing the class we interviewed maybe all thirty of the parents of the children in our class and half of the other class. Not one parent objected to the program; they all wanted their child in it. We haven't run across one who was held back; there is no negativism. The children go around singing Spanish songs they learn in class. We have a parents' meeting every Wednesday from 1:30 to 2:30. The teachers follow through on some of the lessons for the week and carry it on to the parents. A child brought home a painting and the parent scolded her so the teachers carried on a painting class. They indicated that you should praise everthing a child brings home. We discussed the program; we had a finger painting exercise so the lesson was reinforced. We have to encourage, not discourage. We ask them to discuss—tell me about it. We will bring the child out and have him become expressive.

We decided to put out a little newspaper every two weeks. (The lady in the office to whom I spoke—Bernice) has a daughter who is a high school senior who is quite artistic who is going to draw a cartoon for the newspaper. We plan to send the people at home stories of what is going on in class in both languages.

Have you heard of TV Education Channel 28 Ahora/Today. What is being done with the Mexican American today will have a little program on the bilingual program.

FRESNO COUNTY

Mrs. JOWETT. 1. At the present time it would appear to us that the instructional materials that we are using indicate that progress is being made with the children that is either equal to or above what would ordinarily have been expected and was evidenced in previous years. We have only been in the program a month.

2. We are finding that the majority of the children involved in the program seem to be able to work with a greater degree of independence than we noted before.

3. The interest in the second language or learning Spanish is high and the response on the part of the Mexican American children, although they are not necessarily proficient in Spanish, is very good. The Anglo children have also evidenced interest in learning another language although we have not been in this phase of the program long enough to form any kind of definite opinion, it appears that the Anglo children are responding in much the same manner as the Mexican American children who are not proficient in Spanish. We are beginning to see more interest on the part of the community as we have had an opportunity to meet with community representatives.

GONZALES

Mr. LICANO. The most important item—the kids are really responding to the program. We had a similar program without Title VII but it wasn't as organized as this one and the kids are really responding and doing very well up to this point. It wouldn't be possible without funds to provide the materials and personnel for the program.

HEALDSBURG

Mr. KATELEY. 1. This is meeting one of the needs that we have had in California in districts that have had a high percentage of Mexican-American children.

2. Being new we don't know how well it will work. The funding level doesn't seem nearly enough to do the job envisioned but it is a job that is really a priority item to attack.

LA PUENTE

Mr. KEOHANE. The information was given by Mr. Clonts, Assistant Superintendent, because of Mr. Koehane's illness.

1. We have employed thirty bilingual parents who are providing instruction to some 900 students since September 1.

2. More Spanish culture is being taught in the primary grades as a result of this project.

3. More of the Mexican-American parents are inter-acting with the principals and teachers in the schools through parent conferences and coming to hear about the bilingual program.

Our project has several objectives; to speak Spanish and English; and to get the school and the Mexican-American community to act together. We have been able to do this by taking these thirty parents, have people come to them and have them go into homes. Shortly we are starting the third phase in which Mexican high school students will be tutoring in homes in the evenings and after school. With this increased emphasis on the bilingual project and people pushing the Mexican culture as part of the study we have been buying more materials relating to the Mexican-American culture. We discuss the textbooks with parents and students. One is *Mexican-American—Past, Present and Future* by Julian Nava. These kinds of materials are used more in the classroom as a result of this program. Also ESL material is being used.

One of the good things about the program is the fact that good evaluation techniques are built into it so that at the end of a year, or five years, we will know whether we accomplished what you set out to do.

LOS NIETOS

Mr. GRIJALVA. An item that immediately comes to mind is the number of mothers and aides that we have involved in our program; also, the number of volunteers has been exceptional. We have people from Whittier, from the U.C.L.A. Nursing corps, people from the Child Guidance Center and a child guidance off-campus group from one of the high schools has affiliated itself with us. We have seven volunteer parents involved in the program. Our professional evaluator has tested the program. The reaction has been tremendous. A lot of bright-eyed, bushy-tailed children are being encouraged at just the right age.

This will show up in evaluation in the future. I have been tremendously impressed with the volunteer program. We have the list documented with signatures and the hours and the reports are filed with Head Start.

UKIAH

Mr. DE LA PENA. There has been a lot more concern expressed for the Mexican-American child and the Indian child. We have had teachers call us about a certain child and our office has been sort of a place where teachers having problems with the Mexican children have been calling to see what is going on. We are now in the planning stage; we can't actually do anything yet. My reaction is that there is considerably more interest in the Mexican-American child and the problems of the Indian child. It seems that all of a sudden the Mexican-American child and the Indian child exist; before they were a non-entity.

SAN FRANCISCO

Mr. CHEW. The project is going very well in terms of the objectives of the original program, to help 25 Chinese children. The kids are learning English and they have no where to go but up because they all started with zero. We have 25 first graders who have all been here less than two years in a self-contained class. We use English and Chinese to teach. We begin with conversational English to help students with their understanding like stating in English to get in line, close to the door, etc., by constant repetition using sentences and commands with the action. The products are the children themselves; they are even able on their own to say please give me a pencil, etc. We work on their vocabulary and sentence structure. We don't teach grammar as a subject, we hope they will learn grammar by constant usage of English. We have arranged some trips to schools and other places so they will learn about the needy communities, etc. Most are students from the Chinese Ghetto in Chinatown. We try to open their vistas. In addition to the audio-language English the children do have a regular schedule which will cover other subject matters such as music, reading, writing, spelling, math and social studies.

FRESNO CITY

Mr. ALLISON. My understanding was that Senator Murphy wanted a "grass roots" reaction on the impact so far of Title VII. So far, as happens in any new program, we are working out the bugs and annoyances that come with implementing a new program such as we are putting into Winchell School. To date the best and most encouraging reaction has been the reaction of the parents of the children in the program in last week's "Back to School" night. There was a good deal of favorable comment among the parents of the children in the four classes. In fact the effect upon the four Title VII teachers was, according to Principal Bill Hansen, to reassure them that what they were doing was producing positive results and attitudes in the community. The teachers had felt somewhat insecure because of the profound change in the curriculum of the bilingual program. Special pleasure was expressed by some Mexican-American parents that their language and cultural background was being emphasized. One parent, obliged to move to another area of Fresno, was asking how he could get an inter-district transfer so that his child could continue in the bilingual program. This is a tentative and subjective impression but we were very pleased with this reaction among the parents.

[Written for the San Francisco Chamber of Commerce magazine]

COOPERATIVE EDUCATION

About 70,000 specialized students in the United States will earn $125 million from American industry this year.

Too little of the background of these students, and the role played by our business community in this joint venture, has been told. The concept is called Cooperative Education and the 70,000 students engaged in such curricula attend 136 colleges, universities and community colleges throughout the United States.

More than one-third of these students work as assistants and aides to scientists and engineers in laboratories supported by the $20 billion our society will spend in 1969 on research and development. Other students work as assistants to teachers in public schools, libraries, in the field of health, and countless other areas.

Students today insist that curriculum be relevant and meaningful. And it is a time when we should realize that artificial barriers separating students from society must be reduced. It is also a time when education costs skyrocket as educational institutions strive to build facilities and acquire the necessary faculties to meet rising enrollments.

During the past few years, as a member of the Senate Subcommittee on Education, I have had an opportunity to observe and study the projects and processes by which we hope to better prepare our young people for a fuller, more meaningful life. I have concluded that certain qualities are most essential: pride in oneself, respect for others, and self-reliance.

Here is where cooperative work-study programs—which permit students to alternate periods of full-time study with periods of full-time employment—can fill an important role in society. By definition, cooperative education is that form of higher education which alternates classroom theory, discipline and study, with related work experience.

It is not a new concept. It was first inaugurated in 1906 at the University of Cincinnati. However, cooperative educational programs are still not widely known. Not enough colleges are convinced that industry can provide an important supplement to a college education and, in turn, not enough businessmen are aware of the material and intangible benefits available to them. In California, for example, only seven colleges or universities offer cooperative education programs. Nevertheless, just ten years ago, there were none.

Recently, I had the opportunity to co-host, with President Norman Topping of the University of Southern California, the first California Conference on Cooperative Education, organized by the National Commission for Cooperative Education. The conference was attended by many interested members of the business, financial, and academic communities of Southern California. I feel this meeting did much to encourage the serious exploration of the potential of cooperative education by those who attended the symposium.

My interest in this subject results from personal experience working and going to school. As a boy whose parents died when I was quite young, I was faced with the usual problems of growing up—getting an education, and going out into the "cold, cruel world" to find a job and make a living. I attended good schools and a fine university, and I took odd jobs during the school year and in the summers to help pay my way. By the time I left college, I had plenty of work experience—in auto shops in Detroit, coal mines in Pennsylvania, selling real estate on Long Island, jerking sodas, waiting on tables, shilling for a tailor shop and even working as a bouncer in a dance hall.

I was not an exceptional student. But I was able to acquire quite a variety of job experiences and practical knowledge which I would not have traded for anything. And by the time I left the campus for good, that "cold, cruel world" looked a little warmer, a little more inviting.

So, too, will students in cooperative education programs see our so-called establishment a little differently when they return to the campus after working at a job.

Their jobs can move them up the career ladder. Ford Motor Company, for example, employs 800 co-ops from 30 colleges. Drexel Institute's 3,500 co-ops earned $7.5 million last year. Of the $125 million in total earnings, the co-ops pay at least ten percent in taxes to the federal and state governments—a fact which I am certain is of special interest not only to members of Congress, but to all of us as individual taxpayers.

I do not want to neglect the reasons why cooperative education is so important to industry.

James Godfrey, as Coordinator of the Cooperative Education program of Lockheed, at Sunnyvale, made this very clear during an Oregon Conference on Cooperative Education when he stated the reason why Lockheed participates in this program:

"We do it, somewhat perhaps, out of a feeling of benevolence, and perhaps this is the way we started. It is an idealistic view, and we still maintain that. . . . However, I think this is the main reason—we want these students back as full-time professional employees when they graduate. And we get them in sufficient summers and proportions to make it worthwhile for us. It's good business—especially in today's highly competitive professional manpower market. Also, we found the graduates of a co-op program are superior to the graduates of the normal four-year curriculum and are more productive; they are immediately productive; they are technically better qualified . . . they appear to have found their niche in life much sooner than the graduates of a traditional curriculum."

We in the Congress think that expansion of the Cooperative Education Program can be extremely important. I am pleased to be the author of an amendment, now incorporated in the Vocational Education Amendments of 1968, which provides for federal financial assistance to the states, to encourage and expand cooperative vocational education programs. An amendment to the Higher Education Act of 1968 authorizes the U.S. Commissioner of Education to make grants to institutions of higher education for planning, establishment, expansion or carrying out by such institutions, a program of co-operative education which alternates periods of full-time academic study with periods of full-time public or private employment. This amendment, which I strongly supported, is intended to enable those institutions which find it desirable to consider restructuring their academic programs to establish cooperative education. Such institutions can apply for federal grant funds of up to $75,000 a year for three years to meet the cost of starting and operating a program. Support can also be provided to enable institutions with existing programs to expand them or to expand into new curricular areas. In enacting the amendment, Congress authorized $8,750,000 for the fiscal year ending June 30, 1970. If it is now adequately funded for a period of five to seven years, this amendment could enable more than 400 additional institutions to move vigorously into cooperative education programs. This would provide opportunities for an additional 250,000 students to take part. While I am not a member of the Appropriations Committee, I intend to work for adequate funds for this program.

I recently asked Robert H. Finch, the Secretary of Health, Education, and Welfare, to approve an application under the program authorized by my amendment, for cooperative education programs made by two Orange County and three San Mateo County junior colleges. The program would provide work-experience for 1,000 students in its first year and would increase at a rate of additional 1,000 students yearly. Both business and the California Junior College Association warmly endorsed the plan which I hope might help this important concept catch fire at the growing community college level.

So, the message is getting across. There's an old saying that "nothing is so powerful as an idea whose time has come." I believe honestly, that cooperative education is such an idea.

[Excerpt from CONGRESSIONAL RECORD, July 15, 1968]

VOCATIONAL EDUCATION AND THE MURPHY COOPERATIVE EDUCATION AMENDMENT

Mr. MURPHY. Mr. President, for some time and for reasons of personal experience when I was a young man, I have been interested in vocational education, its present condition, its potential, and the great hopes and possibilities I see for its future.

My concern was evidenced last year when I offered an amendment to the Office of Economic Opportunity's Job Corps program. This amendment, as my colleagues will recall, authorized a model combination vocational school and skill center. This pilot proposal was advanced because I feared that:

First. Vocational education by and large was not training and teaching for today and tomorrow's job market.

Second. Adequate evaluation and followup on vocational students did not exist.

Third. The interchange between the school, industry and the community was missing.

Fourth. Expensive facilities were not being utilized to the extent possible.

Fifth. Program for the disadvantaged were inadequate.

Mr. President, I am sorry to say that most of my fears and feelings were substantiated by the President's National Advisory Commission on Vocational Education. For example, it was discovered that more than half of the students in vocational education are still being trained in the fields of agriculture and home economics. This emphasis, of course, tended to reflect our economy from the past and of the Smith-Hughes Act of 1917, when there was a great need in our Nation's economy for employment in agriculture. American industry at that time was in its infancy.

(The National Advisory Council in its report stated:)

Two principal failures of vocational education which restricted its ability to match the requirements of the fast-changing economy and technology to the vocational needs and desires of individuals:

1. Lack of sensitivity to changes in the labor market; and

2. Lack of sensitivity to the needs of the various segments of the population.

Mr. President, often I have a great deal of skepticism about the value of advisory councils and I have wondered if all of them were needed and what positive contribution they have made to the improvement or the betterment of the various programs. I want to take this opportunity to congratulate the members of the President's Advisory Council on Vocational Education, however, for they have made a truly outstanding and searching examination of vocational education. For anyone interested in American education, this report should be required reading. Certainly one way to measure the merits of an advisory committee is by studying the results and implementation of their recommendation.

The vocational education legislation being considered today is in no small part due to the outstanding background information and recommendations made available by the Council.

Mr. President, Members of the Congress should take considerable pride in the bill before the Senate today, which is the result of the initiative of the Congress. We often read in the press and elsewhere that the Congress fails to initiate legislation, that we only "approve or disapprove" of the recommendations of the administration. This is one excellent example to the contrary, and clearly demonstrates the caliber of legislation produced when Congress works its will.

In view of the deficiencies of vocational education and its potential, and in view of the needs of individuals, particularly the disadvantaged, for occupational education, and in view of industry's need for skilled workers, one would have expected the administration to come forward with major recommendations to reshape and chart the future critical role to be played by vocational education. This administration's answer in response to the problems and to the Advisory Council's recommendation was one new program, the exemplary vocational program, and a few administrative changes. Yet, despite this administration's complacency and indifference, the Senate Labor and Public Welfare Committee brings to the floor today a bill, which I believe will become recognized as an educational milestone. It is a good example of the vision and the leadership of the legislative branch and of the skills and talents of the chairman of the Education Committee, Mr. Morse.

Despite the pressure for quick action, the chairman did not move to the measure too quickly just to get a bill. In fact, the committee held extensive hearings and spend considerable time working out the recommendations that we bring to the Senate Floor today. I want to discuss particularly one segment of the bill which I authored. This section, found in part G, authorizes a new cooperative vocational education program. This proposal was strongly supported by both the majority and minority in committee.

Mr. President, cooperative education is not new. It has been used for many years. Perhaps one of the best known examples, at least in the higher education areas, is the Drexel Institution in Philadelphia which has been there since I was a youngster and lived in Philadelphia. The excellence and success of its cooperative education program is well recognized and the whole concept needs to be employed to a greater extent at the lower levels of education.

Cooperative vocational programs presently exist at the secondary level of high schools, but the facts are that the nation has failed to develop work-school arrangements adequately, particularly in view of the program's potential and promise.

While work-experience programs are beneficial to all students, the presence or absence of such programs could be crucial for disadvantaged youngsters. Schools sometimes have an artificial atmosphere. The disadvantaged youngster oftentimes is unable to see and understand the relevance of education to the outside world and to employment. The relationships between education and employment and earning escape this youngster. For the youngster's sake, for society's sake, for the Nation's sake, this relationship must be brought home.

Mr. President, we live in the midst of an "educational explosion" and a technological revolution. We are told that our supply of knowledge doubles each decade. Given this background, can it any longer be argued that because a youngster is not doing well in school, he is better off dropping out of school and getting a job. Mr. President, for a youngster lacking a high school education, the facts are that jobs are not available. At the same time that we are witnessing an "education explosion," the number of unskilled jobs continues to shrink.

Also disturbing, Mr. President, is the nonsense one often hears that a youngster unless he goes on to college, is doomed to failure. I went to college and for many reasons, did not stay too long; but I do not think I have been exactly a failure. I know hundreds of others of whom I can say the same. Certainly the college degree is important and it is clear that everyone whose abilities and interests permit should attend college. We must see to it that this is possible.

The Higher Education Act amendments which we earlier passed will help to make this possible. What is equally clear is that not everyone needs nor should they have a college degree. There are and will continue to be good jobs available for trained and skilled individuals with less than a college degree. Mr. President, we must see to it that they are educationally and occupationally trained for employment.

For the two out of three young persons who end their education at or before completion from high school, and particularly the disadvantaged, the cooperative vocational education program is aimed. The President's Advisory Commission, which strongly endorsed work-experience programs, observed:

A significant achievement of the work-education programs is the removal of the artificial barriers which separate work and education. The establishment and continuation of work-education programs require educational staff involvement with industry personnel. Through this interaction the needs and problems of both are made known and greater understanding takes place. In addition to making curriculum revision more rapidly reflective of current occupations, the programs have great value in providing students with the proper attitudes for the work environment.

Despite the obvious advantages of cooperative vocational educational programs, statistics indicate that promise of such programs are reaching a small proportion of those who could benefit from such experiences.

For example, only 2 percent of vocational students in the school year 1965–66 were enrolled in cooperative vocational education programs. In 1963, only 3 percent of school dropouts and 7 percent of high school graduates had supervised work experience during the period they were in school.

Mr. President, I point out that my amendment requires that priority be given to areas of high dropouts and youth unemployment rates for the cooperative vocational education program. For these youngsters the cooperative vocational education program should be particularly beneficial. By wedding the world of work with the school environment, the youngsters will see more clearly the relevance of education and employment. This in itself will be a tremendous help in motivating and encouraging young people to complete high school.

Mr. President, I am confident my amendment which provides for a 3-year program of grants to the States will stimulate the needed development and expansion of cooperative education programs across the country. The amendment, which I indicated earlier, was warmly received in committee and I believe it will prove to be a wise investment for the American people.

SENATOR MURPHY'S COMMENTS OF FEBRUARY 17, 1970

Mr. MURPHY. Mr. President, as initially introduced, S. 2625 would have provided additional assistance to school districts where—

The number of disadvantaged title I children was double the national rate of low-income children; or

The number of title I children was 5,000 or more.

These tests were modified in committee so that to the urban test of 5,000 or more title I youngsters was added the requirement that the number had to constitute at least 5 percent of the total children in the school district.

The rural test—double the national average of title I youngsters—which would have been 31 percent, was changed so as to now require that the number of title I children is at least 20 percent of the total children in the school district. To take care of those cases where local educational agencies miss qualifying under the formula by a relatively small number of children, a total of 3 percent for the first year and 5 percent for the second and succeeding years of all sums made available under this program is set aside. The initial bill provided for 3 percent initially and 4 percent for succeeding years. An amendment by Senator PROUTY raises the 4 percent to 5 percent. Under this relief provision, a local educational agency which narrowly misses qualifying under the above formula may receive a grant under this part if the State educational agency determines in accordance with the standards and criteria established by the Commissioner of Education, that such local educational agency has an urgent need for financial assistance to meet the special educational needs of educationally deprived children.

I have written various requirements into this part C program; namely, that funds under this part will be used solely in preschool programs or elementary schools serving the highest concentration of children from low-income families. The rationale for this requirement was adopted by the committee as noted in the committee's discussion of this requirement:

The Committee believes that Title I funds be focused on the early years of education. This requirement in Part C was adopted by the Committee on the basis of growing evidence which indicates that the early years of education are of paramount importance in a child's development. Reports based on the experience of classroom teachers and other observers indicate that in general it is extremely difficult to reach the level of achievement at the secondary level if the quality of education at the elementary level has been poor.

Experience under other federal programs, such as the Job Corps, attest to the difficulty and the great expense of remedial education compared to the expense of education to prevent the need for remedial education. The committee believes that a focus on educational deficiencies at the pre-school and elementary years, the preventive approach, is more likely to be effective and less expensive than expenditures for compensatory education at the secondary level.

In addition, local educational agencies are required to use these additional funds in schools within the district having the greatest need. That is, in those schools having the highest concentration of children from low-income families. One of the criticisms voiced frequently regarding title I funds is that the district is spreading such funds too thinly to get maximum results. Commenting on the need for concentration of title I funds, the fourth annual report of the National Advisory Council of the Education of Disadvantaged Children concluded:

Success with these children (Title I), in sum, requires a concentration of services on a limited number of children.

The Council urged the "adherence to the principles of concentrating funds where the need is the greatest so that a limited number of dollars can have a genuine impact rather than being dissipated in laudable but inconclusive evidence."

Similarily, Mr. President, California's title I evaluation report for 1967–68 says:

Characteristic of the most successful programs was their concentration of services on a limited number of objectives and a limited number of specifically identified children.

The recent California title I evaluation report for 1968–69 says that the importance of concentrating services comes out louder and clearer from an examination of the individual school districts' reports. I quote:

The most successful programs are those that concentrated services on a limited number of objectives and a limited number of specifically identified children. These projects focused on a few activities, adequately funded. However, there are still widespread cases of ineffective projects which attempted to carry out too many, often unrelated, activities with insufficient funds and scattered the activities over too many children so that the concentration of services was inadequate to improve student achievement level significantly.

I also believe it is important to point out the important requirements spelled out in section 141(a)(12). This requires school districts desiring to take advantage of the part C add on to—after the first year—develop a comprehensive plan for meeting the specific educational needs of educationally-deprived children. Included within the comprehensive plan must be provisions spelling out the specific objectives of the program, provisions assuring the effective use of all funds under title I, and provisions setting forth the criteria and procedures, including objective measures of educational achievements, that will be used to evaluate at least annually the extent to which the objectives of the plan are met.

Mr. President, these are similar to the requirements that are demanded of all dropout prevention programs in this country. I believe the dropout prevention program is demonstrating to the country that it is possible to have accountability in education. Each of the dropout projects is required to have an intensive in-house evaluation. Each of the dropout projects is subjected to an "educational audit" by an outside organization to make certain that it achieves the objectives that it has established. It is this kind of practical hard-headed, no-nonsense approach that I hope will be employed in the new part C program.

While the new part C program as reported is not precisely as I would like, I do believe that it is a most significant new program which will bring additional and needed assistance to certain districts in dire need of assistance. While I believe that the formula as originally introduced was probably as good as any formula can be, a compromise was necessary if the Urban and Rural Education Act were to be enacted. I was disappointed particularly with the 15-percent limitation adopted by the committee. When the committee enlarged the number of eligible districts by using the 20-percent rural test rather than double the national average, or 31 percent, as in the original measure, the effect was to expand the program. Thus, the adoption of the 15-percent limitation will probably preclude the funding of the full entitlement of eligible districts. This runs contrary to the trust of the program.

That a crisis exists and that the Urban and Rural Education Act is needed can be seen by the fact that some school districts have been forced to consider closing school or reducing programs.

S. 2625 has been endorsed by educators and education organizations all over the country. Among the groups endorsing it were the National Education Association, the American Federation of Teachers, the National School Board Association, and the Research Council on the Great Cities Program for School Improvement.

In addition, Mr. President, letters urging enactment of the proposal were received from superintendents of schools from all across the country. I am particularly grateful for the strong support given the measure by educators and others from California, including Dr. Max Rafferty, superintendent of public instruction and director of education, Dr. Wilson Riles, director of California's Department of Compensatory Education, Superintendent Jack P. Crowther of Los Angeles, Superintendent Robert E. Jenkins of San Francisco, Acting Superintendent Spencer D. Benbow of Oakland, Assistant Superintendent Bluford F. Minor of San Diego, and Superintendent Ralph W. Hornbeck of Pasadena, and others.

Also, Mr. President, Secretary of Health, Education, and Welfare Robert Finch and Commissioner of Education Allen both eloquently pointed out the importance of dealing with the educational crisis. Secretary Finch told the Education Subcommittee:

One of greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the "Youngstown's phenomenon"—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made most strenuous efforts to obtain additional resources, and still finding their needs to be far beyond their capabilities.

The core cities contain the highest concentration of the poor and educationally deprived and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities and in rural areas is apparent not only for the sake of poverty's children but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children.

Similar notes of urgency were sounded over and over again in testimony. I believe that a two-pronged attack on the educational deficiencies in both urban and rural America of the new part C program is most desirable. The chamber of commerce in a study, entitled, "Rural Poverty and Regional Progress in Urban Society," also advocated a twin approach. The report said:

Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education, the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents.

The Nation is a mobile one. One-half of our population changes and one million youngsters cross State lines yearly. Educational deficiencies in one area, in one State, are not only a handicap for that particular State community, but they also produce problems for other areas. Our cities today offer ample evidence of this truth. I believe it is imperative that additional resources be provided to these urban and rural districts having large numbers or a high concentration of low-income children. The tax bases of all too many of our core cities and rural areas simply do not have the resources to launch the required effort to eliminate or reduce the gross educational inequities between regions and between impoverished urban and rural areas and affluent suburban communities.

Mr. President, I believe that the new part C program is a needed response to the education crisis that exists in school districts having large numbers or high percentages of educationally disadvantaged children, and I believe that the program is essential to the Nation's efforts to provide equal educational opportunities to all citizens. This will not be an easy job, but I am convinced that we can do it.

Mr. President, there has been great discussion in our newspapers and magazines, over our radio and television networks, on the educational crisis that exists. I believe that the Urban and Rural Education Act, which has been incorporated as a new part C to title I, is a needed response to these educational distress signals.

EXHIBIT 4

BREAK LANGUAGE BARRIER IN SCHOOLS

Issue: Will Congress continue to ignore the enormous educational handicaps suffered by students who cannot speak English?

One of the most critical problems in California schools is the language barrier that prevents hundreds of thousands of students from receiving an adequate education.

Most affected are Mexican-American students, half of whom in this state drop out of school by the eighth grade. One million of the 1.6 million Spanish-speaking students in the southwestern states fail to go beyond the seventh grade.

These were some of the depressing statistics that Sen. George Murphy (R-Calif.) used the other day in his plea to the Senate Appropriations Committee for increased federal support for bilingual education programs.

"One cannot expect youngsters who do not speak English to master what for them is a new language—English—while at the same time mastering the subject being taught in that new language," said Murphy, who was a co-author of the 1967 Bilingual Education Act.

The senator could have added that the language barrier also has caused such students to be stigmatized as mentally subnormal, simply because they could not understand the questions on intelligence tests designed for English-speaking pupils. IQ tests finally were banned in primary grades in Los Angeles schools last year because of the language handicap, and a lawsuit attacking the tests was filed this week in San Diego.

Unfortunately, Congress has been less than responsive to this very serious situation. In fiscal 1969, only $7.5 million was appropriated to help those unable to speak or to understand English in school. This fiscal year the amount was increased only to $25 million, which is not even enough for the needs of California.

Sen. Murphy has requested $40 million for the 1970–71 school year to aid those linguistically disadvantaged. The Times considers that even this figure is much too small.

We believe that in any range of school priorities overcoming the language barrier in education is worthy of the maximum possible support.

What is invested in bilingual educational opportunities now will produce immense dividends in the years to come.

EXHIBIT 5

[From the New York Times, May 24, 1970]

TEACHING MACHINES HELPING POOR STUDENTS

(By Joseph Lelyveld)

TEXARKANA, ARK., May 20.—Billie Bouland, a ninth grader at the Liberty-Eylau High School on the Texas side of this border-straddling town, started the school year last September with the skills in reading and arithmetic expected of a third grader.

Now, according to the same test by which she was rated then, she is a seventh grader in math and just a shade away from the ninth grade in reading.

The job of getting her there was performed not by her school but by a private corporation bounded under a contract to turn out its product in a specified time or see its profit melt away to nothing.

A reading of the early results of this first guaranteed "performance contract" in the schools shows measurable progress for about 90 per cent of the 400 Texarkana students who were identified as potential dropouts and enrolled in the program.

The contractor, Dorsett Educational Systems, Inc., of Norman, Okla., stands to make a profit. Moreover, the Office of Economic Opportunity plans to underwrite similar programs for more than 12,000 students in 24 school districts across the country next fall.

SLIDING SCALE OF PROGRESS

If Billie Bouland had required 168 hours of instruction to advance in grade, Dorsett would have earned precisely nothing. The contract established a sliding scale that promised the company $80 for each grade achieved in 80 hours plus bonuses for faster performance. Billie, who had been regarded as a slow student, moved so fast that Dorsett earned more than $900 on her alone, more than it did on any other student.

When the final testing results are known next week, it is thought that the average achievement will be an advance of about a grade and one half in each subject.

This is not a part of the country where change in the schools is welcomed for the sake of change. Indeed, school administrators and teachers here are surprised to be asked whether they still use "the board" to paddle wayward students to good behavior. Of course, they do, they say.

The great educational issue in Texarkana is compliance or noncompliance—that is, with Federal desegregation standards. Only rarely does anyone ask what students should be learning, the assumption being that they should learn what their parents learned—patriotism and the three R's.

MANY STUDENTS FAILING

But Texarkana has suddenly become synonomous with innovation and started attractive observers not only from Federal agencies, education faculties and big city

school systems, but also from such small towns as Keokuk, Iowa, and Montevideo, Minn. The reason is the recognition that students everywhere are falling by the wayside in increasing numbers.

In the District of Texarkana on the Arkansas side, 35 per cent of all students are at least one grade behind by the time they reach the ninth grade; 28 percent are at least two grades behind, and 13 per cent are three or more grades behind.

Tests early in the school year showed that more than one-third of the ninth graders in all-black Booker T. Washington Junior High School were on the second-grade level.

Dorsett was hired after the local school boards studied bids from a number of big companies interested in the burgeoning field of educational technology, including R.C.A., McGraw Hill, and MacMillan.

What Dorsett did—to put it more boldly than anyone here ever does—was to establish its own system of competing schools, either in trailers adjacent to the existing ones or in classrooms renovated and even carpeted so they looked as little like classrooms as possible.

SIMPLE TEACHING MACHINES

These were outfitted with teaching machines manufactured by Dorsett, simple consoles that project an instructional film strip on a small screen and play an accompanying phonograph record. (In all, nearly $40,000 from the Office of Education's $250,000 Texarkana grant went to Dorsett for the purchase of the machines, records and films.)

To advance the film strip one frame the student must press the right one of three buttons in response to a question. He is told that it doesn't matter how fast he goes or how many mistakes he makes, so long as he understands. At the end of each film his understanding is tested with a short, simple quiz on which he must score 100 per cent to advance.

Like Dorsett, the student operates on incentive. Each time he completes a film strip he wins S & H green stamps and 10 minutes of free time to spend as he likes—tossing a football outside, listening to rock music records or lolling on a sofa to read a magazine.

When he achieves his first new grade level, he is given a small transistor radio. If he winds up with the best achievement in his trailer, he is rewarded with a portable television set.

Conversations with students made it clear that it was the freedom and the individualized attention provided by the machines that they valued most.

CAN TURN OFF MACHINE

Scott Carpenter, a tousled ninth grader at Jefferson Avenue Junior High who has been in constant trouble because of long hair, was asked why he preferred the machine to a teacher. "It doesn't make you feel inferior," he replied instantly.

Also, he pointed out, "you can turn off a machine that quick"—he snapped his fingers—"but you can't ever turn off a teacher."

Asked what the main feature of an ideal school would be Robin Rourton promptly replied: "No teachers."

In one way and other, all the students testified to their boredom in the classrooms and their sense of involvement in the trailers, which are called rapid learning centers. All said they were reluctant to return to the conventional setting.

Teachers and principals report they see somewhat "improved attitudes" in the students on their return and greater self-confidence in their abilities. One teacher illustrated the change by citing a student whose average made an unspectacular jump from "F" to "D".

The students say they do not use their new skills to better advantage because they still find their classes dull. In essence then, they have been taught to pass standardized reading and arithmetic tests but their alienation from the traditional classroom setting has no been significantly eased.

PERSUADING TEACHERS

According to the local project director, a former Minor League baseball player named Marty Filogamo, the problem is not in the machines, which can be programmed to teach many things, more or less at the drop of a film strip. "Our biggest problem," he says, "is changing the classrooms to make them more like the rapid learning centers."

This raises another problem for which no one yet has an answer—how to get teachers to accept the freedom that is for the students the greatest appeal of Dorsett's system.

"I think our teachers realize that this is what education is going to be," said Eddie G. Miller, principal of Jefferson Avenue Junior High. "But they worry that there may be a little too much freedom."

A cut in anticipated Federal funds has helped forestall this issue. Texarkana had been promised at least $600,000 for the program's second year. Now the Office of Education says it will not be able to do better than $250,000.

Meantime, Model Cities funds from the Department of Housing and Urban Development have been used to get the Dorsett system going here for dropouts in a program called "Operation Second Chance."

According to one antipoverty official, there have been four cases of high school students dropping out deliberately to join that program, which they see as a way of simultaneously gaining needed skills and putting the classrooms behind them.

Dorsett's local representative, C. J. Donnelly, said his company was bidding on the new Office of Economic Opportunity contracts. He said it would welcome a chance to start working in a so-called "hard-core ghetto area."

POSTAL REFORM: THE POSTAL RATES COMMISSION AND PREFERENTIAL RATES

Mr. HATFIELD. Mr. President, as you know, I am eager to support the measure before us which will improve the quality and economic practicality of our U.S. postal service. Many of my constituents have, however, expressed their concern regarding the possible abolishment of preferential postal rates affecting educational institutions and libraries.

These individuals are concerned about the adverse effect this legislation may have upon the cost of books and other educational material if and when the proposed Postal Rates Commission should decide to phase out the preferential rates, as set forth in this bill, now in effect for such nonprofit organizations as schools and libraries.

Under the present special fourth-class book rate, it costs 18 cents to mail a 2-pound book from a publishing house in the East to a school in Oregon. If this special book rate were eliminated, it would cost 90 cents to mail the same book. This represents an increase in cost of mailing of 500 percent. Such a situation would be very hard on the educational and other very worthy nonprofit organizations in Oregon and in all Western States. In this time of inflation, it is imperative that we keep the costs of higher education at a minimum.

The Senate Post Office and Civil Service Committee, in its report, has expressed its hope that the new independent rate setting commission will provide means to eliminate any undue hardships on our colleges and other worthy nonprofit organizations. Such preferential rates as those provided in the past certainly have been in the best public interest. I should like to go on record as supporting this recommendation and I ask unanimous consent that several letters discussing this matter be printed in the RECORD.

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

OREGON STATE LIBRARY,
Salem, Oreg., June 9, 1970.

Re S. 3842, H.R. 17070, Postage Rates, Library Materials.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR MARK: Although we are all most eager to support measures which will improve our U.S. Postal services and to make necessary changes in the Post Office Department, proposed changes as they affect the mailing of library materials would be devastating for Oregon. May I urge your support of whatever action may be taken in the Senate to safeguard the preferential rates for educational and library materials.

I have not had the opportunity nor the time to make a statewide study of the impact of such legislation on all of the libraries in Oregon. However, I have determined that the postage change would result in an annual cost increase to the Oregon State Library of a minimum of $20,000. Our present policy is to pay the cost of all outgoing shipments and the individual or agency borrowing the materials would pay return costs. So the total cost would exceed $40,000 per year!

The Oregon State Library is primarily a mail order library serving directly those individuals who do not have access to a local city or county library. We estimate that approximately 400,000 borrowers are eligible to use our direct services. We also supplement resources of the school, academic and public libraries in Oregon.

You will be interested in a bit of history as it relates to this matter of special mailing rates for library materials. Oregon State Library initiated the first mail order library service known to this country . . . sending books by express to all who asked for them, until the parcel post was started. According to early reports by Cornelia Marvin, first State Librarian, "It is interesting to recall that this (parcel) post came about largely through the influence of our Oregon Senator, Jonathan Bourne, and that it later became the library book post through the effort of another Oregon senator, Frederick Steiwer." . . . (from a Message read from Cornelia Marvin Pierce at the Dedication of the Oregon State Library Building April 3, 1939).

I have said nothing about how these proposed changes would affect the price of purchasing library materials, but this is also a most important part of the question.

I shall appreciate your most careful consideration of this matter. I do urge that you lend your efforts to retaining the special mailing rates for books, educational, and library materials. If Oregon lent its leadership and support to establishing such a program, let us lend support to its retention.

Sincerely yours,

ELOISE EBERT,
State Librarian.

PORTLAND, OREG.,
June 11, 1970.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR MR.. HATFIELD: I urge you to support the amendment to the McGee-Fong Postal Reform Bill (S. 3842) that will preserve special Fourth Class Rates for books and educational materials.

As an author, instructor, and member of

the Authors League of America, and Western Writers of America, I share a significant concern that these special Fourth Class Rates may not be retained.

Modernization of the Post Office Department is a worthy project. But I join others who seriously doubt that escalating the Fourth Class rates will contribute much to the Post Office's other problems when weighed against the undesirable effects it will have upon the educational world, libraries, and countless persons who buy by mail. The inevitable consequence would be a drastic reduction in the number of books distributed and read—a most negative impact upon the nation's educational processes and culture.

Yours very truly,

DON JAMES.

ONALASKA, WASH.,
June 3, 1970.

Senator MARK HATFIELD,
U.S. Senate.

DEAR SENATOR HATFIELD: Very real damage will be done to the educational and cultural needs of this country if action is not taken at this stage to implement the *amendment* to the McGee/Fong Postal Reform Bill: the amendment to ensure that the present special Fourth Class postal rates for books and educational materials are retained.

The Bill gives control of postal rates to a proposed Postal Rate Commission. It does not direct the Commission to continue the special Fourth Class rate for books and educational materials; in fact it provides a procedure for phasing out the rate over a five to ten year period if the Commission does not decide to continue them. The report of the Senate Post Office Committee contains a suggestion that the Commission consider preserving the Fourth Class rates, but this would not be binding on the Commission.

The special Fourth Class book rate (adopted in 1938) is of vital importance to literature, art, education and communication in the United States. It is now 12¢ for the first pound and 6¢ for each succeeding pound for this category of mail. This means a two pound book can be mailed anywhere in the United States for 18¢. If the special book rate were eliminated the same book would cost 90¢ in, for example, Zone 8 (above 1800 miles) . . . five times the present rate.

This country needs all the educated, skilled manpower it can get to meet the production requirements of this country: the quality of our cultural life is of ever-increasing importance.

Modernization of the Post Office Department is clearly needed. Running the Post Office on the lines of a sound business corporation might help: increased rates for 'junk mail' might be a more socially desirable source of revenue than increases in the special book and educational rate.

I understand that the amendment to the Post Office Reform Bill will shortly be introduced on the Senate floor to retain the special Fourth Class rates, the library rates and related reduced rate categories. I urge you, Senator Hatfield, to support vigorously this amendment.

Sincerely,

WESLEY E. BAXTER.
ANGELA BAXTER.

P.S.—I am a former Oregon voter.

LANE COMMUNITY COLLEGE,
Eugene, Oreg., June 4, 1970.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: I am writing on behalf of the Lane Community College concerning the McGee Fong Postal Reform Bill, S. 3842. We feel that the present postal practice should not be changed from a nationwide book rate to a zoned rate. The dealers from whom we buy our books are located primarily on the east coast and we are in the Eighth Postal Zone.

It would appear to us that under a zoning postal rate, we would be penalized because of the great distance that we are located from the publishers. It would be possible for institutions in the East to supply their students with textbooks and library books at a much lower cost than we could, and it is necessary to keep the costs down so our students can better afford to continue their education.

We are sure that you will represent our interests when the time comes to vote.

Thank you for your time and consideration.

Sincerely,

KEITH HARKER,
Director, Learning Resource Center.

UNIVERSITY OF OREGON,
COOPERATIVE STORE,
Eugene, Oreg., June 1, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I strongly object to the provisions of the Postal Reform Bill S. 3842 which would phase out the special fourth class rate for books.

Due to the location of our school on the west coast and the fact that most of the publishing houses are located in the east, this would raise our transportation costs for books from four to five times their present rate.

Obviously, the tremendous increases in mailing costs for books would be borne by the students. College costs are already inflating at an alarming rate without this added burden.

We urge your support in maintaining the present special flat rate on books in the new bill.

Sincerely,

G. L. HENSON,
Manager.

CBW II—REPORT OF THE U.N. SECRETARY GENERAL

Mr. PROXMIRE. Mr. President, with all the talk of "mass destruction" from nuclear weapons over the last several years most Americans have ignored a threat equally if not more dangerous—that from chemical and biological weapons. CBW is a Pandora's box to which science is adding more and more horrors every day. If we are stunned at nuclear weapons proliferation, we should be terrified at the potential for a biochemical nightmare.

The potential horrors of CBW have been well documented in recent months. In upcoming days I will be presenting some of this documentation to my colleagues here in the Senate. I will do so in the hope that this Nation will be made to see that Chemical and Biological as well as nuclear weapons must be recognized in the interest of international sanity.

It is impossible to separate CBW from either the arms race or international tension or fear. This is a point which a recent report of the Secretary General of the United Nations to the General Assembly makes extremely well. That report notes:

Were these weapons ever to be used on a large scale in war no one could predict how enduring the effects would be, and how they would affect the structure of society and the environment in which we live. . . . The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned.

It goes on to state that—

If production and stockpiling of chemical and bacteriological agents were to end there would be a general lessening of international fear and tension.

Mr. President, as a first step toward lessening international fear and tension, cooling off the arms race and decreasing the danger of mass destruction this Nation should ratify the Geneva Protocol of 1925.

I ask unanimous consent that the Secretary-General's report's general conclusion—part of the U.N. document A/7575—be printed in the RECORD.

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

The general conclusion of the report can thus be summed up in a few lines. Were these weapons ever to be used on a large scale in war, no one could predict how enduring the effects would be, and how they would affect the structure of society and the environment in which we live. This overriding danger would apply as much to the country which initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken in parallel with its development of an offensive capability. A particular danger also derives from the fact that any country could develop or acquire, in one way or another, a capability in this type of warfare, despite the fact that this could prove costly. The danger of the proliferation of this class of weapons applies as much to the developing as it does to developed countries.

The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned. Their use, which could cause enormous loss of human life, has already been condemned and prohibited by international agreements, in partciular the Geneva Protocol of 1925, and, more recently, in resolutions of the General Assembly of the United Nations. The prospects for general and complete disarmament under effective international control, and hence for peace throughout the world, would brighten significantly if the development, production and stockpiling of chemical and bacteriological (biological) agents intended for purposes of war were to end and if they were eliminated from all military arsenals.

If this were to happen, there would be a general lessening of international fear and tension. It is the hope of the authors that this report will contribute to public awareness of the profoundly dangerous results if these weapons were ever used, and that an aroused public will demand and receive assurances that Governments are working for the earliest effective elimination of chemical and bacteriological (biological) weapons.

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

OFFICERS ON GAMBLING RAID ARREST WOMAN AS "LOOKOUT"

A gambling raid at the After Hours Grocery by members of the fourth district vice squad was interrupted Monday by a woman who, police said, was standing outside warning persons that the raid was taking place inside.

Police entered the grocery, at 3445 14th St. N.W., with warrants for the arrest of 11 persons, including the owner, in connection with lottery operations, according to Lt. Robert F. DeMilt, head of the vice squad.

He said the store owner, Jack Edelstein, 78, was arrested on charges of operating a lottery, setting up a gaming table, possession of numbers slips and possession of horse race bets during the raid on Monday.

But the other 10 persons failed at first to enter the store where police were waiting, he added.

The police learned that Lillian Dawson, 37, of 1400 Meridian Pl. NW, was outside the store warning persons about the raid, Lt. DeMilt said. She was arrested on a charge of obstructing justice and taken from the scene.

A short while later, DeMilt said, six of the 10 still sought on warrants appeared at the store and were arrested on charges of operating a lottery.

In other serious crimes reported by area police up to 6 p.m. yesterday:

STOLEN

A gold chalice valued at $2,000 was stolen between 8 a.m. Sunday and 11 a.m. Monday from the chapel at Catholic University, 620 Michigan Ave. NE.

A diamond ring and matching band, a hairdrier and a briefcase containing an assortment of shaving equipment, with a total value of $1,500, were taken when a car belonging to Herman A. Mofrad, of 1315 16th St. NW, was stolen. The car itself was later recovered.

A record player with speakers was stolen from Georgetown Day school, 4530 MacArthur Blvd NW, sometime before midnight Monday.

An undetermined amount of food, a public address system and other items were stolen sometime between 6 p.m. Monday and 6:25 a.m. yesterday when burglars broke into St. Paul's pre-school center at 4901 14th St. NW and ransacked the entire building.

ROBBED

Joseph Kimbel, of Alexandria, was held up about 11:15 a.m. Monday by two young men in the 1100 block of Constitution Avenue NE. One of them drew a gun and the other removed his wallet. The pair then ran east on Constitution Avenue.

Francisca Estrada, of Silver Spring, was treated at Washington Hospital Center for injuries she suffered when she was beaten and robbed about 3 p.m. Monday. Two men attacked her from behind at Mt. Pleasant and Lamont Street NW, striking her in the head and knocking her to the ground. The men then forced her to release her pocketbook containing a large amount of money and fled into an alley in the 1600 block of Lamont Street.

Beatrice S. Suydan, of Washington, was robbed by a youth who drove up to her as she was waiting to cross the street in the 800 block of 9th Street NE. The driver forced her to hand over her pocketbook containing money, keys and credit cards and drove east in the 900 block of I Street NE.

James McCorkle, of Washington, was beaten and robbed about 11:30 p.m. Monday as he was leaving a restaurant in the 800 block of H Street NE. Four men approached McCorkle from behind and knocked him to the ground. After removing his wallet, the men kicked McCorkle in the mouth and fled west on H Street.

Amrit Drasad Baruah, of Washington, was beaten and robbed about 10 a.m. Saturday by two men who approached him in the 200 block of Massachusetts Avenue NE. One yoked him while the other searched his pockets and took his wallet. "Don't scream," the pair warned and fled east in the 200 block of Massachusetts Avenue.

Sterling Diggs, of Washington, the manager of the food trailer on the construction site at 2d and D Streets NW, was held up as he approached the site about 6:55 a.m. Three youths, two armed with guns and one with a knife, demanded, "Move back. What's in the box?" After taking the cash, the youths warned, "Don't try to follow us," and fled from the site.

Charles W. Sykes, of Washington, was beaten and robbed about 11:15 p.m. Monday by three young men who approached him at Wheeler Road and Barnaby Street SE. After insulting Sykes, the men told him, "We are going to beat you and take your money." They hit him on the head and took his bills, change and credit cards, then ran west on Barnaby Street.

Uneida Market, 4400 Georgia Ave. NW, was held up by a man who entered the store about 12:30 p.m. and asked the owner for a pack of cigarettes. The man then drew a gun and pointed it at her, demanding the money from the cash register. She handed the gunman the money and he ran out of the store.

David Almond, of Washington, was knocked unconscious and robbed by three juveniles described as 10-year-olds who attacked him about 1:30 a.m. as he was walking near his home in the 500 block of 5th Street NE. The boys struck Almond over the head until he fell unconscious and then fled with his wallet containing papers and cash. He was found lying on the sidewalk by a 5th Street resident.

Cora Pyles, of 4000 Kansas Ave. NW., was held up about 6:30 p.m. Monday by a young man in the first-floor hallway of her apartment building. The man drew a knife and demanded, "Give me your handbag," and ran out of the building with the purse containing a large amount of cash and money orders.

Jesse Vaughn, of Washington, was treated at Providence Hospital for injuries he suffered when he was beaten and robbed about 10:15 p.m. Monday. Three men approached Vaughn's car when he stopped for a traffic light at 9th Street and Rhode Island Avenue NW. and struck him over the head with a brick. The trio then removed his money and ran.

Mary Lamb, of 400 Seward Sq. SE., was robbed about 10:50 p.m. Monday as she was unlocking her door. A man wielding an unidentified object told Miss Lamb, "This is a stickup. Give me your money." When she refused, the man forced her to release her pocketbook and searched through it, removing the cash.

Willie Toney, of Washington, a waiter, was beaten and robbed about 10:45 p.m. Monday by two youths at 3d Street and Florida Avenue NW. The pair knocked Toney to the ground and took his watch and money, then ran.

Regina Mitchell, of Washington, was held up about 10:05 p.m. Sunday by two youths who approached her at 17th and East Capitol Streets NE. One of the youths pulled a gun and forced her to hand over her pocketbook, containing a large amount of money and personal papers.

Louis Bernstein, of Brooklyn, was treated at Freedman's Hospital for injuries he suffered during a holdup about 12:30 p.m. Monday. Two youths approached him at 13th and N Streets NW. and asked him what time it was. Then the pair began hitting him in the face and body and took his wallet containing money and papers. The youths grabbed his wristwatch and ran east in the 1200 block of N Street NW.

Philip Goodrich, of Rockville, was held up about 3:55 p.m. Monday by three youths who approached him at 3d and F Streets NE. One pointed a knife at Goodrich's abdomen while another youth searched his pockets and removed a large amount of cash. The trio fled with the money, heading east on 4th Street.

Barry S. Horn, of Washington, was beaten and robbed about 7:30 p.m. Friday by two youths who attacked him in the 600 block of E Street NE. One of them grabbed him, clamped his hand over Horn's mouth and threw him to the ground. After taking his money, the pair escaped north on 5th Street.

STABBED

Robert Lee Ripley, of Washington, was treated at D.C. General Hospital for head and eye wounds he suffered during a fight with a man armed with a sharp instrument. Ripley told police the man struck him over the head and under his left eye during the argument in the 3500 block of Clay Street NE.

ASSAULTED

Garrick Frost, of Washington, was treated at D.C. General Hospital after he and a 14-year-old friend were attacked at the Anacostia swimming pool about 6:30 p.m. Monday by a group of men who struck them in the head and body.

James Kundert, of Washington, was treated at George Washington Hospital for injuries he suffered when he was attacked near his home at Columbia and Kalorama Roads NW. A man approached Kundert from behind about 2:50 a.m., struck him in the head and face with a blunt object and fled on foot.

James Miller Oxner, of Washington, was treated at Hadley Hospital for a gunshot wound in the leg. Oxner told police a man approached him in the 4300 block of Halley Terrace SE. in a blue car, got out of his auto and slapped him. He said the man then drew a gun and fired a shot at him.

Francisco P. Campos, 42, of 1339 Ft. Stevens Dr. NW., was indicted by a federal grand jury in U.S. District Court in Washington on a charge of carrying a dangerous weapon, a gun.

Charles L. Carter, 19 and John R. Coleman, 19, both of D.C. Jail, armed robbery, assault with a dangerous weapon and lesser charges in the theft of almost $5,000 from Safeway food stores on April 10 while armed with a sawed-off shotgun and pistol.

Wayne A. Copeland, 20, of D.C. Jail, first-degree burglary while armed, armed robbery, assault with a dangerous weapon and lesser charges in the pistol-point theft of two cameras, liquor, cash during a break-in at the home of Michael C. Nicholas and Robert Myles.

Milton R. Glover, 44, of D.C. Jail, armed robbery, assault with a dangerous weapon, first-degree burglary while armed, unauthorized use of a motor vehicle and lesser charges in the Feb. 11 theft of $343 from Robert Jones Jr. and Frances M. Jones and $79 from Thelma Douglas and a car from Robert Jones.

Robert L. Williams, 19, of 3654 New Hampshire Ave. NW., assault with a dangerous weapon, carrying a dangerous weapon, a pistol, in an April 23 assault on Larry K. Smith, Cleo Graham Jr., Allen S. Gibson and Sylvester L. Brown.

James Vincent Washington, 30, of no known address, sale and purchase of narcotics.

James Collins III, 18, of 3303 2d St. NE., second-degree burglary and petty larceny in a break-in at the home of Mark R. Sandstrom and Samford E. Leff on April 22 in which a pair of cufflinks, two handball gloves and a wallet were stolen.

Leon R. Curtis, 20, of no fixed address, and William T. Weaver, 18, of 304 Seaton Pl. NE., armed robbery, assault with a dangerous weapon and unauthorized use of a motor vehicle in the pistolpoint theft of a watch, money and a car from Therman E. Statom on April 8.

Bernard J. Ervin, 23, of 1302 T St. NW., embezzlement of mail by a postal service employee.

MAN HELD IN POSTAL ROBBERY

A 22-year-old Northwest man was arrested and jailed in lieu of $10,000 bond yesterday in connection with the theft of $1,300 from a post office branch on May 15, police said.

Adrian Jones, of 4226 7th St. NW, was charged with armed robbery and arraigned before U.S. Magistrate John F. Doyle, who continued the case until July 7.

Jones was charged in connection with a holdup at the post office at 4211 9th St. NW, where three armed men looted two safes and a cash drawer and escaped with $1,300 in cash and stamps, according to police.

James L. Parker, 28, of St. Elizabeths Hospital, first-degree burglary, robbery, rape, sodomy, rape while armed, assault with a dangerous weapon and armed robbery in a 13-count indictment concerning three separate attacks. The indictment charges Parker with attacking a woman on June 25, 1969 and robbing her of a golf cart, 11 golf clubs, a wallet and $100. On Aug. 20, 1969, according to the indictment, he broke into the home of another woman, sexually assaulted her and stole her mink stole, a watch and $25. On Oct. 28, he is charged with assaulting a third woman while armed with a sharp instrument and robbing her of 50 . . .

THE COMMUNITY OF GARRETT PARK, MD.

Mr. TYDINGS. Mr. President, in an age when megalopoli are rapidly covering the earth's surface, the small community—the basis of our society—is too often overlooked. The activities of small communities in many instances are not particularly newsworthy; they are not violent; they are not of national import. I would suggest, however, that the stability and sense of civic pride that only small communities can offer is an extremely important cell in our vast societal organism.

Such a community is Garrett Park, Md.

Garrett Park holds town meetings, issues a report to the people of Garrett Park on the state of the town, and a community newspaper entitled "The Garrett Bugle." Do such personal and communal activities take place in our over-crowded and smog-infested urban population centers? Do not these vast metropoli suffer from what is in fact a lack of community?

Garrett Park, Md., like many other small communities across the Nation, is the true democratic unit of our society. I ask unanimous consent that the report to the people, of March 18, from the outgoing mayor, Warren R. Johnston, and the May 18 issue of the Garrett Bugle be printed in the RECORD.

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

REPORT TO THE PEOPLE OF GARRETT PARK OF THE STATE OF THE TOWN

Fellow Citizens: It seems appropriate as my second term as Mayor draws to a close that I give you an accounting of the highlights of the past four years of Town Council activity, and my thoughts on the state of the Town as it is today.

It seems further appropriate that this accounting be rendered at the special meeting of the Town Council which is held annually in March to receive nominations for the May elections, a meeting which traditionally takes place following the regular March meeting of the Citizens Association.

Accomplishments, problems, failures (or just procrastinations: things which should take a few weeks or months and instead take a few years, but get done eventually)—these are best reported in terms of goals. Your Mayor and Council have had definite goals in mind, and a rather definite sense of priorities too, as we have gone about considering how to make the best use of your tax dollars and our own time.

As I defined them in a brief talk before the Citizens Association last May, the Council's goals are generally as follows:

1. *Defense*—to protect Garrett Park from damaging inroads and external pressures, and to preserve its character and atmosphere.

2. *Administration and Housekeeping*—to maintain and improve the Town as a physical environment: that is, as a safe, comfortable, convenient, and attractive place to live and raise a family in; and to increase the effectiveness of the Town government.

I. DEFENSE

As I also said last May (and I think you are all aware that it still applies), we've worked hardest at the first of these goals. In this we've had no real choice: if we and our predecessor Councils hadn't done so, there might not be any community worth administering left today. For Garrett Park's era of splendid isolation—a touch of genteel urbanity situated (courtesy of Mr. Garrett's railroad) far out in the country from the city of Washington and surrounded by rolling green pastures—is long since past. Now we are an eccentric touch of rusticity amidst vast conformist acres of brick, steel, and concrete: a hopeful holdout from the menacing megalopolis: and enclave of individualism and of relative freedom from the frenetic, progress-ridden, mass-produmption world beyond our borders. "Vox clamantis in deserto": a voice crying in the wilderness—how apropos the motto which Clyde Hall borrowed from his alma mater, Dartmouth College, for the masthead of the *Bugle!*

But before we fall guilty to the sin of pride and self-congratulation, let us admit that it was probably more luck than virtue that brought most of us here, and be thankful that we had the wit to recognize a good thing when we saw it. And, having lucked into a good thing, that we had the wisdom and the *will* to keep it so.

For it didn't just happen. The threats to Garrett Park's integrity—which is to say, ultimately, our very existence as a Town or any kind of meaningful community—began in the early 1950's, when houses and apartments sprang up all around us and their builders plotted to use our streets as access routes for their hundreds of new families. Time after time we heard the call, "Aux armes, citoyens!" from the *Bugle,* the Citizens Association (then, as now, the loyal opposition, working in concert with the Town Council whenever the community was in danger), and the Council itself. Time after time hundreds of us, as concerned citizens, responded and helped save the day.

Since I took office in May 1966, the Town has been almost continuously confronted with two major problems of defense: the proposed widening of Strathmore Avenue, and the townhouse zoning case. These two problems together have been responsible for 24 of the 59 special meetings the Town Council has been obliged to hold during the four-year period, up to this moment—to say nothing of much time spent on them during the regular monthly Council meetings and at innumerable other meetings, hearings, and consultations with legal and other advisers.

As for Strathmore, I am happy to report success. The County Council has recently voted to drop the proposed widening from the North Bethesda-Garrett Park Master Plan, and the Montgomery County Delegation to the State Legislature has advised the State Roads Commission of its decision—which is binding on the Commission—to have the widening of Strathmore removed from the "Twenty Year Critical Needs" highway plan. These steps are about as final as anything ever gets in the uncertain business of accommodating ever-expanding automobile traffic. The matter will doubtless come up again in a few years, but we did it this time, and one can hope that the growing recognition of the importance of protecting established communities will be then permit its resolution in Garrett Park's favor once and for all.

The townhouse zoning case is a less happy story. Twice we have taken the long route up to the Maryland Court of Appeals, and lost. The second decision was handed down less than two weeks ago: it said, in effect, that the case had been tried and decided once before, and could not be judged on its merits again. Thus we lost on procedural grounds, unable to get the courts to review the basic question.

We have not given up the fight. The town Council has repeatedly and unanimously signified its determination to explore every legal means of preventing the construction of these townhouses. As you know, the issue is not architecture—townhouses can be very attractive—but density. We believe there just isn't room to build townhouses in Garrett Park, planned as it was in the 1880's and '90's without vehicular overcrowding, unacceptable safety hazards, loss of trees, and a generally damaging impact on the character of the community. And because we foresee that one townhouse cluster would be an invitation to predatory builders to try for others, we have felt we should do our utmost to bar any townhouses at all.

There have of course been other problems in the defense category. The still pending attempt to get industrial zoning along the railroad would be serious if it had any real chance of success. (That it does not—in my estimate—is due in part to the vigilance and the energetic opposition of the Garrett Park Citizens Associations as well as the Town Council, in conjunction with the Randolph Hills Citizens Association.) We continue to face the possibility of a renewed threat of high-rise apartments at the corner of Strathmore and Rockville Pike, though Ned Dolan's efforts as a member of the Citizens Advisory Committee which helped the Montgomery County Planning Board and its staff shape the North Bethesda-Garrett Park Master Plan may prove successful in finally holding this corner down to low-density development. Ned has also been keeping a close watch on plans for future development of the open acreage beyond St. Angela's Hall.

II. ADMINISTRATION AND HOUSEKEEPING

My first word on this subject—because it was a principal issue on which candidates for Town office were asked to declare themselves at the April 1966 meeting of the Citizens Association—is that we finally solved the leaf problem. The solution isn't perfect; it took us three years to achieve it; and it is costing a lot of money as well as requiring citizen cooperation in bagging the leaves—but last fall we had, I believe, the most effective leaf pickup service in the County.

Still unsolved despite the best efforts of Loretta Wertheimer and her "Garbage is for Goats" children's campaign—and thus a problem for the next Council—is how to cope with litter and litterers. As a fresh start, I am recommending that the present Council adopt an ordinance providing a schedule of fines for scattering paper and other trash—especially broken glass—with perhaps the alternative of litter cleanup duty in the case of offending children.

The arrangements for our excellent snow removal service were made by the previous

Mayor and Council. We have extended and, as of last year, improved on garden trash and junk removal service. Garbage removal is a separate and currently more controversial subject; the private-contract service leaves something to be desired. However, a majority of the Council is not convinced that it compares unfavorably with that of other areas or is considered unacceptable by a substantial number of Town residents—or will necessarily be improved by a switching to a municipal contract. On the several occasions during the past four years when the matter has come before the Council, there has been insufficient or inconclusive expression of the wishes of the townspeople generally. It would be helpful, if it comes up again, for the Citizens Association or any group of concerned Garrett Park citizens to circulate a petition throughout the Town beforehand, stating the pros and cons, and bring a wide sampling of sentiment to the Council.

The most important housekeeping responsibility of the Council involves the Town's own real estate: streets, storm drains, sidewalks, rights of way, parks, and of course trees.

Extensive street repaving was done by the previous administration; we had only to do Weymouth. We have added a sidewalk on Clermont from Strathmore to Waverly, and a connecting portion on Kenilworth north of Strathmore.

We have taken care of the more urgent storm drainage problems but there is much left to do. However, engineering estimates placed the cost of modernizing our storm drainage system as a whole at somewhere around $100,000—an amount which would require a bond issue. Since we have felt it more important in the present period to be able to raise a sum of that magnitude for town defense purposes, and could not do both—and since the storm drainage problem is one we can live with awhile longer—we have bequeathed it to some future Council which does not have a heavy defense burden.

Trees: we are well aware that—as former Councilman Jim Murray in his helpful report to the Council last year, and others, have reminded us—the trees which are the glory of Garrett Park are an inheritance from three-quarters of a century ago. They will not last forever, and must be systematically replaced. With the same care and thoroughness which Paul Gonson gave to improving our leaf, brush, and junk pickup service, he has been working on a plan for future planting, for submission before he retires from the Council in May.

Park and recreation areas: the problem of what to do with an unsightly gully was solved by converting it into a small outdoor amphitheater. Al Richter provided architectural guidance, and his plan for building a stone embankment around the dirt stage area should be carried out now that the dirt has settled. (Incidentally, I hope that the Garrett Park Programming Committee headed by Ted Lustig, or the Woman's Civic Group, or both, will make plans to use the amphitheater several times each summer. It has already proven to be a place where it is possible to have even electronic music without disturbing the whole countryside, and it is suitable for all kinds of child or adult entertainment, picnics, and—in conjunction with the adjoining softball areas, also newly developed—outdoor art shows.)

At a cost of less than a thousand dollars for materials, a footbridge was built for us by the National Guard to connect Rokeby Avenue in Garrett Park with its extension in the White Flint area. It was named "Brunson Bridge" after Lance D. Brunson of Garrett Park, who was killed in Vietnam in 1967. A bronze tablet was made and will be installed in a ceremony on some appropriate occasion in the near future.

A major undertaking that we never found time for, even though it was a high-priority item on my list, was the overhauling of the Town Charter and Ordinances, and their publication in a form convenient for use by every citizen. We have amended the Charter to provide for certain powers needed in the defense of the Town, but now we are advised by our attorneys that a thorough charter revision may be desirable from that standpoint.

One thing stands out, under the heading of Town administration, for which the Council as such can take no credit—although Mayor Friedman and his associates must be cited for making the original arrangements. That thing is the performance of Sibyl Griffin, whose title of Town Clerk and Treasurer only faintly suggests all that she does to make local government work in Garrett Park. Few people realize how many times over Sibyl earns the modest salary she receives from the Town.

I haven't mentioned taxes, upon which the exercise of self-government in Garrett Park depends. About two-thirds of the Town's revenues comes from outside sources (mostly as the Town share of State income, motor vehicle, and gasoline taxes). The other third comes from you. The current rate of 25 cents per $100 of assessed valuation on your property is, I believe, lower than that of any other municipality in Montgomery County—some are more than twice as high. We have been able to set our taxes at the same low rate more or less automatically in recent years, despite the inflationary trend, but each year at budget time have recognized that sooner or later we would probably have to increase it to provide needed services. This year, in particular, the cost of services—especially legal counsel, snow removal, and leaf and brush pickup—has been exceptionally high—in fact, about $12,000 higher than last year's expense for these items. The new Council will have to take a good, hard look before it sets next year's tax rate.

The cost of operating the Town Hall is of course also a factor. It amounts to about $4,000 a year (including mortgage payments), or roughly a tenth of the total budget. It should be noted, though, that we have had a surplus of more than twice that amount in most recent years.

Each year the financial report we receive from our auditor is made public. By way of example, you will find a copy of last year's report on the bulletin board in the new Town Office, behind the main meeting room in the Town Hall.

PAYNE ELECTED MAYOR: FITZPATRICK, PRINZ, HULL WIN COUNCIL SEATS

Approximately 75% of registered Town voters turned out May 4 to elect George Payne as mayor. George Fitzpatrick and Bill Prinz were elected to the 2-year terms on the Council, and Dayton Hull was elected to fill the one-year vacancy caused by Gerry Kurtz' resignation.

A first brief meeting of the newly constituted Council was held immediately after the election count at the Town Hall, and Councilmen Fitzpatrick and Hull were sworn in; Councilman Prinz was sworn in at the first regular meeting May 11 as he was unable to be at the Town Hall on election night. Mayor Payne, who was in England on election day was sworn in by the Clerk of Circuit Court in Rockville on May 11 shortly after his arrival from England the same morning.

On May 11 the Council endorsed a series of proposals presented by Ned Dolan for candidates for the next General Assembly. The remainder of the meeting was devoted to discussion of the townhouse issue. The rejection of the Council's request for reconsideration of the adverse decision on the Council's suit by the Maryland Court of Appeals has turned the Council's attention to the possibility of acquiring the property by condemnation and purchase. County matching funds are available for acquiring open space; in addition the Council is waiting for a final draft of a resolution as a first step in applying for HUD matching fund grant for open space. Methods of financing the Town's share was discussed—any of which would likely result in a Town tax hike.

An informal meeting will be held tonight to make Council assignments.

TOWNHOUSE ISSUE IS FIVE YEARS OLD: WHAT IT'S ALL ABOUT; WHERE WE STAND NOW

It was May of 1965 that the application was filed to re-zone a 2½-acre tract fronting on Clermond Avenue from R–90 (single family dwellings) to the Townhouse classification. Ever since, the Town Council has been engaged in efforts to prevent townhouses in Garrett Park. For the benefit of newcomers and to refresh the memory of those who may be wearying of hearing the fragmentary reports of the downhill progress of the case, a brief review is in order.

Despite heavy protest by the Town Council and citizenry the County Council granted the new zoning that fall. In the name of adjoining property owners, the Town supported an appeal of this zoning to the Circuit Court. This suit was dismissed, and an appeal to the Court of Appeals failed in December 1967.

Immediately the Town as municipality filed a re-zoning application, seeking R–90 zoning. By retaining a planning consultant the Town attempted to show that enough homes could be placed on the land to make profitable use of the land, previous testimony to the contrary being in error. However, in the lengthy process through the Hearing Examiner, County Council, Circuit Court and finally Court of Appeals, the Town's case did not prevail, primarily because it was held the Town had had its day in court in the previous case. The final blow fell last month, and at this point the Town has no further options in court.

The total cost of the litigation and related costs now stands at $19,112.63. At several points the Council has renewed its resolve to fight the encroachment of townhouses "to the last ditch." Opposition is based mainly on two factors: 1) this type of development violates the traditional charter of the community and public facilities are not sufficient for the resulting increase of population and cars, and 2) the threat of the precedent this might set. (The potential profit from re-zoning is considerable: the tract was purchased for $10,000 in 1964; the latest asking price was around $155,000. One other application for townhouse zoning was filed in 1965 but withdrawn presumably to await results of the litigated case.)

The owner mentioned 31 townhouses at one time; however, it is generally believed that he would not be able to get this many units on the property because of drainage problems and county and town building requirements. Exactly how many will not be known until a site plan is filed.

But there are alternatives, and the Town Council needs a reading of community sentiment. Hence the Citizens' Association consideration of the issue Wednesday night. Opinions fall into two categories:

1. For over two years an ad hoc committee has been studying the possibility of seeking support of a private citizens' lawsuit. This would be filed by adjoining property owners, based on their right to depend on the early plat designation of the area for park use. Some legal research has been completed. A report will be made and opinion sought.

2. The Town Council is considering condemnation and purchase, with financing by matching fund grants and possibly bond issue or mortgage. Councilman Bob Smyers will report on this aspect. Again, your opinion will be needed.

AN APPRECIATION

Serving as Mayor or Councilman in a tiny community like ours must seem like a thankless job at times. Some of our problems never seem to go away, and in a community of outspoken individuals the officials aren't allowed to forget them: garbage, storm drains, trees, townhouses, sidewalks, to name a few.

However, a constant Council watcher must point out that our Mayor and Council deal with these and other issues with painstaking consideration and patience, often devoting many extra hours to their Town homework. Retiring Mayor Warren Johnston gave much attention to the Town's status under the proposed State Constitution in the early part of his administration and has had to cope with the Townhouse threat and widening of Strathmore throughout (the latter with a happier outcome than the former).

Special mention should be made of Councilman Kurtz' shepherding of the Town Hall which has become a popular meeting place and has generated new community activity and spirit. Councilman Gonson has devoted much time to the on-going problem of preserving and/or replacing Garrett Park's trees and even came up with an answer to that thorniest of problems—the leaf pickup.

Thanks to their efforts among the ranks of the working advocates of the Town, we continue to live in a community of unsurpassed charm and spirit.

VOTERS' GUIDE FOR GARRETT PARK TOWN ELECTIONS MAY 4

(The following statements were prepared by candidates at the request of the *Bugle*).

For mayor

Gerry Kurtz—Since the March Citizens' Association meeting when my name was placed in nomination for the office of Mayor, I've been thinking about many things. Mayor Johnston's eloquent State of the Town message started me reflecting on the town I visited 17 years ago, the town I've been privileged to have served for three years as a Councilman. I've been thinking about trees that are beautiful and must be perpetuated, their leaves which must be removed from the streets each autumn. I've been thinking about charming houses and the specter of the intrusion of Town Houses. And the people that live in these 350 or so houses: Old people, young people, and those in between; old timers, newcomers, and new neighbors sure to come; good people, concerned people, all bound together and sometimes at odds with each other over issues which are plaguing the nation and in microcosm threatening Garrett Park:

Our young people drifting away, uninvolved, threatened by the drug problem. The youngsters are our future. We need to listen to them. We need to work with them. We need them as much as they need us.

Our roads need to be maintained. Strathmore Avenue cannot be widened. Our victory must be preserved.

Garbage collection—our service must and can be improved.

Town government—sometimes plodding, often progressive, always concerned. It must be broadened with more citizen involvement.

Our Post Office *must* be preserved.

Garrett Park—so much has been accomplished in our more than 70 years of life and so much more must be done. Fully realizing that there are no simple solutions to our complex problems, I am confident that there are solutions. Solving the problems can be fun as well as productive. The spirit of the town, citizen involvement in fighting the battles or enjoying each other's company in projects and social affairs is what we're all about. I'm honored to have been nominated to an office that is charged with the responsibility of keeping all that we have that is good—and at the same time planning and preparing for a future that comes at us faster than we anticipate. I would like to serve as your Mayor. I can only promise to try to be a good one. With your help, I can succeed.

George Payne—When I ran for the Council two years ago, I described myself as an extremist, an isolationalist and intolerant. Where the welfare of Garrett Park is concerned, I still am. As I said then: My fondness for Garrett Park tends to be extreme, and so does my jealousy on its behalf; I am an isolationist because I like Garrett Park the way it is, I don't want to see it absorbed by the urban conglomerate lapping its edges; and I am intolerant of efforts to change the character of Garrett Park or to whittle away its rights, prerogatives and privileges.

Recent news items remind me that I am also a 'strict constructionist': I've had a hand in building the Community Center and the Swimming Pool; the construction of Cambria Ave., Shelley Court, and (during my present term) the Rokeby bridge and Kenilworth sidewalk; and, for the past few weeks, I've been straw-bossing the reconstruction of the pool bath-house.

On the other hand, I'm opposed to the construction of town houses and four-lane highways in Garrett Park—and anything else that threatens the character of our Town. I'm in favor of efficient garbage collection—and better community services of all kinds—but I want to be sure that any change in the present system will result in better service and not just a different set of problems. I'm glad that G.P. led the way in Maryland in lowering the voting age to 18 but regret that the date of Town elections makes this an empty gesture for those away at school. I believe that we should make provision for absentee ballots as part of the Charter revision.

We moved to G.P. in 1941 and for 3 years I maintained a cozy non-involvement in Town affairs. Then I became secretary of the Citizens' Association and have been almost constantly involved ever since. I know that I shall aways be emotionally involved in G.P. and I hope that I shall continue to have the opportunity to be actively involved, too. That is why I am running for mayor and ask for your support.

FOR 2-YEAR COUNCIL TERM

(Two vacancies)

Calvin B. Baldwin, Jr.—Background: Born 1925 in Radford, Va., wife: Betty; children: Susan, Sally, and Ann; resident of Montgomery County since 1933 and Garrett Park since 1963; education: BCC High School; A.B., University of North Carolina; M.P.A., Harvard; worked at National Institutes of Health since 1953; present position: Executive Officer, National Institute of Child Health and Human Development.

Statement on issues: The attractive character of the town can and must be preserved by the continued and intense efforts of the citizens and the Town Council. Specifically, I believe:

(1) every effort must be made to prevent construction of "townhouses";

(2) we must continue our efforts to (a) stop construction of high-rise apartments at corner of Strathmore and Rockville Pike, (b) oppose industrial zoning by Perlmutter along the railroad, and (c) see that Strathmore is not widened (but let's repave it!);

(3) better systems of garbage and trash collection can be found. College Park, Md., has a collection system that is both more efficient than ours and adds to the dignity of those doing the job.

(4) safer means of getting our children to and from the Kensington Park Library should be found.

(5) continuing effort must be made to care for and replace our trees and to solve storm drainage problems. I agree with Mayor Johnston that if we must choose between making a major expenditure for drainage or against townhouses, the townhouse issue is more important;

(6) that the Town Charter must be modified to suit the needs of the Town; and

(7) the Town Council can strengthen the sense of community and citizen participation thru active use of the Town Hall, continued support of the Citizens' Association, other citizen groups and individuals, the *Bugle,* and, finally, encouraging completion of the Garrett Park History.

It will probably cost more money, as well as effort, to achieve some of these goals. I am prepared to make a modest financial sacrifice to achieve them.

George Fitzpatrick—the Fitzpatricks are five—Mollie and me, our son Chip, and our daughters Megan and Marla. We have lived (those of us old enough) in the Washington area since 1948 and in Garrett Park since 1956.

I have a degree in Political Science, served in the Navy during World War II, and am employed by one of the "think tanks" attempting to solve problems faced by our military forces. Philosophically and politically, I am a liberal of the "old" (pre-confrontation) school.

I have served as an officer of the Garrett Park Citizens' Association, as treasurer and member of the board of directors of the Garrett Park Swimming Pool Association, and for a little over two years as a Town Councilman—from which post I resigned in the Spring of 1966 when my job took me overseas.

Should I be elected, my principal concern would be to preserve what is physical about Garrett Park by continuing our opposition to those who seek indiscriminately to exploit our town and surrounding area. Secondly, as a parent, I am much aware that, without a drug store, a snack bar, or the like, there is no comfortable place in Town for our teenagers to congregate. I would be receptive to suggestions for the solution to this problem. And, last, I would devote my efforts, as before, to the orderly and efficient conduct of the Town's business—zoning, finances—preserving and improving our assets and facilities—trees, roads, lights, drains—and (difficult to word) enriching the way of life that living in Garrett Park makes possible.

William C. Prinz—Geologist, Interior Department; in Garrett Park since 1962; major civic activities—treasurer of Garrett Park PTA, vice-president and president of Kensington Junior High PTA, trustee of Garrett Park Elementary School, Citizens' Association delegate to Montgomery County Civic Federation.

The most important problems facing us are: 1) preservation of the integrity of the town, and 2) providing for adequate housekeeping.

Integrity: The unique character of Garrett park as an oasis in a desert of suburbia must be preserved by continuing the campaign against high-density developments, not only in the courts but also through ordinances such as those now being considered by the council setting minimum street widths and requiring off-street parking facilities.

Housekeeping: To insure that Garrett Park continues to be an attractive and pleasant place to live, I propose that we seek professional help, for example by hiring on a part-time basis an advanced graduate student

majoring in city management to arrange for and supervise many of our "nuts and bolts" maintenance activities. Such a person would also facilitate the greater use of our local teenage work force in a variety of odd jobs around the town. On the garbage issue, I am a member of the "silent majority"—"silent" in that I have not telephoned a member of the Town Council (but I have bombarded the Montgomery County Refuse with complaints), and "majority" in that I believe a problem exists. In the long run, it is going to take some major changes to solve, but in the interim, I recommend further exploration of a municipal contract.

FOR 1-YEAR COUNCIL TERM (ONE VACANCY)

Dayton Wood Hull—My major qualification for service on the Town Council is probably that I recently retired. It helps to have time to pursue solutions to the Town's problems!

My most recent position was as Director of the Information and Reports Staff for the Department of State's Bureau of Educational and Cultural Affairs; prior to that I was Chief of State's Compensation Division.

In civic affairs I have served as president of Greenbelt Consumer Services, one of the nation's largest consumer co-operatives. In Garrett Park, I have been a member of the town's Program Committee and helped arrange the movie showings in the Town Hall this past winter.

My particular specialty is public administration, in which I have a PhD. Whether this training will be of any use to the Town, we'll have to wait and see.

My wife, the former Bettie McGlauflin, and I moved to Garrett Park in 1965. We want to help keep the town a lively and interesting place but insulated from urban development.

Mickee Lyn Myers—This summer I will be marrying a fellow Garrett Parkite, Frederic Ward Adrian. My interest in Garrett Park dates further back to when I was on the Youth Council for Development of Recreational Facilities, and I am involved in several town Social Action groups.

If elected, I intend to work to involve more Garrett Park citizens in Town Affairs. The Town Council should provide the leadership in encouraging Garrett Park groups to communicate their activities to the Town and for the Town Council to report all business to the citizens. Young people should be invited and encouraged to share ideas and leadership to our town affairs.

I've started some of this by passing out a "get out the vote" sheet and a Position Paper to every household in Garreet Park. The Town Council has an obligation to inform itself and the Town about social issues that affect everyone but may not be a Town problem and to take stands on such as a group. I will present these ideas and the ones mentioned in my Position Paper at the combined Town Council and Citizens' Association meeting Wednesday evening.

MISS THE BOAT FOR ELECTION?

If you forgot to register for the Town elections, Clerk Sybil Griffin suggests you visit the polls May 4 anyway—and register for the *next* election. Of course, it is possible to register at any time, but she suggests that the incentive of election activity might serve as a good reminder. Between 40 and 50 new people registered before this election, only a few in the 18-21-year-old category.

WALTER T. MARABLE, JR.

Reside at 10930 Clermont Ave. Born Jacksonville, Fla., Nov. 28, 1929; married, four children (Mary Lee, Wendy, Julie and Walter III). Resident of Garrett Park since August 1965. Was educated in the public schools of Wilmington, N.C. Attended the University of Louisville, Ky., 1947–48. Served with the Navy 1948–52. Attended and graduated from the University of Southern California with a M.S.E.E. in 1958. Employed by the Hughes Aircraft Co. for past 11 years. Presently Assistant to the Manager, Navy Liaison, in the Washintgon District Office. Member of the Eta Kappa Nu Society, the American Society of Naval Engineers, U.S. Naval Institute and U.S. Naval Reserve. Residence prior to Garrett Park was in Anaheim, California, for nine years (home of Disneyland). Was attracted to Garrett Park because of its complete departure from the "tract" environment. After arriving in Washington in May of 1965, I looked at one house which I promptly purchased (without my wife seeing it) and have turned it into a perpetual do-it-yourself project.

MARY AILEEN NEWMAN

My present appointment to the Town Council to fill the vacancy left by a resignation last year came about because some local citizens had drafted me on the theory that there ought to be a woman on the Town Council. Previously I had been a member of the Town's Zoning and Planning Commission and before that Secretary of the Garrett Park Citizens' Association.

Other civic activities have included PTA legislation and budget, grass-roots politics, League of Women Voters and a stint as the only woman board member of Greenbelt Consumer Services, Inc.

The Newman family moved to the house they built in Garrett Park in 1960 in order to enjoy the kind of community they knew it was and is. Because we live at the end of Clermont Avenue, legally closed some time ago, we benefit daily from previous town efforts to keep Garrett Park from being a "thruway;" as Councilwoman I hope to continue this effort.

ROBERT R. SMYERS

Born in Sykesville, Pa.; was graduated from University of Pennsylvania in 1941 (B.S. in Economics) and from Harvard Law School in 1948 (LLB). From 1941 to 1945, served in the Air Force in the African, European and Pacific Theaters. Separated with rank of Major and presently hold rank of Lt. Col. in Air Force Reserve.

Have resided in Garrett Park for 5 years (4501 Clermont Place) and lived in G.P. Estates for 10 years previously. Served as Vice President and President of the Citizens Association, 1963–64 (and temporary *Bugle* editor). Have been a member of the Town Council since appointment in July 1966. Married, four children. Occupation: Lawyer, Counsel to Joint Committee on Taxation, U.S. Congress.

SMOKING ON AIRCRAFT—IV

Mr. HATFIELD. Mr. President, after introducing S. 3255, I have received a great deal of complimentary mail from around the country. As my colleagues recall, this bill would have the Secretary of Transportation set aside separate sections on passenger aircraft for smokers and nonsmokers.

In addition to the many individuals who have contacted me, and other Senators as well, various groups have endorsed this proposal. I ask unanimous consent to have printed in the RECORD a letter from Dr. Saul Malkiel, president of the American Academy of Allergy. At their annual convention, they endorsed my bill, I certainly appreciate it.

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

THE AMERICAN ACADEMY OF ALLERGY,
Milwaukee, Wis., May 5, 1970.

Senator MARK HATFIELD,
U.S. Senate Building,
Washington, D.C.

DEAR HONORABLE SENATOR: You will be interested in knowing that at the 26th Annual Meeting of The American Academy of Allergy which recently met in New Orleans it was voted by the membership that the Academy go on record as supporting legislation which requires the FAA to establish separate smoking sections on all commercial aircraft. I trust that this approbation by the Academy will be of some service in support of your Bill S3255.

By this motion it can be seen that the allergist is acutely aware of the problems which may arise should individuals with certain diseases come in close contact with smoke from tobacco. It seems to us that it is the right of every citizen to breathe clean air, should he so desire.

If you feel that there is some way in which the Academy can be of service to you, please do not hesitate to call on us.

Sincerely yours,

SAUL MALKIEL, M.D.

LAW ENFORCEMENT ASSISTANCE PROGRAM IS GROWING AND IMPROVING

Mr. HRUSKA. Mr. President, the control of crime and the improvement of the criminal justice system are of enormous significance to the well-being of the United States and its citizens. Every thoughtful American should become well versed in the issues concerning crime and current efforts to reduce crime, particularly those being carried out under the new program of the Law Enforcement Assistance Administration—LEAA.

One of the most interesting reviews of the LEAA program, which gives financial and technical assistance to State and local governments, is contained in a new report by the National Governors' Conference. It not only contains pertinent data, but a number of important evaluations—as seen by the Governors themselves—on the effectiveness of the program. In addition, the report is issued to coincide with the second anniversary of the signing of the act which created LEAA on June 19, 1968.

The report, entitled "The States and the Omnibus Crime Control Program 2 Years After the Signing of the Act," contains this early comment:

> The National Governors' Conference concludes that the program is growing and improving and that prospects are good for continued improvement in the criminal justice system.

It is important to realize that crime did not develop into a nationwide problem overnight. The problems of crime will not be solved overnight. But as the National Governors' Conference and many others have observed, substantial progress already has been made under the LEAA program. And prospects for the future look very good. The Nixon administration has given high priority to the anticrime program, and has requested that the LEAA budget for fiscal year 1971 be nearly doubled, to $480 million.

Of course, money alone will not do the job. We need new and greater levels of commitment from State and local officials, who have the prime responsibilities for reducing crime and improving criminal justice. The National Governors' Conference report indicates that these new levels of commitment and cooperation are indeed being developed. It quotes, for instance, the director of the Arizona

State Criminal Justice Planning Agency as saying that his State's progress is directly attributed to the new cooperation among government officials at the State, local, and Federal levels. It also quotes the regional association of government in the Portland, Oreg., metropolitan area as saying the LEAA block-grant concept has "reduced 'grantsmanship' and is strengthening planning at the local-State level."

The National Governors' Conference report says that a very fair share of block action funds have been subgranted by the States to the Nation's large cities and counties in the first year of the LEAA program, fiscal 1969. It is important to note that the first-year budget was only $63 million—not enough to meet the needs of anyone, no matter how it was distributed. With a budget more than four times larger in the current fiscal year, well over $200 million in action grant funds is going into the criminal justice system. States are required by the act to give at least 40 percent of planning funds to units of local government, and at least 75 percent of block action funds to local government. The report notes that even though some funds remain to be subgranted, 16 States have already reallocated more than the 75 percent to cities and counties.

Mr. President, the Criminal Laws and Procedures Subcommittee started hearings on S. 3541 today. S. 3541 is a bill I introduced at the request of the Attorney General and is in the nature of an amendment to the Law Enforcement Assistance Act. This proposal is designed to perfect the block-grant concept. In contemplation of these hearings, I ask unanimous consent that the National Governors' Conference report be printed in the RECORD.

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

THE STATES AND THE OMNIBUS CRIME CONTROL PROGRAM 2 YEARS AFTER THE SIGNING OF THE ACT

I. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—ITS PURPOSES

June 19, 1970 marks the second anniversary of the signing of the Omnibus Crime Control and Safe Streets Act of 1968. Seldom has a program of such short duration been the object of such controversy and scrutiny. There are at least two reasons for this interest in the program. The first is the great public concern about crime and the other is the block grant approach of the program. Under the block grant approach, 85 percent of federal funds are awarded to the states which allocate money to local governments. States are required to pass-through 40 percent of the planning funds and 75 percent of the action funds to local government. Under federal guidelines each state must prepare a comprehensive criminal justice plan covering both state and local programs.

This brief report is designed to show what has happened in the two years since the act was signed. We will seek to document what the states and localities have done and plan to do with help of the federal block grant funds. On the basis of these findings the National Governors' Conference concludes that the program is growing and improving and that prospects are good for continued improvement in the criminal justice system.

To determine whether the program has been successful, it is necessary to examine the intent of the Act and the procedures for achieving tnese goals. Congress described the act's purposes as follows:

"To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government. It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement, at every level by national assistance."

Congress established the Law Enforcement Assistance Administration in the Department of Justice to administer the federal program, award the block grant funds, and provide the first major intergovernmental attack on crime. With federal funding, states, counties and cities joined together to modernize the entire criminal justice system—police, courts, and corrections, prosecution, defense, probation, control of narcotics, and juvenile delinquency, etc.

II. WHY BLOCK GRANTS TO THE STATES

The Omnibus Crime Control Act was designed to improve the entire criminal justice system at all levels of government. For this reason the Congress decided to provide block grants to the states to coordinate this *comprehensive law enforcement effort.*

The National Council on Crime and Delinquency (NCCD) noted in October 1967—

"Few believe that effective police action and vigorous prosecution alone deter crime. Equally important in crime control is improving the institutions which are responsible for preventing convicted criminals from committing crimes again. This fact—that law enforcement and criminal justice agencies do not exist in isolation, but are part of a system—is the central theme of the multi-column report of the President's Commission on Law Enforcement and Administration of Justice."

The NCCD said that when law enforcement is seen as a total system, the importance of state government is made clear. Even before the Omnibus Act was passed states ran prison and parole systems, controlled bail and justice-of-the-peace systems, and had systems of prosecution. More than half had a public defender system. All states operated or subsidized adult courts and probation systems and in 47 states the Attorney General is the chief law enforcement official with broad authority. All states operated central statewide crime laboratories and investigation units.

III. HOW HAS THE PROGRAM WORKED

States have broad authority and responsibility and are best able to coordinate the various parts of the criminal justice system. State, local, and federal officials believe that the block grant approach has been working well in bringing together the parts of the system. The director of Arizona state law enforcement planning agency has written—

"We believe the success of Arizona's program is directly attributable to the fact that we have managed to create a meaningful dialogue among various levels of federal, state and local government as they interact in the planning and action programs developed under the Omnibus Crime Control Act. The creation of this dialogue has been a major accomplishment in this area in view of the traditional barriers between such governments and between various disciplines involved in law enforcement. These barriers created by ignorance, fear and mistrust, tend to break down quickly as men of good will demonstrate their willingness to work together towards the common objective envisioned by the Omnibus Crime Control Act. We know of no other federal program which creates this framework for such a high degree of both inter and intra-governmental dynamics at all levels."

The Columbia Region Association of Governments (Portland Metropolitan Area) of Oregon passed a resolution supporting the block grant and noting that the program has reduced "grantsmanship" and is strengthening planning at the local-state level.

The major administrative goals of the block grant include: 1. Comprehensive planning and program development; 2. uncomplicated intergovernmental relationships; 3. elimination of federal domination of grant-in-aid programs; 4. state government authority to establish program priorities and allocate federal funds according to community needs and priorities.

During the two years since the beginning of the program significant progress toward these goals has been made. The Maricopa Council of Governments (Phoenix Metropolitan Area) has said that "from its inception, helpful and cooperative working relationships have existed between state, regional and local officials. We at the local level have had a very real input into the content of the State plan and workable approaches have been developed to the problem of allocation of funds on the basis of need."

Not only are the state law enforcement planning agencies providing leadership and assisting local governments to improve their law enforcement agencies, but, for the first time local elected officials, local law enforcement officials and private citizens are guiding and influencing the states' program as members of the state law enforcement advisory boards. Of a total of approximately 1,061 members of state planning agency supervisory boards, in all fifty states, 489 are from local governments, 394 from state government and 170 are private citizens. (See Appendix B, Chart 3, for a breakdown by State.) This is an entirely new kind of local participation in state programs.

In 45 states regions have been established for local law enforcement planning. The growth of crime has not been limited to city or county boundaries. This demands a regional approach to crime fighting. The 212 metropolitan areas of the country have 4,457 police departments and their effectiveness suffers from overlap, inadequate communication and insufficient cooperation. These problems are being solved in many places and are at least being discussed in most areas as a result of this new program. Without these state and regional bodies this type of communication would not have occurred. Area-wide, regional law enforcement cooperation cannot be overlooked as an important contribution in the fight against crime.

IV. HAVE THE BIG CITIES GOTTEN THEIR SHARE?

A recent survey of the Advisory Commission on Intergovernmental Relations showed that 75.3 percent of Fiscal Year 1969 action funds have been awarded by states to cities and counties over 50,000 population. These 411 cities have less than 40% of the Nation's population and 62% of the crime. The attached Charts I and II, Appendix B show allocations of 1969 block grants by the states as of March 31, 1970. States have until June 1970 to allocate 40 percent of the planning funds. Eight states received waivers from LEAA for the State to do all or most of the planning or spend more than the 60 percent because of local governments' inability to plan or spend all of their allocated planning funds during the first year of the program. As of March 1970, 20 states have passed through to their local governments more than the required 40 percent. The states have until June 1971 to allocate 75 percent of the 1969 action funds to local governments. As of this March, 16 states had already allocated more than the required 75 percent of action funds to local governments.

Delays in getting money to high crime areas have been caused by federal administrative and fiscal inaction. Although the Omnibus Crime Control Act was signed in mid-June 1968, the first federal administrators were not appointed until late October 1968. States did not receive Fiscal Year 1969 planning funds until January 1969 And 1969 action funds were not awarded until June, 1969, the end of the fiscal year. States did not receive 1970 planning funds until January, 1970, nor action funds until June, 1970. (See Appendix A for a Chronology of the program.)

One of the problems faced by states in allocating funds to big cities, has been the failure of some cities to apply for funds. Attorney General Mitchell described some of these problems in his testimony on March 12, before the House Judiciary Committee:

"Other cities have simply failed to display initiative in applying for grants. San Francisco and Oakland applied for one State grant of about $20,0000 each and these grants were awarded. But Los Angeles has so far received $564,000. Cleveland made only one request for $58,000 and it was granted. In other instances, cities such as Chicago were simply not prepared because of organizational problems to draw up sufficient plans for fund applications."

Cities are getting themselves organized for this program and it is expected that in the future more applications will be made by big cities.

The following are examples of percentages of block grant action funds states have granted to their big cities and urban areas:

Arizona—63.8% of funds to Tucson, Phoenix, Flagstaff, Yuma and surrounding counties.

Minnesota—82% of funds to Minneapolis, St. Paul, and surrounding counties.

Missouri—85.7% of funds to St. Louis, Kansas City and Springfield.

New Jersey—53% of funds to Newark, Trenton, Jersey City, Camden, Elizabeth, all of which have 31% of the state's total crime.

New York—70% of all funds to five metropolitan areas including New York City which received more than 50% of all grants.

Oregon—48% to Portland and its metropolitan area.

Pennsylvania—42% of funds to Philadelphia and Pittsburgh in 1969; 58% of 1970 funds.

Tennessee—42.6% of funds to Chattanooga-Hamilton County, Knoxville-Knox County, Nashville-Davidson County, Memphis-Shelby County.

The Advisory Commission of Intergovernmental Relations study of the Omnibus Crime Control program found that 32 states used the state portion of their block grant for programs of direct benefit to local governments. In 18 states over 45 percent of the state share was used for these purposes.

States also giving their own financial assistance to local governments included:

Delaware—$1,000,000 was appropriated by the General Assembly for state assistance to local law enforcement agencies. Wilmington received $542,808 and surrounding New Castle County $141,845.

Illinois—State appropriated $3,232,800 for Fiscal 1970 to provide local matching funds. Action now started in October 1969 provides for $1 million for police community relations, police management surveys and criminal justice training. Within four weeks of applying the state provides localities with 100 percent of funds up to $10,000.

New Jersey—State provided urban grant recipients with the 10 percent local matching share.

Virginia—In Fiscal 1971 State will contribute $804,120 for local matching and $865,000 in Fiscal 1972.

The program is now reaching the point where officials from various parts of the state and local criminal justice system—policemen, judges, prosecutors, parole officers, elected officials—are beginning to understand each others' problems and can see the need for change. This spirit of cooperation for mutual improvement is the essence of what the 1967 President's Crime Commission called for.

Many of the state and local programs receiving federal funds show recognition of the need for new and innovative techniques.

Alabama is involving local civic clubs in the fight against crime.

Arizona is developing a statewide automated information system to serve all law enforcement agencies. Five small towns outside Phoenix have joined together to improve their communications system.

Arkansas will institute in Criminal Trial Courts the mandatory use of a model set of criminal jury instructions prepared by a committee of judges, prosecutors and defense attorneys. In Little Rock and four other metropolitan areas law enforcement officers will be required to collect information from citizens in analyzing and identifying community problems before any police-community relations programs are funded.

California will conduct Operation Cable Splicer III with law enforcement officers from 78 cities and counties participating to test state and local readiness to cope with civil disorders, natural disasters and the effects of nuclear war. The Los Angeles Regional Criminal Justice Information System will combine all criminal justice information systems in Los Angeles County (which has 40% of all criminal cases in the state) to provide information to district attorneys, public defenders, courts, probation and law enforcement officers so each will know what the other is doing.

Colorado's Youth Service Training Project will train and retain delinquency prevention control and treatment personnel from police agencies, schools, community centers, youth bureaus and probation offices. The Denver Police Department will use closed circuit television to transmit pictures of potentially dangerous situations from the ground or a helicopter to command headquarters.

Florida will operate a therapeutic self-help residential community for drug addicts in Miami similar to the Synanon-Daytop Program. A statewide computer reporting system is being designed to provide statistics for administrative and operational use by police and criminal justice agencies.

Georgia will establish a child and youth service center in a high delinquency community. Atlanta will conduct an inservice retraining program for police.

Hawaii is developing a program to relate community support to development of preventive programs in the schools. It will include review of education programs to consolidate and refocus them for prevention. In Honolulu a joint state-city police-court pilot intern program to train graduate juvenile delinquents has started. University graduate students will live in houses with the delinquents.

Illinois has expanded the state public defender system to the appellate level. Chicago received $1.2 million in February 1970 for the Police Department to hire 422 community service aides for six community storefront service centers. Project Step Up will provide group treatment of pre-delinquent adolescents by professional social workers in three inner-city Chicago high schools.

Indiana will establish in three big cities youth service bureaus to mobilize community resources, develop new resources and collect data. They will coordinate private and public agencies concerned with juveniles.

Iowa will support expansion of the Des Moines Police-School Liaison Program. Detectives wearing school blazers work with children, parents and teachers in the school. Thus far the program has resulted in a marked decrease in vandalism and a better understanding of police.

Kentucky is revising its criminal law as are 9 other states.

Louisiana provided $207,022 to New Orleans for expansion of probation and parole services because of the need for community based correctional programs. New Orleans will also establish a special facility for detoxification and vocational rehabilitation of chronic alcoholics.

Maine will improve police through a comprehensive education and training program in cooperation with the University of Maine.

Maryland conducted a nine-day workshop using such techniques as psycho-drama with participants from corrections and law enforcement agencies and offenders from the state penitentiary.

Massachusetts is making a major effort to improve state capabilities in delinquency prevention programs by testing and evaluating various types of prevention programs, including innovative recreation-educational enrollment programs. This will lead to the development of a comprehensive state delinquency program. Intensive programs are being developed to meet law enforcement needs and problems in a limited geographical high crime area in big cities.

Michigan has established an Office of Drug Abuse in the Governor's office to sponsor public education programs. The state is training jail employees. The state police, sheriffs and local police are cooperating to combat criminal gangs.

Minnesota has established regional detention and treatment programs for juveniles and is studying regional jails.

Mississippi has a state intelligence unit on organized crime and a special program in 10 urban areas to train local police to handle riots, so that community based control is maintained.

Missouri has established a committee to revise its entire criminal code. A criminal Justice Training Institute is being developed for the Kansas City Metropolitan Area. Land and buildings for the institutions which will provide training for police, court, correction and juvenile personnel were donated by Jackson County. St. Louis will institute a computerized court docket system to supply up-to-date information on cases so that unnecessary delays and confusion are eliminated.

Montana's Law Enforcement Academy will have a full-time director and will offer three times as many courses to many more policemen than ever before.

Nebraska has established a law enforcement training center and requires training and certification for all police and sheriffs. The City of Omaha will construct a new police building with local funds and will install a new communication system tying together the two-county metropolitan area with state funds.

New Hampshire is trying to reduce and control juvenile delinquency by financing full-time police juvenile officers, by furnishing delinquency training for small departments, training teachers about drug abuse and establishing a single office of youth services at the community level.

New Jersey's statewide Organized Crime Investigatory and Prosecutorial Units have provided a cohesive effort to prosecute organized crime. The state also conducted the first organized crime school for local officials. Specific problem-oriented research such as studying the role of the police officer in a big city will seek to increase the efficiency and effectiveness of the criminal justice system.

New Mexico will provide basic police training to sheriffs and small police departments.

New York is making a comprehensive attack on narcotics addiction including mandatory treatment and new state police enforcement unit. The state penal law has been revised and new criminal procedures law. In Rochester specially-trained teams in non-police vehicles will pick up alcoholics, transport them to a hospital for rehabilitative services. This will free crime-fighting agencies to fight crime.

North Carolina is providing funds for training 18 officers for a Family Crisis Intervention Unit in Charlotte. They will be trained to handle domestic conflicts.

North Dakota has repealed the law making public intoxification a crime and is developing a detoxification center staffed by doctors and nurses to serve as a half-way house and provide counseling.

Ohio funds a Cadet Police Organization which conducts meetings with high school students in the Cleveland Police Academy. Qualified students may join the force.

Oklahoma has established two community based correctional treatment centers in Oklahoma City and Tulsa offering counseling, education and job oriented work release programs.

Oregon's summer intern program for law students in district attorney's office hopes to attract promising students to this type of career.

Pennsylvania is reforming its entire correctional system and has completed the first comprehensive assessment of the state's criminal justice system.

Rhode Island has a new crime laboratory for the use of all police departments.

South Carolina is using educational television to provide closed circuit training for police throughout the state.

Tennessee is funding a new program using volunteers at the Shelby County Penal Farm, and is training supervisory personnel in state correctional system.

Utah supports Neighborhood Probation Units with teams of specialists to aid in all aspects of rehabilitation.

Vermont established a single state communications system for all police agencies. This was the number one priority of the Vermont Police Chiefs Association.

Virginia is financing an electronic information retrieval system for Norfolk, Virginia Beach, Portsmouth and Chesapeake to improve the detection and apprehension of criminals.

West Virginia's prison inmates are receiving training and education along with other rehabilitation and work-study programs.

Wisconsin is training new prosecutors and has prepared a prosecutors' manual.

Wyoming conducted a training conference for traffic court judges.

APPENDIX A

CHRONOLOGY OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

June 19, 1968: Act signed by President Johnson.

August, 1968: Congress appropriates FY 1969 LEAA funds.

August, 1968: Council of State Governments' conference of state officials on implementing Act.

August 30, 1968: Forty-two states receive special grants for riot control and prevention.

October, 1968: States receive 20 percent planning advances.

October, 1968: Council of State Governments/National Governors' Conference meeting on state implementation.

October 21, 1968: First LEAA Administrators take office.

November, 1968: First federal guidelines issued.

December 19, 1968: All states have established State Planning Agencies; have submitted applications for planning funds.

January, 1969: FY 1969 planning funds awarded to states.

February, 1969: Simplified guidelines issued calling for one-year plan instead of five years.

February, 1969: Administrator and one Deputy leave office.

March, 1969: New Administrator and Associate Administrator appointed by President Nixon (first appointees approved by Congress) take office.

April, 1969: FY 1969 state plans submitted [first state plans] (covering June, 1968 through July, 1969).

June 30, 1969: All state plans approved; states receive FY 1969 action funds.

December, 1969: Congress appropriates FY 1970 LEAA funds.

January, 1970: States receive FY 1970 action grants.

April 15, 1970: State plans for FY 1970 (covering July, 1969 through December, 1970).

June 1, 1970: Second Administrator leaves office.

June 30, 1970: States to receive FY 1970 action grants.

December, 1970: States to submit FY 1971 plans (covering December, 1970–December, 1971 and four additional years as originally requested in first guidelines).

APPENDIX B

CHART I.—"PASS THROUGH" OF FISCAL YEAR 1969 PLANNING FUNDS TO LOCAL UNITS, MAR. 31, 1970[1]

States	Block grant	Amount to subgrantees	Percent "pass through"
Alabama	$337,600	$135,040	40
Alaska[2] (State does all planning)	118,000		
Arizona	209,890	91,200	43
Arkansas	232,300	92,900	40
California	1,387,900	720,556	51
Colorado	232,840	53,330	22
Connecticut[3 4]	297,100	108,180	36
Delaware[5] (State does all planning)	135,235		
Florida	503,650	223,844	44
Georgia	403,750	234,347	58
Hawaii	149,680	60,000	40
Idaho	146,980	66,286	45
Illinois	833,050	391,865	47
Indiana[3]	436,150	306,581	70
Iowa	284,950	115,399	40
Kansas	252,550	116,584	46
Kentucky	314,650	125,860	40
Louisiana	355,700	138,280	40
Maine[6]	165,475	64,703	39
Maryland	347,050	139,200	40
Massachusetts	464,500	185,800	40
Michigan	677,800	271,120	40
Minnesota	340,300	75,000	22
Mississippi	257,950	103,180	40
Missouri	409,150	179,506	44
Montana[7]	147,115	27,451	19
Nebraska	196,525	91,405	47
Nevada[3]	129,835	29,556	22
New Hampshire	146,170	81,631	55
New Jersey	571,150	231,331	40
New Mexico	167,500	36,519	22
New York	1,332,550	811,027	60
North Carolina[8]	438,850	311,290	71
North Dakota	142,930	48,358	34
Ohio	803,350	583,991	72
Oklahoma	267,400	154,300	58
Oregon	234,460	138,709	59
Pennsylvania[3]	881,650	352,660	40
Rhode Island	160,480	73,189	46
South Carolina	274,150	109,660	40
South Dakota	145,360	58,200	40
Tennessee	361,900	98,394	27
Texas	830,350	339,965	41
Utah	168,850	67,540	40
Vermont[9]	128,080	29,873	23
Virginia[10]	405,100	117,965	29
Washington	$307,900	$197,622	64
West Virginia	220,960	88,384	40
Wisconsin	382,150	216,260	57
Wyoming[11]	121,195	21,316	18
American Samoa			
Guam			
Puerto Rico			
Virgin Islands			

APPENDIX B—Continued

CHART II

States	Block grant	Amount to subgrantees	Percent "pass through"
Alabama	433,840	309,619	71
Alaska	100,000	99,523	99
Arizona	200,651	196,199	97
Arkansas	241,570	225,749	93
California	2,351,610	1,374,508	58
Colorado	242,556	177,589	73
Connecticut[3]	359,830	252,337	70
Delaware	100,000	74,928	75
Florida	737,035	598,995	81
Georgia	554,625	329,260	59
Hawaii	100,000	87,255	87
Idaho	100,000	94,257	94
Illinois	1,338,495	760,349	56
Indiana[3]	613,785	148,611	24
Iowa	337,705	259,260	76
Kansas	278,545	131,325	47
Kentucky	391,935	230,572	58
Louisiana	448,630	336,473	75
Maine	119,552	45,687	38
Maryland	451,095	319,259	70
Massachusetts	665,500	451,730	67
Michigan	1,055,020	789,125	75
Minnesota	438,770	355,177	76
Mississippi	288,405	105,074	36
Missouri	564,485	412,400	73
Montana	100,000	62,225	62
Nebraska	176,248	130,376	73
Nevada[3]	100,000	78,674	79
New Hampshire	100,000	54,750	55
New Jersey	860,285	759,602	89
New Mexico	123,250	61,645	50
New York	2,250,545	1,933,935	85
North Carolina	618,715	407,854	65
North Dakota	100,000	86,946	87
Ohio	1,284,265	755,095	58
Oklahoma	305,660	195,242	63
Oregon	245,514	194,397	79
Pennsylvania[3]	1,427,325	905,839	63
Rhode Island	110,432	97,085	87
South Carolina	317,985	157,350	49
South Dakota	100,000	70,451	70
Tennessee	478,210	314,847	65
Texas	1,333,565	1,002,324	75
Utah	125,715	88,021	70
Vermont	100,000	28,655	29
Virginia	557,090	424,573	76
Washington	379,610	240,110	63
West Virginia	220,864	111,025	50
Wisconsin	515,185	378,870	73
Wyoming	100,000	85,394	85
American Samoa			
Guam			
Puerto Rico			
Virgin Islands			

[1] This information was obtained by telephone calls to LEAA regional offices and includes financial information as of Mar. 31, 1970, except as noted. States have the year of award plus one additional year to "pass through" planning funds. States which have not received waivers have until June 30, 1970 to award 40 percent of fiscal year 1969 planning funds to local governments. States have the year of award plus 2 additional years to "pass through" action funds States have until June 30, 1971 to award 75 percent of fiscal year 1969 action funds to local governments.

[2] Alaska: Received a waiver for State to do all planning.

[3] Information as of Dec. 31, 1969.

[4] Connecticut: Will award an additional 4 percent of 1970 planning funds to localities because State was able to give only 36 percent of 1969 funds.

[5] Delaware: Received a waiver for State to do all planning.

[6] Maine: Will award an additional 1 percent of 1970 planning funds to localities because State was able to give only 39 percent of 1969 funds.

[7] Montana: Received a waiver for State to do most of the planning.

[8] North Carolina: These figures include both 1969 and 1970 funds because the State is on a 2-year cycle.

[9] Vermont: Local governments agreed that the State should do most of the planning for 1969, therefore State received waiver.

[10] Virginia: Planning funds for 1969 were made available to all cities and counties. Those units which do not belong to a planning council or economic development district and that elected not to formulate their own plans, waived their funds to the Higher Education Law Enforcement Advisory Committee which prepared plans for them using staff from four universities to compile all data and render a local plan.

[11] Wyoming: Received a waiver for State to do planning for certain local governments which did not apply for funds.

CHART 3.—MEMBERSHIP OF STATE PLANNING AGENCY SUPERVISORY BOARD IN 1970 PLANS

	Total	State [1]	Local [1]	Police	Courts defense prosecution [2]	Probation corrections	Juvenile delinquency	Citizens [3]	General local elected
Alabama	30	9	17	11	5	4	2	4	3
Alaska	6	4	1	2	2			1	
Arizona (10 voting, 6 advisory)	10	3	5	2	2	1		2	3
Arkansas	13	5	7	4	3	2	1	1	2
California	20	9	9	2	4	1	1	2	5
Colorado	18	7	9	8	5	1		2	2
Connecticut	29	18	5	5	11	2	1	4	1
Delaware	23	7	8	3	6	2	1	5	4
Florida	29	16	9	9	3	2	2	4	2
Georgia	22	6	10	4	5	2	1	6	3
Hawaii	15	4	10	3				1	5
Idaho [4]	18	9	6	5	5	1	1	2	2
Illinois	30	9	15	7	6	3	1	4	3
Indiana (13 voting, 12 advisory)	13	4	8	2	4	1		1	3
Iowa	29	9	11	6	6	3	3	8	2
Kansas	24	10	12	6	7	2		3	4
Kentucky (New Board July 1)									
Louisiana [4]	33	11	9	4	6	1	2	13	2
Maine (19 voting, 5 ex officio members)	19	2	11	5	3		1	5	2
Maryland	24	9	11	5	3	3	2	3	4
Massachusetts	33	7	21	7	12	3	2	3	3
Michigan	28	9	17	6	8	1	2	2	4
Minnesota	32	6	18	12	6	1	1	8	3
Mississippi	38	16	17	8	6	2	1	5	7
Missouri	19	7	10	6	5	2		2	1
Montana	15	6	5	3	3	3		2	2
Nebraska	21	7	9	4	5	2	2	4	1
Nevada	17	4	10	7		2		2	1
New Hampshire	29	11	13	8	6	5	2	5	3
New Jersey	14	9	5	4	4	1			1
New Mexico	19	11	8	3	2	3	1		6
New York	20	6	8	3	5	2	1	4	4
North Carolina	26	12	10	6	5	4		3	3
North Dakota	15	8	7	5	3	1	1		2
Ohio	21	9	11	4	5	1	2	1	3
Oklahoma	47	10	21	14	7	3	2	14	3
Oregon	22	6	10	3	3	1	3	5	4
Pennsylvania	12	4	5	2	3	2		1	2
Rhode Island	22	14	6	3	5		2	2	2
South Carolina (11 voting, 5 nonvoting members)	11	3	5	3	1	2	1	3	2
South Dakota	15	9	5	5	3	2	1	1	1
Tennessee	21	8	11	7	4	1	1	2	3
Texas	20	7	11	6	3	1	1	2	5
Utah	17	4	10	4	2	1	1	3	4
Vermont	21	8	12	7	3	1		1	2
Virginia	16	8	6	3	3	2	1	2	1
Washington	35	9	17	5	4	2	3	9	5
West Virginia	24	5	11	7	2	1	3	7	2
Wisconsin	12	4	6	3	3			2	2
Wyoming	23	6	11	5	5	2	1	4	3

[1] Actual employees of this level or representative of level such as State municipal league.
[2] Attorney general, coroners, medical examiners under courts.
[3] Attorneys and others unaffiliated with State or local government under citizens.
[4] 1969 figures.

BABE RUTH BASEBALL

Mr. HATFIELD. Mr. President, as my colleagues know, on Tuesday, June 16, I paid tribute to the distinguished work done by those in the Babe Ruth program. Unfortunately, the worthwhile work of Rogue Valley was not included, so I ask unanimous consent that a descriptive letter of their endeavors be printed in the RECORD, as well as a list of the board of directors of the league.

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

ROGUE VALLEY BABE RUTH LEAGUES, INC.,
Medford, Oreg., June 8, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR HATFIELD: As a member of the Board of Directors of our own Rogue Valley Babe Ruth League, I am writing to ask you to participate in the Babe Ruth special order that will be held in the Senate on Tuesday, June 16, 1970.

I am sure you are aware of the fact that Babe Ruth Baseball is the world's largest organized program to offer boys, ages thirteen through fifteen, the opportunity to play regulation baseball. These are formative years for boys of this age group and, we feel if they are kept active in a baseball program such as this, they are much less likely to get into trouble with the law.

Ours is a comparatively young League, this being only our third year in the program, but we are proud of the boys in the League and all the people who have worked long and hard to make Babe Ruth Baseball a success in our area. At the present time we are an eight team League plus one Farm Team, which means that we are keeping approximately 140 boys busy playing baseball this summer. This is no small task when you take into consideration that it costs the League a minimum of $300.00 per team just to get the players outfitted with uniforms and equipment to play ball. This amount does not include insurance, umpire's fees, baseballs, bats and many more expenses that are necessary for the success of the playing season.

It is sad to note that we have had to turn boys away because of the lack of finances and playing fields. We have been fortunate to have the Medford Mid High School baseball field to play on but it does not have lights and the facilities are not adequate if we are to expand. The City of Medford has leased a parcel of land to us to build a regulation ball diamond of our own and, through the hard labor of a dedicated few, this field is barely playable at the present time. It will require much more money and hard work before it will be the kind of ball park we feel our boys are entitled to, and must have, if they are to compete on an equal level with the other Leagues in this District.

Without this ball park, we will not be able to grow and encompass more boys, and this is why we urge you to support the Babe Ruth Baseball Program and to participate in this Special Order of Congress.

Speaking as one of the original Board Members who helped to start our own Babe Ruth League, and as the mother of two boys who play ball in the program, I think I can sincerely say that it is most gratifying and thrilling to go to a ball game and know that I had a small part in making Babe Ruth Baseball a reality for my sons and all the other boys I see out there playing ball.

Lets give this program, and those who work and play in it, the national attention they deserve and need to make it succeed, not only here in Medford, Oregon, but everywhere across the country. The primary goal of Babe Ruth Baseball is to develop good citizens of these boys and we must remember that they will be the future leaders of this Nation!

Thank you.

Sincerely yours,
MRS. MYRNA A. CLAFLIN,
Member of the Board of Directors, Rogue Valley Babe Ruth League, Inc.

P.S.—I am enclosing a list of the entire Board of Directors of the League. Each and every one of them have spent many long hours in their unselfish desire to make the Rogue Valley Babe Ruth League what it is today.

BOARD OF DIRECTORS OF ROGUE VALLEY BABE RUTH LEAGUE

Robert McGlohn, Vern Collins, Donna Hess, Lanora Wilson, Jack Batzer, Ted Hornecker, Lee Claflin, Milo Patino, Harold Icenhower, Clara Torrey, Myrna Claflin, Lois McGlohn.

NATIONAL 4–H FOUNDATION FOSTERS IMPROVED UNITED STATES-JAPAN RELATIONS THROUGH FARM TRAINING AND 4–H TEEN CARAVAN PROGRAMS

Mr. FONG. Mr. President, I should like the Senate to know about an innovative agricultural training program now underway in western United States.

The Japanese agricultural training program which began in 1966 has provided a combination of practical and academic education for nearly a thousand young Japanese farmers.

In just a few days—on June 27—another 177 men from Japan will complete the 2-year training period. Their graduation ceremony will be quickly followed by the arrival of 188 more Japanese ready to begin a new training cycle.

The program is conducted in the United States by the National 4–H Club Foundation in cooperation with the Japanese Agricultural Training Council. It is truly a unique training approach that benefits the citizens of this Nation and Japan.

The trainees, who range from 18 to 30 years of age, receive English lessons when they arrive in this country as well as a basic introduction to American life and agriculture. Their remaining academic work is in technical agriculture.

Trainees spend 6 months in the classroom and 18 months on host farms. Five colleges and universities set up academic programs.

They are: Big Bend Community College, Moses Lake, Wash.; California State Polytechnic College, Pomona, Calif.; University of Arizona, Tucson, Ariz.; University of Nebraska, Lincoln, Nebr.; Yakima Valley College, Yakima, Wash.

Host farmers in Arizona, Idaho, Illinois, Nebraska, Oregon, and Washington provide on-the-job training for the young men from Japan. Each trainee lives and works on a farm which practices the type of agriculture in which he is interested.

The trainees become part of the farm family as well as the community. They attend 4–H camps, speak before local civic groups and contribute to international study programs in nearby areas. Local 4–H programs have been particularly interested in meeting and talking with their Japanese visitors. Many trainees are former 4–H'ers.

Host farmers report enthusiastically on the performance of their trainees. They form close personal friendships as well as working relationships.

The Japanese Government began informal negotiations on the training program early in the sixties. In initial discussions, the Japanese asked for assistance in conducting a program that would help to bridge the gap between agricultural and industrial technology in their homeland.

The U.S. Departments of State, Labor, and Agriculture helped in the planning. The National 4–H Club Foundation, which operates in behalf of Agriculture's Cooperative Extension Service, was selected to conduct the new program.

The U.S. branch of the Japanese Agricultural Training Council, headed by Mr. Tsuguo Imai, works with the 4–H Foundation in program operation. The administrative expenses of the program are financed by the Japanese Agricultural Training Council through a grant from the Government of Japan. The Council also selects and orients each year's participants. Trainees receive wages for their on-the-job training based on local pay scales. These wages are sufficient to cover the expenses of the trainee's international and U.S. transportation, institutional training, nonoccupational medical expenses, and personal expenses.

Grant A. Shrum, executive director of the National 4–H Club Foundation, explained that the placement of trainees is one of the most important elements in the program.

Trainees must be placed with farmers who will provide on-the-job training and who are engaged in types of agriculture commensurate with the trainee's interests.

State employment services and local and State cooperative extension service agents work with the foundation to achieve satisfactory placements. The local agencies also help to make the trainees feel more a part of their host communities.

This spirit of hospitality plus the enthusiasm of the trainees are helping to build strong bridges of understanding between the people of the United States and Japan.

The 4–H Teen Caravan is another important cultural exchange opportunity conducted by the 4–H Foundation annually. This year, 17 American youths, ranging from 17 to 18 years of age, will go to Japan to live with families throughout the Nation. As with the other teen caravans, they will have an adult group leader to help direct the educational phases of their experience.

I am particularly pleased to note that the young travelers will stop in Hawaii for their final consultation and evaluation en route home at summer's end.

Opportunities like the Japanese agricultural training program, the 4–H Teen Caravan and others are valuable to the people of both Nations. I trust they will continue to grow and prosper.

MEDICAL CARE FOR VETERANS

Mr. MATHIAS. Mr. President, recent reports on the care that our servicemen receive at the Veterans' Administration hospitals have distressed all of us.

At present, the Army reports that 81 percent of its men wounded in Vietnam survive, compared with 74 percent in the Korean War and 71 percent in World War II. Given this indication of the exceptional initial medical service to our soldiers, we must make certain that these men, who have made great sacrifices, continue to receive the best possible care.

Adequate funding for facilities, special programs, and staff is essential if the personal efforts of the men and women of the VA are going to be successful.

In an article in the May 31, 1970, edition of the New York Times, Dr. Howard A. Rusk points out the need for this financial support.

I ask unanimous consent that the article entitled, "Medicine's War Role: Aid Speeded to Wounded in Vietnam. But VA Suffers Lack of Personnel," be printed in the RECORD.

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

MEDICINE'S WAR ROLE: AID SPEEDED TO WOUNDED IN VIETNAM BUT VA SUFFERS LACK OF PERSONNEL

(By Howard A. Rusk, M.D.)

The Army, which accounts for more Vietnam war casualties than any other service, reports that more than 81 per cent of its wounded are surviving in Vietnam, compared with 74 per cent in the Korean War and 71 per cent in World War II.

Thus far, about 237,000 men in all the United States armed services in Vietnam have been wounded and have survived. About half the 237,000 had injuries so minor that they did not even require hospitalization.

In the case of the more severe wounds, the Army Surgeon General's office says that it is too early to make a "definite" assessment of the long-term effects.

However, after interviews with doctors and seeing some of the patients there is no question about the severity of the patient's wounds.

The speedy evacuation by helicopters of the wounded to forward aid stations averages about 17 minutes. This is the primary life-saving factor for the severely disabled.

The Army says the category of "many multiple wounds" in which there was no single predominant location includes 20 per cent of patients in Vietnam, compared with only 2 per cent in Korea and 3 per cent in World War II.

DURATION OF TREATMENT

Among the wounded Army personnel in Vietnam who are admitted to medical facilities, the average duration of treatment has been approximately 65 days a case. The corresponding figure for the Korean War was 93 days and for World War II, 129 days.

In Vietnam 2.5 per cent of the wounded Army personnel admitted to medical treatment facilities have died of their wounds. This is numerically similar to the 2.5 per cent recorded for the Korean War, but markedly lower than 4.5 per cent for World War II.

For example, in the number of Army personnel with major amputations resulting from wounds who were admitted to amputation centers in this country represented 2 to 2½ per cent of the total hospitalized wounded. So far, for Vietnam, the corresponding proportion is about 1 per cent.

Of the total numbers of surviving wounded, the percentages were 70.7 during World War II, 73.7 in the Korean War and 81.4 in Vietnam.

CUT IN ADMISSIONS

Even though the terrain in Vietnam has been the most difficult in any war with all types of exotic tropical diseases, endemic hospital admissions in Vietnam for disease and known battlefield injury have been 25 per cent lower than in the Korean War and less than half the rate for the European theater, in World War II.

These figures are heartening and great credit goes to our medical services. However, figures are cold and if one has the opportunity to see first-hand the more than 7,000 soldiers separated from the service for disability or those now in Vietnam and United States military hospitals, the problem would be put in bold perspective, more graphically than any figures can ever tell.

One of the most severely wounded men ever reported in medical history was that of an 18-year-old Vietnam veteran.

He was in combat less than two years when a high-velocity shell took away his one kidney, several feet of his intestinal track and half of his pelvis. He would have been dead had it not been for the helicopter.

After hours of surgery, gallons of blood and tremendous doses of antibiotics his life was saved.

UNUSUAL SURGERY

After more than a year of hospitalization it was determined that he would never have any real life because of continuing bone infection and complications without the most radical surgery procedure known to medicine, a hemicorporectomy, the removal of half of his body. It was done, and he survived—the third such patient in medical history and the first war casualty to survive such surgery and be rehabilitated.

In spite of his tremendous problems, he had the great desire to live. He was fitted with new modern prothesis. He learned to walk, go up and down steps, was taught to drive a car and in less than six months after his surgery, returned home to go back to school. It's easy to forget, but after World War II there were no rehabilitation services in the Veterans Administration. Everything started after 1945.

The VA now has an excellent hospital complex with special centers for spinal cord injury, brain-injured patients, the blind, amputees, with services including vocational **and educational counseling,** psychological **evaluation, vocational** and educational training guidance, available for these severely disabled men. They have the hospitals, they have the equipment, but they just do not have enough people or funds to get them.

Recent hearings by the chairman of the Subcommittee of Veterans Affairs, Senator Allen Cranston, have brought out the tragic lack of personnel in the Veterans Administration, the inadequacy of its present job and the amount needed for its adequate support.

These boys who have lost their limbs, had their extremities paralyzed and their brains damaged in an unpopular war thousands of miles from home deserve everything that a greatful nation can give them, regardless of how one feels about the war. This fact is self-evident.

The Veterans Administration must have adequate financial help now if it is to provide "medical care second to none."

BREAKING DOWN THE BARRIERS: AMERICA'S ATTITUDES TOWARD THE HANDICAPPED

Mr. BROOKE. Mr. President, in our concern with the welfare of racial and ethnic minorities, we tend sometimes to forget that there are other "minorities" in America whose definition cuts across racial and ethnic lines and can affect us all. I am speaking of the handicapped, the mentally retarded, the disabled, the persons who suffer from chronic or incurable diseases. The vast majority of us tend to form stereotypes which exclude the handicapped, either directly or indirectly, from the degree of participation in our society which they are entitled to enjoy.

One of the best statements I have ever seen on this subject was delivered by Harold Russell, Chairman of the President's Committee on Employment of the Handicapped, at a recent symposium in Elwyn, Pa. Mr. Russell's speech is an eloquent plea for acceptance of all men as individuals; in his own words, "We want an end to the faceless people."

I ask unanimous consent that the entire text of this speech, together with a biography of Mr. Harold Russell, be printed at this point in the RECORD. I commend it to all Senators.

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

AMERICA'S ATTITUDES TOWARD THE HANDICAPPED: YESTERDAY, TODAY, AND TOMORROW

(By Harold Russell)

"See that man over there?"

"Yes."

"Well, I hate him."

"But you don't know him."

"That's why I hate him."

Keep this little story in mind. I'm going to come back to it because it contains a clue to our attitudes toward the handicapped, and what can be done to improve them.

Also keep in mind three premises having to do with attitudes of people toward other people. These premises, too, contain clues to attitudes toward the handicapped. One is the premise of "facelessness." A second is the premise of "jerry-built images." The third is the premise of "out of sight, out of heart."

Let me explain all three premises by telling you of a classical attitude study by La Piere. It was done several years ago, but its results are still valid.

An American, accompanied by a Chinese man and wife, stopped in at 66 hotels and 184 resturants. In each, they evaluated the attitudes of the people they encountered. During the entire experiment, they were rebuffed only once. All the other times they were accepted, usually without a blink of an eye.

Later, they wrote letters to all 66 hotels and 184 restaurants, and asked: would you be willing to accept members of the Chinese race in your establishment?

Ninety-three percent of the restaurants and ninety-two percent of the hotels replied "no."

Now let's apply our three premises to this survey.

First, "facelessness." In the letters, the proprietors were asked for their opinions not about living, breathing individuals but about a faceless abstraction, an entire race. To paraphrase our little story, they could hate the Chinese because they don't know them (or think about them) as people.

Second, "jerry-built images." The proprietors erected jerry-built mental stereotypes of the Chinese. They took one or two unfavorable factors and blew them up into mental pictures that they contended applied to all the Chinese. Of course, any resemblance to real persons, living or dead, was purely coincidental.

Third, "out of sight; out of heart." The properietors found it quite easy to discriminate against people who were not standing in front of them, staring them in the eye, man-to-man. It was easy for them to reject the Chinese on paper, in the abstract. But it wasn't easy for them to reject the Chinese man and wife when they appeared in person.

These three premises translate directly into attitudes toward the handicapped. As for "facelessness," a person may tend to reject the mentally retarded in the abstract, yet fondly give a raise to his mentally retarded messenger for his devotion to duty. As for "jerry-built images," mental pictures of the retarded—all the retarded—too often are created out of one or two factors that apply only to the severely retarded: slowness, mongoloid appearance, the like. As for "out of sight; out of mind," it's easy for an employer to tell you, "no, I won't hire the mentally retarded" so long as there are no retarded persons in sight. It's not easy for him to tell you "no" when he's face to face with a retarded person.

Keeping those premises in mind, let's examine America's attitudes toward the handicapped, past, present, future. Let's consider the physically handicapped, the mentally restored, the mentally retarded.

The physically handicapped first.

It wasn't until World War Two that the physically handicapped in America surfaced in a positive way, before the war, if you ever thought about the handicapped at all, it usually was in terms of charity. Vocational rehabilitation was a new concept, still struggling for a toe-hold. There weren't enough jobs in America for the able-bodied, much less the handicapped.

But during the war years, two things happened.

First, war industries *had* to hire the handicapped. There weren't many other workers around. Suddenly, the handicapped became visible in a positive way. They were contribu-

And second, it became commonplace to see ting to society, not taking from it.

physically handicapped young veterans in our towns and cities. They, too, became visible in a positive way. They were exceptionally well motivated. Not only did they flock into schools, but they aimed for high-level jobs. Forty percent trained for professional and managerial positions.

Between the war workers and the war veterans, a new image of the physically handicapped began to emerge.

This new image was nurtured by the President's Committee, created shortly after the war. The President's Committee, as you know, is not merely a Washington-based agency. Instead, it is a cross-section of America's volunteers, people and organizations in all walks of life, devoted to serving the handicapped.

And so, in the years following the war, the image of the physically handicapped began to improve. But only if you didn't look *too* closely.

If you did look closely, you saw something disconcerting. You saw improvement for some of the handicapped but not for all. You saw some categories of the handicapped where public attitudes were not too far removed from the dark ages.

I have in mind those with "hidden" handicaps—heart conditions, controlled epilepsy, arrested TB, other conditions not readily visible. Since you can't see these conditions, but since you know they exist, you tend to build fantasies about them. Damaging fantasies.

And I have in mind those with severe handicaps which may impede mobility and communication and other aspects of daily living—blind, deaf, paraplegics, some others. Here, you tend to become so overwhelmed by the handicapping condition that you never really see the capabilities of the person himself.

And I also have in mind those with degenerative disabilities—multiple sclerosis, muscular dystrophy, others. Here, all you see is a pathway leading down, down, down. Your heart goes out to the victim. You'll give charity in his behalf, but you probably won't give him a job. After all, how long would he last? All this, despite evidence that in many cases these disabilities level off for a long while—longer than two decades for the majority of MS people—during which time they're quite able to work.

Finally, I have in mind those with stigmatic disabilities such as epilepsy. Here, you tend not to see the individual at all; you see his seizure—despite the facts that drugs have elimniated seizures in fifty percent of all cases of epilepsy, and reduced their intensity in thirty percent of the rest.

I'm often asked: are attitudes toward the physically handicapped improving? I answer yes. But sadly I have to add: progress is spotty. So spotty.

Now let's turn to the mentally restored.

Here, a great many attitude studies have been conducted over the years. They seem to add up to a gradual improvement. Or, to quote one cautions official of the National Institute for Mental Health: "at least public attitudes toward the mentally ill are no longer *wholly* negative."

Here are some highlights: A New Jersey study showed that the higher the level of education, the more enlightened the opinions about mental illness. A Kentucky study

showed that, at long last, people do consider mental illness as an illness that can be treated and cured. An Illinois study showed that many people still regard the mentally ill with fear because their actions are unpredictable.

On the other hand, a Maryland study—most recent of the group—showed that 50 percent of the people could imagine themselves falling in love with a mentally ill person; 50 percent would be willing to room with a former mental patient; 81 percent would be willing to work alongside a former mental patient.

Studies of employer attitudes in Boston and Louisville show something interesting. A majority said yes, they'd be willing to hire the mentally restored. Yet only a small percentage ever did.

There are some forces at work in America that inevitably will lead to more enlightened attitudes toward the mentally ill and mentally restored.

One is the fact that vocational rehabilitation of the mentally restored has moved ahead faster than for any other single disability group. Over the past quarter of a century, it increased nineteen times, compared with an increase of four times for all other disabilities. This means that record numbers of people are re-entering America's mainstream—working, living, rubbing shoulders with their neighbors, demonstrating that they are like other people.

The other force is the fact that in more and more instances, mental illness is being treated right in the community, rather than in isolated institutions off in nowhere. Halfway houses, day care centers, day and night hospitals, mental health clinics, greater use of general hospitals, and, above all, community mental health centers—all these tend to keep the mentally ill right at home, a part of society and not isolated from it.

How would I sum up attitudes? Improving, I would say, Improving at an accelerated pace. But still a long way to go.

And now, what about attitudes toward the mentally retarded?

Here, I believe a miracle in acceptance is taking place in front of our eyes. Attitudes toward the retarded are changing, perhaps more rapidly than for any other disability group. A great many forces seem to have been at work at the same time. Let me list some of them.

There is the Kennedy family, unafraid to face up to retardation during the White House years and thereafter, going far in helping to bring retardation out of the back bedrooms of America.

And there is the highly motivated parents' organization, the National Association for Retarded Children, and all its State and local affiliates—action-oriented, refusing to accept the word "impossible."

And there are progressive institutions such as Elwyn Institute, aware of their social responsibilities to promote general knowledge and enlightenment about mental retardation.

And there are dynamic programs of so many Government agencies—Health, Education, and Welfare, Department of Labor, Department of Commerce, Civil Service Commission, President's Committee on Mental Retardation (only Presidential Committee devoted to a single disability group), our own President's Committee on Employment of the Handicapped.

And there are the twin miracles of education and habilitation of the retarded, preparing thousands of young people for satisfying lives and jobs.

And, too, there are the times we live in—an affluence that has created a manpower shortage at the unskilled level of the work spectrum, leading to a willingness to accept the retarded for many kinds of jobs.

When a restaurant has to hire 100 people to keep ten jobs filled; when a laundry has to go on a four-day work-week because of Monday Absenteeism; when factory production lines have to be curtailed by manpower shortages—when things like these occur, it isn't any wonder that employers turn to the mentally retarded as a possible solution to their problems.

This has been an odd kind of miracle of acceptance of the retarded.

On the one hand, you find major businesses and industries in America actually taking the initiative and asking how to get involved in training and placing the retarded—Howard Johnson, Institute of Industrial Launderers, Hotel Corporation of America, many more. You find the retarded going to work, succeeding on the job, getting along with their supervisors, being accepted by their fellow workers.

You find all this on the one hand. But look at the other hand. You still find public opinion polls indicating that America is not yet ready to accept the retarded. I'll cite one study, typical of all.

Last year, Roper Research Associates surveyed a sampling of a thousand American households to learn their opinions about the handicapped. They were presented with this hypothetical case:

"Take the case of Thomas B. He is aged 20 and mentally retarded. Outwardly normal, he has the intelligence of an average eight year old child. He can care for himself, do simple chores, and read and write at the third grade level."

More than half of the families in the survey believed this young man should be in an institution and not at home. Nearly sixty percent believed if he worked at all, it should be in a sheltered workshop and not elsewhere. Only sixteen percent believed he deserved a chance to hold a job side-by-side with other employees.

Hark back to the little story I began with, "See that man over there . . ."

And hark back to the three premises I mentioned—"Facelessness," or how easy it is to reject those we don't know; "Jerry-built images," or how we create mental pictures that downgrade entire groups; and "out of sight, out of heart," or how we tend to push these people somewhere out of our vision so we don't have to look at them.

Here we have the evidence of our premises. The American people find it easy to reject those they don't know, hypothetical cases posed by researchers, nameless people tagged as mentally retarded. But the American people *don't* find it easy to reject people they do know—the retarded young man who delivers the mail, the retarded young lady who stuffs envelopes in the next room.

Nor, may I add, is it easy to reject those we need—the mentally retarded whom, we've been told, might help us solve our manpower problems.

To sum up, the retarded have made great progress in a short time, in gaining public acceptance—more progress, I believe, than the American people might be aware of. Yet I know that the retarded, too, have a long way to go. A longway.

Now, what can we learn from these excursions into the highways and byways of public attitudes toward the handicapped? Several things:

The handicapped have to become clearly visible in our society. They have to have the chance to rub shoulders with the rest of the people.

This means that whenever possible the community must be the base of operations—not some custodial establishment away from the mainstream.

The handicapped have to be given an opportunity to demonstrate their "alike-ness" to the rest of society, rather than their "unlike-ness" from the rest. Their essential humanity—the bond binding them to all mankind—must have the chance to shine through.

This means the greatest possible attention paid to their social behavior, during school and rehabilitation, to minimize behavioral quirks that set them apart.

The handicapped have to have the chance to work in places where they never have worked before. I know how easy it is for a placement officer to call a friend and say, "George, I have another one for you." But each handicapped person must be a missionary, in a sense—must move out into untried territory—must do his share to show society his human-ness.

This can be his contribution to breaking down the barriers.

The handicapped have to be given the chance to mix with society at large not only where they work, but also where they learn and where they play and where they shop and where they pray.

Mixed training facilities, mixed sheltered workshops, mixed play programs, mixed school programs—there can be the pathways to greater acceptance.

Finally, the handicapped have to have the active support of society. Acceptance doesn't merely come about through some magic. It has to be nurtured and encouraged and prodded—not just by one or two segments of society, but by all. And that's what the President's Committee is all about—the single banner behind which march a true cross-section of our land. Public sector, private sector, management, labor, professionals, volunteers—all marching together, with the common goal of acceptance of the handicapped.

And what do we want, ultimately? What is our goal?

We want an end to the faceless people—to the easy tendency to reject those whom we don't know; the cowardly tendency to declare them our inferiors.

We want an end to jerry-built images—to the damaging mental stereotypes we create of entire groups we are not familiar with.

We want an end to the out-of-mind-out-of-heart syndrome—to our sometimes cruel method of simply not thinking about the groups we've rejected, or forcing them out of our minds as though they did not exist.

"See that man, man over there?"

"Well, I hate him."

"But you don't know him."

"That's why I hate him."

If our goals are ever reached, I don't expect everybody to love everybody else all of the time. But I do expect if we are to be hated, we will be hated as individuals, in our own right, for ourselves—and not merely because we are hapless representatives of some group.

Slowly but perceptably, the world seems to be moving in the direction of the acceptance of individuals. Slowly, so slowly—yet you can sense that movement.

We seem to be heading toward the true promise of the melting pot that is America—the beginning of a melting pot where difference between groups are minimized, where the people count. Yes, the people.

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED—BIOGRAPHICAL SKETCH OF HAROLD RUSSELL

Harold Russell was reappointed Chairman of the President's Committee on Employment of the Handicapped by President Richard M. Nixon on May 1, 1969. He had been named Chairman by President Johnson April 18, 1964, having served as a Vice Chairman from 1962 to 1964 following his appointment by President Kennedy.

The President's Committee was established in 1947 to promote nationwide interest in rehabilitation and employment of the handicapped by obtaining and maintaining cooperation from government agencies, private groups and individuals. It is composed of

more than 600 public spirited citizen organizations and individuals representing business, civic, handicapped, industry, labor, mass media, medical, professional rehabilitation, religious, veterans', women's and other groups. Associate Members include all Cabinet officers and several major Federal Agency heads.

Although Russell devotes a major portion of his time to the duties of the office and travels extensively promoting the training and employment of the handicapped persons throughout the United States, he serves without compensation except for travel expenses. He is active in business as President of the Harold Russell Insurance Agency, Inc., of Dedham, Massachusetts (875 Providence Road). He is also founder and president of the Harold Russell Company, St. Louis, Missouri.

Russell, who lost both hands in a wartime training accident in the Army, skyrocketed to fame and became a national symbol of courage in meeting the challenge of disability when he was selected to portray the role of Homer Parrish, a handless sailor in the movie, "The Best Years of Our Lives." The role was largely based on Russell's own experiences in overcoming a handicap to take a normal place in society. For his performance he was presented with two Motion Picture Academy Award "Oscars", one for the best supporting performance and the other for "bringing aid and comfort to disabled veterans through the medium of motion pictures."

The accident occurred while Russell, a sergeant and paratrooper instructor, was training troops at Camp Mackall, near Pinehurst, North Carolina, June 6, 1964. A defective fuse cap unexpectedly set off an explosive charge he was holding. The following day his shattered hands were amputated three inches above the wrists and later he was transferred to Walter Reed Hospital in Washington, D.C. where he was fitted with artificial limbs and pointed down the road to rehabilitation. Through seemingly ceaseless practice he became extremely proficient in the use of the hooks.

While undergoing rehabilitation at Walter Reed, Russell was selected to make a 20-minute Signal Corp motion picture, "Diary of a Sergeant." Largely based upon his accident, recovery and rehabilitation, it was widely used in rehabilitating amputees. This film came to the attention of Samuel Goldwyn and led to the role in 'The Best Years of Our Lives."

In 1949 Russell wrote an autobiography, titled, "Victory In My Hands," which has been translated into 20 languages. It tells about his anguish during the long period of physical and psychological recovery after losing his hands.

Russell is a Past National Commander of AMVETS, having been elected in 1949, 1950 and again in 1960. He is the only National Commander of this organization to serve three terms.

He is also Vice President of the World Veterans Fund, Inc. and has traveled throughout the world working with the World Veterans Federation, of which he was one of the organizers.

In addition, Russell has worked with the U.S. Treasury Department to spur the sale of Savings Bonds, The American Red Cross, the National Conference of Christians and Jews, the Anti-Defamation League of B'nai B'rith and with the National Easter Seal Society, where he is past member of the Board of Director. He has served (1966–68) on the National Council on Vocational Rehabilitation, and is currently a member of the Massachusetts Industrial Accident Rehabilitation Commission.

Born in Sidney, Nova Scotia, January 14, 1914, Russell moved to Boston with his family at the age of six, following the death of his father, a telegraph manager. He attended public schools in Boston and nearby Cambridge, graduating from high school in 1933. He worked for a grocery chain and was a store manager before entering the Army in February 1942. Russell volunteered for the paratroops and qualified as a paratrooper instructor and specialized in demolition and explosives. He made 51 jumps until the training camp explosion on D–Day in 1944.

The accident altered Russell's career. After completing his rehabilitation, Russell entered Boston University's School of Business Administration. But his studies were interrupted to make "The Best Years of Our Lives," to lecture to various audiences, and to court and win his wife, Rita. Today they have two children, Jerry, a pilot in the U.S. Air Force, and Mrs. Thomas Groves. They reside at Wayland, Massachusetts.

Russell has received many awards, including the honor of being chosen as one of the Ten Outstanding Young Men of 1950 by the U.S. Junior Chamber of Commerce.

OREGON EDITOR COMMENTS ON TRANSPORTATION NEEDS

Mr. HATFIELD. Mr. President, I was pleased to be in the Chamber when my distinguished colleague from Tennessee (Mr. BAKER) spoke in introducing S. 3760, to provide for a Commission on Transportation Regulatory Agencies.

I was aware of the confusion among our regulatory agencies as the transportation industry enters the computerized era. I have talked with residents of Oregon towns who were dealing with the various agencies, and facing differing standards, requirements, and procedures in presenting their case for various proposals.

I joined Senator BAKER as a cosponsor of S. 3760, and the reaction in Oregon to his bill has been good. As an example, I ask unanimous consent that a recent editorial from the Klamath Falls, Oreg., Herald and News be printed at the end of my remarks. I am sure that the sentiments of this editor are echoed by other Oregonians and others across the country.

As our society becomes more complex, we must see that the Government adjusts to meet the new challenges brought about by technology, growth, and bureaucratic inertia. I believe that the establishment of a Commission on Transportation Regulatory Agencies is a needed step toward meeting the transportation problems of the 1970's.

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

TRANSPORTATION MUST BE PACKAGED

Transportation is one of the nation's most rapidly changing industries.

A mere two decades ago, most persons still looked to the train as the prime means of long distance public travel. But the airlines, still struggling after World War II, emerged during the 1950s to first challenge and then overpower railroads as public conveyances. Many railroads have since decided that they would be better off without passenger service—a decision resented by cities served by passenger trains and by train buffs.

There has been a revolution, too, in other modes of transportation. The automobile, in that same two decades, has become increasingly important for long-distance travel and the truck has grown as a freight hauler. The growth of automotive travel, in turn, has led to concern about the manner in which highways gobble up land and determine living and economic patterns.

Increasingly, national and local planners are realizing that the various transportation systems cannot be considered in isolation. If we are to solve our transportation problems without destroying our environment, we must look at transportation as a package and seek the most efficient means of coping with the problems at hand.

The solutions will vary from place to place. For example, we may see—if the new Metroliner is any indication—a rebirth of the passenger train in densely populated areas where airlines have a difficult time operating. The car will continue to be a prime mode of transport, but mass transit may replace it for commuting.

The federal government gave partial recognition to the interdependent nature of the transportation system recently when the Department of Transportation was created. But it left the independent regulatory agencies separate.

This leads to a lack of policy coordination. For example, because railroads and airlines are regulated by different boards, a community may be faced—as Klamath Falls has been faced—with simultaneous cutbacks in rail and air service. Local persons working on the problem finding themselves being whipsawed by two or more bureaus.

Sen. Mark Hatfield of Oregon, recognizing the problem, is cosponsoring legislation to merge the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Commission into one regulatory agency.

We don't know whether Hatfield's bill or some other proposal is the answer. We do believe, however, that a community such as Klamath Falls should be able to plead its public transportation case as a package without having to play off one regulatory agency against another and one company against another.

PRESIDENT PRAISED ON VOTING RIGHTS STAND

Mr. BROOKE. Mr. President, with President Nixon's endorsement of the Voting Rights Act, this country has passed an important milestone in the development of political freedom. The protection of minority rights to the franchise is a vital purpose of our Government and this law extends our effort to fulfill this purpose in important new directions.

The President's acceptance of this legislation becomes all the more significant in light of the serious constitutional questions which he had raised concerning statutory enactment of the 18-year-old vote. Yet I believe every Member of the Congress and every citizen in our society should applaud the wise course adopted by Mr. Nixon in leaving the constitutional question for resolution by the courts. Had the President acted otherwise the cost to the domestic political tranquillity of the United States could have been severe.

The President surely deserves the wise editorial commendation of his historic action. I ask unanimous consent that editorials from the Washington Post and the New York Times applauding the President's action be printed in the RECORD.

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

[From the Washington Post, June 24, 1970]

YOUTH VOTE: THE SUPREME COURT MUST NOW DECIDE

A reasonable inference can be drawn from President Nixon's statement that he would have vetoed the 18-year-old vote bill if it had stood alone. The President reiterated his strong belief that the measure is unconstitutional and he does not expect it to survive the court test which he ordered the Attorney General to bring as soon as possible. He signed the bill in order to save its other provisions—extension of the Voting Rights Act of 1965 and a section allowing all citizens to vote in presidential elections without regard for state residency requirements.

In our view this was the best course he could have taken to resolve his dilemma. If the youth suffrage rider exceeds the authority of Congress, the Supreme Court can invalidate it. The President could not have taken upon himself the responsibility for making this decision without risk of being gravely misunderstood by the two groups most deeply involved in the current unrest: the Negroes who took upon the Voting Rights Act as the most vital element in their enfranchisement and the youths who are seeking a part in the national decision-making process. Since the noncontroversial parts of the bill involve the voting rights of about six million citizens—nearly one million blacks who have been registered under federal auspices or protection in the last five years and an estimated five million who in the past have lost their votes for President because of arbitrary state residency requirements—a veto could not have been justified for the sake of shielding the Supreme Court from what may prove an embarrassing task.

It is not yet clear what steps the Attorney General will take to expedite the constitutional test in the courts, but there is a recent precedent for going directly to the Supreme Court. After Congress passed the original Voting Rights Act, South Carolina sought an injunction in the Supreme Court against the enforcement of its provisions by the Attorney General. The court not only accepted original jurisdiction in the case; it also recognized the desire of the state to obtain a ruling before its 1966 primary election and therefore dispensed with the appointing of a special master and expedited its own hearing. All the states were asked to participate as friends of the court.

The Supreme Court has an entirely logical aversion to deciding abstract issues and to rendering declaratory judgments or advisory opinions. Its basic business is judicial the decision of actual cases and controversies. In this instance, however, one or more of the states is certain to challenge the right of Congress to fix the age for voting, and the Supreme Court is the only body which can resolve that very real issue. There is no basic controversy over facts which will require a lower-court trial in the usual sense. The basic question is what the Constitution requires.

If the Supreme Court is willing to follow its precedent, in *South Carolina* v. *Katzenbach*, there should be no difficulty in obtaining a prompt test of the statute. No doubt all the states will join in the appeal for prompt action since none of them can hold even a school board or bond-issue election without possible confusion over the outcome until the issue is resolved. Meanwhile Congress would do well to heed the President's advice to proceed with the approval of a constitutional amendment in any event. The vital question of enfranchising 11 million young citizens should not be left hanging precariously on the chance that the Supreme Court will say that the Constitution does not mean what it has always been assumed to mean in the past.

[From the New York Times, June 24, 1970]

PRESIDENTIAL GOOD JUDGMENT

President Nixon has served the nation well in his handling of the combined Congressional action to extend the Voting Rights Act and lower the voting age to eighteen. He did not let his belief that an age qualification fixed by the Federal Government would require a constitutional amendment get in the way of his signing the legislation and thus clearing the way for the courts to resolve that question.

In the process, the President has saved the most important safeguard in the whole range of civil rights legislation, the Voting Rights Act of 1965. Protected by that law, nearly a million Negro citizens have registered in Southern states; millions more are sure to follow suit, with results that may well change the political face of the country.

The President made it clear, as he signed the bill, that he is asking the Attorney General to expedite a court test of the voting-age provision. Otherwise, all elections held after the first of the year, even primaries, will be subject to challenge—a prospect that would reduce the political process from mere vulnerability to downright chaos.

Prudence also suggests that steps be taken now to assure lowering of the voting age in case the courts do concur in Mr. Nixon's reading of the Constitution. As long as the eighteen-year provision was going through the legislative mill as part of the Voting Rights Act, no action was taken by the Senate subcommittee now considering a constitutional amendment on the subject.

But the amendment resolution already has more sponsors than it needs to get through the Senate by the required two-thirds vote. It is necessary only to speed up the machinery there—and to get it started in the House. The real battle then, should the Supreme Court reject the statutory approach, will be to win the approval of three-quarters of the state legislatures.

We share the President's declared enthusiasm for the eighteen-year-old vote, unmoved by figures showing that young voters in general exercise the franchise even more sparingly than their elders. They are far more mobile, for one thing, being less settled, and are accordingly put at a disadvantage by the outrageous residential requirements which the new law will drastically modify and make uniform.

In any event, whether or not they take advantage of the opportunity to vote is not the crucial consideration. Psychologically, it is important that they have the right—one to which they are entitled by any reasonable criterion of education, service to the country and taxation. Practically, its exercise will take on importance with time and usage, giving the young a more obvious stake in the political process than many of them now feel they possess.

THE BABE RUTH BASEBALL PROGRAM

Mr. BIBLE. Mr. President, I would like to add my own thoughts to those of many of my distinguished colleagues in praising the achievements of the National Babe Ruth Baseball program for teenagers.

The growth of this program since its inception in 1951 has been phenomenal. The first league, organized in New Jersey, involved only a handful of youngsters 13, 14, and 15 years old. Today, the program flourishes in all 50 States, as well as in Canada, Puerto Rico, Europe, Guam, Mexico, and parts of Asia. Participants number about 325,000 who compete in two separate divisions—one for those in the 13–15 age bracket and the other for those 16 to 18.

The success of Babe Ruth Baseball in my own State of Nevada is consistent with the growth of the program nationwide. The first Nevada league was formed in 1951. Today there are 70 teams competing in a number of communities. More than 1,000 young men are involved.

A highlight of Babe Ruth Baseball in Nevada is the annual State tournament, which this year is scheduled July 25–30 in Carson City, the State capital. As in past years, this event will draw capacity crowds who appreciate the excitement of well-played baseball and the sportsmanship so characteristic of participants in this worthwhile program.

I congratulate the officers, directors, and board members of International Babe Ruth Baseball as well as the leaders of the program in Nevada—Mr. Jay Kump, of Elko, who serves as State director, and Mr. Bill Fogle, of Carson City, the assistant State director.

At the same time, I offer a special tribute to the thousands of parents and other adult volunteers who have given so generously of time and effort to insure the success of Babe Ruth Baseball. Their unselfish contributions have been principally responsible for the rapid growth of one of the finest programs in the entire spectrum of competitive amateur athletics.

Mr. President, Babe Ruth was the epitome of excellence in the sport of baseball. He was the greatest home run hitter of all time. He was also, earlier in his career, a great pitcher. He was colorful and exciting, and he remains a source of inspiration to countless youngsters who aspire for success in baseball.

I think it entirely appropriate that the name of Babe Ruth is perpetuated today not merely in the record books, but in a program that offers millions of boys the opportunity to play the game he loved. Of all the memorials saluting his achievements, I think he would have treasured this one most of all.

THE AMENDMENT TO END THE WAR

Mr. HATFIELD. Mr. President, last May 16, I addressed a community forum at McArthur Court at the University of Oregon in Eugene, Oreg. After my speech, I was presented with petitions including 57,414 signatures supporting the Amendment To End the War, of which I am a cosponsor. I also received 3,000 signatures there opposing this amendment. As of this date, 80,238 Oregonians have signed petitions supporting the Amendment To End the War; 6,949 have signed petitions indicating their opposition. In addition, 8,628 Oregonians have written letters to me urging that this amendment be passed, while 2,818 have used this means to request that I withdraw support for the amendment.

Mr. President, in this time of increasing polarization I commend these peaceful and orderly methods of expressing

opinions. On both sides of the issue there have recently been violent protests which cannot be condoned. I believe that we in the U.S. Senate must encourage our fellow citizens to participate in the democratic processes, as these Oregonians have. Our responsiveness will prove that this system can work.

OFFICIAL U.S. POLICY TOWARD CUBA

Mr. TOWER. Mr. President, I invite the attention of Senators to the article by the distinguished Senator from South Carolina which appeared in Human Events on June 13. We are all vitally concerned with the problem of Cuba, and I believe that Senator THURMOND's article will be of interest. I ask unanimous consent that it be printed in the RECORD.

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

MCCLOSKEY DISTORTS POSITION: WHAT IS OFFICIAL U.S. POLICY TOWARD CUBA?

(By Senator STROM THURMOND)

The State Department's official spokesman, Robert J. McCloskey, has gravely distorted official U.S. policy with regard to the liberation of Cuba.

At a press briefing on May 12, McCloskey assailed the Cuban exiles in Miami who have announced the first successful raids against the Communist regime in their homeland. McCloskey is the deputy assistant secretary of state for Press Relations.

McCloskey said: "The government of the U.S. has noted with regret the announcement from Miami, made by a representative of a Cuban exile group, that members of his organization have sunk two Cuban fishing vessels and are holding 11 Cuban citizens as hostages."

The State Department spokesman went on to remind "all persons who reside in [the U.S.] that the U.S. laws forbid the use of U.S. territory as a base for any military expedition against a foreign country."

But there is absolutely no reason for the U.S. government to "note with regret" attempts by Cubans to regain their homeland.

In the first place, the Cuban exile groups did not claim that their attacks were launched from U.S. territory. The State Department admits that the government has no evidence that the attacks were launched from the U.S. Why, therefore, "note with regret" an event which every freedom-loving man should applaud?

The reason is that McCloskey, appointed to his post by President Johnson in 1964, is simply parroting the old State Department line on Cuba. Like many another holdover, he is able to maintain the status quo in areas which have not been demanding much attention lately. The President has his hands full on many another front, and men like McCloskey and the boys on the Cuban desk go on their merry way.

In the past four weeks the Cuban situation has changed dramatically. The Cuban exile group, Alpha 66, and its allies have successfully infiltrated Cuban territory three times, landing twice and sinking the two boats the third time (see *Human Events*, May 30, 1970, page 20). Spurning involvement with the CIA, these groups of freedom-loving Cubans have proved that they have a dedicated, viable operation, willing to make the necessary sacrifices.

What should U.S. policy be toward such attempts? The policy is already spelled out in U.S. statute. It is a matter of law, P.L. 87–733, effective Oct. 3, 1962, that the U.S. is determined:

To prevent Cuba, by whatever means, including the use of arms, from extending aggressive or subversive activities to any part of this hemisphere;

To prevent the creation in Cuba of an externally supported military capability endangering the U.S.; and

To work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

This legislation was a joint resolution passed by both Houses of Congress, and signed by President Kennedy shortly before the Cuban missile crisis. It is still on the books today and hence still represents official U.S. policy.

But as circumstances have developed today, it is not necessary for the U.S. to get directly involved. Our law encourages us to work with "freedom-loving Cubans to support the aspirations of the Cuban people for self-determination." Our law allows us to do this "by whatever means." We certainly face the rising tide of subversive activities exported by Castro, both in the U.S. and elsewhere in the hemisphere.

Not only is this right supported by our domestic law; it is thoroughly rooted in international law. In 1962 the Senate Foreign Relations Committee commented on this provision as follows:

"These aspirations are not only inherently legitimate in any people, but the right to self-determination is embedded in the Charter of the Organization of the American States and in the principles of the inter-American system. At the Punta del Este Conference in January 1962, it was recognized that the Communist regime of Cuba was incompatible with these principles."

There is no excuse, then, for the State Department to take an anti-freedom posture. It is not necessary for the U.S. government to take a public stand on the matter at all, and certainly not against it. All that is needed is a little "benign neglect" and perhaps some indirect arrangements whereby the Cubans can get needed arms and equipment. The Cubans are chiefly asking the U.S. not to intervene on behalf of Castro.

The President has all the authorization needed to implement such a policy. He has a group of dedicated Cubans who have not been neutralized and corrupted by CIA aid and assistance. It could be a textbook case of applying the Guam doctrine right in our own hemisphere. Let those who want their freedom fight for it themselves, but let us give moral and material assistance without getting our own military personnel involved. Such a response is proportionate to the present situation.

The Cuban freedom fighters have a plan. If they succeed, they will be doing an immense benefit for us as well as themselves. If they fail, the situation will remain unchanged. But by all means, let us not continue the perversity of protecting a brutal and bankrupt Communist regime on our doorstep.

It is time to reactivate P.L. 87–733. It is appropriate to say once more what I said on the Senate floor while this resolution was being debated in 1962:

"The establishment of a firm and clear policy position has not always meant that there would be firm execution of the policy. For instance, it is quite obvious that the Monroe Doctrine has not been enforced in the case of Cuba.

"It is always possible to find some excuse not to take affirmative action which a law or established policy demands, if those charged with the execution of the law or policy approach their responsibility with a spirit of unwillingness and timidity. It is imperative that both the Congress and the President take whatever steps are necessary to insure that once this joint resolution is passed and signed into law, it is executed faithfully and precisely and without any footdragging."

Note: Alpha 66, under heavy pressure from the State Department three weeks ago, released the 11 Cuban prisoners they had seized in an earlier raid.

ADDITIONAL FUNDS FOR INDIAN CHILDREN

Mr. KENNEDY. Mr. President, the Special Subcommitte on Indian Education, of which I was chairman during last year, conducted an extensive investigation into the education of Indian children and found that by almost any indicia, they are the most educationally deprived children in this country. We found, for example:

That the Indian dropout rates are twice the national average in both public and Federal schools;

That some school districts have dropout rates approaching 100 percent; and

That achievement levels of Indian children are 2 to 3 years below those of white students.

One of the important consequences of these statistics is the loss of self-confidence and the lowering of the self-image of Indian children. The subcommittee, recognizing the long-range impact of the problem, made 60 specific recommendations relating to the improvement of Indian educational opportunities.

The subcommittee recommended specifically that Federal schools should develop exemplary programs related to bilingual and bicultural education programs. The problem of funding stood in the way of meaningful expansion of Indian bilingual programs, however, and this past April Congress responded by amending title VII to make provision for bilingual education programs for children on Indian reservations. In a new section added to the Elementary and Secondary Education Act, we provided for bilingual education programs in elementary and second schools operated or funded by the Department of the Interior and specifically designed the language to encourage increased Indian participation in, and control of their own bilingual education programs. Although Congress has expanded the scope of title VII, as it relates to Indian children, it has not provided additional resources to make this expansion meaningful.

There are also over 120,000 Indian children in public schools throughout the country. And in many parts of the country, tribes and local governments are working toward bringing more Indian children from boarding schools and Federal schools into the local public school structure. This will require additional commitments by public school districts, especially where language and cultural barriers exist. The Federal Government is now responsible for the education of those Indian children in Bureau of Indian Affairs day schools and boarding schools and must be prepared to assist public schools willing to accommodate greater numbers of Indian children—not only with physical facilities, but also with special programs encompassed within the present scope of title VII. The amendment (No. 731) I submitted last

night to H.R. 16916, to provide additional funds for Indian children under title VII projects and programs, will make this accommodation easier for all parties.

Activities at present included under title VII involve, for example, bilingual education programs, programs designed to impart to students a knowledge of history and culture associated with their languages, efforts to establish closer cooperation between the school and the home, and special adult-education, dropout, and vocational programs. In all of these areas, as the Indian Education Subcommittee so vividly pointed out, the needs of American Indians are nothing less than astounding. The subcommittee's final report concluded:

That our Nation's policies and programs for educating American Indians are a national tragedy. They present us with a national challenge of no small proportions.

Mr. President, today we have an opportunity to respond in one small way to that challenge. We should not let the occasion pass us by.

STUDENT UNREST

Mr. SAXBE. Mr. President, the subject of student unrest has interested me for a long time. I have discussed it in commencement addresses and other speeches on numerous occasions, and I have tried to read everything I can get my hands on relating to that topic.

In the current issue of the New Leader, Joseph A. Califano, Jr., a top White House aide in the Johnson administration, has written an article on students called "Youth Confronts the System." Mr. Califano believes that the unrest gripping our young people can become a progressive and enduring force if we really try to understand it. Califano presents a thoughtful analysis of the causes of student unrest, not only in this country, but around the world. He makes many excellent points, among them one about the "profound crisis of belief" that has beset our sons and daughters. 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:

THINKING ALOUD: YOUTH CONFRONTS THE SYSTEM

(By Joseph A. Califano, Jr.)

There are as many views on student unrest as there are parents, alumni, professors, school administrators, and students themselves. We hear campus activists characterized as nymphomaniacs, because of their appetite for reform; agitators, owing to their penchant for confrontation; adolescent children, for their endless bickering; anarchist revolutionaries, with respect to politics; and amoral, in terms of sexual behavior. At the same time, they are called the most idealistic youth of the century; the most dedicated to the public good, and offended at the superficial materialism of modern-day society; the most intelligent, informed and politically aware generation in our nation's history.

Despite the obvious contradictions, there is some truth in virtually all of these comments. On the whole, though, I find the revolutionary trend, particularly where it touches large numbers of young people, to be a healthy force. The student movement is at a high emotional pitch, but it is also at an ambivalent crossroads. With some intelligence, a wise measure of understanding from the adult Establishment, and a good dose of staying power from the energetic young, it can become one of the most progressive and enduring catalysts in the last quarter of the century.

This feeling was reinforced by my observations last year in 10 foreign countries. While it must be stressed that my study was impressionistic rather than scientific, I found several common elements among students in the postindustrial countries.

1. The number of hard-core radicals was invariably quite small, rarely exceeding 1–2 per cent. In Japan, for example, with 1.5 million college students, no more than 20,000 could be called radicals; of those, 12,000 were relatively old-line Communists, and only 8,000 qualified as Maoists or anarchists.

2. The radicals' objectives were fuzzy and ill-defined, but their energies were directed at the whole fabric of modern society, not merely the university. Most radicals oppose representative democracy and Communism as inherently violent systems, insisting that both are more or less equally sophisticated in disguising this fact. Their confrontation tactics, argued the radical hard core, merely served to bring that violence into the open.

3. While radicals verbally reflect the influence of the romantic notions of Mao, Castro, Guevara, and Marcuse, they are, in a very real sense, undergoing a crisis of belief.

4. Affluence is unquestionably a significant factor in student unrest. The generally well-to-do society provides greater freedom from work for the young. Perhaps more important, the psychological and spiritual impact of prosperity on their parents—especially its failure to satisfy the purpose of their parents' lives—provides one of the key points of attack and frustration for the young.

(In this connection, we should be clear that "youth" alone is not what is happening to our own country. The median age—that national demographic benchmark—was 16.7 years in 1820. It was 29.2 in 1960, and the Census Bureau does not expect a sharp change following this year's count. But in 1820 the United States did not have 7 million college students; most 16-year-olds were already at work.)

5. In asserting the need for more individual freedom from the complexities of technological, urbanized life, the students have struck an immensely appealing chord across postindustrial societies around the world. Bureaucracy is everywhere—in big government, big business, big labor—and most adults are as offended as the young by its dehumanizing and often humiliating impact.

6. University conditions are generally abominable in Western Europe and Japan. Most universities bear a closer resemblance to our dilapidated and filthy metropolitan high schools than to our institutions of higher learning.

The traditional Left, Center and Right parties have failed grievously in two respects. They have virtually abandoned the student as an object of serious political interest, and they have refused to give the universities the resources needed to meet the demands of the population explosion.

8. The immediate conditions which precipitate riots are remarkably similar. A small group of hard-core radical students constantly probes for an issue to broaden its base of support. Instant communications, at least within the relevant geographical area, provide a big assist once this is found. Then the established authorities make a mistake, usually involving unfair discipline. For a first-class donnybrook, it helps to have a few radical professors bring the university's decisionmaking machinery to a state of indecision.

9. I found no international conspiracy among the students. The enormous similarity in their tactics is striking, but I believe it is attributable to the mass media, particularly television, and to the increase in student travel. There were, of course, the occasional assertions that Red Chinese funds are working their way into student movements, but I was unable to find any strong evidence of this.

Traveling from the postindustrial countries to such preindustrial countries as Kenya, Tanzania and, to a large degree, India—or, for that matter, to preoccupied nations like Israel and Czechoslovakia—one is struck by how little student unrest there is as we know it in the United States, Europe and Japan. Students are much more nationalistic, and activism is directed toward traditional concepts of constructive change. "We have a country to build and defend," explained one Israeli student. "We have no time for such nonsense." A Czechoslovakian student in England put it another way: "I cannot understand what the ferment in the Western world is all about. We are fighting for liberty; they seem to be abusing the liberty they have."

If the similarities between the student situation in the United States and the other postindustrial countries are hardly surprising, the differences are certainly striking. To begin with, there were no black-white racial questions at the universities I visited abroad, largely due to the absence of a significant number of black students. Even in France, where many blacks study, they are mostly from Africa and are not pressing to become a part of French society; they intend to return to their own countries, armed with the skills they have acquired at the Sorbonne. Although England is beginning to have its racial problems, black and white students, including South African radicals of both races, are working side by side for change at the London School of Economics.

Second, there is little or no drug problem at the universities abroad, and no significant hippie movement. Mod dress, long hair, dungarees, and fatigue jackets are common, to be sure; but the few instances of drug abuse are mostly attributed to the influence of American students.

Third, the ubiquitous Vietnam issue is not aggravated abroad by an unfair draft which, in our country, alienates the students and contributes significantly to the reluctance of university administrators to expel violent radicals.

Finally, there is no marked tendency among adults abroad—whether parents or politicians—to look upon their student unrest as part of some intentional (or even national) conspiracy.

Radical students the world over firmly believe the Establishment is involved in some sort of plot against the individual. They see it everywhere: in the military-industrial complex; in the Defense Department research contracts of universities and professors; in the correspondence files they rifle; in the power elite popularized by C. Wright Mills; in the lack of ideologically dominated and divergent political parties.

On the adult side of the equation, it is difficult to discuss student rebels in America at a suburban cocktail party without becoming involved in a discussion of conspiracy and Communism. Abroad, the subject virtually never arises. And when I myself brought it up, the listener was quick to dismiss it and contend that the issue is not whether there are some Communists among the students, but rather why so many bright young people turn to Mao, Trotsky or Marcuse rather than Jefferson, Lincoln or de Tocqueville.

The point is an important one, however much we might like to ignore it. First and foremost, I think, we must recognize that young Americans are experiencing a profound crisis of belief—a crisis many adults share, and for which they are at least partly responsible. For years our students have been subjected in school and at home to a relent-

less and not always healthy skepticism. As one professor recently explained it, "We have destroyed as myths the political, moral and religious doctrines of Western civilization, and we have failed to provide any substitute."

The crisis of belief goes far beyond radical students, questions about the relevancy of universities and their courses, or arguments on the legitimacy of individual professors to teach and of higher education institutions to continue in their present form. It even goes beyond the validity of existing political and social institutions. For many of our young people it goes to the very purpose of life.

Unlike many of their parents, who have abandoned the search, the students are desperately seeking answers to provide meaning to their existence. A few turn to bizarre life styles revolving around witchcraft, astrology, sorcery, Zen, and Teilhard de Chardin's Omega point. Father Andrew Greeley at the University of Chicago was surprised to learn that they are respected by their peers. The key lies in the comments of one of his students:

"They really believe what they say is true. They really believe that they do have the answer and that they know what is ideologically wrong. It is hard to avoid being affected by their enthusiasm after you have been in a school which really isn't sure what is right or what is wrong."

This crisis of belief is a chord politically radical students can strike with great effectiveness. Rendering harsh but subjectively sure judgments on everything from the university to the world to God, the radicals feel they know what is morally right and are acting sincerely, according to what their consciences dictate as the only acceptable course.

The crisis stems in many ways from the confusion students behold in the minds of their parents and teachers. This disorder of philosophy is more profoundly disturbing to them than the physical violence they witness on the streets, to which some are willing to resort. They are particularly horrified at what they look upon as hypocrisy in the lives of the adults around them.

They see it in professors more interested in consulting the government and corporations than in teaching; more interested in writing books and articles than spending time with individual students; more interested in the esteem of their colleagues than the respect of their students. Outside the university, they see it in political leaders who state that cities must be rebuilt or that law and order must be maintained, but fail to serve up humane programs or sufficient resources to do the job; in businessmen and labor leaders who do not live up to policies they publicly urge on others; in their own liberal white parents, who preach equality for all and yet live in white suburbia and oppose any tax increases.

Adults, in turn, detect at least as much hyprocrisy in the young as the young attribute to the Establishment. They feel that the students' rhetorical determination to eliminate poverty, bring peace to the world, and accord justice to all Americans is rarely matched with the kind of personal involvement necessary to accomplish these aims. They note that the young can say, "We don't care about careers; we care about ideals," because adults have made society so affluent the youthful idealists will be able to eat and drink no matter what they do.

The result is backlash, a kind of adult adolescence. Now adolescence is understandable in teenagers; it is difficult to justify in an adult. But it is evident in legislative proposals to outlaw demonstrations or withdraw funds from students who engage in them; on boards of university trustees that fail to understand the complex problems facing their college presidents; among college alumni who threaten to withdraw financial support unless "something is done" about radical students. It is even apparent among university professors who begin to question their own legitimacy, their own authority to teach, merely because their fallible human nature—their very humanity—makes them realize they cannot live up to every single precept they are teaching.

And where immature behavior is reciprocal, it leads too often to superficial concerns and slogans on both sides. What is worse, it creates an enormous area of mutual suspicion far exceeding anything I found abroad. Under such circumstances, the trust essential for the resolution of any difficult problem between students and the Establishment is simply not present. Without that, it is perhaps possible through shrewd tactics to achieve temporary amelioration, but nothing more. Thus the first step toward improving the situation may be to identify some basic level of values the generations can share—a recognition by each, for example, that the other is at least in part finally seeking honest answers and is entitled to some measure of respect.

The proximate, if not ideal, catalyst for this effort could well be the faculties of our universities, particularly the younger faculty members. For they bear a high responsibility in this area and must fulfill it with a special wisdom. A few—small in number, but potent in impact—have failed grievously in this respect. These are the vicarious revolutionaries, who allow their healthy skepticism about society and its institutions as they now exist to degenerate into indiscriminate attacks devoid of proposals for constructive change. Too often, they deflect the disorder the student feels in his own mind onto the problems of society as a whole.

It then becomes a relatively short step for the student to follow this reasoning to its logical conclusion. With youthful energy as his main weapon, he begins—sometimes quite literally—to tear down many of the institutions and ideals that are critical to the functioning of a free society. There is no room in our nation today for the vicarious revolutionary—whether he is on the campus as a young instructor, or on television as a racist demagogue. Too much vital work remains to be done for men of talent to stand aside, egging on others to an essentially nihilist fray.

One of the central problems with the vicarious revolutionary is the ease with which he leaves the mainstream of society. In a relatively short time he is aloof from the real battle, involved only to the extent of the words he spoke or wrote, or the encouragement he gave to the young student. The vicious transformation of his utterances into violent action is something he can greet with a Pontius Pilate attitude. Yet the professor who becomes a vicarious revolutionary can no more wash his hands of responsibility for the student who dynamites a corporate office that he has been taught is a symbol of corrupt capitalism, than the Vice President of the United States can wash his hands of the brutal attack on black school children in Lamar, South Carolina. Both can issue exculpatory statements after the fact, but both must live with whatever they said to help make the fact. The First Amendment protects them legally (as it should); it does not, however, offer moral absolution.

This brings me to several brief suggestions concerning America's youth. I believe students must be given a greater measure of real control over their lives. I would place a young American on every draft board in the country, place students on boards of college trustees, and turn all parietal and disciplinary rules over to student bodies, short of a large demonstration or disorder (where the universities should reserve the right to move in, just as the Federal government does with the states). I would also appoint student assistants to the Secretary of Health, Education and Welfare and the Commissioner of Education, as has been done in France, and I would give students a chance to run at least one or two government programs, such as VISTA. Recent events may make it difficult to find students willing to be associated with the current Administration, but I believe a real effort should be made to get them involved. Indeed, both major political parties need to focus more energy and attention on the students.

As a nation, we must face the fact that a four-year university education is not appropriate, necessary, or fulfilling for every American boy and girl. In many cases it can be counterproductive for the student, not to mention destructive for society. As for those who argue that the university is the place to socialize our young, they are distorting its purpose as grossly as parents who believe the university should do for their children what they themselves failed to do over the first 17-18 years of their children's lives. Finally, I believe the government—Federal, state and local—must provide the resources necessary to finance the burdens placed on universities, high schools and elementary schools by the current student population explosion.

But what does this mean for the survival of the system? It means, above all else, that the rhetorical commitment of the American Establishment must be made real. By action and sacrifice, the Establishment must demonstrate that it believes its own words, for the youth of our nation will no longer be assuaged merely by platitudes and crisis amelioration. There are only so many protest marches, and petitions signed by hundreds of thousands; only so many lobbying and political education efforts that well-educated young America will produce before its energetic impatience turns to significantly worse violence than we have seen to date. And youth's charge of indifference and hypocrisy has greater merit than most adults would like to admit. However magnificent the Establishment's rhetoric of commitment, it is not the language of American reality.

Our most solemn commitments are found in the Declaration of Independence and the Constitution, the Proclamations and Executive Orders of our Presidents, and the preambles and sections of the legislative programs of the late 1960s—for housing, education, manpower training, health, and a host of other urgent domestic problems. Let me cite a few examples, taken from laws enacted by Congress.

HOUSING

The Housing Act of 1949 declared that the "general welfare and security of the nation require the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization . . . of a decent home and suitable living environment for every American family. . . ." In the 1968 Housing and Urban Development Act, Congress recognized that for 20 years the promise had not been kept, noted the failure "a matter of grave national concern," and rededicated itself to "the elimination of all substandard housing in a decade." Yet what has been done to fulfill that commitment to the 26 million Americans who still live in housing unfit for human habitation?

THE CITIES

The 1966 Model Cities legislation affirmed that "improving the quality of urban life is the most critical domestic problem facing the United States. . . ." Its stated purpose was to provide "financial and technical assistance to enable cities of all sizes . . . to plan, develop, and carry out locally-prepared . . . programs . . . to rebuild and revitalize large slums and blighted areas." Nevertheless, we continue to stand by while the physical plant of most of our cities further decays

or moves toward obsolescence and the post-war suburbs of the '40s enter the first stages of severe deterioration.

ANTIPOVERTY

The Economic Opportunity Act of 1964 declared it "the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity." Six years later, some 25 million Americans are still locked in poverty.

CRIME CONTROL

The Omnibus Crime Control and Safe Streets Act of 1968 recognized the urgency of the nation's crime problem, calling it a matter that threatens "the peace, security and general welfare of its citizens." The Act made it "the declared policy of the Congress to assist state and local governments in strengthening and improving law enforcement at every level by national assistance." But year after year the crime rate continues its persistent rise, while the Safe Streets Act is funded at 50 per cent of its programmed level and the American public is presented with a series of preposterous assurances that preventive detention, no-knock laws and increased wire-tapping will help reduce street crime.

Clearly, young America has good reason to believe our national security is at stake in our domestic problems; Congress has literally legislated that judgment in the bills it has passed. And recent events have, if anything, validated the verdict. Furthermore, our youth has equally sound cause to believe the Establishment does not mean what it has said, since Congress and the Executive have repeatedly refused to furnish the resources needed to take the decisive action required for solving our troubles at home.

Contrast this attitude with the Establishment's reaction when our security is threatened from abroad. We repeatedly hear in the halls of Congress and in the White House how the United States must fulfill its military obligations, and of the need for this or that weapons system, for some base or other here or overseas, for an extra division to make certain that we can meet the "commitments" we have made around the world. There are commitments to our neighbors, commitment for Spanish bases, SEATO commitments, commitments to the United Nations, commitments involving the Organization of American States. And never have we hesitated to provide the resources or make the sacrifices considered necessary to protect our national security from foreign dangers. Yet time after time, we have failed to provide the resources and make the sacrifices that are necessary for all Americans to live at a minimal level of human dignity and spiritual tranquility.

This is what our youth instinctively senses, and articulates inadequately through slogans about the military-industrial complex, the Black revolution and "power to the people." In increasing numbers, they recognize that failure to deal with domestic questions of survival is not due to lack of wealth. Toward the end of this year, the nation is expected to have a Gross National Product (GNP) of $1 trillion. The Federal budget of some $200 billion represents only about 20 per cent of this figure, and the defense budget, even at the current level of roughly $75 billion, is less than 10 per cent. State and local governments, for their part, spend around $100 billion in the public sector. The nation's total commitment for its public needs, therefore, is approximately 30 per cent of the GNP, which is not only far less than we require, but also way below what most European countries expend. England, for example, disburses about 38 per cent of its GNP in the public sector. Were we to do the same, we would have an additional $80 billion a year at our disposal for domestic needs.

So many responsible leaders in both political parties have talked about the inadequacy of funds devoted to urgent domestic problems that I hesitate to repeat their findings here. Still, some brief illustrations are in order.

The Federal government estimates the cost of implementing the Kerner Commission proposals on crime to be at least $30 billion a year more than is now being spent.

The President's Commission on Rural Poverty said we must increase present expenditures by $40 billion if we are to eliminate the condition.

The Violence Commission, merely as a start, recommended that $20 billion be transferred promptly from the Defense Department's budget to the domestic public sector.

To provide funds for the full development of only the domestic programs in existence at the end of the Johnson Administration, plus a few modest new ones, would cost $37.7 billion by the next fiscal year—more than twice the real savings anticipated through ending the Vietnam war. This is not a projection of dreamers, but a careful calculation contained in a December 1968 report to the President, signed by the then Secretaries of the Treasury, Defense, Commerce, and Labor, the Director of the Budget, and the Chairman of the Council of Economic Advisers—the very men who made up the Presidential Committee on Post-Vietnam Planning. As the report expressed it:

"The end of the struggle in Vietnam, together with increased tax revenues resulting from economic growth, will make a sizable volume of real resources available to deal with these [domestic] problems. But for years and years ahead, the peace-and-growth dividend is dwarfed by the magnitude of these needs."

I am not suggesting any large segment of our youth knows, with even the rough precision I have used here, the amount of money required to deal with our public problems. I do contend, though, that they sense that affluent America has become short-sighted and selfish, that general prosperity has somehow debilitated our willingness to sacrifice where our own problems are involved. In short, they feel the ease of life in America has led too many of its citizens to believe its difficulties will be solved without pain by someone else, or will perhaps simply vanish.

These are not idle comments or the concerns of an alarmist group of young people. Our troubles at home represent a greater danger to the survival of the system than any peril from abroad, and it will take more than another repetition of the rhetoric of the past to help us survive.

To turn our declared commitments into *de facto* achievements—the only way we will make them real to the sophisticated young—we must divert literally scores of billions of dollars from the private to the public sector, and react to our domestic needs as we have in the past reacted to foreign threats to our national security. We must begin to establish four- five- or 10-year plans to tackle some of our most urgent problems at home, and commit the funds necessary to make these programs more than marginal. That means we must begin seriously to consider not only wage and price controls, but also sharp tax increases.

This is usually dismissed as impossible by our political leaders, who insist the American people are so fed up with taxes they will not pay any more. A roll call of governors and mayors who have raised taxes and then promptly lost elections is read to illustrate the point, and for further proof, the shocking loss of revenue needed to get relatively modest tax reforms through Congress last year is cited. Yet there is no other reasonable alternative, no cheap and easy way to solve our problems and replace the dream evoked by our national rhetoric with the reality of a national commitment.

In its own cacaphonic style, America's protesting young are beginning to sound this simple theme: The paramount danger we face today is from within, not without. History is on their side; from Edward Gibbon to Arnold Toynbee, historians have warned of the internal doom of great civilizations. As Toynbee noted: "In all the cases reviewed the most that an alien enemy has achieved has been to give an expiring suicide his coup de grace."

It is surely ironic that the only total commitments our nation has been able to make have been in times of war. The two world wars provide classic examples of how economic and human resources and institutional innovation can be harnessed to meet the task of survival. Since the problems we now face at home present no less a peril to our very existence, it is time for America to turn once again to the tools of commitment that brought it through the two largest conflicts in the history of mankind. Applying tax and other economic measures approaching those we use in periods of war may well be the only way to liberate the genius of American science, medicine, industry, labor, agriculture, and all the myriad skills we have developed, on the scale required to solve our problems before it is too late. Conceivably, institutional changes will be impossible under traditional, jealous bureaucracies, operating on a business-as-usual basis. In that case, we have to create, at least on a temporary basis, national and regional powers and institutions that will not be inhibited by artificial state boundaries drawn by settlers of another age.

There may of course be other, less drastic means to deal with our problems, but I have yet to come across any. Perhaps the greatest mistake our leaders can make is to continue to imply that there are cheap and easy ways to solve our financially and socially costly difficulties in housing, health, poverty, the environment, and transportation. The end of the Vietnam war will not provide sufficient funds to cure our material domestic ills. Surely it must be stopped—but there is little gold at the end of that rainbow. Our history indicates that after both world wars and Korea, the assets devoted to the hostilities were promptly returned to the beer and lipstick sector of the economy, not applied to pressing public needs at home.

In any event, substantially more funds than those available from Vietnam, or from cuts of a few billion dollars in the defense budget, are urgently required. To tell our youth and our older citizens that anything short of considerable sacrifice will suffice is to toy with the very survival of our democratic system. My greatest hope for young Americans is that as they take the reins of power, and become makers rather than victims of history, they will muster the courage to face our problems with realism, abandoning at last the mere rhetoric we have known.

SPEECH AT NAVAL WAR COLLEGE BY SENATOR HARRY F. BYRD, JR.

Mr. THURMOND. Mr. President, the distinguished Senator from Virginia (Mr. BYRD), made a speech on June 17, 1970, at the Naval War College, Newport, R.I.

In this speech, Senator BYRD expressed his views on U.S. treaty commitments, the need for a modern Navy, U.S. involvement in Southeast Asia, plans to

give control of Okinawa back to the Japanese, and other important defense topics.

His talk clearly demonstrates the deep understanding of defense matters held by the senior Senator from Virginia. I ask unanimous consent that the address be printed in the RECORD.

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

SPEECH BY SENATOR HARRY F. BYRD, JR.

There can be no doubt that our experience in Vietnam underlies the questioning mood in the Senate in the fields of defense and foreign affairs. The frustrations of the war in Southeast Asia have given rise to a skepticism about our whole military posture —and, indeed, our general relations with the rest of the world.

Within reasonable limits, this is a healthy mood. Our alliances and our defense expenditures should be forced to stand the test of close scrutiny by the Congress.

Many members of the Senate feel that the United States is over-committed around the world.

I must say that I share that feeling. I do not favor a "world policeman" role for this country.

We have mutual defense agreements with 44 different nations around the world. I do not believe that the United States can be expected to shoulder indefinitely so many overseas burdens.

For example, I have felt from the beginning that United States involvement in a ground war in Southeast Asia was a grave error of judgment.

I concur, with my close friend, Senator Richard B. Russell, president pro tempore of the Senate, chairman of the Appropriations Committee and former chairman of the Armed Services Committee, who has publicly stated that the United States ought not be involved in an Asian land war.

I am certain that this nation's experience in Southeast Asia has damaged the prestige and future of the military.

This is not the fault of the military itself. I feel that much of the responsibility lies with former President Johnson and former Defense Secretary McNamara, who conducted the war in an unwise manner. They attempted to run the war out of Washington and put unrealistic restrictions on our commanders in the field.

The McNamara concept of a so-called limited war proved itself a farce and prolonged the war and increased the casualties. Yet, in the public mind, our armed forces, manned by dedicated, competent professionals, are being discredited for the results.

In this uncertain world, I want our nation to remain militarily strong.

There is a crucial difference between declining to police the world because we do not choose to do so, and declining because we are unable to do so.

Choosing not to do so is an act of judgment, which implies the existence of an American deterrent that discourages adventurism on the part of potential enemies.

On the other hand, being *unable* to do so implies a posture of impotence that can only encourage aggressors.

We must be in a position of choice, not a position of impotence.

We cannot escape our responsibilities in this imperfect world of violence. I do not favor a policy of intervention—certainly not a policy of unilateral interventon—but I believe in looking at the world as it is, not as we might *wish* it to be.

It is interesting to me to note that some of the wishful thinkers about the world situation—some of those who are willing to see a weakening of the American defense structure—are the very ones who, a few years ago, were among our most ardent interventionists. Some members of the Senate, for example, have gone all the way around the circle from internationalism to isolationism.

Rightly or wrongly, I have been consistent. Never have I favored that we police the world. Yet always have I recognized that we have a grave obligation worldwide—but that we must be realistic in what commitments we assume.

In the world as it is, we need strong defenses. And no arm of our defense is more important than a modern Navy.

I strongly agree with the statement last year by Senator George Aiken of Vermont, who declared that "whoever controls the seas will control the overriding question of peace or war."

Senator Aiken is a man dedicated to peace, but his statement shows a realistic appreciation of the need to maintain American seapower.

American troops ought not to be committed overseas except in the most extreme circumstances. But seapower is far more than a means of protecting troops abroad: it is our means of insuring that sea lanes of the world stay open to us, whatever the threat that is posed. This is vital to our very survival.

We need a strong combat submarine force to guarantee our freedom of action on the high seas. We also need our Polaris submarines, a vital part of our strategic deterrent.

Our anti-submarine force also is vital, in view of the threat posed by Soviet submarines.

And to project our power overseas when all else fails, it is essential that we have a strong amphibious force. In the Senate, debate about seapower has come to center around the aircraft carrier. So I decided to discuss with you the debate over aircraft carriers as an example of the arguments that are advanced for and against seapower today.

Last year in the Senate, a major debate occurred over the funding of a new, nuclear-powered aircraft carrier. It was my privilege to play a part in the defense of the authorization for that ship, and as you know, our side carried the day.

But the debate over carriers is far from ended. For this reason, it is useful to look at some of the principal arguments being advanced.

I think these arguments are indicators as to how the winds are blowing in the Senate.

Opponents of the new carriers do not contend that the United States can do without tactical air power. Both sides in the debate admit that the real question is this: How do we move the aircraft into position when they are needed? To put it another way, can we get along without mobile, sea-based aircraft?

There is reason to doubt that land bases for tactical aircraft always will be available.

When the Communists overran all of our bases in South Korea, the only sustained tactical air power available was carrier-based. During the Lebanese crisis, although a base was available to us in Turkey, its use was denied to us when Greece, a NATO ally, refused to allow overflights. Our carrier force provided air cover for the Maine landing after the order was issued.

Since 1954, the United States has lost two-thirds of its overseas bases. The most recent loss is Wheelus Air Force Base in Libya—a fresh reminder that large investments in overseas installations can go down the drain without a shot being fired. The Libyan government simply demanded that we leave. Carrier-based aircraft will be important in filling the resultant gap left in Mediterranean air cover.

Carrier-based planes have played an important role in Vietnam, and now that we are withdrawing our forces from Southeast Asia, I wonder what will happen to all those air bases we built over there. They cost us a lot of tax dollars. Carriers are expensive, too, but they are mobile and can serve in many crises and conflicts.

Regardless of how you calculate the cost of overseas bases, they certainly involve a large outflow of dollars. And that adversely affects our balance-of-payments situation.

Opponents of the carriers contend that carrier-based tactical air power is two to three times as expensive as landbased planes. But this conclusion is based on false assumptions: namely, that we will have unchallenged access to the sea lanes, overseas base availability, pre-stockpiling of weapons and an assured fuel supply—*all at no cost*.

Furthermore, it is assumed that the foreign bases will not be contested by hostile ground forces. Assumptions like these have been rejected by the Defense Department as unrealistic—and rightly so.

But considerations of cost are by no means the whole story. The aircraft carrier is well suited to the new posture of the United States—the so-called "low profile".

We must remember that carriers operate on the open sea, while the commitment of an air wing to a foreign base involves putting at least 5,000 men on foreign soil, in addition to the facility itself. Furthermore, the quality of foreign troops that may be available is unknown, and it could be that Army troops would be required to guard the base.

The carrier is a very versatile weapon. Its use is certainly not confined to the so-called "brushfire" conflicts, but is adaptable—indeed, is essential—to maintaining our general superiority at sea.

Unless we wish to get out of the seapower business entirely—and that would be to surrender our freedom of action as a nation—we had better keep *modern* carriers in our fleet. The carrier is capable of holding the balance of power on the high seas.

The carriers' opponents argue that the ships are too vulnerable.

It must be admitted, of course, that they can be attacked, just as any other ship can be attacked. But the carrier is the toughest of all our ships: not only is it protected by its own aircraft and escorts, but it is built to withstand attack.

Sometimes opponents of the new aircraft carriers maintain that the issue is whether or not the Navy needs 15 carriers. That is the present force level.

It is my view, however, that the issue is not whether we need 15 carriers, or 12, or 10, or 8, but whether or not we are going to have a *modern* Navy. I cannot conceive that the fleet needs fewer than 4 carriers, and it seems to me evident that these ships should be nuclear-powered.

That brings us to the present situation in the Senate, which is a bit complicated.

It was widely assumed that this year Congress would be asked to authorize a fourth nuclear-powered aircraft carrier, the third of the Nimitz series. But no request for funds has come from the Administration.

Personally, I favor a fourth carrier. A majority of the Armed Services Committee favors such a ship.

But lacking a request from the Administration, the funds certainly will not be authorized. Even if the Armed Services Committee were to approve this money, it would be defeated on the floor of the Senate.

It was difficult enough to win authorization for a third carrier last year, with solid Administration backing. It would be simply impossible to get approval of a fourth carrier this year with no such support.

Therefore, it seems to me that the only hope for funds for the fourth carrier in the current fiscal year would be a supplemental Defense Department appropriation. I understand that the National Security Council now is reviewing the requirement for carriers and that a recommendation will be forthcoming in a few months.

If the recommendation is favorable, there is hope for the new carrier this year. If it is unfavorable, there is just no chance of approval. The opposition is strong enough to block authorization of the ship unless there is a firm request from the Administration.

Turning from the field of military hardware to the broader area of military posture, I would like to discuss the question of control of our military bases on the island of Okinawa.

Okinawa, and in fact the whole U.S. position in the Far East, is part of the heritage of World War II, which ended a quarter century ago.

During the past quarter century, the United States has been involved in three major wars, counting World War II. I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy.

Too often during the past 25 years, the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now I know that within that Department the overwhelming majority are dedicated, conscientious individuals; I know, too, that many of them are men of great ability.

But, I know also that whatever the reason, or wherever the responsibility may lie, the fact is that our nation in this year of 1970 finds itself in a most unenviable position.

We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States; we are the military head of CENTO—Central Treaty Organization—Turkey, Iran and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State, Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of Free China, and we have guaranteed the security of Japan.

As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could?

Twenty-five years after the defeat of Germany, we have 300,000 troops in Europe, mostly in West Germany.

Twenty-five years after the defeat of Japan, we have more than 700,000 military personnel in the Far Pacific, on land and sea.

The question of Okinawa is of great significance to our position in the Pacific. Okinawa is our most important single military base complex in the Far East—and is strategically located.

The United States has had unrestricted use of the island since World War II. Beginning with President Eisenhower, each administration since 1951—until last year—firmly maintained that the unrestricted use of U.S. bases on Okinawa was vital if the United States was to continue to have obligations in the Far East.

Sometimes the future status of Okinawa has been linked to the United States-Japan Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan. Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect.

But the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this or any other time.

The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of Article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan.

The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific.

To state it another way, the Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa, it specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used.

In other words, the United States no longer would have unrestricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1 percent of her Gross National Product is spent on defense. Thus she concentrates on expanding and modernizing her domestic economy.

In defense matters, the Japanese have gotten a free ride. As a direct result, Japan's present Gross National Product is over $120 billion, and economically, Japan ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security Treaty provides that our military forces based in Japan cannot be used without prior consultation with the Japanese Government.

For example, when the North Koreans seized the U.S.S. Pueblo in 1968, Admiral Frank L. Johnson, Commander of Naval Forces in Japan, testified that one reason aid could not be sent to the Pueblo was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available.

The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan, and Free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos and Vietnam, is debatable.

But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated scrapping these commitments—then I say that it is only logical, sound and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific—namely, Okinawa.

While I agree that eventually the Ryukyu Islands will be returned to Japan, it would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

If by the act of granting Japan administrative control over Okinawa, the United States could insure a multi-national defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control.

But this is not the case.

Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The future role of the United States in the Far Pacific is of tremendous importance.

It is of great importance to the American people—and it is of great importance to the people of Asia.

Many feel, as I do, that our worldwide commitments must be reduced. This, too, appears to be the view of President Nixon. But so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

Last November, the Prime Minister of Japan came to Washington to discuss the future of Okinawa, among other issues. Shortly before his arrival, I added to a pending bill an amendment which declared it to be the sense of the Senate that the President seek the advice and consent of the Senate before entering into an agreement that would change the status of Okinawa.

It was my feeling that since the Senate in 1952 ratified the Treaty of Peace, the Senate should be consulted on any changes in that Treaty. And as I pointed out earlier, the status of Okinawa was fixed in the Treaty of Peace.

My amendment was adopted by the Senate by a vote of 63–14. Subsequently, in a communique issued after the meetings between President Nixon and Prime Minister Sato, it was declared that reversion of Okinawa was conditioned on "necessary legislative support."

Unofficially, I learned from the State Department that my amendment was helpful in the negotiations with Japan last Fall. In my opinion, the amendment led to the inclusion in the communique of the provision for legislative support.

I assume that the communique means that the proposed change in the status of Okinawa will either be submitted to Congress as a whole, requiring a majority vote in both Houses, or to the Senate as a treaty change, requiring a two-thirds vote in the Senate only.

I have been doing a good deal of work among my Senate colleagues, and I have been surprised to find the extent of the support in the Senate for maintaining U.S. control of Okinawa. I am encouraged by the number of Senators who agree with me on this point.

I have discussed the background and attitude of the Senate on two representative issues in defense and foreign affairs: the nuclear aircraft carrier force and the island of Okinawa.

During the early days of our Republic, when the checks and balances of our federal system were undergoing their first test, President George Washington went to the Senate one day to discuss a treaty with the Southern Indians.

Historians record that his reception was so icy that he vowed "he would be damned if he ever went there again."

A certain amount of tension between the Executive and Legislative branches of the government is built into our system. It is inevitable, under the terms of the Constitution, and it has not served us badly.

At the present time, as we have seen, the Senate is in a mood that is at once skeptical and assertive. Therefore, conflict between the Administration and the Senate is bound to be somewhat heightened.

I believe that a careful distinction must be made between the powers of Congress and those of the President in foreign affairs.

I feel that the Congress must assert itself in the field of foreign policy. I have worked toward that end since coming to the Senate, and with some success.

But I have never advocated the Senate interfering in military tactics. We cannot have 100 commanders-in-chief.

For example, I initially had grave concern about having U.S. ground troops in Cambodia, fearing that a commitment to the Cambodian government might have been made. But President Nixon, in a White House meeting, assured me there was no such commitment.

I was assured that the operation was a temporary military tactic to protect our own forces and that the troops would be withdrawn before July 1 at the latest.

In the Senate, we must differentiate between temporary military tactics on the one hand, and a commitment to guarantee the security of a foreign government on the other.

The distinction between the role of the Senate in foreign policy and the duties of the President as commander-in-chief, is an important one. I believe that if the Senate and the President mutually recognize this distinction, much of the friction we are now experiencing can be eliminated, and there can be a spirit of cooperation for the good of the country.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

AMENDMENT NO. 706

Mr. MILLER. Mr. President, I call up amendment No. 706 and ask that it be stated.

The PRESIDING OFFICER (Mr. HARRIS). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 7, beginning with line 1, strike all through line 2 on page 8.

The language sought to be stricken is as follows:

SEC. 10. (a) No excess defense article may be given, and no grant of military assistance may be made, to a foreign country unless the country agrees—

(1) to deposit in a special account established by that country the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 per centum of each such grant; and

(2) to make available to the United States Government, for use in paying obligations of the United States in that country and in financing international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, such portion of the special account of that country as may be determined, from time to time, by the President to be necessary for any such use.

(b) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section.

The PRESIDING OFFICER (Mr. HARRIS). The Chair informs the Senate that this amendment will be considered under an order limiting the debate to 4 hours, to be divided equally between the Senator from Iowa and the majority leader or his designee.

Mr. MILLER. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado without losing my right to the floor.

The PRESIDING OFFICER (Mr. HARRIS). Does the Senator wish that time to come from his time?

Mr. MILLER. That is correct.

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered. How much time does the Senator yield to the Senator from Colorado?

Mr. MILLER. Mr. President, I yield such time as the Senator from Colorado may require.

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

May we have order in the Senate, please.

Mr. ALLOTT. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. HARRIS). The Senator is quite correct. The Senator will not proceed until we have order in the Senate. Senators will please do their visiting in the cloakrooms.

The Senator from Colorado may proceed.

NEWSPAPER REPORTING

Mr. ALLOTT. Mr. President, I want to begin my few remarks today by referring to an article in the Washington Post of this morning. On page A8, there is an article entitled "Tonkin Repeal Due Today; Effect of Action Uncertain."

In the latter part of that article there is a news report, which I understand evoked considerable comment on the floor of the Senate earlier today. I am sorry that I was unable to be present but I was attending a conference committee session on the supplemental appropriations bill.

The article reads in part as follows:

Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote. This proposal would cut off funds for any Indochina involvement after Dec. 31, 1970.

It is "common talk down on the floor" Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces. This vote has been slated for July or August.

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

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

TONKIN REPEAL DUE TODAY; EFFECT OF ACTION UNCERTAIN

(By Phillip D. Carter)

With repeal of the 1964 Gulf of Tonkin resolution headed toward certain passage today, the Senate divided yesterday over the significance of its coming action.

Administration backers reiterated President Nixon's conviction that repeal would in no way restrict his conduct of the war in Indochina. But in a lengthy address, Sen. J. W. Fulbright (D-Ark.) sharply warned that the present timing and context of repeal might constitute "a legislative surrender of power to the President."

"We still have not made clear," said Fulbright, "that the war power—the creation of situations making war inevitable—is a power to be exercised by the Congress alone." As chairman of the Senate Foreign Relations Committee, Fulbright has strongly backed other efforts to repeal the Tonkin Gulf measure, passed overwhelmingly in 1964.

Discussion of the "Tonkin Gulf repealer" dominated yesterday's continuing debate over the Cooper-Church proposal to prevent U.S. military involvement in Cambodia after July 1.

Sen. Robert J. Dole (R-Kans.), proposed the repeal Monday as a surprise amendment to the Cooper-Church proposal. His action closely followed passage of another amendment, offered by Sen. Robert C. Byrd (D-W. Va.), acknowledging the President's right "to protect the lives of United States Armed Forces wherever deployed."

Fulbright said yesterday he feared that the manner of the two amendments' passage would only strengthen presidential war powers at the expense of the legislative branch. He went on:

"What we have done the last two days by hasty adoption of the Byrd amendment and by action on the Dole amendment . . . is to give the President a clear legislative history that Tonkin meant nothing when it was passed and means nothing by its repeal—thus confirming the President's power to do what he pleases as Commander-in-Chief."

Majority Leader Mike Mansfield (D-Mont.) won the Senate's unanimous consent to vote on the Tonkin measure today after chiding senators of both parties for "acting like a bunch of schoolboys" during the six-week-old Cooper-Church debate. He appealed for "a little good sense for a change, a little less dilatoriness."

He earlier told reporters that the Senate would vote twice on the Tonkin Gulf matter—both today and when the measure comes up again as a Foreign Relations Committee proposal.

Sen. Frank Church (D-Idaho), who cosponsored the pending amendment with Sen. John Sherman Cooper (R-Ky.), said he welcomed both opportunities. "I don't know how the Senate could give greater emphasis to its desire to repeal the Gulf of Tonkin resolution than to do it twice," he said.

Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote. This proposal would cut off funds for any Indochina involvement after Dec. 31, 1970.

It is "common talk down on the floor," Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces. This vote has been slated for July or August.

Mr. ALLOTT. Mr. President, this may come as a surprise to some of the news media here, but I do not have any quarrel with that quotation or the reporting of it. It is in substance what I said. I am unable to recall exactly what I said, because I did not have a tape recorder, and as far as I know no one was taking shorthand notes. As far as my recollection is concerned, it is substantially an accurate job of reporting. I do not recall whether I said "administration backers," but I did say that it was common talk on the floor of the Senate that people felt this should be called up.

Mr. President, I would like to discuss this matter for just a moment.

The accuracy of the newspaper reporting, in this case, is perfectly all right and I am willing to accept any minor difference of words that there may be and I am not at all sure that there is a difference. The thing I want to discuss, and I am just going to discuss it for a

few moments now, is some of the remarks made on the floor this morning. I am concerned about a statement which described either the Senator from Colorado as being crude, cynical, and political; or described his remarks as being crude, cynical, and political—I am not quite sure what the description was intended to apply to.

I notice that some of the people who, I have been told made these remarks, have no hesitancy or embarrassment about classifying themselves as political, and I also notice that they never run from this label. As a matter of fact, everybody on this floor is political; if they were not political they would not be here and in any event would not last long once they arrived.

I will have a transcript of the remarks later, and in the meantime I would like to address myself to the word "crude." I think to call a Senator crude would be a breach of the rules and I doubt very much that these fine gentlemen would think of addressing such a remark to the Senator from Colorado. I am not sure of the cynical part.

Mr. President, I now have the transcript before me and it reads this way:

> I repeat that it seems contemptuous of the consideration usually given Members of the Senate for another Senator to move to bring a matter to vote on a different bill at an earlier time, and it also seems a case of crude and cynical partisanship for us to be playing fast and loose with a life-and-death issue of this kind which involves the safety and well-being of our forces in Southeast Asia.

I understand these remarks were made by the junior Senator from South Dakota. Now, since the remarks are not addressed to me personally but only to what I said, I presume, that I would hardly qualify for relief under the rule. But I think these are pretty strong words to be inferred at any Member of the Senate.

First of all I would like to say that there have been many things in the conduct of the war with which I have disagreed. I disagreed with Secretary McNamara, President Johnson, and even President Kennedy before him, when we were increasing our troops in Southeast Asia. Once they were there, I supported President Johnson. I did make my case before the Defense Subcommittee on Appropriations, not once but many times over, in pointing out the errors and discrepancies, in things that were and were not being done, and things that should and should not have been done. If some of those things had been done as they were supported, not only by members of my party but chiefly by members of the other party in those committees, I think we would have seen a happy conclusion of this war a long time ago.

I do not see that there is anything cynical in this particular matter. As a matter of fact it raises a challenge. It is a fact that it has been common knowledge, on the floor for the last week or so, that we ought to dispose of these peripheral amendments at this time while we are discussing the Church-Cooper amendment. Frankly, I see no reason not to. It is just as logical to do it in this bill as it is in any other bill that will be called up later this summer.

I did not sponsor the Hatfield-McGovern amendment, and I did not say to the reporters that I would call it up. But I will say, that since the remarks on the floor this morning, I am giving serious consideration to doing just that. If I do not call up that amendment, I will consider introducing an amendment of my own with the same words and calling it up, and then I will vote against it. I believe that it is high time we quit fooling around in an attempt to fool the public and that we face the issues before this country. This is one of them.

Due to the perspicacity and foresight of the junior Senator from Kansas on the Gulf of Tonkin resolution we have just had a chance to face one of the issues. Maybe we should face the remaining issues and dispose of all these related questions now and by so doing let the American public have the value of this debate.

While there has been some talk about a filibuster around here, I recall listening for a 6-week period last summer to the junior Senator from Arkansas discussing the ABM issue and it was not called at that time a filibuster; it was just an opportunity to inform the public of the real issues involved.

Since we have been on the Cooper-Church amendment and the Gulf of Tonkin resolution so long, it seems that this may be an appropriate time to bring out all of the related questions and attach them to this bill in an attempt to find out exactly what the sentiment of the Senate is. I am not afraid to face it and I am not afraid to vote. If I decide to pursue either of the two courses which I have just suggested—and I really did not suggest it yesterday; I merely said that there was common talk about it—I will call it up and I will vote against it.

But I think it is high time that we settled some of these issues. There is ample precedence for doing exactly what I am doing. I remember just a few weeks ago on the floor of the Senate that the distinguished majority leader called up such an amendment and said he was going to vote against it, and he did vote against it. I do not think any Senator would say that the majority leader is lacking in sensitivity, or lacking in political morality, or lacking in any political sense, for that matter.

My purpose in taking the floor at this time was to immediately address myself to those remarks made earlier today. After I have had an opportunity to completely examine the transcript I will take the floor and discuss this matter at greater length.

I have not really had an opportunity to examine these remarks as critically as I would like but, as far as I am concerned, there seems to be a disposition on the part of some people to keep these issues out of the debate which we are now engaged in. This is only my opinion, and I do not downgrade the purposes of the Senators who do it, but there may be a benefit in including all related issues in one debate.

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

Mr. ALLOTT. I am sorry that I cannot yield. The distinguished Senator from Iowa had yielded to me and I have now used 15 minutes.

Mr. MILLER. Mr. President, I want to cooperate with the Senator. I understand why the Senator from South Dakota might want to be recognized. I am happy to yield to the Senator if he does not mind speaking on the time controlled by the Senator from Idaho.

Mr. McGOVERN. Mr. President, will the Senator from Idaho yield to me under those conditions so that I may respond very briefly to the Senator from Colorado?

Mr. CHURCH. I am happy to yield such time as the Senator may request.

Mr. McGOVERN. Mr. President, just to comment on what the senior Senator from Colorado said, I would like to propound a brief query to him so that we can make sure we are on the same ground with regard to the news report that appeared this morning that was the basis of my remarks.

I would like to read a couple of lines from that column to the Senator and ask him whether or not that is a fair statement of his position. The Washington Post article concludes with these words:

> Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote.

One additional line:

> It is "common talk down on the floor," Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces.

I ask the Senator whether that is a fair description of what he had in mind with particular reference to the fact that it is being called up to defeat it before the sponsors of the amendment have an opportunity to strengthen their case.

Mr. ALLOTT. No; in that respect I would say the last few words of that line are probably the conclusion of the reporter. I said nothing at all about attempting to defeat it before the backers can strengthen their forces. After all, the backers have been promoting this amendment for a long, long time, other than that conclusion, I believe that the context is generally accurate. I said nothing about trying to get in before other people could strengthen their forces.

Mr. McGOVERN. Let me say to the Senator that when the distinguished Senator from Oregon (Mr. HATFIELD), who is presently on the floor, and I introduced this amendment on the 29th of April it was our thought then that a vote would come in roughly 30 days. We did not anticipate the long debate that has taken place on the Church-Cooper amendment, and we have not been responsible for that extended discussion. But I think the Senator will recognize that we have had little or no opportunity for the Senate to look closely at the so-

called McGovern-Hatfield amendment; that this has not been the pending business.

We said at the beginning that we could call it up on the military procurement authorization bill, and it comes as some shock to me that any Senator would attempt, in effect, an end run by bringing it up before we have had a chance to fully discuss it here on the floor.

So I said this morning that if this news report were true and that the Senator or some of his associates were attempting to bring this amendment up now purely for the purpose of defeating it before we have had a chance to present the case on the Senate floor, I regarded that as a cynical and crude move. It was contemptuous of the usual courtesy we show each other here on the floor of the Senate.

I think it is true that there have been times when, after long debate on a measure, the leadership has called a matter up for a vote in order to bring the issue to a head, but we have had no debate on the McGovern-Hatfield amendment so far. We have been sitting by, courteously awaiting for the debate to run its course on the Church-Cooper amendment. It seems only fair now that we bring this amendment up under the usual procedures, as we have advised the Senate we are considering, and it is our hope that the Senator will give us a chance to do that, according to the wishes of the cosponsors of this amendment.

Mr. ALLOTT. Mr. President, I will say in reply that there is no way I could force an immediate vote on this matter even if I wished to, because, as the Senator well knows, it is an impossibility unless someone forces the issue by moving to lay it on the table.

The Senator has only persuaded me more that perhaps what I said yesterday is the course I ought to pursue. No man has a monopoly or a copyright on the proposition that we ought to end the war now, or at the end of next year, as the Hatfield-McGovern amendment proposes. It is common property. I disagree with the Senator—it is not cynical. Members of both parties have done the equivalent. Members of my party have done it. It certainly is not crude. I know that to an intellectual, like my friend from South Dakota, a mere Senator from Colorado may appear crude, but we are not. We understand each other very well out there, and we do not think of each other as being crude. We get along very nicely.

I assure the Senator that, as far as I am concerned, when this matter comes up I am not going to try to accelerate a determination of it.

I will say one further thing with reference to the Senator's remarks. He has had a long time in the last 30 or 45 or 50 days—whatever it is—to discuss this amendment. If the amendment is not going to be called up until next summer, then the amendment is not an amendment to this bill, I presume.

Mr. McGOVERN. Mr. President, it is not the intention of the Senator from South Dakota to offer this amendment to the pending bill. As I indicated to the Senator, we notified the Senate at the very beginning that the amendment would be offered to the military procurement authorization bill.

Since the Senator was not on the floor earlier, I want to give him notice, as I have other Senators, that if he proceeds with the course of bringing the amendment up now in an effort to defeat it before we have had a chance to marshal opinion on the issue, there will be a move to table. I would hope that that tabling motion would carry and that we could then proceed with the original plan to bring it up on the military procurement authorization bill.

Mr. ALLOTT. All I can say to the Senator on that is if he wants to shut off debate on his own amendment, if that situation arises, he is free to do it. If he wants to preclude debate on the floor, it is his privilege to do it. It is my privilege to do the same thing, of course.

I thank the Senator from Iowa for his courtesy in yielding to me.

Mr. McGOVERN. I also thank the Senator from Iowa (Mr. MILLER) and the Senator from Idaho (Mr. CHURCH), for permitting this colloquy.

The PRESIDING OFFICER. The Senator from Iowa is recognized. How much time does he yield to himself?

Mr. MILLER. Mr. President, I yield myself such time as I may require.

Mr. President, my pending amendment would strike section 10 of H.R. 15628 as reported by the Senate Foreign Relations Committee.

Section 10 of the foreign military sales bill would require countries receiving military assistance grants to deposit in a special account amounts equal to 50 percent of the fair value of any donated excess defense article and 50 percent of any grant of military assistance.

These amounts would be in the local currency of the recipient country and they could be used to pay obligations of the United States in the recipient country and to finance international and cultural exchange activities.

No formal appropriation of the currency generated in this manner would be required.

This amendment to the Military Sales Act, namely, section 10, added by the committee, is seemingly reasonable at first glance.

In effect, however, it transforms the entire military assistance grant program into a local currency sales program. It would undermine the rationale of the grant aid program and render it largely ineffective.

Before going into the details concerning the reasons why section 10 should be rejected, I would first like to discuss the general theory behind the military assistance program. This program has, over the last two decades, served our national interest effectively and consistently by promoting both the security and the foreign policy of the United States. The role of this program is more significant than ever today because of the Nixon Guam doctrine, which places a new and greater emphasis on the contribution of allied and friendly forces to their own national and common defense. I believe that it is worthwhile to look at the key elements of that doctrine which are as follows:

> The United States will keep all its treaty commitments.
>
> We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.
>
> In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

I might say, Mr. President, that when the Guam doctrine was announced by President Nixon, I do not recall any critical comments by any knowledgeable writers in this country.

Many nations are willing and able to provide that manpower, but they lack the means to convert it into properly equipped and well-trained armed forces. The military assistance program serves as a key instrument of the Nixon Guam doctrine by furnishing the material and related training support essential to develop and maintain such forces, and therefore is vital to our national security and foreign policy initiatives through which we seek to reduce both the total cost of our own adequate defense posture and our involvement and presence in the affairs of other nations.

Accomplishment of those dual objectives depends upon allied and friendly armed forces protecting their own homelands from external aggression and externally supported internal subversion. However, many of our most willing and potentially helpful friends and allies simply do not have the resources or technical capabilities to assume the greater responsibility which is necessary for their own defense. Unless we help provide them further assistance, our basic policy of decreasing direct U.S. involvement will be severely hampered. Therefore, Mr. President, I believe it is very much in the self-interest of the United States to provide, through the military assistance program, equipment and training required to realize the necessary potential of indigenous forces to the defense of their nations' territorial integrity and the maintenance of internal security.

In view of these considerations, it can be seen that recent trends toward lower assistance program levels tend to hamper the assumption of greater self-defense responsibility by allied and friendly nations.

In this connection, Mr. President, I ask unanimous consent that page 9 from the Military Assistance and Foreign Military Sales Status Document dated March 1970 which sets forth the legislative history of military assistance program authorizations and appropriations from 1950 to 1970, be printed in the RECORD at this point.

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

LEGISLATIVE HISTORY OF MAP AUTHORIZATIONS AND APPROPRIATIONS

[Dollars in millions]

Fiscal year	Executive branch request	Congress	Authorization			Appropriation		
			Amount	Public Law No.	Presidential signature	Amount	Public Law No.	Presidential signature
1950	$1,400.0	81st	$1,314.0	329	Oct. 6, 1949	$1,314.0	430	Oct. 28, 1950
1951	5,222.5	81st	1,222.5	621	July 26, 1950	1,222.5	759	Sept. 6, 1950
			4,000.0	843	Sept. 27, 1950	4,000.0	843	Sept. 27, 1950
1952	6,303.0	82d	5,997.6	165	Oct. 10, 1951	5,744.0	249	Oct. 31, 1951
1953	5,425.0	82d	4,598.4	400	June 16, 1953	4,219.8	549	July 15, 1952
1954	4,274.5	83d	3,681.5	118	do	3,230.0	218	Aug. 7, 1953
1955	1,778.3	83d	1,591.0	665	Aug. 26, 1954	1,192.7	778	Sept. 3, 1954
1956	1,595.2	84th	1,450.2	138	July 8, 1955	1,022.2	208	Aug. 2, 1955
1957	2,925.0	84th	2,225.0	726	July 18, 1956	2,017.5	853	July 21, 1956
1958	1,900.0	85th	1,600.0	141	Aug. 14, 1957	1,340.0	279	Sept. 3, 1957
1959	1,800.0	85th	1,605.0	477	June 30, 1958	1,515.0	853	Aug. 28, 1958
1960	1,600.0	86th	1,400.0	108	July 24, 1959	1,300.0	383	Sept. 28, 1959
1961	2,000.0	86th	[1]			1,800.0	704	Sept. 2, 1960
1962	1,885.0	87th	1,700.0	195	Sept. 4, 1961	1,600.0	329	Sept. 30, 1961
1963	[2]	87th	1,700.0	195	do	1,325.0	872	Oct. 23, 1962
1964	1,405.0	88th	1,000.0	205	Dec. 16, 1963	1,000.0	258	Jan. 6, 1964
1965	1,055.0	88th	1,055.0	633	Oct. 7, 1964	1,055.0	634	Oct. 7, 1964
						[3] 75.0	374	Mar. 25, 1966
1966	1,170.0	89th	1,170.0	171	Sept. 6, 1965	1,170.0	273	Oct. 20, 1965
						[3] 300.0	374	Mar. 25, 1966
1967	917.0	89th	875.0	583	Sept. 19, 1966	792.0	691	Oct. 15, 1966
1968	[4] 620.1	90th	510.0	137	Nov. 14, 1967	400.0	249	Jan. 2, 1968
						[5] 100.0	392	July 6, 1968
1969	420.0	90th	375.0	554	Oct. 8, 1968	375.0	581	Oct. 17, 1968
1970	[6] 425.0	91st	350.0	175	Dec. 30, 1969	[7] 350.0	194	Feb. 9, 1970

[1] The Mutual Security Act of 1959, Public Law 86-108 approved July 24, 1959, states "There is hereby authorized to be appropriated to the President for the fiscal years 1961 and 1962 such sums as may be necessary from time to time to carry out the purpose of this chapter, which sums shall remain available until expended."

[2] Foreign Assistance Act of 1961 authorized $1,700,000,000, no executive branch request for authorization required.

[3] A total of $375,000,000 appropriated under Public Law 89-374 dated Mar. 25, 1966, for liquidation of obligations and/or reservations incurred pursuant to authority in sec. 510 of the FAA of 1961, as amended during fiscal year 1965 ($75,000,000) and fiscal year 1966 ($300,000,000).

[4] Includes $24,000,000 for U.S. support of international military headquarters added to the original request of $596,000,000 due to congressional action.

[5] Supplemental Appropriations Act included funds for additional military assistance for Korea.

[6] Initial request of $375,000,000 increased by $50,000,000 for total request of $425,000,000 for fiscal year 1970.

[7] Includes $50,000,000 for Korea.

Mr. MILLER. Efforts along other lines to augment the amount of materiel which may be used for this purpose are being made. One of these is the grant of Department of Defense stocks in long supply and excess to our needs which can be used to meet valid military assistance program requirements without reimbursement. This source, however, is also threatened by inclusion in section 10 of this bill.

Both allocation of funds under the military assistance program and the use of surplus Defense Department stocks are directed toward the objective of strengthening the capability of allied and friendly forces to assume increasing responsibility for their own and the common defense. The contribution of the military assistance program to the attainment of this important national objective is clearly consistent with current security and foreign policy of the United States, but it is just as clearly threatened by the adoption of section 10.

The difficulty with this section is that it would undermine the effectiveness of the military assistance grant program by failing to recognize the fundamental reason for the existence of such a program. The United States provides this assistance to some of our allies and certain other friendly countries because their security is important to our security and our interests, and because their economies are unable to support the kind of defense establishment that is necessary to maintain that security.

Another reason why section 10 would defeat the primary objective of military grant assistance is that its principal impact would be on the forward defense countries, such as Korea and Turkey, which receive the largest portion of our military assistance. These countries have the greatest need for assistance and, at the same time, the least ability to pay in either dollars or local currencies for needed military equipment and training.

Four of such forward defense countries—Korea, the Republic of China, Greece, and Turkey—received 70 percent of the total military assistance program in fiscal year 1969. For fiscal 1970, ending this June 30, the portion those four countries will receive is estimated in the neighborhood of 80 to 85 percent, and for fiscal 1971 a similarly large percentage of total military assistance is programed to go to these countries. Each of them is exposed to and threatened by the great military power of a nearby Communist neighbor whose belligerence may increase that threat with little or no warning, as has been the case with North Korea. The more than 1.8 million men in the armed forces of these four countries make a vital contribution to the military posture upon which U.S. forward strategy for free world defense in part depends. Military equipment and training furnished these countries as grant aid in fiscal 1969 accounted for $314.7 million out of a total program of $452.7 million. For fiscal 1971 it will be about $280 million out of a total of $392 million.

The importance of these considerations is even more apparent in the fact that almost two-thirds of the total worldwide program is allocated to two of the four forward defense countries—Korea and Turkey—whose sizable and effective forces make a major contribution to the defense of strategically vital areas.

Section 10, on the other hand, will have little effect on those countries where the military assistance program is small in comparison with their defense budgets. As a consequence, the effect of the amendment is clearly contrary to its purpose as stated in the report of the Foreign Relations Committee, which is to discourage countries which do not need large military budgets from wasting their resources. Based upon the projected fiscal 1971 military assistance program, out of a total of 35 individual country programs—including those for forward defense and base rights countries—19 amount to less than $1 million each; another nine, to less than $5 million each; and five, to between $12 and $25 million. Only two amount to $100 million or more.

Section 10 of this bill would confront countries which are recipients of military assistance grants or excess defense articles with the alternative of either increasing their defense budget by an amount equivalent to 50 percent of the value of the grant aid or the value of the surplus equipment received or forgoing the receipt of such assistance. To do the first would cause serious budgetary problems for the country involved and could cause serious inflation; to do the second would be at the cost of increased risks to our allies' security.

For recipients to obtain funds to make the required deposits, they would have to divert funds from other purposes, such as economic and social development, increasing the percentage of their budgets which are devoted to military purposes. No time is provided for them to make the necessary budgetary adjustments or to assess impacts. Recipients are thus placed in the position of turning over to the United States the power to determine for what purposes their funds will be spent, and at the same time, having to make hasty decisions on allocations of remaining resources. In view of the large size of military assistance programs, the impact is especially serious in Turkey and Korea, and this point is easily illustrated.

First, Turkey has a defense budget of around $600 million, and it receives some $100 million in military assistance from us. This assistance then amounts to almost 17 percent of their total defense budget. If Turkey had to pay to the United States 50 percent of the value of the military assistance it received, its defense budget would have to be increased by about 8 percent.

Second, Korea has a defense budget of around $300 million, and it receives some $140 million in military assistance. This assistance amounts to almost 47 percent of their total defense budget, and paying one-half of the value of this assistance would increase their defense budget by 23 percent.

I believe, Mr. President, that these figures tell in the simplest terms the tremendous impact the adoption of section 10 would have on the budgets of these two countries and on their security. In the case of Korea particularly, the impact will be very serious, since almost the entire military assistance program is for items required for day-to-day operations. If the Koreans cannot provide the required sum to match one-half of our assistance, combat efficiency will be directly affected at an early date.

In several countries, the provision of military grant aid assists the United States to maintain bases and facilities

that are important to U.S. strategy and security. Imposition of a requirement for these countries to deposit funds for the purposes set forth in section 10 would in effect require the allied country to pay for allowing U.S. access to its bases, or necessitate our doubling their present program levels in order to maintain the existing amount of the grant aid.

Limitations on access to certain bases would affect our ability to support NATO, and in particular Turkey, with a resulting diminution of our ability to maintain a presence in the eastern Mediterranean. Should this occur, the adverse effect on our relations with the moderate Arab States and on the position of Israel is obvious. As a consequence the strategic balance of power in the area would be affected in favor of the Soviet Union, and in addition, U.S. economic interests in the area could suffer.

Withdrawal of U.S. troops from overseas areas such as Korea without a resulting decrease in deterrence against Communist attack would be more difficult, since the demand on allied resources to fill the gap left by such withdrawals would be greater. For the same reason, badly needed modernization of allied forces would be more difficult.

Mr. President, adoption of section 10 of this bill would mark a complete reversal of our military assistance policy and could only be interpreted as a drastic revision of our foreign policy.

Ideally and normally, in reducing the military assistance program for a country the transition is from grant aid to credit sales to cash sales as the economic situation in the country improves. The proposed amendment would omit the credit step and require the country to move precipitously from grant aid to cash sales, with resulting disruption of their budgetary and planning systems.

The United States has consistently followed the statute and has moved countries from the grant aid program to credit sales and sales programs. For example, the shift in Iran's military procurement program from grant aid to credit sales, which began in 1965, was completed in fiscal 1969. Iran will hereafter underwrite the cost of virtually all its defense needs. Also, the Republic of China is presently in the process of shifting from grant aid, which has been sharply reduced over the last 4 years, to credit sales.

In the case of those grant aid countries, such as the Republic of China, which are now shifting to dollar sales, passage of section 10 would have the unfortunate effect of stimulating resistance to dollar sales and encouraging requests for local currency sales.

One of the principal arguments made by the Foreign Relations Committee in its report in support of section 10 seems to be that the United States does not own an excess of foreign currencies in most of the countries which are recipients of military grant aid, and that, therefore, the additional local currencies which would be generated under the bill, or under section 10, would be beneficial. There are two things wrong with this argument. First, some countries in which there is no surplus of U.S. owned foreign currencies are countries which most need U.S. assistance and are least able to afford to pay for it. Also, the effect of section 10 would fall heaviest on the forward defense countries whose security is most important to us. To require them to put up 50 percent of the value of the materiel granted, or of the grant aid furnished, would no doubt cause them to divert scarce local resources from economic development to higher priority security programs. We in turn might eventually even have to take up the slack by increased economic assistance to those countries.

Second, we already have excess foreign currencies in a number of countries. On June 30, 1969, the U.S. Government held the currencies of 71 countries in amounts totaling $2.135 billion. In addition, there were currencies equivalent to some $69 million carried in unfunded accounts which have been used temporarily for purposes other than those earmarked for international agreement. Since these funds must be replaced when required for stipulated purposes, they are carried in the total foreign currency accountability of $2.204 billion. Of this amount, the total value of currencies available for general U.S. purposes is about $1.6 billion.

In some of the countries affected, the United States holds local currencies considerably in excess of our existing and anticipated needs. For example, using the fiscal year 1969 rate of use, the United States has a 19-year supply of currencies in India, 9.7 years in Pakistan, 4.8 years in Tunisia, 24 years in Guinea, and 7.9 years in Burma.

As concerns major recipients of grant aid under the military assistance program, the following table indicates that we have substantial foreign currency requirements in only three countries—Korea, the Republic of China, and Greece. In the case of these countries the table provides an indication of the extent to which a burden would be placed upon these developing countries.

Mr. President, I ask unanimous consent that a table showing projected U.S. foreign currency requirements in selected military assistance program countries be printed in the RECORD.

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

PROJECTED U.S. FOREIGN CURRENCY REQUIREMENTS, SELECTED MAP COUNTRIES[1]

	Fiscal year 1969 MAP		U.S. L/C requirements (thousand dollar equivalents)					
			(a)		(b)		(c)	
	Total program (excludes excess)	50 percent L/C deposit (in thousand dollar equivalents)	Estimated requirements		Estimated availability for other l/c programs		Net requirements for additional l/c commercial purchases (a)—(b)	
			Fiscal year 1970	Fiscal year 1971	Fiscal year 1970	Fiscal year 1971	Fiscal year 1970	Fiscal year 1971
EAST ASIA								
Indonesia	$5,500,000	2,750	1,360	1,418	4,614	6,249	None	None
Korea	139,000,000	66,000	99,762	99,834	20,835	30,472	78,927	69,362
Republic of China	36,000,000	15,000	22,287	22,353	16,887	9,839	5,400	12,514
NEAR EAST								
Greece	37,000,000	18,500	21,052	21,185	15,853	10,160	5,199	11,025
Turkey	97,500,000	48,750	30,949	30,865	35,964	47,915	None	None
AFRICA								
Congo	2,500,000	1,250	668	699	831	1,236	None	None
Ethiopia	12,000,000	6,000	12,176	14,298	9,660	10,965	2,516	3,333
Tunisia	3,500,000	1,750	2,270	2,903	23,201	30,097	None	None
LATIN AMERICA								
Regional (14 countries)	22,700,000	11,350	86,116	84,820	55,410	57,872	30,706	36,948

[1] In terms of needs beyond foreign currencies now available to United States.

Mr. MILLER. Mr. President, I want to emphasize that this table will show, for example, that we have no requirements for additional local currencies in Turkey—none at all. But, under section 10, Turkey would be required to put up $50 million of local currencies for which we do not have any need. On the other hand, we might have need in Korea, as Korea is so poor, so that I just cannot understand how she could come up to one-half of the $140 million-odd without drastically reducing her defense capabilities or coming to us for a replacement amount equal to that for economic assistance.

The point I am making is that under section 10 there is discrimination among the poor countries as between those for which we have no requirements as to local currencies and those where we do have some requirements which is discrimination as between those countries which rely heavily on us for military aid assistance and those poor countries which require very little.

I just do not think it has been worked on with a degree of sophistication that should characterize the work of the Committee on Foreign Relations and which I am pleased to say very often does characterize its work.

In summary, it can be seen that the U.S. requirements for local currencies are not significant in the majority of those countries that received grant military assistance in fiscal year 1969.

Mr. President, from a foreign policy standpoint we do not wish to accumulate large balances of foreign currencies. Over the years in those countries where we presently have excess local curren-

cies, we have encountered major difficulties in working out arrangement covering both the purposes for which local currencies may be used and the rate at which they may be expended. These decisions involve us directly in the internal economic affairs of the foreign country and run counter to our policy of maintaining a low foreign profile. There is a considerable history of problems associated with the disposition of the foreign currencies we hold, and even when we have used them for such purposes as building cultural centers, the Soviets or the Chinese have insisted on the same right causing in some instances a major international incident. Mr. President, I do not want to be misunderstood. I do not for 1 minute suggest that the program which now generates excess local currencies—the food for peace or Public Law 480 program—is not a good program. I believe it serves a very useful function.

I am proud to say, as a member of the Committee on Agriculture and Forestry that I participated in the drafting of it and in the debate which saw it through the Senate.

I make these particular comments merely to show the problems we encounter when we accumulate an excess of local currencies in a foreign country.

Mr. President, I believe it is important to make clear that there is a tremendous distinction between the way local currencies are generated under present programs, such as Public Law 480, and the way they would be generated under section 10. In the case of the sale of agricultural products for local currencies under the Public Law 480 program, the sale is generally made to the government of the foreign country but that government in turn sells the commodities to its people who pay in local currency. Therefore, currencies generated under this program do not come through the budget of the foreign government and have no budgetary impact.

Quite the contrary would be true, however, if section 10 were to be adopted. In the case of grant military aid or surplus defense stocks, the equipment goes directly to the foreign government and there it stops. The government does not and cannot sell any of the equipment. Therefore, if, as envisioned by section 10, that government would have to put into a special account 50 percent of the value of the equipment received, this amount would have to come from the country's budget, with the adverse budgetary impact discussed previously.

I believe it is quite evident that section 10 carries grave consequences and problems which are far in excess of any benefit to be obtained by its passage.

Despite this fact, this matter received only passing reference in the hearing on H.R. 15628. It was first raised merely as a matter of curiosity by the distinguished senior Senator from Alabama (Mr. SPARKMAN). At that time Undersecretary of State U. Alexis Johnson, indicated that the idea had never been suggested or considered. The only other time it came up in the hearings was through the insertion of a brief comment by the State Department in the hearing record and a request by the chairman of the committee for any comments.

This subject has not been discussed in depth on its merits with the executive branch and there certainly is no indication in the record that it received anything but cursory examination by the Foreign Relations Committee. Before taking a step such as that envisioned by section 10, which would have far-reaching implications for our foreign policy and which would entirely change the military program—not even under consideration in this bill—we should have more thought and consideration given to it than has been the case.

In summary, should section 10 be adopted, we would create serious problems for the effective implementation of the military assistance program. First, recipient countries, in essence, would be required to pay for one-half of what is presented to them as grant aid program. Second, in view of uncertainties regarding moneys appropriated for MAP on a year-to-year basis, as well as the unpredictable levels of excess stocks available, recipient countries would not be in a position to plan with any degree of precision the amount of local currency to be set aside. Third, our efforts to have recipient countries assume more of the costs of local defense would be undermined by the provisions of section 10. Fourth, in some instances, scarce local resources would have to be diverted from economic development to higher priority security programs. Fifth, in addition to the adverse consequences noted above, we could expect that section 10 provisions, if implemented, would impact adversely on some recipient countries and induce an inflationary cycle. Should the latter occur, these recipients might require additional U.S. economic aid to offset these developments.

Mr. President, on the desk of each Senator I have placed a capsule picture of my purpose in trying to have the Senate agree to deleting section 10 from the bill.

I invite the attention of my colleagues to the last paragraph of the mimeographed sheet which is on the desks of Senators.

It reads:

> Section 10 makes no differentiation between countries where local currency for U.S. obligations is needed (e.g. South Korea and Greece) and those where it is not needed (e.g. Turkey, Indonesia, and Tunisia). Thus it discriminates in its impact among poor countries. It received only passing attention during the Committee's hearings and, at the very least, requires much more sophisticated analysis than has been accorded it.

I am not saying that there might not be in certain given situations some merit to something along the line that section 10 attempts. I do say that the simplistic approach used by section 10 is not good legislation. I can only see trouble ahead if the Senate acts favorably upon it at this time.

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

Mr. MILLER. Mr. President, how much time remains on this side?

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from Iowa has approximately 1 hour and 10 minutes remaining.

Mr. MILLER. Mr. President, I yield to the Senator from Colorado.

The PRESIDING OFFICER (Mr. DOMINICK). The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I have been listening with great interest to the amendment of the distinguished Senator from Iowa. And if I have my facts right—and I believe I do—I am most certainly going to support the amendment. I want to make just a few comments to make sure that I have in my mind the exact point the Senator is making with respect to section 10.

First, as I understand it, only 35 countries at this time receive military aid and assistance from the United States. Is that statement correct?

Mr. MILLER. The Senator is correct.

Mr. DOMINICK. Mr. President, that is a legislative limitation, as I remember it, that we put into the bill about 2 years ago, if I recall correctly.

It is also my understanding that the Senator indicates that we now have excess local currencies in 71 countries in amounts which exceed $2.4 billion. Is that a correct statement?

Mr. MILLER. The Senator is correct.

Mr. DOMINICK. Mr. President, I was interested in the analogy of the Senator with reference to the country of India. Back in 1965, I was in India as one of the Senate representatives to their local parliament, having been appointed by then Vice President Humphrey.

It became perfectly apparent during that visit that we were having grave difficulty in trying to work out with the Indian Government the proper programs that ought to be put into effect through the local currency which had been generated through Public Law 486.

We do have, as I recall, a requirement that the programs which will be put into effect by this excess currency must be agreed to by both governments. Is that a correct statement?

Mr. MILLER. To the best of my knowledge, that is correct. Although, I think that perhaps the Senator from Idaho, who is a member of the Foreign Relations Committee, could answer that question better than I could.

I can only speak from what I have heard and also from the way we handle this in the Committee on Agriculture and Forestry under Public Law 480.

In that case, the Senator would be correct. But I would rather defer to the Senator from Idaho and let him answer that question.

Mr. DOMINICK. Mr. President, my question is with respect to the program for the use of excess currency under Public Law 486, of which we have vast amounts, as the Senator from Idaho knows. Is it not correct that programs within that country which are to be financed out of that local currency must be agreed to jointly by both countries.

Mr. CHURCH. Mr. President, the answer to the question is that the method for spending these so-called excess cur-

rencies does differ from country to country, but, in the main, the money is available for spending for two purposes.

Part of it is available to the Government of the United States to spend to defray the costs to us of maintaining our own personnel in the country, whether military or attached to the diplomatic force of the embassy, to pay for travel within the country, to pay for transportation within the country, all of which would have to otherwise be paid for with American dollars.

The balance of the money is available for reinvestment in the country in accordance with agreements worked out between the Government of the country and the Government of the United States.

Mr. DOMINICK. Mr. President, I thank the Senator from Idaho. That is my recollection. I appreciate the Senator's clearing up the record on that matter.

Mr. President, of the 35 countries to whom we have given or may give military aid in the future, it is my understanding from the comments of the Senator from Iowa that in all but four—Korea, Taiwan, Greece, and Turkey—we have excess local currencies at the present time.

Mr. MILLER. Mr. President, my point was we do not have the requirement for additional local currency in some of these countries. So, I would have to say in response to that question that either we have enough local currency now to take care of our requirements or we do not need any local currency at all, one or the other in some of these 35 countries.

Mr. DOMINICK. But the only countries that we have given aid to or that would be given aid, where we do not have local currencies available, are Korea, Taiwan, Greece, and Turkey. Is that statement correct? It is my understanding that it is correct.

Mr. MILLER. The point I wish to make is that in the case of Turkey, which is one of the largest recipients, we do not have any need for any additional local currency. In the case of Korea, there is a need for additional local currency.

This would end up, if we were to use section 10, in discriminating between two poor countries. Turkey and Korea are poor countries. In the one case, Turkey, we do not need additional currency. In the other case, Korea, we do need it.

Section 10 has not been given the sophisticated analysis that is needed.

Mr. DOMINICK. Mr. President, having traveled with the Senator from Iowa and having served with him on the Armed Services Committee, I am sure he is aware of the material assistance which these four countries I have mentioned—Korea, Taiwan, Greece, and Turkey—have given in providing perimeter defense against adventurism by Communist forces, either the Soviet Union or Red China.

Mr. MILLER. The Senator is very accurate in what he has just said.

I think it is well known that these are forward strategy countries. They are living under the gun, literally.

The impact of section 10 would be most adverse to the very countries which are poor and need this assistance and are under the most immediate threat.

I do not want to diminish the need for military assistance to some of the other countries that have certain problems.

We know that in Latin America, for example, there are a number of very poor countries. They have problems in maintaining their security free from internal subversion or Cuban exported subversion. But we do not provide military assistance to them.

The great bulk of the countries receiving military assistance receive less than $1 million a year.

The impact of section 10 is going to hurt the most those countries that the Senator has been referring to.

I would like to go back to this point of the need for local currency. Section 10 refers not only to the local currency needs of the United States but also provides for the use of local currency for educational and cultural exchange activity. I have before me a table which I ask unanimous consent to have printed in the RECORD.

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

Amounts United States spent under Mutual Educational and Cultural Act of 1961 in Turkey and Korea

Turkey:	
Fiscal 1969	$382,536
Fiscal 1970	372,449
Fiscal 1971 (budget estimate)	490,000
Korea:	
Fiscal 1969	389,894
Fiscal 1970	207,190
Fiscal 1971 (budget estimate)	387,696

Mr. MILLER. Mr. President, I wish to point out that the table shows that the amount spent on the Mutual Educational and Cultural Act for fiscal year 1970 was $372,000. We do not have any need for any excess currency in Turkey. We could use $372,449 for this educational and cultural exchange activity. But section 10 would require Turkey to put up $50 million under this act. I am not questioning the good motives of the proponents of section 10, but it just does not add up to the needs of the United States and the realities of the recipient countries.

Mr. DOMINICK. Mr. President, I am delighted the Senator has brought up that point. I think it makes a very useful contribution in this discussion.

I want to come back to the fact that Greece and Turkey are our mainstays and form two major southern flank countries of our NATO allies. Unless we are willing to try to help them along we are going to be forced into a very advanced position, which the President and most of us are trying to avoid. Consequently, it would certainly have the result of penalizing those countries. Likewise, in Korea and Thailand we have the concern about further incursions by the Red Chinese.

Subsection (2) of section 10 is important in light of the discussion I had with the Senator from Idaho because it is stated there, and I presume it is so meant, that the President of the United States will have the discretion to determine how all of those funds will be spent within that country, so that we no longer are going to be involved in a program, but the President will have control of the excess currency within a country. Maybe this is an advance on what we have under Public Law 480 distribution, but maybe it is not. I gather from the comments of the Senator from Idaho that no attention was given to that.

Mr. MILLER. I certainly do not claim to be an expert on foreign affairs, but I visited many countries around the world and I have sought out foreign policy experts. If there is anything that can get the United States into trouble, it is for word to get around in a local country that the President of the United States or one of his representatives is telling that local country what to do. We have been warned about this for years. I am glad to say our tendency has been to get away from having the reputation that the United States is meddling in the internal affairs of another country and to work out an agreement under which certain foreign aid activities are undertaken in a country, and the foreign aid activities are taken in accordance with a standard not measured by the United States but by agreement in Punta del Este. Certainly some of our enemies are not in a position to say the United States is telling a country what to do about its foreign affairs.

Section 10, and the subsection which the Senator referred to, goes in the opposite direction, and I think in the wrong direction. I appreciate the Senator emphasizing this point because I think all of us want to see the United States foreign aid programs wisely and prudently directed, but at the same time we do not want them to be counterproductive by causing an abrasiveness and lessening of the good will of the people in the countries to which we are extending our assistance.

Mr. DOMINICK. I agree with the distinguished Senator from Colorado on these points, and I am very grateful to him for having indulged in this colloquy.

I call attention to the fact that just last week I introduced an amendment on which we had a very close vote, trying to increase the amounts of excess defense articles which might be contributed by the United States to other countries. The amendment was not agreed to, but the vote was very close.

We are dealing with exactly the same thing here; namely, excess defense articles. It would seem to me that once again we are putting further restrictions on our ability to dispose of them. If we keep them, we have to spend our own taxpayers' money in maintaining them, or we put them in a scrap pile where they do not do anyone any good. If we require the other country to pay 50 percent of the value, the theory they will not take on as many, but the fact is they will take on as many as they need to defend themselves even if it "busts" their treasury, as the Senator pointed out.

It might have the reverse effect entirely of requiring that we maintain obsolete equipment which we would like to

have placed in the hands of our allies, where there is a lower scale of living conditions and cheaper labor.

I brought up the example of the M–1 rifle before. South Vietnam is not involved in this but I talked to President Thieu on my last trip to South Vietnam. He was talking about the weaponry he was trying to give to the people in the hamlets so they could defend themselves. Many of them are totally obsolete shotguns, swords, and things of that nature and it is the first time they have had those kinds of weapons to defend themselves.

If we can do that in the case of South Korea, Thailand, Turkey, Greece, and some of the other countries, we would have the ability at that point to have a much stronger and sound defense lines for friendly countries and not have to involve the United States as deeply and as directly as in the past.

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

Mr. DOMINICK. I yield.

Mr. MILLER. The only thing I can add to what the Senator has said is that while we seem to be taking some action here which is going to limit the amount of this assistance to these countries to defend themselves, it is too bad but it looks as if the Soviet Union and the Red Chinese are not exercising similar restraint with respect to countries which may seek to take over the countries we would like to have maintain their freedom. I doubt very much if the Soviet Union, where it is extending military assistance to a country, is going to say to that country, "We are giving you that but you put one-half of the value of that into a special account so that Premier Kosygin can determine how it will be used in your country."

I think they are far too prudent and wise in their policies to undertake such an action.

Can the Senator imagine how some of our friends in Moscow would react to this kind of provision being applied to Turkey. They would welcome it. They would say, "See how Uncle Sam treats you. They give you military assistance with the right hand and then take one-half of it away with the left hand. Don't trust the United States. They are Indian givers."

What would we have to say?

Mr. DOMINICK. I agree with the Senator. I hope the section is not agreed to.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

For the purpose of disabusing the distinguished Senator from Iowa of the Soviet practice, the Soviet Union has for many years engaged primarily not in the grant of military assistance to other countries, but, rather, in the sale of military weapons. For example, a typical program was with Indonesia in the 1950's and early 1960's. During that period the Sukarno government built up a very large debt to the Soviet Union amounting close to $2 billion. The one exception, typifying the American program, has been the Russian military grant aid program to several Middle Eastern countries.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I yield from my control time one-half hour to the distinguished Senator from Maryland (Mr. TYDINGS) to bring up for consideration at this time a conference report on a District of Columbia bill.

The PRESIDING OFFICER. The rule of germaneness expired at 2:30 p.m., so the Senator from Maryland is in order.

SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN, FIREMEN, AND TEACHERS—CONFERENCE REPORT

Mr. TYDINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17138) to amend the District of Columbia's Police and Firemen's Act of 1958 and the District of Columbia's Teachers' Salary Act of 1955 to increase salaries, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of June 15, 1970, pp. 19709–19714, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. TYDINGS. Mr. President, the approval of this conference report by the Senate will send this District of Columbia police, firefighter, and teacher pay increase legislation to the President for his signature.

This pay increase is long overdue. The Senate passed its version of this pay increase bill last December. The House did not act until last month. The two Houses then met in conference seven times in 11 days to iron out the differences between the two bills.

This conference report retains an amendment which I added to the Senate bill to make these police, teacher, and firefighter pay increases retroactive to last July 1. That retroactivity provision was agreed to by the House, after long negotiations in the conference, and will become part of the law. It is fundamental fairness that police, firefighters, and teachers should have retroactivity for these pay increases to last July 1, since most other Federal and District of Columbia Government employees received similar pay increase last July 1 and again in April of this year.

This pay bill provides an average overall increase of 13 percent for police, firefighters, and teachers. It provides new higher starting salary levels and additional career incentives to continue to attract and retain the kind of high-quality personnel essential to public safety and education in the National Capital.

The conference agreed to authorize up to $8,000,000 as a one-time Federal payment to be used to pay the cost of the retroactive pay increases provided in the bill for police and firemen for the period July 1, 1969, to December 31, 1969, and for teachers for the period of September 1, 1969, to December 31, 1969.

It is anticipated that the total cost of the pay increases for policemen, firemen, and teachers for the July 1, 1969, to December 31, 1969, period will exceed $8,000,000. The conference specifically tied the Federal payment authorized under the bill to the period July 1, 1969, to December 31, 1969, because it intended that this Federal payment of $8,000,000 be used to pay $8,000,000 of the pay increase costs of this period.

In addition, the bill provides for a recomputation in the annuities for former Assistant Superintendent of Police who retired prior to 1956. These retirees would have their annuities computed on the salary level for Assistant Police Chief rather than Deputy Chief of Police, thereby providing an increase in annuity and preserving the actual or original effective date of the retirement.

Mr. President, I am not satisfied with the revenue features of this legislation. I share the concern of many in Congress that further economies are possible and essential in District of Columbia governmental operations. Nonetheless, the city must have adequate revenues from taxation and a fair Federal payment to pay for needed city services while economies are being effected.

I must report that the other body was unwilling in this legislation to agree to sufficient new revenues for the city to finance even what we in the Senate consider essential functions. For example, during the very proceedings of our conference, the House Appropriations Committee reported the District appropriations bill for fiscal year 1971 with a $3.7 million slash in the public safety sector. The fire department was cut by nearly $1 million; the police department was cut by $697,000. Education was cut by $17 million.

It does us little good to enact pay raise legislation for police who do not have the kind of equipment they need to do the law enforcement job; for firefighters who are shorthanded in nearly every stationhouse; for teachers who do not have enough administrative support, supplies, and facilities to do the difficult education job which must be done here.

I do not believe, however, that these greatly deserved and long overdue pay increases should be held hostage for additional revenues. We tried hard in the conference to get additional revenue for public safety outlays. We failed to move the conferees of the other House.

In view of the intransigency of the other House on the revenue question in this pay bill conference, I believed it only fair to the police, firefighters, and teachers that we agree on these year-overdue pay increases and the revenue to pay for them without further delay.

This does not mean that we have forsaken the larger question of revenue the city needs, especially in the public safety and education sectors. Quite the contrary, we made strenuous efforts in the

conference to get both these salary increases and added revenue for public safety and other urgent needs.

We have scheduled an executive session of our committee for next Monday to consider additional city revenue and borrowing requests.

Mr. President, we will continue to seek adequate revenues for the National Capital to conduct its governmental affairs, even as we also push for greater economies in existing operations. In the meantime, I believe the Senate should enact this pay increase bill for these deserving public servants in the National Capital.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Vermont (Mr. PROUTY) for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, the pending conference report concerning salary increases for police, firemen, and teachers in the District of Columbia is the result of many hours of conference, and I believe that the overall bill agreed to in conference is a good bill.

The District's police, firemen, and teachers were bypassed when recent salary increases were given to other classified employees of the Federal and District of Columbia Governments. Costs of living in the metropolitan area have increased while these salaries have remained the same, with resultant hardship on those who have not received an increase. Salary is a primary inducement in any recruitment program in the present labor market. The District cannot afford to let its police, fire protection, or educational standards suffer because Congress is not willing to pay a living wage to those dedicated young men and women who fill those much needed positions.

The conference report provides that the police and firemen's salary increases will be retroactive to July 1, 1969, and the teachers' increases will be retroactive to September 1, 1969. Method of providing funds to take care of these retroactive features was a point of serious difference of opinion between the House and Senate conferees. This point of difference was resolved by increasing the District of Columbia income tax and providing for an $8,000,000 Federal payment. In the opinion of the Senate conferees these amounts will not cover the total costs of the retroactivity and other programs will suffer as a result. While the pay bill has not historically been considered as a revenue measure, it was felt that provision for the additional financial burden to the District must be taken care of.

The Congress and the President have recognized the unique relationship between the Federal Government and the District of Columbia. In recognition of this relationship the Congress has regularly provided funds to help defray the costs of operating the District.

The Senate has consistently advocated a Federal payment authorization based upon a precentage of local tax revenues, which would enable the District to compute the Federal payment authorization at the time of its earliest budgetary planning. By this method the Federal payment would increase only as revenues from local taxes increased. The present administration advocates such an approach. Unfortunately the House has prevailed with its position which provides for a lump-sum payment.

The Senate has supported the President in his programs for the District with respect to method of Federal payment, a nonvoting Delegate in the House of Representatives, and a Commission to study such methods by which the District may achieve a greater measure of self-government than presently exists. There is support in the House for these worthwhile measures but at present that support is not sufficient to bring these measures into law. I would suggest that those in this body, who criticize the administration for its lack of success with its measures, use their influence with members of their party in the House to bring about support for some of the administration-sponsored measures about which they feel so strongly.

The acceptance of the conference report on this salary bill will do much to aid in the recruitment and retention of the caliber of dedicated men and women who are needed to give strength and high quality of performance to our police, firefighters, and teaching professions.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from California (Mr. CRANSTON) for 3 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized for 3 minutes.

Mr. CRANSTON. I thank the Senator from Maryland and the Senator from Missouri. These two Senators, and others, have been doing a great work in regard to the problems of the District of Columbia. Other Senators, as well as the residents of this District, owe them a great debt of gratitude.

Mr. President, in recent years I have become increasingly concerned with the financial crisis facing public education in this country. We in California have recently experienced the first prolonged teachers strike in the history of our State. In April, over half of the teachers of the Los Angeles Unified School District failed to report to work. They did not agree to return to their duties until the end of May.

The Los Angeles teachers strike brought into clear focus the money crisis facing public education in California. Increased numbers of children and rapidly rising educational costs make it impossible for our schools to maintain the quality of education so long as there is continued reliance on the traditional sources of school revenues. These are, of course, property taxes and bond issues.

Property owners, however, rightly feel that they have reached the tax breaking point, and bond revenues, as well as tax over-rides, have simply been voted down time after time. Consequently, we in California are faced with the problem of reordering the priority of State and local allocation of public revenues if we are to maintain quality public education. That is a problem that we must resolve among ourselves.

The financial crisis facing public education in the District of Columbia poses a different question. No one seriously questions the fact that the District's schools face the financial problems confronting schools everywhere. However, the District's schools do differ from all others in one important respect: those served by the District's schools have no voice in determining the level of school expenditures. These determinations are made by a group of men who are in no way directly accountable to the people or schoolchildren of the District of Columbia. I commend the Senator from Missouri and the Senator from Maryland for their honesty in admitting that their first allegiance is to their own constituents. I also respect them greatly for their deep concern over District affairs.

However, their concern, alone, cannot provide the children of the District of Columbia with the type of education they need and deserve. Although in past years Congress has significantly increased per pupil expenditures in the District's schools, I am most distressed to learn that many new and improved services have been eliminated by the conferees on H.R. 17138, the salary increases for District of Columbia policemen, firemen, and teachers bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield the Senator 2 more minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 2 additional minutes.

Mr. CRANSTON. Funds for the following services and supplies were disallowed:

Textbooks and supplied designed to increase the amount available per child.

Expanding the prekindergarten program to reach the 4-year-olds in the ghetto areas and further their capability to take advantage of educational opportunities. With 2,600 children now in this program, the request would reach a total of 5,000 children.

Providing assistance to the teacher, improving safety within the classroom and relieving the teacher of clerical burdens, by increasing elementary aides from 87 to 226.

Expansion of the community school concept from 13 to 15 schools.

Provision for 200 more children and improved services in the special education program, a way to insure that children with physical handicaps are able to participate in public education.

Increasing and strengthening the terms of psychologists and helpers who work with students.

Providing the same increased resources—teachers, supplies, books—to the Anacostia schools. The Anacostia schools are a special system.

Mr. President, the disallowance of funds for these services and supplies leads me to the same conclusion reached by the distinguished Senator from Missouri:

The District of Columbia cannot continue to function and to meet its responsibilities to its citizens under a system in which it has no representation, virtually no voice in the vital decisions which affects it, and few defenders to go to the mat in its interests.

Until such time as the District ceases to be a colonial enclave ruled by congressional fiat, we, the Members of this body, have the solemn duty of performing as responsible overlords. In the exercise of this duty, which I do not cherish, it is impossible for me in conscience to support the conference report for the reasons which the Senator from Missouri and I have stated.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield 3 minutes to the Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized for 3 minutes.

Mr. HUGHES. Mr. President, I wish to compliment the distinguished chairman of the committee for what has certainly been a diligent and energetic effort to try to get basic needs for the District of Columbia. The problems I wish to mention today are the problems of drug abuse, drug dependence, and alcoholism. The inclusions in the District budget for programs in these areas are not even sufficient to scratch the surface of the needs of this Capital City.

Over the course of the last few years, drug abuse and drug dependence have become an increasingly important part of the American culture. We are keenly aware locally, in this Capital City, of the increased, rising incidence of drug abuse and drug dependence and their relationship to the rising crime rate. In light of this, I must comment on the fact that the District must be properly funded to offer voluntary treatment programs for drug abuse and drug dependence, and to offer drug-abuse-prevention programs, which can deal with the input into this total scene in America and in our Capital.

I note that the requests that were made in some of these programs were stringently cut, and also that in many areas of need they are totally inadequate.

As I look at the alcoholism program, in view of the budget, and relate it to the number of probable alcoholics in the District, I should also add that the District has been incapable of meeting the increase in alcoholism with the present facilities; so far as follow-through rehabilitation is concerned, there is practically nothing in the District.

It is said that the average cost of booking an alcoholic in a city like this is $100. We know, from many instances in the country, that chronic alcoholics can be arrested and booked up to—I have known of cases exceeding 500 times. The court costs alone for an individual like this rise so high that it is almost impossible to calculate the total court expense. It is estimated, in America, that somewhere in excess of 50 percent of exposure to local law enforcement is due to alcoholism and alcohol related crimes; and as a result, I feel your budget in this area is inadequate.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. HUGHES. I ask for an additional 30 seconds.

Mr. TYDINGS. I yield 1 additional minute to the Senator from Iowa.

Mr. HUGHES. In conclusion, this budget is inadequate to deal with the problems of drug abuse, drug dependence, and alcoholism in the District. This is particularly so in light of the rising drug-related crime rates in the District of Columbia. And we should look at the hope for salvaging human beings from these sicknesses and illnesses—every medical expert in the country testifies that many of these persons are salvagable. In trying to save money, we are actually losing hundreds of dollars per person. We are not saving $1 in relation to the investment we are placing on these people in the District of Columbia.

I thank the distinguished chairman and the members of the committee for their diligence and efforts in pointing out these areas, and I say to the Members of the Senate that the efforts, though they have been the best they can produce, are totally inadequate in meeting the need.

Mr. TYDINGS. Mr. President, I yield 10 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, how much time remains of the Senator's half hour?

The PRESIDING OFFICER. Eleven minutes.

Mr. EAGLETON. As the designee of the Senator from Idaho (Mr. CHURCH), I yield another 20 minutes, to be charged to the Senator from Idaho (Mr. CHURCH), for these purposes, and therefore I request 15 minutes.

Mr. TYDINGS. I yield 15 minutes to the Senator.

Mr. EAGLETON. I thank the Senator from Maryland.

Mr. President, the Senate has before it the conference report on the District of Columbia salary and revenue increases, H.R. 17138. I did not sign this conference report, and I will vote against it.

As chairman of the subcommittee which reported this bill to the Senate and as a conferee, I support the pay increases which it provides for teachers, policemen, and firemen of the District. In fact, the Senate bill reported by my subcommittee was more generous in its pay provisions than either the House bill or the conference report.

However, I have other serious objections to the report, objections which make it impossible for me in conscience to support it.

First, the report fails to include any part of the Senate's authorization of an increase in the permanent Federal payment. The result will be that in a year of rapidly rising costs the District will receive $5 million less than it received the year before.

Second, the special Federal payment provided in the bill to cover costs of retroactivity falls $2.8 million short of meeting those costs. So, not only will the District have a smaller Federal payment to work with, but also, it will have a net increase of $2.8 million in its mandatory expenditures—a mandatory reduction of $2.8 million in other areas.

Mr. President, parenthetically, I wish to add at this point that we attempted in the Senate the other night to restore some of this imbalance by the appropriation of $1.7 million in the unappropriated Federal payment. I learned a few minutes ago that the House has rejected that item and that the Senate has gone along with it, so that $1.7 million went out the window today.

I am convinced that this conference report was the District's best chance to receive new revenue in this fiscal year. It certainly should have been done in this bill, given the insistence of the Appropriations Committees in both Houses that the budget be acted upon by June 30.

Mr. President, even while this pay conference was meeting, the House was acting on the new District budget. Because of the lack of adequate revenues, that budget was gutted of every new, every improved, and every expanded program requested. Only mandatory items were spared in cuts which totaled more than 20 percent and which left the District with a smaller overall program than it had even a year ago.

Because certain highway and other construction projects were trimmed from the budget—and these at least are deemed important by some Members of Congress—I expect there will be another revenue bill sometime this session. But given the attitude of the House conferees toward an increase in Federal payment, I am pessimistic that such a bill will contain funds for vital operating programs.

I suspect that the House will be willing to appropriate money for more monuments, more cement, and more pavement, but I doubt that they are willing to appropriate any money for people.

The House Appropriations Committee had little choice in approving these budget cuts since, by law, the District budget must be balanced.

But the pay bill conferees did have a choice. They had before them a bill which not only could have been used to provide the needed new revenues but which by every standard of equity should have been. They had before them also the facts on what the House budget cuts would mean for the residents of the District of Columbia.

They were aware, for example, that one consequence of the $698,000 cut in the police department request would be the loss of 173 civilian positions, 86 of which were to relieve patrolmen of clerical duties and to put them out on the streets where they can do something about crime.

How many times have we heard within the walls of this Chamber the plea for better, and tighter, and more professional law enforcement? We need more policemen; we need better trained policemen; we need better paid policemen. It is perhaps the most frequently mouthed speech of our era. Everybody is for better law enforcement. Yet, with respect to the District of Columbia, where much hand wringing is done by Senators and Representatives who are from without, when it gets down to doing something about it, under this bill we will not

hire the civilian employees which would put the men in blue out on the pavement and take them from behind the typewriters. So, as a result of the $698,000 budget cut, at least 86 police officers on three shifts will be behind typewriters, banging away at police reports, but not doing much about improving the quality of law enforcement in the District of Columbia.

The conferees were aware, too, that the cutbacks in the narcotics treatment program would hamstring the city's efforts to begin coping with that root cause of crime. I quote Representative NATCHER, chairman of the House District of Columbia Appropriations Subcommittee, on the point:

> Our committee, Mr. Chairman, is well aware that the appropriations recommended will not provide a comprehensive and effective treatment program adequate to the needs of addicts in the District of Columbia. The lack of funds brings about this action on the part of our committee.

I am pleased to note that the Senate Appropriations Committee has restored the full request for funds for the Narcotics Treatment Agency. We cannot be certain at this point, however, that this appropriation will survive the conference stage.

There is a lack of funds also to hire 218 new roving leaders who work in the streets with juvenile gangs. This is a program which has been called by the juvenile court judge one of the most successful the District has in working with potential juvenile delinquents. But instead of 245 of these street counselors, the District will have to make do with 27.

Lack of funds means the elimination of 43 new guard and other positions in the Department of Corrections at a time when prison population is expected to rise from 3,000 to 4,000. The prison program is already strained to the breaking point, but there will be fewer guards per 100 inmates next year than this because of lack of funds.

There will also be less work with drug addicts within the corrections system, a subject about which we heard a great deal in the public press in the past year. The District's request for 23 new workers to help rehabilitate an additional 250 inmate addicts was denied, again, for lack of funds.

The court of general sessions had requested six new positions to strengthen its probation program and 24 new employees to help judges meet the growing backlog of cases. The Parole Board wanted three new employees to meet its expanded workload. All of these were cut.

Mr. President, the program cuts I have mentioned—and they by no means exhaust the list—are all directly related to the effort to reduce crime in this city. With all the rhetoric we have heard on this subject, where is the support for these programs which can do something about the problems? Where are the crime fighters when the District asks for funds to carry out the programs they urge?

Let me cite a few other programs which were cut from the budget, some of them related to crime but all of them related to the well-being of the city.

The Children's Receiving Home will not get the nine new employees it requested to cope with severely overcrowded conditions. Five of these were counselors who could have worked with emotionally disturbed children.

Cut also was a request for a resident psychiatric program for children, a program recommended by the President's Crime Commission.

Just to sustain its present alcoholic treatment program—a subject of discussion by the distinguished Senator from Iowa (Mr. HUGHES)—which is far from adequate by any standards, the District requested funds to replace an expiring Federal grant which supported the services of a medical officer, a psychologist and a social worker at the Alcoholic Rehabilitation Center. That had to be cut. So did the request for $32,000 needed to replace other earmarked revenues which have been lost.

The District has been urged by Members of Congress to begin doing more for its Spanish-speaking residents and the District responded by requesting $50,000 to establish a new liaison office for such citizens in its Department of Human Resources. That was cut, although it has been restored in the Senate bill.

In the field of education, a request for about $1.5 million to increase the number of textbooks and other supplies available to ghetto children was denied. So was the proposed expansion of prekindergarten classes which would have reached an additional 2,400 ghetto children.

Requests of $800,000 to improve the special education program for children with physical handicaps and $640,000 to provide more school counselors and psychologists had to be cut, as were requests to improve safety in the schools by increasing the number of teacher aides from 87 to 226.

These examples relate primarily to the House-passed appropriations bill. Some changes have been made by the Senate Appropriations Committee—most notably in the area of narcotics treatment—and I hope these changes will prevail in conference. However, the overall picture is not changed in the Senate measure, which was necessarily handicapped by inadequate revenue authorizations. Let me make clear my view that Senator PROXMIRE has done an admirable job in the face of these restraints, and my remarks are in no way critical of his efforts.

Mr. President, the Appropriations Committees would not have had to make these drastic cuts in the District budget had the pay bill conferees agreed just to maintain the present Federal share of the cost of governing the city. Figured as a percentage of local tax revenues in the general funds, that was 28.3 percent last year. This year it will drop to 24 percent.

There is no question that the conferees had the power to do this. Both bills dealt with revenue—the Senate version, with an increase in Federal payment, the House bill, with increased income tax rates as well as the repeal of a liquor sales tax.

If there had been no other justification, it was certainly proper in a bill that raises local taxes to increase the Federal contribution to city costs by a proportionate amount. Yet, largely because of the intransigence of the House conferees, that was not done. Instead, the Federal payment was reduced and additional costs of $2.8 million were heaped upon the back of the District government.

It was no mitigation of the situation for the conferees arbitrarily to decide to deal only with salary questions and with revenue only to the extent that it related to salary costs.

Even that arbitrary line was crossed when it suited the purposes at hand. Thus, the report accepts the House provision requiring all members of the District Police Department to wear a U.S. flag patch or pin as part of their uniform.

What does that have to do with salary matters? For that matter, what does it have to do with the proper role of Congress in legislating for the District? That kind of decision is purely a local one. It is within the discretion of the Chief of Police—and should remain there. The District does not need Congress to legislate patriotism for it.

It is clear to me that the District cannot continue to function and to meet its responsibilities to its citizens under a system in which it has no representation, virtually no voice in the vital decisions which affect it, and few defenders prepared to go to the mat in its interests. The District exists in what can only be called a political free-fire zone, subject to every kind of attack with no means of self-protection.

I do not exempt myself from responsibility for the state of affairs in the District. As much as any Member of Congress, my first allegiance is to my own constituents, and although I am deeply concerned about District affairs, the interests of Missourians come first with me. But this will always be the case so long as the District lacks its own representatives in Congress—or until the affairs of the District are taken out of Congress entirely, as I believe they should be.

Nor can the District apparently expect much from the administration.

Where is the administration while the District is subjected to this kind of irresponsible political gamesmanship?

President Nixon—like his predecessors—has on occasion pointed to the importance of the Federal City to the Nation and to the special relationship of the Federal Government to the District. But he is apparently content—like his predecessors—to issue proclamations on the greatness of the District, to forward a budget and a legislative program for the District to Congress, and then to let the District fend for itself against impossible odds in the effort to secure these funds and programs.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. EAGLETON. Mr. President, will the Senator from Maryland (Mr. TYDINGS) yield me 10 additional minutes?

Mr. TYDINGS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. SCHWEIKER). Fifteen minutes remain.

Mr. EAGLETON. As the designee of the Senator from Idaho, I allocate an-

other 15 minutes from the Senator's time for these same purposes.

Mr. TYDINGS. Mr. President, I yield to the Senator from Missouri another 10 minutes.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Missouri is recognized for another 10 minutes.

Mr. EAGLETON. Mr. President, here is what President Nixon had to say about the District in his April 1969 message to Congress:

> The Federal Government bears a major responsibility for the welfare of our Capital's citizens in general. It owns much of the District's land and employs many of its citizens. It depends on the services of local government. The condition of our Capital City is a sign of the condition of our nation—and is certainly taken as such by visitors from all the states of the Union and from around the globe.

Then he presented his program for "Increasinig the Responsibility and the Efficiency of the District of Columbia Government": Congressional representation, increased local authority, a Federal payment tied by a formula to local revenues, and a mechanism for beginning to move toward self-government.

All worthy goals, to be sure—all essential to the orderly functioning of this city. But having set this program before the Congress and paid verbal deference to the greatness of the Federal City, he apparently washed his hands of the whole issue. And Congress itself has done nothing about it.

I have already detailed the record on the budget for the District submitted and approved—and then abandoned—by the administration. Now let us look at the record—ours and the President's—on the administration's legislative program for the District.

We have made virtually no progress toward home rule since April 1969 when the President said:

> Full citizenship through local self-government must be given to the people of this city.

The Senate passed the administration's proposals for a nonvoting delegate in the House of Representatives and a Commission to study self-government for the District last September. Eight months later, even these half-hearted, pathetically short-of-the-goal measures are languishing in the House District Committee.

The District should have home rule—elected local officials. But short of home rule, at the very least, the District should have representation in Congress. There are nearly 800,000 people in this city with no say about the makeup of the Congress that virtually runs their affairs—a population larger than 11 States whose citizens are represented here. The administration endorsed a constitutional amendment of this kind in the President's message to Congress. Yet no progress whatever has been made.

We have failed once again to provide the District with an authorization for a Federal payment tied to the level of local revenues—the so-called formula approach. The President endorsed this formula approach in his message to Congress, stating that:

> The District of Columbia cannot achieve strong and efficient government unless it has ample and dependable sources of financing.

As chairman of the Fiscal Affairs Subcommittee, I can tell you that the President is absolutely right about the need for the formula approach. And I can also tell you that the administration has given this proposal no followup support.

Only in the areas of crime control has the administration showed anything resembling sustained interest.

In his state of the Union address last January, the President cited the District as a "tragic example" of the national crime problem and he told the Nation that he doubted "if there are many Members of this Congress who live more than a few blocks from here who would dare leave their cars in the Capitol garage and walk home alone tonight." Then he chastised the Congress for delaying passage of the District crime package and declared:

> We should make Washington, D.C., where the Congress and the Executive have the primary responsibility, an example to the nation and the world of respect for law rather than lawlessness.

Those of us who live here know that the District has made little progress toward becoming "an example to the Nation and the world of respect for law." Surely the Congress must share the blame, in view of the still ongoing conference on the crime package. It should be made clear, however, that the Justice Department did not help expeditious handling of the District crime legislation by tying court reorganization and reform provisions to a package of highly complex, loosely drafted changes in the criminal law and procedure of the District.

But the President himself has not followed through on his commitment to crime control in this city—as the budget cuts in law enforcement programs clearly show.

Certainly the President can do more than submit his program and hope for the best. He has great power to influence public opinion about the District across the Nation—to encourage support of home rule, for example. President Nixon has used this influence chiefly to instill in Americans everywhere a vision of the District as a crime-infested jungle.

Turning back to the conference report the Senate is being asked to approve, I want to make my purpose clear. Although I will vote against this conference report, I will not press for its defeat. However, in my capacity as chairman of the Fiscal Affairs Subcommittee, I will fight to see that the District receives the revenues essential to the continued operation of essential programs.

Both Senator PROXMIRE and Mr. NATCHER have indicated their willingness to consider supplemental appropriations for the District if new revenues are forthcoming. I intend to do all I can to see that the District is authorized to receive these revenues, and I call on all Members of Congress and on the White House to support this effort.

Mr. President, I thank the Senator from Maryland.

Mr. GOODELL. Mr. President, I commend the Senator from Missouri (Mr. EAGLETON) for his outspoken statement concerning the conference report on H.R. 17138, salary increases for District of Columbia policemen, firemen, and teachers, that is now before us. I too have grave misgivings about certain aspects of this conference report, although I do agree with its basic thrust, I do not think we can wait any longer to act upon the pay increases which this report provides, and which I support. However, I do concur with my colleague's objections as to the inadequate amount of funding we are providing to pay for these increases. It is always the duty of every governing body to be basically responsible and yet, with respect to the District, we have abrogated that responsibility at a time when everywhere we turn we are faced with the consequences of fiscal irresponsibility.

The pay increases contained in this conference report are essential if the District of Columbia is to maintain quality levels of public service in the areas of education, and public safety. These pay increases, representing minimum acceptable levels, are long overdue. The policemen, firemen, and teachers employed by the District have not received a pay raise since 1967, and yet they too have suffered the effects of the inflationary pressures that have been plaguing our economy. In fact between February 1969, and February of this year, the consumer price index for the District of Columbia has increased 16.9 percent.

I am very much pleased that the conferees agreed to extend the period of retroactivity for these pay raises to July 1, 1969, the date approved in the Senate version of the pay bill. After all, the Senate in passing its version of the pay bill last year acknowledged that a good many District employees were underpaid, and these people should not be penalized just because the Members of the House were slow in acting and did not pass this pay bill until late last month. The consequences of these lengthy deliberations are just another reminder of the injustices suffered by District residents under their present form of government.

As Senator EAGLETON pointed out the pay increases provided in this conference report are not paid for by the revenue portions of this same bill. If this report is accepted, and signed by the President, District residents will be required to pay higher income taxes, retroactive to January 1, 1970. It is estimated that this will cover the cost of the pay increases starting at that date. But what about the cost of the retroactive pay increases for the period between July 1, 1969 and December 31, 1969. It is estimated that it will cost about $10.3 million to cover the pay increases during that period and yet this report authorizes only $8 million to pay for this.

In the supplemental appropriation bill we passed last Monday I was pleased that the Senate agreed to appropriate the heretofore unappropriated portion of last year's Federal payment to the District—approximately $1.8 million—to pay for part of the retroactive period. The rest of the difference will eventually

be taken from already underfunded and necessary District programs, like the Narcotic Treatment Agency.

I believe that the conferees have moved along the right path in approving a Federal payment to partially cover the costs of these pay increases, however the report did not go far enough. The District government needs $10.8 million to pay for the costs of retroactivity as contained in the conference report, and I believe that it is irresponsible of us not to provide them with a source for all of that money.

The original pay bill passed by the House contained a number of provisions extraneous to the matter of pay increases. The conferees commendably eliminated most of these provisions which were not only irrelevant but also harmful in many cases. For instance, I might mention the House provision which would have eliminated the Civilian Review Board that now operates in the District, but fortunately this provision was not included in the final report. I would also like to express my support for Senator EAGLETON's position regarding that provision of the House-passed bill which would have required District police to wear a patch or emblem of the U.S. flag on their uniforms. As the Senator from Missouri so aply stated, and I concur, this provision should not be included in a bill concerned with pay increases, nor should this issue be decided by Congress.

For Congress to maintain its credibility in the District of Columbia, and the Nation, it must act in a responsible, responsive, and rational manner. Pay raises that are essential for continuing the fight against crime, minimizing the hazards of fire, and educating our youth, reflect congressional responsibility for the welfare of District residents. Not to provide adequate funds for these salary increases, and to include provisions which should properly be decided at the local level places the Congress in the untenable position of fiscal and social irresponsibility.

Mr. KENNEDY. Mr. President, I wish to join with my distinguished colleague from Missouri to express concern for the way the city of Washington, our Federal Capital, is insensitively and unnecessarily abused.

This afternoon, we in the Senate must again attend to the business of municipal operations for the city of Washington, D.C. While there is much debate over how or whether the city should or could govern itself, it seems to me that we in the Congress dramatically make the case for local control by our insensitive reactions to the city's needs.

Our performance here today is just another example of the kinds of things I cited in my proposal for establishing congressional representation for Washingtonians. Residents of Washington live with all the urban problems that are recognized in every major city across this Nation. Yet, not one of those residents directly participates in shaping the decisions made in this Congress that vitally affect their daily activities. Not one of us here today was elected by the citizens of Washington.

However, each of us will be responsible for the salaries paid to the city's schoolteachers, firemen, and policemen. I intend to vote for approval of the conference report that authorizes higher salaries for these city employees. But I am disturbed that the District conference committee on the pay bill did not include increased revenue authorizations for the District in their report.

Over the past months, I have taken a particular interest in the problems of the District of Columbia General Hospital. I was saddened to note that the request for funds to operate a general walk-in clinic in the evening hours at District of Columbia General was eliminated from the final budget.

The District had requested $173,500 for staff including medical officers, nurses, and technicians, and $80,133 for supplies for a clinic which would have operated each evening from 5 p.m. to 9 p.m. Presently, the District of Columbia General clinics close at 5 p.m—before District residents who work or care for young families in the daylight hours can come to the hospital for health care services.

My concern, Mr. President, is that we in the Congress, at least until we have guaranteed self-government and congressional representation for Washington, we in the Congress must perform the task of disbursers for the city. And we have got to be much more responsible in our exercise of that task than we have been in the past.

It is not wise to demand of the city that it meet all of the burden of modern urban life on the one hand and on the other, consistently be shortchanged in its ability to meet the costs of those demands.

Teachers in Washington's schools play a tremendously important role. They furnish the guidance and the training needed to properly mold the lives of our Capital City's citizens of tomorrow.

Each fireman and every policeman provides for the security and comfort that every family has come to expect as a guaranteed safeguard in wholesome community living.

For these reasons, I believe higher salaries are deserved. But I am appalled at the way the city will be forced to seek support for those salary increases.

The city's administrators, each of whom is an appointed official must carry plans to cut back other vital city services. That must be done because there is not enough money authorized by the Congress to pay for the retroactive features of the pay bill. Thus, in seeking to compensate these employees for their work in the last year, some cuts must be made in next year's budget from the programs for health, recreation, sanitation and social welfare.

And so, I am pleased for the opportunity to deliver this short note of concern for what I see as an irresponsible reaction to extremely important municipal civic duties.

Mr. President, if we are going to mandate that Washington conduct its business in a first rate manner we must be reasonable and sensible in authorizing the payment of costs in order to deliver a first rate performance.

Mr. TYDINGS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. TYDINGS. Mr. President, the speech of my distinguished colleague, the Senator from Missouri, was an excellent speech, but it was delivered with the wrong bill.

This is a pay bill relating to policemen, firemen, and teachers' salaries. It was never intended to be a general revenue bill.

Neither the House nor the Senate District Committee, nor the Senate Committee's Fiscal Affairs Subcommittee, chaired by the distinguished Senator from Missouri, designed this bill to raise any more revenue than is absolutely required to pay for the pay increases the legislation authorizes.

The Senate version of this pay legislation, as reported unanimously by the Senate District Committee, provided exactly that amount of revenue needed to finance the pay increases alone, not one penny more. That was the subcommittee chaired by the distinguished Senator from Missouri. The House conferees, naturally, noted this fact in arguing against converting this bill into a general revenue measure.

The House conferees further accurately pointed out that none of the revenue provided by the Senate bill was in the nature of permanent authorization. All of it, as set out in title III of the Senate bill, would have expired next week at the end of this fiscal year, June 30.

These limited, temporary financing provisions were included in the Senate bill because the Senate cannot originate the tax increase the city had requested to finance the pay bill. The House did provide for the general income tax increase the city requested to pay for this bill. In the conference, the House, having provided the taxes, was at first unwilling to accept any part of the Senate Federal payment provisions, even to pay for the retroactive portions of the bill. By hard bargaining, persuasion, and give and take on both sides, the Senate was able to convince the House to agree to an $8 million Federal one-shot payment to defray the retroactive costs of the pay increases.

This bill is fiscally responsible. The pay raises it provides, including retroactivity, will amount to a gross total cost of approximately $69.5 million in the next 24 months. The new local income tax increases provided in the bill to pay for these pay increases will raise $65.6 million over the same period. Added to these income tax collections is a special one-time Federal payment of $8 million earmarked to help defray the cost of the retroactivity provided by the bill, for a total surplus of $4.1 million over the 2-year period.

By any calculation, this bill is a fiscally sound and responsible pay increase measure. Whether a relatively small short-term deficit may exist over the next 12-month term due to technical problems in collecting taxes, the bill will begin to produce a surplus about 20 months from now.

This bill does not meet the other revenue problems of the National Capital.

It was not designed to do so. The House would not agree to expand it to do so. Your committee—the Senate District Committee—will, however, continue to press for the funds necessary, as outlined by the distinguished Senator from Missouri, to meet the cost of good government in the National Capital. We will do so in the revenue bill when it comes before the Senate.

Mr. EAGLETON. Mr. President, will the Senator yield to me for 3 minutes?

Mr. TYDINGS. I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I have great admiration and respect for my colleague and committee chairman, the Senator from Maryland (Mr. TYDINGS), who labors long and hard in this vineyard. My disagreement with him on this bill is on the merits or demerits of the bill, and not a personal one.

When I listened to the Senator's latest remarks, I could not help but think that had he been the public relations officer for Robert E. Lee at Appomattox he would have claimed a victory.

This conference report is, to use charitable language, a poor one. The Senate passed its version of the bill in December of 1969. Thus, circumstances and conditions, as contained in the Senate version of December 1969 are very different since we are in June of 1970, when this is the last, only, and best hope to salvage the city fiscally.

Second, the House made this measure a revenue bill. The House made it a revenue bill by upping the local income tax. The House is reasonably generous insofar as upping taxes on people they do not represent, to wit, the people of the District of Columbia; and of course, they thought they had to give some relief to the package liquor dealers in the District of Columbia. The House cut the liquor tax to further augment the financial woes of the city government. It is both a revenue bill and a salary bill. That is what the House did. However, by the time the conferees got through with it, it was a salary bill and even short on the payment for salaries.

Such generosity as this conference report bestows on the District of Columbia can be ill afforded.

Mr. TYDINGS. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MAGNUSON. Mr. President, will the Senator yield for a brief question?

Mr. TYDINGS. I yield.

Mr. MAGNUSON. I do not know whether I am right or wrong about this, and I do not want to get between two old district attorneys; I was one myself at one time. Maybe I am a little bit old-fashioned, but I have always been a great believer in the foot patrolman. Was any mention made as to the increased number of foot patrolmen in this bill? I appreciate they need all the modern equipment they can get, but if there is to be an increase, I do hope they would do more along that line.

Mr. TYDINGS. The Senator's question would be better answered by the Senator from Wisconsin (Mr. PROXMIRE) when the District of Columbia appropriations bill comes before the Senate.

Mr. MAGNUSON. Was there any discussion about foot patrolman?

Mr. TYDINGS. No.

Mr. MAGNUSON. I thank the Senator.

Mr. TYDINGS. Mr. President, this proposal, when given to us by the city, was a salary bill for educational purposes and policemen and firemen. It was a salary bill when it left the Senate. We had funded it by an addition to the Federal payment which would have expired June 30 of this year. The House substituted a permanent income tax increase to fund it. But it was still a salary bill when it returned to us. We endeavored to secure an additional Federal payment over and above that which was needed in the bill. We could not. We completed action on a bill which is fiscally sound and which over a 2-year period provides more revenue than it will cost. This was never intended to be a revenue bill and it is not now. Hearings have been held on the city revenue proposals. They will be reported to the Senate next week.

But to try to make salary increases for policemen, teachers, and firemen—which should have been given last year—hostage to an additional Federal payment did not seem to me to be sound government, or fair. I was not willing to sacrifice normal procedure where we have revenue measures in revenue bills by holding these deserving employees' pay increase hostage. We produced what the city asked for. It was a pay raise when it left the Senate and it was a pay raise when it was reported out of conference.

Mr. President, I move that the Senate agree to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report (putting the question).

The report was agreed to.

Mr. EAGLETON. Mr. President, I ask the RECORD indicate I voted in the negative.

Mr. THURMOND. Mr. President, I would like the RECORD to so indicate for me also. This bill represents the expenditure of large amounts without funds to pay for same.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1264) making continuing appropriations for the fiscal year 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1264) making continuing appropriations for the fiscal year 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Sentate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the distinguished Senator from Iowa would strike one of the most important provisions of the bill.

In an effort to save the U.S. taxpayers vast sums now being spent needlessly to buy foreign currencies for our Government's use, and to apply a brake to the demands of foreign military leaders, who under our present military aid system are encouraged to ask for all the weapons they can get, the committee adopted a provision which requires any country that receives military grant aid—regular or surplus property—to pay 50 percent of the amount of aid in its own currency. The currency will be available to meet U.S. requirements in that country, including educational and cultural exchanges.

I want to emphasize we are not concerned here about hard currency. We are not talking here about dollars; we are not talking here about convertible currency, or any form of payment that would impose any burden on the foreign exchange of the recipient country. We are concerned about local currencies which, without exception, are not convertible. These are currencies which have no value as such on the international exchange. These are currencies which are not used in financing international trade.

What we are discussing here today are currencies which can only be used within the country concerned.

I listened with amazement earlier in the debate to a discussion about excess local currencies which we have accumulated over the years. These were generated under Public Law 480. It was suggested that these currencies represent a problem to the United States. In truth, they are a great asset of the United States.

With these currencies to our credit in foreign countries, deposited to our account, we are able to pay all kinds of bills.

We are able to pay the bills of the American Embassy and assorted Consulates. We are able to pay bills for U.S. personnel representing all agencies, such as AID and our various military personnel. We pay for their transportation, for their food, for their air conditioners, for their local needs, for all costs we would otherwise have to pay in dollars. These currencies do have great value to Americans assigned to excess currency posts.

Furthermore, we use these accounts as an arm of our on-going AID program by entering into agreements with the governments concerned, whereby money in these accounts is reinvested to assist in the economic development of the country concerned.

We have been doing this for years under Public Law 480, and it has been looked upon as a highly provident, fiscally sound arrangement for the United States. For instance, we offer food to a foreign government. That government enters into an arrangement with the United States by which it receives the

food. We are then paid in local currency generated from the sale of that food, and that money becomes available to the United States within the country to help defray expenses of American personnel in that country.

Under the terms of the agreements of the kind I have described, the money is made available to give extra impetus to foreign aid programs in those countries.

It is misleading to suggest that the money in these accounts abroad does not have great value to the United States. The truth is it reduces substantially the amount of dollars we would otherwise have to spend to meet these operational and program expenses within the many foreign lands in which these accounts exist.

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

Mr. CHURCH. I shall be glad to yield to the Senator for such questions as he may have. However I would first like to complete my argument.

During the last fiscal year, in the 10 countries which received the greatest amounts of U.S. military aid, the United States spent $290 million to purchase their respective currencies for use by our Government agencies. In other words, there was a $290 million drain on our balance of payments in these 10 countries last year due to our Government's operations. And I wish to make it clear that this list does not include South Vietnam or Thailand since military aid to these countries is funded directly through the defense budget, not the foreign assistance program. I might point out that, in the last 20 years, the United States has given away some $35 billion in military grant aid, and in the same period we have incurred a balance of payments deficit of over $44 billion. In only two of the last 20 years have we had a surplus position.

In South Korea, which was given $139 million in military aid in 1969, the United States was forced to spend 76 million in dollars to buy local currency for U.S. Government purposes. We would have saved $69 million of that if the committee's amendment had been in effect.

In Turkey, which was given $98 million in military aid, we paid out $18 million for local currencies. Taxpayers would have saved the entire $18 million if this provision had been in the law.

In the Philippines, which received $19 million in aid, we bought a whopping total of $161 million of foreign currencies. We would have saved over $9 million there last year.

In Greece, which was given $37 million in aid, we spent $17 million in dollars on the open market for the local currency. We could have saved that amount under the committee's amendment.

And on down the list. Of the top 10 recipients of military aid, in only one, Indonesia, was the United States not forced to go into the market to buy the local currency with U.S. dollars.

For the information of Senators, last year the balance-of-payments deficit was a staggering $7.3 billion. And the situation is becoming worse. If it continues, the American dollar in the international marketplace will crack. Those who do not believe that need to review their fiscal history. They should recall that it was the cracking of the British pound, then the principal international currency, as the U.S. dollar is today, that led to the great depression of 1929, an event which almost undermined and destroyed the Western World's capital system.

If the provision which the Senator from Iowa seeks to strike had been in effect during the last fiscal year, it would have saved U.S. taxpayers well over $122 million. This calculation does not take into account the additional foreign currency that would have been received in return for the surplus arms given to these countries. It includes grant aid only. The savings for the current fiscal year would, no doubt, be comparable. And these dollar savings would have a salutary effect on the critical balance of payments problem, which ran a deficit of $7.2 billion last year.

One other factor that influenced the committee's consideration of this provision was the fact that under the current military aid program there are no effective restraints on the appetites of foreign governments for U.S. arms. The only restrictions are those imposed by the giver—the United States— and with the Pentagon having a vested interest in promoting the giveaway of arms, the real restraining influence is embodied in the purse strings controlled by the Congress, in such use as we make and in such control as we exercise over the purse strings.

But this is not as it should be. The free, gratis basis on which arms are distributed allows the recipient country to avoid the hard realities of looking at its defense needs in terms of its national priorities. In accepting these gifts from the U.S. taxpayer, the foreign country does not have to face up to the hard questions of whether the weapons they get from the United States are really necessary for its security or whether the real purpose is a military version of keeping up with the Joneses or Khans or Mirandas.

A basic objective of the committee's amendment is to encourage recipients of military aid to evaluate their own military requirements in a more critical light. As long as the military establishments in recipient countries benefit from asking for more than they actually need, the incentive is to ask us for more arms, not less. That has been the history of this program. However, if the amendment tendered by the committee is supported by the Senate, an element of discipline will be introduced for the first time into this program.

By requiring these countries to pay in their own currency 50 percent of the cost of the arms and equiment we give them, each country will be forced—at last—to evaluate the demands of its military commanders in the context of other national priorities; and to test those demands in the crucible of the national needs of the countries concerned. We should see to it that the military aid program does not encourage, in other countries, unnecessary military spending, while we are trying to eliminate the same type of waste here at home.

Our policies should be geared to making aid recipients face up to their own problems of internal priorities. They should not encourage these countries to stay on as military freeloaders, but to instill in them a greater sense of initiative, independence, and self-reliance. I am not certain as to the exact meaning of the Nixon doctrine, but it was my understanding that it was intended to stimulate nations to help themselves in meeting their security requirements. I can think of nothing more likely to thwart that objective than for the United States to continue to treat military aid recipients as welfare clients. A 50-percent foreign currency requirement in payment for military aid could be an important step in the development in these nations of a new sense of self-reliance.

Our final point. We require foreign countries to pay in their local currency 100 percent of the value of food shipments sent them under Public Law 480. If we require 100-percent payment for food, surely it is appropriate to ask for 50-percent payment for weapons.

In summary, the committee amendment is designed to save American taxpayers at least $122 million annually—I repeat, $122 million annually—in purchases of foreign currency—on the basis of the 1969 military aid program.

It will have, moreover, a favorable impact to that extent on our balance-of-payments problem.

It may help to curb the appetites of foreign military commanders for weapons that are desired more for prestige than security.

And it may force those nations to take a harder look at their own security needs, as well as their own national priorities. Hopefully, it will encourage self-reliance.

I have had two tables prepared which give details concerning the savings that could be achieved under this amendment.

The first table is captioned "Impact on U.S. Balance of Payments as a Result of Official U.S. Government Operations During Fiscal Year 1969 in the 10 Leading MAP Countries." I ask unanimous consent that this chart be printed in the RECORD at this point.

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

TABLE I.—IMPACT ON U.S. BALANCE OF PAYMENTS AS A RESULT OF OFFICIAL U.S. GOVERNMENT OPERATIONS DURING FISCAL YEAR 1969 IN THE 10 LEADING MAP COUNTRIES

[In millions of dollars]

	Total local costs of U.S. operations	Local currency available to United States	Purchases of local currency required for U.S. purposes [1]
Colombia	6.1	2.4	3.7
Ethiopia	7.7	2.4	5.3
Greece	23.0	5.8	17.2
Indonesia	2.3	2.3	----
Iran	9.9	1.5	8.4
Philippines	162.4	1.7	160.7
South Korea	98.3	22.5	75.8
Taiwan	24.4	23.6	.8
Tunisia	3.4	3.3	.1
Turkey	48.1	30.1	18.0
Total	385.6	95.6	290.0

[1] Purchases of local currency represents a deficit in balance of payments.

Note: 10 countries based on fiscal year 1970 military assistance program.

Source: Data obtained from U.S. Treasury Department.

Mr. CHURCH. Second, Mr. President, I have another table captioned "Application of Section 10 of Committee Amendment to the Foreign Military Sales Bill," which details the impact of the amendment in terms of savings as it applies to the countries receiving the largest amounts of military aid. I ask unanimous consent that the table be printed in the RECORD at this point.

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

TABLE 2.—APPLICATION OF SEC. 10 OF COMMITTEE AMENDMENT NO. 3 TO THE FOREIGN MILITARY SALES BILL

[In millions]

Country	U.S. grant military aid in fiscal year 1969 [1]	50 percent of col. 1—additional local currency available under sec. 10	Balance-of-payments deficit due to purchase of local currency to meet local costs	Reduction in balance-of-payments deficit and savings to taxpayers if committee provision had been in effect
	(1)	(2)	(3)	(4)
Colombia	$3.9	$1.9	$3.7	$1.9
Ethiopia	12.0	6.0	5.3	5.3
Greece	37.0	18.5	17.2	17.2
Indonesia	5.5	2.2		
Iran			8.4	
Philippines	18.9	9.4	160.7	9.4
South Korea	139.0	69.5	75.8	69.5
Taiwan	36.0	18.0	.8	.8
Tunisia	3.5	1.7	.1	.1
Turkey	98.5	49.2	18.0	18.0
Total	354.3	176.4	290.0	122.2

[1] Does not include the amount of excess defense articles given to these countries.

Mr. CHURCH. Mr. President, the first table makes the following points:

During fiscal year 1969, the U.S. Government rolled up total costs of $385 million in the 10 principal MAP countries.

To meet these local costs, the United States had available but $95 million in the various local currencies.

In order to make up the difference, the United States had to buy a total of $290 million in foreign currencies.

In other words, during fiscal year 1969, U.S. Government operations in the 10 major MAP countries contributed $290 million to our balance-of-payments deficit.

The second table makes the following points:

During fiscal year 1969, the United States gave the current top 10 military assistance recipients $354 million.

If the committee's amendment had been in force at that time, the United States would have had an additional $176 million available in local currency, of which $122 million could have been used to reduce the $290 million deficit that the United States incurred as a result of its official operations in these military-aid-receiving countries.

In other words, the committee amendment would have reduced the deficit from $290 to $168 million—a meaningful reduction in anybody's language.

So, in summary, Mr. President, let me say that the committee amendment is designed in part to relieve the pressure on our highly unfavorable balance-of-payments position.

The committee amendment simply requires that those countries receiving our grant military aid help us defray the costs of our official operations in their respective countries.

The committee amendment merely says to military aid recipients, "look, while we're helping you out, help us out on our balance-of-payments problem; help us meet some of our local currency costs in your country; help us reduce our balance-of-payments deficit."

After having given away over $35 billion in military aid since 1950, is it too much to aks the recipients of that aid to begin now—20 years later—to help us meet a part of our local costs—some of which are directly associated with the military aid program?

Mr. President, this is an important amendment. It involves a substantial and meaningful saving to the United States. It is a fair amendment. It is in line with what we have long been doing in the matter of disposing of surplus food abroad. Finally, it is high time we began to dispose of surplus weapons in this manner.

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

Mr. CHURCH. I yield to the Senator from Florida.

Mr. GURNEY. The Senator from Idaho, in his usual eloquent manner, has made a very persuasive argument. As a matter of fact, I have often thought that we have not used good judgment in this country in offering sophisticated weaponry to many of the emerging, poor, and backward countries that have not needed it, and that actually it has perhaps encouraged an arms race between them and their neighbors who are possible potential enemies.

So I certainly have listened to the arguments that the Senator has made, and many of them are good ones.

There is one thing that troubles me about this, though, and I ask the Senator this question: Do we have a similar provision in our other aid programs? I am not talking about Public Law 480, because I am familiar with that. As the Senator pointed out, the countries do pay for that, at least in counterpart funds.

But do we have a similar provision in other nonmilitary aid programs, asking the recipient countries to put up 50 percent of the value of what we give them in foreign aid?

Mr. CHURCH. The only program which generates local currency is the Public Law 480 program. By all accounts, it has been an extremely successful program, and this committee amendment would apply the principle of Public Law 480 to military grant aid.

The Senator will probably ask, why select out military grant aid.

The reason why this is not done with economic aid under the Foreign Assistance Act is that that aid is tied for the most part to purchases of goods and services in the United States. The balance-of-payments impact of the economic aid aspects of the Foreign Assistance Act have been greatly mitigated. This is not the case, however, in the matter of the military grant aid program. It is appropriate, therefore, that we apply the same principle to that program which we apply to Public Law 480 for the disposal of surplus goods.

Mr. GURNEY. In the first part of the amendment, which I understand requires the putting up of 50 percent of the fair market value of the article that we give them—and this article certainly is made in the United States—I presume we are talking about weaponry that may be obsolete or excess here, which we are giving the other country. So, in that respect, the analogy is exactly the same as it is with respect to economic aid.

Is it not also a fact—and here I rely on the expert knowledge of the Senator from Idaho, because I am not an expert on foreign aid—that generally, when we are giving the military aid to foreign countries, they are purchasing American weapons and rifles or ammunition or planes or tanks?

Mr. CHURCH. This amendment applies only to grant aid as well as to surplus weaponry, another form of grant aid. Whether or not the countries that receive grant aid are also purchasing other weapons from the United States depends on the individual country concerned. Some do; some do not. As the Senator knows, the grant aid program now extends to 35 foreign governments, and there is a great discrepancy between one and another.

I should like to finish the thrust of the Senator's question. As it applies to economic aid, I would like to note these differences. The bulk of our present-day economic aid is given in the form of loans, not grants. These loans are repayable to the United States over a period of years. They bear interest. Thus most of the economic aid program no longer partakes of a grant aid character.

Where we are still dealing with grant aid, as in the case of military programs, we ought to apply the principle that has served us so well under Public Law 480. It means a great deal to have local currencies to defray the substantial costs for which we would otherwise have to pay dollars in these countries.

These local dollars are not nearly so precious to the local governments as hard convertible currency; and economic development in the main depends, as the Senator knows, upon the foreign

exchange position of these countries. We are not taxing, in any way, their foreign exchange position. We are not asking hard currency back for the military weapons we give. Instead, we are asking for an account in local currency that can help us defray some of our local costs in these countries.

It is a sound principle, which could be and should be applied in the name of assisting the United States to deal with the extremely serious balance of payments deficit plaguing this Government, and which puts such a strain upon the dollar in the international marketplace.

Mr. GURNEY. I must admit that the Senator does make a differentiation between the two programs, and I understand that; although I might point out—and I hope none of our foreign friends are listening—that I think we often make the loans with tongue in cheek, not exactly sure whether they are ever going to be repaid. But I must say that even though this would be a sound approach, I am not exactly sure, from this Senator's point of view, that it is. It seems to me that we are applying two sets of rules here—one to military aid and the other to economic aid. If we are going to require recipient countries to put up 50 percent of the value of the thing given or 50 percent of the grant made in the military area, we ought to do the same in the economic area. I really cannot see any difference. If we make this difference, then it occurs to me that—for some reason that this Senator is unaware of—we are zeroing in on the military part of the foreign aid and are saying that we really are not enthusiastic about this and we are going to tie special strings to it.

One other thing I might point out——

Mr. CHURCH. Mr. President, will the Senator yield at that point?

Mr. GURNEY. I yield.

Mr. CHURCH. I would like to interject one further comment, which will interest the Senator, I am sure.

In differentiating between the economic aid program and the military grant aid program, it is just not that that the bulk of our economic aid program now takes the form of loans. However, because of that fact, plus the fact that earlier loans are now being repaid from earlier years, the economic aid program has a positive, direct impact on U.S. balance of payments. Last year, that positive impact represented an inflow of $197 million.

There is, thus, a difference in the impact the two assistance programs have upon the United States. Because the military grant program is more comparable to the food grant program, the same principle should apply.

Mr. GURNEY. Let me ask one other question, if I may: Let us take the case of a poor country that is hard pressed to meet its military requirements, and let us say that it borders on one of the Communist countries which perhaps has ideas of aggression against it. Let us assume that the poor country wants some military aid and seeks it from our Nation, and we have this requirement of 50 percent in the law, and let us assume that the country is not actually able to come up with the 50 percent. Are we not defeating the whole purpose of military aid? This is what bothers me about this provision.

Mr. CHURCH. Let us consider whether that proposition is a hypothetical one——

Mr. GURNEY. It is. It almost has to be, I suppose. I wish I had a concrete example that we could discuss.

Mr. CHURCH. In the theater of war, Thailand and South Vietnam do not come within the reach of this amendment. They are being financed out of the military budget. The same is true for Laos. If it were not true, the Senator might have a case for Laos. Laos is a very poor country, with almost no foreign exchange in its coffers. It is an insolvent, nonviable country. Yet, Laos, Thailand, and South Vietnam do not fall within the reach of this amendment. The principal countries affected, who receive the bulk of Ameriacn military grant aid, are Greece, Turkey, Taiwan, South Korea, the Philippines, Iran, Indonesia, Ethiopia, Tunisia, and Colombia.

None of these countries is so weak financially that they could not establish an account for the benefit of the United States, in exchange for military weapons they receive, by which they would make available to us local currency to help defray our own expenses.

Mr. GURNEY. Let us assume that is true of those countries which the Senator mentions, but let us take one of the Latin American countries. Certainly, we have evidence that communism is going on in Latin America. We have one country on our doorstep which is Communist controlled, and actually is a great troublemaker. Let us say one of the other governments in Latin America is taken over by what is obviously a Communist country, and then later on had designs upon one of its neighbors, and one of its neighbors came to the United States and wanted military assistance in order to beef up its armed forces to meet the threat next door. Where does this amendment put us, so far as this country is concerned, which may be a poor country and not able to come up with 50 percent of the money?

Mr. CHURCH. Although the Senator's inquiry is legitimate, it strikes me that he is seeking an exception which might prove the validity of the rule. There may be an exception, but I do not know of any. For example, Latin American aid has fallen off to the point where the total program is now modest. When we break it up into the recipient countries of Latin America receiving grant aid, we are talking about a comparatively small sum. Fifty percent in local currency could not constitute a serious burden. Unfortunately, the figures are classified. If the Senator would like to look at them, they are here on my desk.

Mr. MILLER. I want to clarify one thing with the Senator from Idaho which I think he was a little confused about. I did not say that there would be no value from local currencies raised under section 10. What I did say was that when we had an excess amount of local currencies, excess to our needs, we have had problems. The Senator, being on the Committee on Foreign Relations, knows that we have had problems. I gave an illustration of a problem which we have had as a result of it.

I should like now to follow on with the questioning of the Senator from Florida (Mr. GURNEY).

We can understand how many of the small countries, where there are small amounts of military assistance, may not find it a great burden if they have to put up 50 percent of the currency. But I hope I did not understand the Senator from Idaho to suggest that to require Turkey to put up $50 million, as being 50 percent of $100 million in military assistance, would not mean they would have great difficulty in doing that.

It is my understanding that Turkey is one of the poor countries. I think we have so regarded it as a poor country for years, and that is why we have granted her economic assistance, because she is hard pressed with a rather expensive military budget, but she is in a difficult area of the world. Thus, I cannot understand why we should put Turkey in the same category as some of the countries that receive $100 million in military assistance.

Mr. CHURCH. I would not stand here and ask any Senator to believe there might not be some particular country, perhaps Turkey, where the committee amendment might not cause them problems. By proposing the amendment as a general rule, we believe it is in the best interests of the United States. It will involve a saving of dollars. It will involve a certain easing of our balance-of-payments deficit. The principle is sound. But if there is a single country where the application of that rule could conceivably cause an undue hardship, then there are ways to cope with that particular exception. If, for some country, it is in our own best interest to ameliorate the effect of the 50-percent requirement, then there are ways whereby this adjustment could be made in the economic assistance given to, for instance, Turkey. We could compensate Turkey via other ongoing programs.

The committee amendment lays down a sound rule, which, in most cases, will work. So far as I know, it will work in all cases, but, if there are any exceptions, then there are ways the exceptions can be dealt with through other channels in the aid program.

Mr. MILLER. Let me read the position of our own State Department on this point:

> Our difficulties with section 10 are that it would undermine the effectiveness of the grant MAP by failing to recognize the fundamental reason for the existence of the grant military assistance. We provide this assistance to our allies principally because their security is important to our security because their economies are unable to support the kind of defense establishment that is required. This amendment would impact most strongly on the most important MAP recipient countries, principally Turkey, to which we provide over $100 million in MAP, and Korea, to which we provide over $140 million. According to this amendment, these 2 countries would be required to dispose of local currencies, $15 million for Turkey and over $70 million in the case of Korea. They would be confronted by the decision either of increasing defense budgets by these amounts at the expense of civilian programs

or foregoing our assistance at the expense of their security.

This would mark a complete reversal of our military assistance policy and could only be interpreted as a drastic revision of our foreign policy. For these reasons we urge that section 10 of H.R. 15628 be stricken.

Mr. President, that is pretty strong language. They mention specifically Turkey and Korea. I would feel much better about it if section 10 would provide, for example, that in the case of those countries receiving $5 million a year or less in military assistance, they have to put up 50 percent if the United States has a requirement. But to come along and require Turkey to put up $50 million when we do not need it, and we have no need for that amount of excess currency at all—I put a table in the RECORD showing that we do not need it at all—it seems to me to be an undue burden.

I cannot help feeling that the reaction of these three or four countries will be that the U.S. Senate has singled them out for special discriminatory treatment, when they are among those countries which need this the most because they are up against the gun.

Mr. CHURCH. I could accept the argument of the Senator as having force, and I do respect his sincerity in making his argument, if we were now faced with the provision in its final form. I ask, however, the Senator to remember that we take this bill to conference. The House has no comparable provision in its version of the Foreign Military Sales Act. We will have an opportunity to review further the particular facts as they apply to particular countries, and to consider such modifications in the formula as may seem desirable in light of the argument that the Senator from Iowa has made. If we strike this section from the bill, however, we have no chance to establish what, in the main, is a sound principle. We will have no chance to negotiate anything with the House in conference, and we would continue with a program representing a very large, continuous drain on our balance-of-payments position. The principle has proven to be sound under Public Law 480. It will prove sound under this program, even though we might have to modify the formula to some degree in the negotiating process in conference. By all means, it would be a grave mistake to strike it out, thus denying us the opportunity to establish any kind of a program at all.

Mr. MILLER. Mr. President, I do not think it would be a very grave mistake to strike it out, because, as the Senator well knows, this is not a sophisticated approach to the problem.

Mr. CHURCH. Mr. President, may I ask the Senator to take the time he uses from his time. We are now on limited time. I suggest that his questions be taken from his time, and my answers from my time.

Mr. MILLER. I would be glad to cooperate with the Senator from Idaho.

Mr. President, how much time remains to each side?

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Iowa has 53 minutes remaining, and the Senator from Idaho has 12 minutes remaining.

Mr. MILLER. Mr. President, I suggest that we take a little time from my time.

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

Mr. MILLER. Mr. President, I do not think it would be a very serious mistake to strike the section out. We are dealing with a sophisticated problem, and we do not have a sophisticated solution.

As I understand it, this matter was barely touched on in the hearings.

It would not be rather unusual to sit down with representatives from the State Department and massage the proposed language and go into the various problems. That, I think, has characterized other actions on measures of this kind.

I point out what I regard as four flagrant examples where we could have problems arise as a result.

I think the matter needs much more study. I suggest to the Senator from Idaho that the conference committee is not the place to handle this matter.

I do not think there is such great urgency as to warrant taking this kind of an amendment and approving it in the Senate. I think it would have bad overtones on the part of the recipient countries and build up resentment which we could avoid if we would take the time to come up with a very carefully worked out approach to the problem.

Mr. CHURCH. Mr. President, in the first place, this amendment did not suddenly emerge like something that sprang full blown from the brown goose.

Mr. MILLER. Like the Cooper-Church amendment?

Mr. CHURCH. It was given consideration and discussed in the committee. Senators are fully familiar with the military grant-in-aid program as it has been administered in the past. They are also familiar with the Public Law 480 program and with the uses to which the United States has put local currencies generated under the Public Law 480 program.

The committee believes this is a splendid proposition. It is true that the State Department does not approve. Yet, we have found in our contacts with the State Department that they are not the fountain of all wisdom and that the changes that are made in grant-in-aid programs for the most part have been changes that have been innovated in Congress.

I am not surprised that the State Department opposes the amendment. This is not a basis by which to contend we have acted hastily or ill-advisedly. In fact, we acted, after several years of close observation, with diligence and, hopefully, wisdom.

Mr. MILLER. That is not what I said. I suggest that usually, if my understanding is correct, the staff or members of the Foreign Relations Committee meet together with the key people in the State Department and go into these things, whether the State Department agrees or not, and talks them through.

The State Department does have some expertise and does have the administrative experience which our committees do not have.

Granted they may take an adverse position. That does not mean that they cannot be helpful by showing us some of the very practical problems we have to cover.

I know that I have received information from the State Department in which they say, "We are opposed to this, but if you go into it, here are some practical suggestions to meet practical problems."

That is what I understand was not done in the case of this particular section of the bill. And that was the point I wanted to make.

Mr. CHURCH. Mr. President, let me assure the Senator that if the Senate retains this provision in the bill, which I believe will be the case, and we take it to conference, the committee will inquire of the State Department what suggestions they have to reshape this provision, providing they feel there is urgent need for doing it with respect to one country or another. We will be mindful of their suggestions. We will make every effort in conference to work out the most reasonable formula that will preserve this principle intact and still not occasion any undue hardship to any particular country.

Mr. MILLER. Mr. President, I appreciate the Senator's statement. I know that he means it.

I do think that we are making a mistake by acting on this section as it is now, because, as I say there could be an adverse reaction on the part of some countries who would be adversely affected by this.

I would like to make a comment and if the Senator wishes to respond, I would appreciate it.

The Senator laid a great amount of emphasis in his statement in opposition to my amendment on the impact of this section 10 having an unfavorable impact on the balance-of-payments deficit.

I suggest that I wish he had made that argument about 10 years ago, back when military assistance was running upwards of $1.5 billion to $2 billion a year.

We are talking about a military assistance program now of $392 million. We are not talking about a very big impact on the balance-of-payments deficit, assuming that we cut that in half. But if the Senator really wants to save on the balance-of-payments deficit, why not just come out and cut military assistance down to a half of $392 million?

Mr. CHURCH. Based upon last year's figures, the Senator's amendment would cost $122 million. This year, it would cost in the neighborhood of that figure, or a larger amount. That is a sizable amount of money, particularly in view of the fact that our balance-of-payments deficit has become so alarming—over $7 billion and continuing upward.

Conservative Senators, who often make a very strong point of the necessity of maintaining the stability of the dollar and who argue always for fiscal responsibility, should be the first to do whatever they could to give some equilibrium to our imbalance of payments.

The drain on the dollar, as well as on the gold supply, is very great, as the Senator knows.

Mr. MILLER. Mr. President, is my friend, the Senator from Idaho, suggesting that liberal Senators are not inter-

ested in doing something about the integrity of the dollar and that only conservative Senators have an interest in that?

Mr. CHURCH. No, not whatsoever. I speak in favor of retaining a provision in the bill that would save this country $122 million in foreign exchange. But what surprises me is that the Senator from Iowa proposes to eliminate that saving.

Mr. MILLER. Mr. President, I wonder, if we are interested in saving $122 million in balance of payments, why the Senator from Idaho has not suggested that we just chop down military assistance by $122 million.

Mr. CHURCH. There is an answer to that question.

Mr. MILLER. I would like to have it.

Mr. CHURCH. The answer is that Congress has established the level of the military assistance program. The authorized level last year and this year was $350 million. That decision has already been made.

The question is, Are we going to administer the program in such a way as to occasion the saving of $122 million to the United States by this foreign currency deposit requirement, or are we going to pass the amendment of the Senator from Iowa, thus losing the opportunity to make that saving? In neither case is the size of the foreign aid grant affected; it would remain as it is whether we pass the amendment of the Senator, or not.

Mr. MILLER. Mr. President, I am not sure I understand all this savings the Senator is talking about. He said it would save $122 million in balance of payments to handle it the way section 10 would. But I say if the amount for Turkey is $100 million, and $140 million to South Korea, with those two required to put up one-half, Turkey would have to put up $50 million in this account in Turkey. We do not need it. I do not see that this will be a savings to have $50 million of unneeded excess currency in Turkey.

If the Senator wants to cut down and save on the balance of payments, why not cut the assistance for Turkey from $100 million to $50 million?

Mr. CHURCH. The Senator said we have no need for this money in Turkey. I disagree. Last year, we went out in the marketplace and bought $18 million worth of Turkish currency. If this provision had been in the law, that money would have been available to us in our own account, furnished to us by the Turkish Government, and we could have saved that much. Obviously, we do have a need.

Mr. MILLER. According to the State Department and the table I placed in the RECORD, we do not. Maybe we did last year, but this year and next year we do not.

Mr. CHURCH. I do not know the source of the Senator's figures. My figures come from the Department of the Treasury. I do not know a more accurate source when it comes to outgo and income, balance of payments, or drain on dollars abroad, than the Treasury Department. I put this in the RECORD.

Mr. MILLER. Even assuming that we needed $18 million, what are we doing with $50 million? That is why I say the amendment is not sophisticated enough for the problem. Granted; and I say for the sake of argument, that we need $18 million in loan currency in Turkey. Why come along with a provision like this to have $50 million put into a local account? This is not the kind of well thought out provision that we should have here. I understand the arguments. The Senator made some good arguments for doing something about this problem and I can subscribe to most of them. But I must respectfully suggest the solution proposed here is not a good one.

The Senator also has a point when he said we want to do something about getting these recipient countries to do better in reordering their national priorities and not come in asking for everything under the sun, much of it being unnecessary and hurting their own local economies. We all know what happens when priorities get out of line. This sounds good but I do not think this is the way to do it.

If we were talking about that period 10 years ago when military assistance was running upward of $2 billion a year, in effect at that time we were saying to them, "Ask for anything you want and you will get it." However, Congress has taken pretty good care of tying the purse strings. I do not think Congress has been delinquent in this matter at all and now we have military assistance down to $392 million. I do not know how much better Congress can exercise control than to reduce the military assistance authorization and appropriation down to a point where our administrators will have to say to these countries, "I am sorry. No matter how much you want, we only have so much; so make up your minds within that allocation."

Mr. CHURCH. Mr. President, the Senator correctly points out the fact that Congress reduced the size of the military grant aid program. That is not, however, the whole picture. When one adds to the military grant aid program the weapons that are supplied by declaring them surplus and supplied to foreign governments out of our own inventory, which is also part of the present law and has been used more and more to avoid the limitation the Congress placed upon grant aid; when one considers the military credit sales program, the military sales program under favorable credit terms, that we are authorizing, the extension of which program is now in the Foreign Military Sales Act before the Senate; and when one considers the military grant aid program being conducted in the theater of war for Thailand, Laos, and South Vietnam, and financed out of the defense budget, we are not talking about a $350 million program.

In reality, we are talking about a program that runs up into the neighborhood $2.5 billion, an amount comparable in size with our programs of the past.

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

Mr. CHURCH. I yield.

Mr. MILLER. The Senator knows that I know about the other types of military assistance coming under the defense appropriations; but I am talking about the fact that the total amount affected by this section 10 is $392 million, or thereabouts; and the total amount that would have been affected by that same section 10 years ago would have been upward of $2 billion.

I am not suggesting the Senator might extend section 10 to the government of Thailand or South Vietnam, and require those countries to put up 50 percent in the same formula approach he has in section 10, although he could see how adverse that would be, and I do not see any difference in requiring Thailand to put up 50 percent of our military assistance and doing the same thing for South Korea or Turkey because these counrties are in a very precarious position. They are poor countries. In fact, I suppose Thailand is a better developed country, as far as its economy is concerned, than Turkey or Greece. I think we are placing an undue hardship on them when we do not need that currency.

Mr. CHURCH. Mr. President, if I could agree with the Senator's propositions, I would have less trouble with his amendment. Regarding Thailand, I would like to see it applied there. But, if we attempted to apply it to Thailand, this Chamber would erupt with Senators who would say we are interfering with a country that lies within the theater of war in Southeast Asia and we must not do anything to place new obligations on the government of Thailand.

Mr. MILLER. Well, we would not say anything about Korea.

Mr. CHURCH. No, for that is not a part of Southeast Asia.

Mr. MILLER. They are certainly part of the general theater of hostilities there.

Mr. CHURCH. I would have no objection to applying this principle to Thailand, but I do not think the Senate would be in a position to do so.

Therefore, the committee amendment applies not to the Southeast Asia war front, but rather those countries throughout the world to which we give military grant aid and surplus military equipment on a grant basis.

It is a valid principle. It will work under the formula suggested by the committee. If we keep it in the bill, I assure the Senator we will consider any hardship cases, including Turkey and Korea.

The underlying principle is salient. That is why the Senate should not strike this provision from the bill.

Mr. MILLER. May I say to the Senator from Idaho that I shall press for my amendment. Also, I may offer a little different version on section 10, because I would dislike to see section 10 pass this body in its present form. I can see that it would cause only ill feeling on the part of some of our friends and allies, to whom, in our own national interest, we have deemed it appropriate to extend grants for their security and to help in our overall posture in NATO and in the Middle East. I do not think we need to get into something that is going to cause any more abrasiveness than already has been caused with respect to some of our friends and allies.

The Senator seems to have been premising section 10, with respect to the

treatment of military assistance, somewhat on an analogy with Public Law 480. I suggest to him that the analogy is not there. For example, he said we require the recipient country to put up 100 percent in local currencies for food aid; ergo, why not make it 50 percent for military aid? We could say the same thing, that if we are going to put up 100 percent for food aid, why not put up 100 percent for military aid? The Senator knows why not. The answer is that in the food aid program the local country does not have to take that money out of its budget. It sells the food to the people and the people pay in local currency, and there is no budget problem. But with military aid, the recipient country does not take the military grant or any excess of weapons and sell them to its people. It uses them as a country. If we require them to put up 50 percent, that country cannot go to the people in that country and say, as is true in the case of food, "You pay in some money for this military equipment." The country has to take it out of the hide of its own military defense budget.

So I do not think the analogy is there.

If indeed—whether the analogy is accurate or not—it is desired to make this parallel with Public Law 480, I would like to ask this question: In section 10(b) it is provided that section 1415 of the Supplemental Appropriation Act of 1953 shall not be applicable. However, in Public Law 480, we provide that section 1415 of the Supplemental Appropriation Act of 1953 shall be applicable.

Mr. CHURCH. The reason was that we had hoped not to complicate the utilization of these funds in foreign accounts for the particular purposes that are designated in the bill. Otherwise, it is necessary to come back and go through the appropriation process, as though they were not foreign currencies available for the particular needs of the United States abroad, but ordinary appropriations of the public money.

One of the complexities of Public Law 480 has been this procedural complexity. In light of our long experience with that program, it would be advisable not to repeat that procedural complication.

Mr. MILLER. I certainly understand that there is a procedural complication, but the reason why we put that provision into Public Law 480 was that we wanted to be a little more careful about our balance-of-payments deficit.

Mr. CHURCH. The way to help with our balance-of-payments deficit is to utilize the foreign currencies of the United States, in place of dollars. If we are not going to use local currencies, then we are going to use dollars. This will have an adverse effect on our balance of payments.

Mr. MILLER. If that is true, why not put control devices here so there will not be abuses? After all, that is what we did in Public Law 480. If we are really concerned about the balance-of-payments problem, why not make sure that the local currencies are used with care, perception, prudence, and in view of the needs, just as we did in Public Law 480?

Mr. CHURCH. We tried to do it in this amendment by indicating the way the money could be spent as a matter of law.

Mr. FULBRIGHT. Mr. President, will the Senator yield? Does the Senator have the floor?

Mr. MILLER. Mr. President, I think I have the floor. I yield.

Mr. FULBRIGHT. I do not know why the Senator raised the question, because the whole thrust of the amendments thus far adopted has been to give the President as Commander in Chief wide discretion in military matters. Why should not he have the same wide discretion here?

Mr. MILLER. Perhaps the Senator did not hear the earlier colloquy.

Mr. FULBRIGHT. I understood the Senator to say we ought to put trust in the President and Congress ought to keep control. Why does not the Senator trust the President in this as much as he does ing waging war?

Mr. MILLER. The Senator did not hear the earlier colloquy. The Senator from Iowa made the point that an analogy has been drawn between the situation covered by section 10 and the situation covered by Public Law 480. I made the point then that, if that is so, why does not section 10(b) provide that section 1415 of the Supplemental Appropriation Act of 1953 shall apply, because it applies under Public Law 480, but here under section 10, it says it shall not apply.

Mr. FULBRIGHT. Why should it apply? What does the Senator wish to accomplish?

Mr. MILLER. The point is that if indeed there is an analogy between the excess currencies arising under section 10 and Public Law 480, I do not understand why they should not both be treated alike. In Public Law 480, as the Senator knows, the Committee on Agriculture and Forestry wrote in this requirement.

Mr. FULBRIGHT. I am not saying and I do not say that section 1415 as applied to Public Law 480 currencies is wise. I did not promote that idea. That was promoted in the other body a long time ago. I do not think it is appropriate to require dollar appropriations to cover the surplus currencies.

Mr. MILLER. That, perhaps, is not the answer of the Senator from Iowa.

Mr. CHURCH. In all fairness, I believe the Senator from Arkansas should have the pleasure of answering that question.

Mr. FULBRIGHT. I may say that originally such a requirement was not on Public Law 480. The original act that I sponsored to use surplus generated funds for education did not have that provision requiring appropriation of foreign currencies. The program would never have gotten underway successfully, if it had. It was some years later when a Representative, I forget who it was now—the amendment carried his name for a while—offered this amendment, which in effect gave control of these foreign currencies to the House of Representatives Appropriations Committee. That amendment to a great extent has nullified the usefulness to the United States of these foreign currencies. I have made an effort or two since then to try to release some of it from that control, but it has not yet been successful, even in the case of Public Law 480 generated currencies.

In other words, I can assure the Senator this is not the first time I have said that I would like these currencies to be released from those restraints.

Mr. MILLER. I thank the Senator from Arksansas. He has been helpful in answering my question. I do not necessarily agree.

I think that the reason why we went along with Public Law 480 worded as it is was because we wanted to avoid any imprudent use of these excess currencies; and after all, when we have the amount of excess currency we have in some countries, the temptation is there somehow or other to spend them. If we have 17 years worth, the temptation is to try to spend them in 17 years, and we may end up with a little imprudent use.

Mr. FULBRIGHT. If I am correct, in a lot of the countries there was no imprudent use; there was no use at all, and as a result, the value of the currency has eroded away, especially in countries like India, where there are vast amounts. To the Senator's statement, "no imprudent use," I would add, "no use at all," and as a consequence, I think the funds have been sterilized.

I introduced a bill to try to create foundations in some of the countries where they have these excess currencies, and thus have the people there benefit from the use of the currencies in those countries. But the previous administration did not approve of that. The idea originated with some of our Ambassadors—to make these funds available so that they could be used for purposes believed beneficial to our relations.

Mr. MILLER. I thank the Senator, I just want to wind up, at this point, by saying that I do not regret that we are dealing with a situation here which will pile up, in 1 year, $50 million of local currency over in Turkey, when we do not need it. I think that a poor country like Turkey could feel rather resentful, when we look at the realities of the situation over there.

The same is true in Korea, where we have a great many of our troops, with a very hostile neighbor to the north. Here we would come along and say, "We do not necessarily need all that $70 million of local currency, but you are going to put it into an account just the same."

Mr. President, may I ask how the time is?

The PRESIDING OFFICER. The Senator from Iowa has 21 minutes remaining, and the Senator from Idaho has 12.

Mr. MILLER. Mr. President, I yield the Senator from South Carolina 14 minutes.

Mr. THURMOND. Mr. President, I strongly support Senator MILLER'S amendment.

Section 10 of the act to amend the Foreign Military Sales Act would be a fatal blow to our allies who are standing firm against communism. It is another effort on the part of the advocates of capitulation to reduce the combat capability and deterrence of our allies, such as Korea, Turkey, and Nationalist China, to resist aggression. Section 10 would require these countries to pay for U.S. surplus military items which otherwise would go to scrap.

Supplying our allies with excess material which is not economically repairable under our standards is the cheapest deterrence the United States can purchase. These surplus items are the bread and butter of our allies' capability to stop or discourage aggression.

Mr. President, this provision would defeat the primary objective of military assistance. Its principal impact would be on the forward defense countries which receive the bulk of military assistance. Such countries as Korea and Turkey have the most need for assistance, but they have the least ability to pay in either dollars or local currencies.

Mr. President, for our allies to obtain funds to make the required deposits, they will have to divert funds from other purposes, such as economic and social development, in order to increase the percentage of their budgets which are devoted to military purposes. No time is provided for them to make the necessary budgetary adjustments or to assess impacts. Recipient countries are thus placed in the position of turning over to the United States the power to determine for what purposes their funds will be spent, and at the same time, having to make a hasty decision on allocation of remaining resources.

In view of the large size of military assistance programs, the impact is especially serious in Turkey and Korea. In the case of Korea particularly, the impact will be very severe, since almost the entire program is for items required for day-to-day operations. If the Koreans cannot provide the required sum, combat efficiency will be directly affected at an early date and a time when North Korea has shown no desire to reduce the pressure on South Korea.

Mr. President, in several countries, the provision of military grant aid assists the United States to maintain bases and facilities that are important to U.S. strategy and security. Imposition of a requirement for these countries to deposit funds for the purposes set forth in this section would in effect require the allied country to pay for allowing U.S. access to its bases. It would require the United States to double our support to the MAP program in order to maintain our allies' defense posture which has held aggression in check.

Limitations on access to certain bases will affect our ability to support NATO, and in particular Turkey, with a resulting diminution of our ability to maintain a presence in the eastern Mediterranean. Should this occur, the adverse effect on our relations with the moderate Arab States and on the position of Israel is obvious. As a consequence, the strategic balance of power in the area would shift in favor of the Soviet Union, and in addition, U.S. economic interests in the area would suffer.

Mr. President, I strongly urge the Senate to eliminate section 10 from this act. It will have an adverse effect on our allies and seriously weaken the defense posture of the free world at a time when the Soviets are rapidly increasing their capability for aggression.

Therefore, I strongly recommend approval of the amendment submitted by the distinguished Senator from Iowa to eliminate section 10.

Mr. President, how is the time?

The PRESIDING OFFICER. The Senator has 8 minutes of his time remaining.

Mr. THURMOND. Mr. President, I should like to read into the RECORD at this point a letter addressed to the Honorable JOHN C. STENNIS, U.S. Senator from Mississippi, from Gen. Earl G. Wheeler, Chairman of the Joint Chiefs of Staff, dated the 26th of May 1970, on this subject. He says:

DEAR MR. CHAIRMAN: On May 16, 1970, Secretary Laird wrote you concerning the serious effects which certain amendments to the Foreign Military Sales Act, now pending in the Senate, would have on the security of the United States. He made particular reference to those amendments which would severely limit the existing authority in the Foreign Assistance Act of 1961 to give excess defense articles to foreign countries (Section 9) and which would require a foreign country to pay, in its own currency, 50% of the value of military grant aid provided by the United States to that country (Section 10). Secretary Laird expressed the view that taken together these amendments would severely limit the effectiveness of our collective defense arrangements. I fully concur in this view and because of the nature of the military consequences which could flow from the proposed amendments. I am taking this opportunity to also urge your support in securing a modification to the current Bill.

For some twenty years the Military Assistance Program has been an important element in our national security policy. Through it, we have been able to strengthen our allies in those areas where we have mutual security interests, and we have thereby reduced the military requirements for our own forces. The Joint Chiefs of Staff have considered the Military Assistance and Sales Program to be an important aspect of the United States national security and weakening this program can weaken our security. Of particular concern to me are the serious consequences which the proposed amendments could have upon the military capability of our Forward Defense Allies, such as the Republic of Korea and Turkey.

As you are aware, the Republic of Korea is a key element of the United States forward strategy in Northeast Asia. If the Republic of Korea is to maintain her responsibilities for her own self-defense against aggression, she must have enough modern military equipment to meet the military threat currently posed against her by the North Korean military forces. I had the opportunity to visit South Korea during October of last year and I saw first-hand the condition of the South Korean equipment. Their ground forces equipment is antiquated, and they lack adequate force mobility. Their Air Force needs additional resources, and their Navy needs additional surface units. If we are going to place a greater reliance on the indigenous forces of the Republic of Korea, we must be sure they can cope with the threats to their security, for their security is tied to the security of the free world. If United States military equipment, which would otherwise be scrapped, can be useful to enhance the capability of such indigenous forces, we ought not to permit these defense resources to be wasted. We ought not to take unnecessary risks by adding to our scrap heap instead of adding to an ally's strength.

One of the major objectives of our Military Assistance Program is also to assist such countries as Turkey so that she would be able to resist a general Warsaw Pact aggression. The Turkish military forces sit on the right flank of NATO, and they are exposed on two fronts. Turkey does not have the financial capability of equipping and maintaining a sufficiently modernized military force to cope with a Warsaw Pact forces attack against NATO unless the United States continues to provide her with military assistance. If the Turkish forces are to remain adequately equipped to cope with the threat to the right flank of NATO, the United States will have to continue to provide Turkey with a level of support essential to the effective implementation of the NATO strategies. Requiring Turkey and other Forward Defense nations to pay for grant aid would not promote the effective implementation of these strategies but, to the contrary, they would substantially weaken Turkey's military posture and hence weaken NATO and United States security.

The Military Assistance Program is a self-interest program. As we place a new and greater emphasis on the contribution of allied forces to the free world security—and hence to our security—we cannot allow it to wither away because of arbitrary ceilings on excess defense articles or by requiring foreign countries, who cannot afford to do so, to pay for grants. Because of the obvious serious consequences which the proposed amendments would have upon United States security, I join with Secretary Laird in urging your support on securing the modification of the proposed amendments along the lines suggested in his letter of May 16th.

Sincerely,

EARLE G. WHEELER,
Chairman, Joint Chiefs of Staff.

Mr. President, I would like to read into the RECORD a letter to Hon. RICHARD B. RUSSELL, U.S. Senator from Georgia, signed by Mr. Laird, dated May 16, 1970:

DEAR MR. CHAIRMAN: I am writing to you, to Senator Stennis, and to Senator McGee to express my views on the serious effects that certain amendments to the Foreign Military Sales Act now pending in the Senate would have on the security of the United States. In addition to Section (7), the so-called Cooper-Church amendment which is being addressed separately, two sections give me particular concern. These are:

Section (9), which severely limits the amounts of items excess to the needs of our armed forces which we can provide at no cost or at nominal cost to our allies.

Section (10), which requires that a recipient country provide local currency of a value equal to 50% of the value of military grant aid provided by the U.S. to that country.

Detailed statements of the adverse effects these amendments would have on our own security and that of our allies are attached. Taken together, the amendments would severely limit the effectiveness of our collective defense arrangements, probably result in increased requirements for expenditures on U.S. military forces, and make more difficult the withdrawal of U.S. forces from overseas while continuing to meet our mutual defense obligations.

I urge your support on securing modification of the proposed amendments along the lines suggested in the attached detailed statements.

Sincerely,

MELVIN LAIRD.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Hon. HUGH SCOTT, U.S. Senate, from David Abshire, Assistant Secretary of Congressional Relations for the Department of State, dated June 8, 1970.

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

DEPARTMENT OF STATE,
Washington, D.C., June 8, 1970.

HON. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I am writing in connection with H.R. 15628, the Foreign Military Sales legislation now before the Senate, to request an extension of the legislation

and to express our concern with certain provisions of the Bill reported out by the Committee on Foreign Relations.

As the Bill is now written, negotiations between our Government, the foreign governments and the commercial banks that will be participating in the FY 1970 Foreign Military Sales credit program must be completed by June 30 since the appropriation is "one year" money and cannot be used after FY 1970. Late approval of the program may not provide sufficient time to negotiate with several countries. Our inability to offer credit facilities to a number of countries—for example, Iran and Israel—will create serious difficulties for them, as their defense planning depends on these facilities.

The Congress can make it possible for the Administration to surmount this problem by extending the FY 1970 credit and guaranty authority provided by the Bill for a period of thirty days after approval. Accordingly, I should like to request your support for the following amendment to H.R. 15628:

"Section 14. For the purposes of Sections 2 and 3, funds authorized to be appropriated for fiscal year 1970 are authorized to be made available for obligation for 30 days after the date of approval of this Act or of the Act appropriating funds pursuant to this Act for the fiscal year 1970, whichever is later, and obligations and liabilities incurred against such funds shall be counted only against the ceilings for fiscal year 1970."

As regards other provisions in the Bill reported out by the Foreign Relations Committee, there are two in particular to which we would like to draw your attention:

Section 9, which severely limits the amounts of excess defense articles that can be provided to recipients of grant military assistance; and Section 10, which requires that a country receiving grant military assistance deposit in local currency amounts equivalent to 50% of the value of the grant assistance and of excess defense articles provided.

Section 9 as now written would place such a low ceiling on the amount of excess materiel that could be delivered under the Military Assistance Program (MAP) that it would drastically reduce deliveries of defense articles to the principal aid recipient countries, such as Turkey, the Republic of China, and Korea. The greater part of the programs to these countries is required for training, operation and maintenance, and shipping costs. In fact, from a world-wide MAP based on a $35 million appropriation, we do not expect to be able to provide more than $78 million in equipment for force improvement (investment items) in FY 1970. Thus, excess articles—which have always been an integral part of MAP—provide an essential element to modernize the defense forces of our allies in the underdeveloped world. The reductions proposed in Section 9 would effectively cut down our overall aid. This might raise doubts about the effectiveness of our plans to implement the Nixon Doctrine of assisting allies to assume greater responsibility for their own security and to diminish the need for direct involvement of United States Forces. It would eliminate what they need for carrying the greater burden we are urging them to assume. In order to avoid the problems we believe are certain to arise from Section 9 as now written, we are hopeful that you will support a substantial increase in the authorized ceiling level.

Our difficulties with Section 10 are that it would undermine the effectiveness of grant MAP by failing to recognize a fundamental reason for the existence of grant military assistance. We provide this assistance to allies principally because their security is important to our security and because their economies are unable to support the kind of defense establishment that is required. This amendment would impact most strongly on the most important MAP recipient countries—principally Turkey, to which we provide over $100 million in MAP; and Korea, to which we provide over $140 million. According to this amendment, these two countries would be required to deposit in local currency over $50 million in the case of Turkey, and over $70 million in the case of Korea. They would be confronted by a decision of either increasing their defense budgets by these amounts, at the expense of civilian programs, or foregoing our assistance, at the expense of their security. This would mark a complete reversal of military assistance policy and could only be interpreted as a drastic revision of our foreign policy. For these reasons, we urge that Section 10 of H.R. 15628 be stricken.

Sincerely,

DAVID ABSHIRE,
Assistant Secretary of Congressional Relations.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum for Mr. Nutter, Assistant Secretary of Defense, from Robert H. Warren, lieutenant general, U.S. Air Force, Deputy Assistant Secretary, Military Assistance and Sales, dated April 3, 1970. The subject of this memorandum is misleading and incorrect news items on use of excess defense items in MAP.

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

ASSISTANT SECRETARY OF DEFEFSE,
Washington, D.C., April 3, 1970.

Memorandum for Mr. Nutter.

Subject: Misleading and Incorrect News Items on Use of Excess Defense Items in MAP.

Recent news articles state or infer that DOD is conducting "under the table" or secret deals in excess and long supply defense items. They accuse DOD of supplying these items in large quantities without the knowledge of the Congress. They imply that our past programs should be criticized because of the billions involved in acquisition costs, etc.

OSD officials (and the Press) should know these facts about our long supply and excess programs:

Dollar value (acquisition cost or "utility" value) of individual country programs for FY 1970 and earlier are *unclassified.*

We have listed these programs by country in our unclassified "Military Assistance Facts" booklet which has been published and distributed yearly for the past seven years. Copies go to each member of the Congress, the Press and the public (the latter on request). These booklets list excess equipment deliveries by country and dollar amounts for the past 20 years.

AID publishes an annual unclassified report for the House Foreign Affairs Committee on overseas loans, grants, etc. It gives dollar value of each country excess program for the past 24 years.

The unclassified reports of hearings over the years contain complete dollar details on these programs, plus other related facts. Examples: Admiral Heinz' testimony on the FY '69 program and my testimony on the FY '70 and FY '71 MAP gave estimates on dollar amounts by country. (FY '71 is still classified.)

As far as Congress is concerned we give them a summary of all past programs, as mentioned above, plus our future program—the latter is contained in the classified Congressional Presentation Document and includes future excess items which we know about when we go to press. Actual total is unknown at time of hearings since it depends on items which become available in the future. Further, copies of all MAP orders directing the Army, Navy and Air Force to ship to MAP countries any long supply/excess major end items, are forwarded to the House and Senate Appropriations Committees, addressed to Mr. Mahon and Senator Russell respectively. Thus the Congress is continuously informed, in detail, of all funded and excess MAP transactions as they occur.

As for Press releases on these deliveries, we do not give out complete lists of actual hardware—most of it is of no interest to the Press or the public. Some items would be of intelligence value to other countries or could cause concern or complaint, as in the case of Turkey vs. Greece.

Important transactions can be released on a case by case basis. Such releases were made in the case of the 790,000 small arms for Korea, and are also made in the case of major ships, like destroyers.

Most excess items approved for delivery relate to current or future program requirements—these permit use of MAP dollars elsewhere. The latter is most important with our recent major cuts in grant aid funds, such as the $75 million cut for FY 1970.

ROBERT H. WARREN,
Lieutenant General, USAF, Deputy Assistant Secretary, Military Assistance and Sales.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. CHURCH. Mr. President, I am willing to yield back the remainder of my time, or the remaining 2 minutes until 5 o'clock, when the vote will be taken, or to the Senator from Iowa, if he wishes.

The PRESIDING OFFICER. The Chair wishes to state that it misinformed the Senator from Idaho. The Senator from Iowa has 6 minutes remaining.

Mr. MILLER. And the Senator from Idaho has 12 minutes remaining?

The PRESIDING OFFICER. Twelve minutes remain.

Mr. CHURCH. I am willing to yield back the remainder of my time.

Mr. MILLER. I would suggest that we have a quorum call for a few minutes, and then we might have another 2 minutes or so if we each would like to speak on this point, and then we could have the vote. Would that be all right with the Senator from Idaho?

Mr. CHURCH. It is all right with the Senator from Idaho, yet subject to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. If this is agreed to—a quorum call and 2 minutes on each side—does it require unanimous consent?

The PRESIDING OFFICER. It does.

Mr. CHURCH. Then, I ask unanimous consent——

Mr. MILLER. May I ask why there is a requirement for unanimous consent?

The PRESIDING OFFICER. Because we had a previous unanimous-consent agreement which this contravenes.

Mr. MILLER. I did not hear the Presiding Officer.

The PRESIDING OFFICER. This contradicts the previous unanimous-consent agreement.

Mr. MILLER. And may I ask what that is?

The PRESIDING OFFICER. Four hours of debate, and that time has not yet expired.

Mr. CHURCH. Mr. President, I ask

unanimous consent that the request of the Senator from Iowa be agreed to.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MILLER. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr President, I yield back the remainder of my time

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Iowa (Mr. MILLER).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting the Senator from Indiana (Mr. BAYH) and the Senator from Michigan (Mr. HART) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "yea."

The result was announced—yeas 36, nays 52, as follows:

[No. 168 Leg.]

YEAS—36

Allen	Dominick	Long
Allott	Eastland	Miller
Baker	Ervin	Packwood
Bellmon	Fong	Pearson
Bennett	Griffin	Prouty
Boggs	Gurney	Scott
Brooke	Hansen	Smith, Maine
Cannon	Holland	Smith, Ill.
Cook	Hruska	Stevens
Cotton	Jackson	Thurmond
Curtis	Javits	Tower
Dole	Jordan, Idaho	Young, N. Dak.

NAYS—52

Aiken	Ellender	Kennedy
Anderson	Fulbright	Magnuson
Bible	Goodell	Mansfield
Burdick	Gore	Mathias
Byrd, Va.	Gravel	McClellan
Byrd, W. Va.	Harris	McGee
Case	Hatfield	McGovern
Church	Hollings	McIntyre
Cooper	Hughes	Metcalf
Cranston	Inouye	Mondale
Eagleton	Jordan, N.C.	Montoya
Moss	Randolph	Symington
Muskie	Ribicoff	Talmadge
Nelson	Saxbe	Tydings
Pastore	Schweiker	Williams, N.J.
Pell	Sparkman	Williams, Del.
Percy	Spong	
Proxmire	Stennis	

NOT VOTING—12

Bayh	Hart	Murphy
Dodd	Hartke	Russell
Fannin	McCarthy	Yarborough
Goldwater	Mundt	Young, Ohio

So Mr. MILLER's amendment was rejected.

Mr. CHURCH. Mr. President, I move the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, in the light of our recent involvement in Cambodia, the issue of the fundamental intentions behind our present policy has come to the foreground. Former Assistant Secretaries of Defense, Mr. Paul Warnke and Mr. Townsend Hoopes, in their recent article appearing in the Washington Post, show extraordinary insight into the underlying motivations and intentions of our present policy in Indochina, and in my estimation, their article substantiates the need to formulate a cohesive legislative measure for the extrication of U.S. military personnel in Southeast Asia. Mr. Joseph Kraft, in another recent article in the Washington Post, has expressed a concern over the gap between the "resounding rhetoric" coming forth from the administration and the accurate facts of the situation in Southeast Asia.

Due to recent legislative measures I would hope that my colleagues would find these articles of great interest. These articles support the basic thrust behind the amendment No. 609 submitted by Senators GOODELL, MCGOVERN, HUGHES, CRANSTON, and myself; and I ask for the unanimous consent that they be inserted into the RECORD.

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

[From the Washington Post, June 21, 1970]

MR. NIXON'S WIN POLICY—GAP BETWEEN RHETORIC AND FACT MAKES CLEAR U.S. POLICY IS TO BEAT ENEMY ON GROUND

(By Joseph Kraft)

SAIGON.—The Cambodian venture was distinguished from the start by an enormous gap between what the President said and what actually happened. And veteran apologists for the Vietnam war have proclaimed that Mr. Nixon talked tough in order to justify a more rapid withdrawal from the war.

But a comparison of the President's rhetoric with the facts here in Saigon yields the opposite impression. Mr. Nixon stresses the most horrific dangers imaginable in order to gain time with the American public for application of what amounts to a win policy.

The President's most egregious distortions are to be found in his April 30 speech announcing the Cambodian operations. The underlying argument was that the incursion into Cambodia was necessary to prevent the enemy from taking advantage of American withdrawals to stage a massive offensive that would cause heavy American casualties, bring national humiliation to the United States, and expose South Vietnam to horrible massacres. Here, just to refresh the memory are a couple of the more gamey examples.

The President said the enemy has been "concentrating main forces in the sanctuaries where they are building up to launch massive attacks on our forces." He spoke of "massive military aggression" by North Vietnam in Cambodia for the purpose of using that country as a "vast enemy staging ground and springboard for attacks on South Vietnam." Unless the intervention took place, he claimed, the enemy would "increase its attacks and humiliate and defeat us" which would "expose South Vietnamese to slaughter and savagery."

But this melodramatic vision of battle vast is about as true to real life as the lion played by Snug the Joiner in "Midsummer Night's Dream." The very notion of a large-scale enemy assault from Cambodia is dismissed in the highest military circles here with a barnyard epithet. The other side just doesn't and didn't, have the capability.

Almost all the best analysts here are agreed, moreover, that Communist strategy now emphasizes small unit guerrilla action rather than massive attacks.

An additional bit of important local evidence involves the stretch-out in American troop withdrawal sought by the American commander, Gen. Creighton Abrams, early in March. The reason for that request had little to do with Cambodia and the threat of an enemy offensive. What most concerned Gen. Abrams was that the enemy was showing strength in the northern part of this country, including the well-worn battlefields of Khesanh and the Ashau Valley.

Neither is the President's claim of a putative enemy offensive sustained by intelligence of enemy movements in Cambodia. Everybody in Saigon agrees that the other side suffered a setback when the ousting of Prince Sihanouk on March 18 brought to power a Cambodian government that closed down the enemy supply line through the port of Sihanoukville. Thereupon the Communist forces made various efforts—including military pressure on the new Cambodian government and a move to reopen a new supply line—to redeem the loss.

But there was no sign of any enemy move toward South Vietnam and American troops. Even if the other side had succeeded in immediately setting up a new supply line, it would have been far less efficient than the old route through Sihanoukville.

The gap between the facts and the President's rhetoric, to be sure, may not be a good base for moral judgment. But the distortion does reveal Mr. Nixon's true intentions. It identifies those he was trying to con. The intended victims were not Barry Goldwater, Strom Thurmond and the rest of the President's right-wing clientele. For Mr. Nixon does not have to read them lessons about the baleful malevolence of the Communists, and the danger of national humiliation.

On the contrary, the intended dupes were those of us who have been doubtful about the Vietnam war. The idea was to justify the Cambodian venture as a purely defensive measure. The aim was to smother anybody who might question the President's policy in public concern for the safety of American troops. And there lay the logic of Mr. Nixon's Pentagon denunciation of dissenting students as "bums."

But why should Mr. Nixon be so concerned to discredit the doves? The answer is that he is withdrawing American troops from Vietnam not as rapidly as battlefield conditions will safely permit, but as slowly as domestic constraints will allow. He and all his advisers in Saigon want American troops here to beat down the enemy as long and as hard as possible. They want to weaken the other side to the point where it will be possible for a pro-American, anti-Communist government to survive in South Vietnam. Without saying so, President Nixon has been going for what amounts to a win policy. And, unless he changes that

fundamental intent, it is going to be very difficult for him now to exploit the narrow opportunities that exist for disengagement from a war that promises to go on and on and on.

NIXON IS REALLY JUST DIGGING IN

(By Townsend Hoopes and Paul C. Warnke)

President Nixon's speech of June 3 has now made undisguisably clear the aim of his Vietnam policy. It is not a total withdrawal of U.S. forces in the next 12 to 18 months, or even in the foreseeable future; nor does it involve a willingness to accept the consequences of the free play of political forces in Indochina. Mr. Nixon's Vietnam policy involves three basic elements:

Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically acceptable to American public opinion.

Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

Behind a smokescreen of ambiguity, that is now the clear shape of the Nixon policy. It is confirmed by the surfacing of U.S.-subsidized Thai "volunteers" for Cambodia and by the lack of administration resistance to indications that ARVN will continue its Cambodian operations indefinitely.

It has been supposed that of the three major considerations said to have produced the April 30 Cambodia decision, what counted most was the concern that continued American force withdrawals depended on "cleaning out the sanctuaries." Even in that context, the Cambodian border crossings were pre-emptive strikes designed not to meet an immediate threat but to reduce enemy capabilities in the area for four to six months, thereby buying time for the "further strengthening" of ARVN.

No doubt that was the thrust of Gen. Creighton Abrams' view (which suggests how unreliable and unpromising ARVN is really regarded by the U.S. command, beneath all the chamber of commerce ebullience about Vietnamization). The President on June 3 made this view his own official explanation for the decision to strike Cambodia.

However, this explanation looks like an after-the-fact rationalization invented by Defense Secretary Melvin Laird. For as Stewart Alsop's look at the President's yellow pad (Newsweek, June 1) made quite clear. Mr. Nixon is still tilting with "international communism" in Southeast Asia and his chief concern on April 30 was that Cambodia might go Communist.

The most revealing point on the yellow pad was the Nixon concern that, if neither side moved, an "ambiguous situation" might arise in Cambodia which would make it very difficult for the United States to hit the sanctuaries—i.e., we would be charged by international opinion with attacking a neutral convention and the degree of disarray special scrutiny.

Specifically his conclusion on June 3 that activities in the Cambodian sanctuaries between April 20 and April 30 "posed an unacceptable threat to our remaining forces in South Vietnam" is belied by Laird's statement to newsmen that the attacks represented "an opportunity" because the North Vietnamese in Cambodia, unsettled by the Lon Nol coup, were at that time facing west. More generally, his concern to act precipitately would seem to reflect a failure to understand that in limited war, there are sanctuaries by definition.

Why attack Cambodia rather than Laos or across the DMZ? Why refuse to acknowledge that a certain mutual respect for sanctuaries is what has kept U.S. air bases in Thailand essentially free from sapper attacks?

There is a further point. One would have supposed that a President who had publicly eschewed the prospect of military victory and who was conducting a strategic withdrawal had long since made the judgment that the particular coloration of petty nongovernments in Southeast Asia did not affect the serious interests of the United States. A statesman who had in fact decided that a genuine U.S. extrication from the area was necessary would indeed be at pains to foster "ambiguous situations." He would go out of his way to avoid a clear-cut Communist-anti-Communist polarization.

THAT "JUST PEACE"

Mr. Nixon's quite opposite concerns and actions tell us something very important. With respect to Vietnamization, Secretary of State William P. Rogers and Laird have consistently run ahead of the President with their clear implication that the program is primarily a vehicle for total U.S. extrication (even though the war might continue after our forces were gone). Mr. Nixon, however, has always insisted that Vietnamization will lead to "a just peace" and an end to the war.

On June 3, he said categorically: "I have pledged to end this war. I shall keep that pledge." These have been puzzling assertions, since all signs indicate that even successful Vietnamization (i.e., a transfer of the entire military burden to ARVN) could produce nothing better than interminable war. The speech of June 3 and the revelations of the yellow pad now make these assertions a good deal less puzzling.

They show that what Mr. Nixon means by a "just peace" is Hanoi's recognition of a permanent position of U.S.-ARVN military strength in South Vietnam. Since even the White House has in various ways revealed that it has no illusions about ARVN's ability to go it alone, it is a fair inference from a series of official statements that a "just peace" will require the indefinite retention of something in the neighborhood of 200,000 U.S. troops as well as indefinite support for the Thieu regime.

How Mr. Nixon plans to make these requirements politically palatable at home is not yet clear. Until recently he had kept both his aims and his formulations artfully vague, but now the fig leaf has fallen away.

The difficulty with this vision of the future is that it is a gossamer dream on at least two counts: (1) On all the evidence, the American people are not prepared to sustain a sizable military commitment in Vietnam for an indefinite period, especially under conditions that require our forces to go on winning victory after meaningless victory in the pattern of the past five years; and (2) there is absolutely nothing in the history of the Vietnam war (or in the present or prospective power balance there) to indicate that Hanoi will come to terms with the Thieu regime.

If Mr. Nixon and his advisers really believe that they can force a settlement in Paris on present U.S. terms, then they remain deluded about the most fundamental political-military realities in Vietnam; they also fail to grasp how very narrow are the margins of domestic tolerance for their conduct of the old war, not to mention the new and wider war they have now arranged.

Negotiations in Paris have failed chiefly because our political aims exceed our bargaining power. Hanoi is not prepared to accept arrangements for elections worked out under the auspices of the Thieu government and in which the winner would take all; and the U.S.-ARVN military position, even at the point of its maximum strength, was not sufficient to compel Hanoi to bargain on our terms. The departure of 110,000 U.S. troops and the promised withdrawal of another 150,000 hardly strengthen our military position.

A VULNERABLE PROCESS

Thus strapped to a negotiating position that cannot succeed, Mr. Nixon is thrown back upon Vietnamization. But owing to the very uncertain qualities of ARVN and to the President's unstated (but now undisguisable) insistence that our proxy regime must be permanently secured, the process of American withdrawal is necessarily slow and ambiguous.

Its lingering nature makes it vulnerable to unanticipated intervening events, like the Lon Nol coup, which knock it off balance and create new pressures for compensatory military action—pressures which Mr. Nixon promptly translates into "opportunities" in the permanent holy war against communism. Its conditional nature—the unspoken determination to hang in there until we have ended the war in a "just peace"—precludes a negotiated settlement and also works against a tacit understanding with the other side with regard to lowering the level of violence.

In this mushy situation, the war is considerably enlarged, and with it, American responsibility for the Cambodian government. The setting in motion of imponderable new political forces (in Phnom Penh, Vientiane, Bangkok, Saigon, Hanoi, Peking, Moscow and Washington) indicates that the struggle in Cambodia will be protracted, will probably spread, will reopen old tribal hatreds and will continue to involve us in situations which the American presence can aggravate but can do nothing to resolve.

Meanwhile, American force withdrawals continue, impelled by domestic pressures. As they do, the truth is borne in upon the administration that the gradual and unnegotiated character of the reductions cannot, below certain levels, assure the safety of the remaining forces.

This unfolding denouement requires that the American people wake up to the self-deception and bankruptcy of the Nixon policy in Vietnam, for it is now a matter of the utmost urgency to bring policy into accord with realities both in Indochina and at home. Our transcendant need at this juncture is for leadership in the White House—and if that is not possible, then in Congress—with the scale of mind and the inner firmness to explain the real choices facing the country.

The task is to lead public opinion toward an understanding that a Vietnam policy based upon these realities is consistent with our national interest, can be carried forward without a traumatic loss of self-confidence and need not cause a lapse into mindless isolation—above all, that such action is infinitely preferable to continued self-deception.

PERSISTENT RHETORIC

We are not getting that leadership. President Nixon seems somewhere between believing in the essential rightness of the war and understanding that the American interest requires its liquidation. He has evolved a policy of substantially reducing, but not ending, the American role.

At the same time, he has been unwilling to abandon the rhetoric that supported our intervention in the first place. One must conclude that either he genuinely believes the rhetoric or is afraid to risk, through candor, even a transient loss of national prestige for the sake of a healthy adjustment to the facts.

Viewed in the light of the political situation in the United States and the military situation in Indochina, the Nixon policy is a grab bag of contradictions, illusions and expedient actions. It seeks objectives that are unattainable while warning that accept-

ance of anything less would mean "humiliation and defeat for the United States." The increasingly visible gulf between this martial bravado and the known facts is producing a form of official schizophrenia; if unchecked, it could lead to a national nervous breakdown.

Worse still, if the President really does believe his own rhetoric, there is the predictable danger that he will feel compelled to take action more drastic than the Cambodian strikes in certain foreseeable situations—e.g., after U.S. forces have been further reduced but there has been no corresponding improvement of ARVN and no corresponding deterioration of North Vietnamese capability. Indeed, the looming probability of just such a crunch is what makes it imperative for the country to face the realities now while there is still time for dignified, rational, deliberate choice.

If we continue down Mr. Nixon's path, we could easily reach a situation which seriously threatened the safety of our remaining forces. At that point, we would face a constricted choice between immediate escalation and immediate liquidation. Can anyone believe a wise decision could be made in such circumstances? Given the divisiveness, the frayed nerves and the general distemper that now define our national mood, does anyone have confidence that our political system would not be grievously shaken by the consequences of either choice?

THREE MAJOR POINTS

It is now obvious that Mr. Nixon missed a golden opportunity, during the honeymoon period of early 1969, to lead the country firmly away from a decade of self-deception by beginning to uncoil the contradictions and restore the national balance. He could have taken definitive steps toward liquidating the war and binding up the national wounds.

He could have done this without political risk to himself and indeed with positive benefit for his party and the cause of national unity. Though time is running out, it is still not too late for someone—preferably, of course, the President—to take up this vital task. Three points need to be explained to the American people with absolute clarity.

1. That after five years of major combat, we have done about as much as any outside power could do to shore up the government of South Vietnam;

2. That the tangled political issues which divide Vietnam, growing as they do out of long colonial repression and the ensuing struggle to define a national identity, can only be settled among the Vietnamese themselves;

3. That, contrary to the erroneous assumption on which U.S. military intervention was based, the particular constitutional form and the particular ideological orientation of Vietnamese (and Indochinese) politics do not affect the vital interest of the United States.

Adoption of such a posture would lead directly (a) to a policy of deliberate, orderly, unswerving and total withdrawal of U.S. forces to be completed not later than the end of 1971; and (b) thus to circumstances that could bring about a serious negotiation based on our declared intention to depart.

This kind of negotiation would not be unconditional. We would require the return of our prisoners and the safe withdrawal of all our forces; we would seek at the same time to provide, with Russian and other outside assistance, for the restoration of neutrality at least in Cambodia and Laos, and hopefully in Vietnam as well. This approach is fully consistent with plans put forward at different times by Averell Harriman and Clark Clifford.

It must be faced, however, that the Nixon decision to strike Cambodia has moved us further away from the chances of political settlement. For that act has surely deepened Hanoi's suspicion that we do not intend to leave while it has reinforced Saigon's natural resistance to compromise. In addition, of course, it has put into our laps the problem of working out the political future of yet another country.

GIANTS IN QUICKSAND

Nevertheless, it does not seem impossible that steady, candid, clearheaded leadership, based squarely upon the three points set down above, could steer the American Leviathan through the dangerous transition without running the ship aground or producing general hysteria. For one thing, there is really no choice about leaving Vietnam; for another, there are enormous advantages ahead if we can by skill and steady nerves make a safe and sane passage.

To change the metaphor, Mr. Nixon's "pitiful giant" of April 30 is pitiful chiefly because his leg is in quicksand up to the midthigh and because he is unresolved about its extrication. But the military, economic and psychological advantages of removing the leg are demonstrable.

With two feet on solid ground again, the country would regain its global poise. Our influence and power would not evaporate. We would not be rendered incapable of defining and defending our legitimate interests. On the contrary, our ability to reassure our NATO and Japanese treaty partners, and our capacity to exert a steadying influence on the smoldering situation in the Middle East, could only be enhanced. Our industrial, technical and cultural achievements would continue to astound and attract the world.

At home, we desperately need a breathing space in which to redefine our vital interests, our military strategy, our basic relationships with the rest of the world. We are still operating essentially within the frame of a foreign policy worked out in the late 1940s.

The main tenets of that policy were strong and valid for their time, but they are now badly in need of revision; among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot conduct a reasoned self-appraisal until the Indochina enterprise is liquidated.

It is important that the American people understand what is going on so that they can effectively assert their right to a policy consistent with their interests.

MESSAGE FROM THE HOUSE—ENROLLED BILLS 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 following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 743. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes;

S. 2315. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; and

S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

OFFICE OF EDUCATION APPROPRIATIONS 1971

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, under the terms of the unanimous-consent agreement prescribed in the order to conduct other business around 5 p.m., I again call up Calendar 875, H.R. 16916, under the same conditions as previously announced.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Under the previous order, the Senator from Alabama is recognized.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Alabama yield to me without losing his right to the floor?

Mr. ALLEN. I am happy to do so.

Mr. MANSFIELD. Mr. President, for the information of the Senate, especially the Republican Members, I would hope that no Senator would consider participating in the baseball game tonight between the Republicans and the Democrats. I mention the Republicans specifically because I understand the Democrats have lost eight games in a row. So stick around.

Mr. SCOTT. Mr. President, will the majority leader simply concede the ball game?

Mr. MANSFIELD. Yes.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn until 9 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR McINTYRE AND OTHER SENATORS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the disposition of the Journal tomorrow, the distinguished Senator from New Hampshire (Mr. McINTYRE) and Senators who will be joining him on that occasion be recognized for not to exceed 1 hour.

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

Mr. SCOTT. Mr. President, will the distinguished Senator from Alabama yield, without losing his right to the floor?

Mr. ALLEN. I yield.

Mr. SCOTT. When the distinguished Senator from New Hampshire (Mr. McINTYRE) addresses the Senate tomorrow, I understand that he will discuss problems which face the shoe industry. Many of us are deeply interested in the preservation of that industry. Senators may wish to know that between 9 and 10 o'clock tomorrow morning an opportunity will be afforded to comment on what can be done to relieve the problems of a beleaguered and most important industry. Textiles also will doubtless enter the discussion.

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the conclusion of the remarks of the Senator from New Hampshire (Mr. McINTYRE) and associates, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 30 minutes.

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

Mr. SCOTT. Mr. President, will the distinguished Senator from Alabama yield, without losing his right to the floor?

Mr. ALLEN. I yield.

Mr. MANSFIELD. And imports of frozen beef, veal, and related topics in that field.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Louisiana without losing my right to the floor.

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

The Senate will be in order.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1971

Mr. ELLENDER. Mr. President, the Committee on Appropriations has reported a joint resolution passed by the House (H.J. Res. 1264), which has been filed at the desk.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will suspend until the Senate is in order.

Mr. BYRD of West Virginia. Mr. President, would the Chair ask Senators to take their seats.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ELLENDER. Mr. President, the purpose of the amendment is to continue appropriations for fiscal year 1971.

Mr. President, I ask unanimous consent that the joint resolution may be considered at this time.

The PRESIDING OFFICER. The joint resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (H.J. Res. 1264) making continuing appropriations for the fiscal year, 1971, and for other purposes.

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

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COTTON. Mr. President, there is so much conversation we cannot possibly hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ELLENDER. Mr. President, this is a joint resolution to enable the departments of Government to continue to function in the absence of their regular appropriation bills.

In view of the fact that the present fiscal year will come to a close at midnight next Tuesday, June 30, the Committee on Appropriations has authorized me to call up this joint resolution at today's session of the Senate.

House Joint Resolution 1264 provides funds and authority for the continuation of those programs and activities of the Federal Government for which appropriations for the fiscal year ending June 30, 1971, have not been enacted. Specifically, the joint resolution continues funds available until the enactment of the regular annual appropriation bills.

As of today, the House of Representatives has passed 12 of the 14 regular annual appropriation bills for fiscal year 1971. The House has passed the legislative appropriation bill, the Treasury-Post Office appropriation bill, the education appropriation bill, the independent offices-Department of Housing and Urban Development appropriation bill, the State, Justice, Commerce-Judiciary appropriation bill, the Interior appropriation bill, the Department of Transportation appropriation bill, the District of Columbia appropriation bill, the foreign assistance appropriation bill, the agriculture appropriation bill, the military construction appropriation bill, and the Public Works-AEC appropriation bill. The two appropriation bills remaining in the House Committee on Appropriations are the Labor-Health, Education, and Welfare appropriation bill and the Department of Defense appropriation bill.

I wish I could make such a favorable report on the action in the Senate on the appropriation bills. The education appropriation bill was reported from the Senate Appropriations Committee and has been on the Senate Calendar since May 15. It is only now before the Senate. The District of Columbia appropriation bill was reported to the Senate on June 18 and is on the calendar. The Interior appropriation bill has been marked up in the subcommittee and will be reported to the Senate in the very near future. The independent offices appropriation bill has been marked up in the subcommittee and is to be reported today. Hearings have been concluded on the appropriation bills for the legislative establishment, Treasury-Post Office, and the Department of Agriculture. The Agriculture appropriation bill will be marked up by the subcommittee in the very near future. It is expected that hearings will be concluded soon on the State-Justice-Commerce and the public works appropriation bills. Hearings are virtually completed on the Defense appropriation bill and are in progress on the Labor-Health, Education, and Welfare appropriation bill, which two bills remain in the House. Hearings on the remaining three bills in the committee have not been scheduled. These are the Department of Transportation, foreign assistance, and military construction appropriation bills.

The emphasis in this joint resolution is on continuing existing projects and activities at the lowest of one of three rates, the current fiscal year 1970 rate, the budget request for 1971 where no action has been taken by either House, or the more restrictive amount adopted by either of the two Houses. Specifically, the resolution continues funds available until July 31, 1970, or until enactment of the regular appropriation bills under the following circumstances:

In those instances where an appropriation bill has passed both Houses of the Congress—but is not yet enacted—and the amounts or authority therein differ, the pertinent project or activity shall be continued under the lesser of the two amounts and the more restrictive authority.

If an appropriation bill has passed only one House, or if an item is included in only one version of the bill as passed by both Houses, the pertinent project or activity shall be continued at a rate for operations not exceeding the fiscal year 1970 rate or the rate permitted by the one House, whichever is lower.

In those instances where neither House has passed the particular appropriation bill, appropriations are provided for continuing projects or activities conducted during fiscal year 1970 at the current rate, or the rate provided in the budget estimate for fiscal year 1971, whichever is lower, and under the most restrictive authority. In addition, in this latter instance, if there is no budget estimate for a particular item but it is a continuing program from fiscal year 1970, special provision is made in the resolution for minimum continuation until the matter is resolved in the proceeding of the regular appropriation bill.

As is customary, any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

Mr. President, it seems to me to be imperative that, if the executive branch of the Government is to function, the joint resolution should be passed. I, therefore, urge the passage of Joint Resolution 1264.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. Mr. President, the acting chairman of the Appropriations Committee has given a good account of the status of the appropriation bills. I cannot help but recall that earlier this year the leadership in this body met with the House leadership in an attempt to arrange to get the appropriation bills out early this year. It was agreed to make an effort to get through them early so we could adjourn certainly by Labor Day. That does not seem possible now. The House has acted on all but three appropriation bills but, as the Senator has pointed out, we are lagging badly on this side. Three legislative committees have been holding hearings. We may have to wait a long time for authorizations for defense and the public works bill. The Senator is chairman of the Public Works Appropriations Subcommittee and I am the ranking Republican member. When does the Senator expect them to be ready?

Mr. ELLENDER. I understand the

public works bill will be enacted by the House today. It is my hope that within 2 weeks we may mark it up and send it to the Senate.

Mr. YOUNG of North Dakota. Can we mark them up before the authorization bills have been acted upon?

Mr. ELLENDER. I am hoping that the authorization will be enacted by then. We will have to work to that end.

Mr. YOUNG of North Dakota. What will be the schedule for the Defense appropriation bill?

Mr. ELLENDER. The House has not acted on that bill as yet. I spoke with Mr. MAHON. It will be sometime during July that the House will enact the Defense appropriation bill. I do not expect it to come to our side before the latter part of July.

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

Mr. ELLENDER. I yield.

Mr. HOLLAND. I do not believe the Senator made reference to the special situation existing with reference to the food stamp bill. I hope he will add a statement on that, because I understand it is not affected by this continuing resolution.

Mr. ELLENDER. The Senator is correct. The Senator will recall that I submitted an amendment to the supplemental bill yesterday providing $100 million for the months of July, August, and September. I am glad to say that in conference that amount was agreed to by the House, so that there will be available for the food stamp program for the months of July, August, and September at least $100 million per month.

Mr. HOLLAND. That is contingent on the passage of a conference report on the supplemental appropriation bill, which we hope will take place within the next 2 or 3 days.

Mr. ELLENDER. That is right, and I do not anticipate any difficulty in that regard.

Mr. President, may we have action on the joint resolution?

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution was passed.

ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY, JUNE 26, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield to me briefly?

Mr. ALLEN. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it at that time stand in adjournment until 9 o'clock Friday morning next.

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

POSSIBILITY OF SATURDAY SESSION

Mr. MANSFIELD. Mr. President, there is a strong possibility that, with the Fourth of July recess coming up, we may be in session on this Saturday. I hope we would act on a fairly coordinated and accommodating basis and, insofar as the second shift legislation session is concerned, while the rule of germaneness does not apply, I would hope that the Senate would continue to informally apply that rule.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

Mr. STENNIS. Mr. President, may we have order? I do not think it is too much to ask that the Senate be in order so we can hear the Senators speak.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Mr. President, I am not sure I have, during the months I have been in the U.S. Senate, made it clear that I disapprove strongly of the Federal school policy that demands desegregation now in the South and that encourages and fosters segregation in the North.

Mr. President, the people of Alabama are not willing to accept as final any such policy which demands immediate desegregation in the Alabama public schools and which permits the continuation of segregation in areas outside of the South.

We are engaged in the Senate in a most unusual procedure. We are working on two shifts, so to speak. From about 9 or 10 o'clock in the morning until 5 o'clock in the evening we consider the Foreign Military Sales Act with committee amendments embracing the Cooper-Church amendment, on which an extended discussion is being carried on. Mr. President, if that discussion were being carried on primarily by Members of this body from Southern States, it would be called a filibuster. Instead, however, it is called an extended discussion—which is fine, and as the junior Senator from Alabama, I have participated briefly in that extended discussion.

Then, starting at about 5 or 5:30, we take up the remainder of the calendar. I think it would be most unusual and unfortunate if we had an extended discussion for the first 7 or 8 hours of the Senate session and then went into a filibuster, which I am sure it would be called if the junior Senator from Alabama were participating in it, in the evening session.

So there is no disposition or desire or plan on the part of the junior Senator from Alabama to conduct any sort of filibuster with regard to the amendment under consideration.

To get the parliamentary situation in mind, the House passed the education appropriation bill, and this is a bill providing for some $4.5 billion, with three amendments attached thereto, the two Whitten amendments and the Jonas amendment. They are found in the bill which we have before us as sections 209, 210, and 211.

When the junior Senator from Alabama saw, on yesterday, the distinguished Republican leader (Mr. SCOTT) come into the Chamber with a paper, obviously an amendment, at the time the present bill was under consideration, he felt certain that an attack was going to be made by the distinguished Senator from Pennsylvania, the Republican leader, on one or more of these three sections, because we have seen the distinguished Senator from Pennsylvania offer amendments or participate in the discussion of amendments in the past that would render ineffectual these Whitten amendments.

We recall that the Whitten amendments were emasculated when the HEW bill was considered in the Senate, by the addition of the six words "except as required by the Constitution," which allowed HEW to continue its dual standard on the application of Federal guidelines and Federal rules with regard to the desegregation of public schools in this country.

We saw, too, that the Stennis amendment was made ineffectual in the conference committee when the thrust of the amendment was changed from an amendment providing for uniform application of Federal rules, guidelines, and criteria regarding desegregation of the public schools to a provision calling for a uniform rule regarding de jure segregation, which is said to exist in the South, and a uniform rule regarding de facto segregation, which is said to exist in areas outside of the Southern States.

So I say, in admiration rather than in deprecation, that the title or cognomen of "the Great Emasculator" might well be applied to the distinguished Republican leader, because these amendments have been coming over to us in the Senate from the House of Representatives which would, in piecemeal fashion, give the southern schools and the patrons of southern schools, and the students in southern schools, some measure of equal treatment under the law; and that is the effect of the Jonas amendment, section 211 of the bill. It provides a measure of piecemeal steps in the direction of equal treatment under the law; and the two Whitten amendments, which will be discussed later, are steps in the same direction.

If there were equal protection of the law, if there were equal treatment of citizens throughout the land, there would be no need for section 211, the Jonas amendment. There would be no need of sections 209 and 210, the Whitten amendments.

What does the Jonas amendment provide? It is a simple little amendment. The distinguished Senator from Pennsylvania says it would cause a whole lot of mischief, and that it is unconstitutional. Let us see what it says.

It provides that no part of the funds

appropriated by this act may be used to formulate or to implement any plan whereby any student, because of his race or color, is denied the right or privilege of attending any public school of his choice, as selected by his parent or guardian.

What is so bad about that? It provides that no student, because of race or color, can be deprived of his right to attend any public school of his choice, as selected by his parent or guardian. That is a provision that every Senator ought to be willing to endorse, to accept, and to support.

Mr. President, the amendment of the distinguished Senator from Pennsylvania seeks to strike that simple provision, which makes a step in the direction of achieving equal protection of the laws and equal treatment under the law for southern school patrons, and that is the purpose of it. It is just to provide a measure of equality for the people of the South and the students of the South, white and black.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. HEW has shown a careless indifference, has it not, for the plight of black children in ghetto schools of big cities north of the Potomac River?

Mr. ALLEN. Yes, indeed. I shall touch on that in a moment. And I might also say it has shown a great indifference to the best interests of the black students of the South as well as the North, and I shall develop that in a moment.

Mr. ERVIN. Under the Jonas amendment, could not a black child who has had no concern manifested for his welfare by the Department of HEW insist on going to a school which is white, in large cities like Philadelphia or New York?

Mr. ALLEN. Yes, indeed, he could; and I rather imagine that is one reason they do not want to accept it. Does that answer the Senator's question?

Mr. ERVIN. That answers my question, and also, I think, may explain some of the opposition to the retention in the bill of the Jonas amendment.

Mr. ALLEN. Yes.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it is not a devotion to the equal protection clause of the 14th amendment of the Constitution, as interpreted by the decisions of the Supreme Court of the United States, that leads some Senators to oppose the retention of the Jonas amendment in this bill?

Mr. ALLEN. Yes, I certainly agree with the Senator.

Mr. President, the reason why the junior Senator from Alabama is not going to discuss this amendment extensively is that it is not an amendment which is a direct, affirmative discriminatory action against the South. It does not do anything against the South affirmatively. What it does is to stop the enactment of a section which would give the people of the South some measure of equal protection under the law. If it were affirmative action directed at the South, at my native State of Alabama and the people of Alabama, it would be the duty of the junior Senator from Alabama to speak extensively against any such amendment. But the amendment offered by the distinguished Senator from Pennsylvania is a negative sort of amendment. It seeks to prevent something affirmative from taking place. So a discussion from now through eternity would be of no benefit to the people of my section. Had it been a direct, affirmative action against the South, it would have been my duty to speak against it indefinitely. So it constitutes a denial of relief rather than a direct, affirmative discriminatory action.

The distinguished Senator from North Carolina has mentioned the fact that the Department of HEW has had little concern about the black students in the big cities of the North and the East and in every section of the country outside the South, and that is certainly true. I wrote the distinguished former Secretary of the Department of HEW soon after I came to the United States Senate, and pointed out to him that the busing of students was being required under many plans that HEW was requiring that the school boards in Alabama implement, whereas the 1968 HEW appropriation bill provided that there would be no busing of students; and I called attention to the fact that massive busing operations were required by the plans submitted by the Department of HEW and put into effect by decrees of the Federal court.

I called that to his attention, and he wrote me a most interesting letter, and I will read in part from it:

> Your telegram correctly notes that HEW is prohibited from requiring transportation in order to overcome racial imbalance. HEW operations financed under our regular appropriation Act are governed by sections 409 and 410 of Public Law 90–557.

Those are the Whitten amendments of that year, as emasculated in the legislative process—emasculated by the addition of the words that this could not be done in order to overcome racial imbalance.

If the law said that busing could not be used to overcome racial imbalance, the average school patron, the average school board member, the average principal, would think that that meant you could not use busing to break down the racially impacted schools. But not so, said Mr. Finch; it does not mean that at all.

> As stated, these provisions prohibit the requirement of busing in order to overcome racial imbalance. The legislative history of these provisions as well as the decisions of the federal courts make it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence. However, where racial segregation of students in a school system has been caused in whole or in part by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws.

So under the rulings of the Department of HEW, we do have—and it has been discussed on the floor of the Senate many times—a double standard of enforcement of the desegregation requirements for our public schools.

Mr. President, under the rulings and practice of HEW and the Federal policy regarding segregation, and the decrees of the Federal courts, the schools in the South are required to desegregate now; and in September, throughout the South, we are going to have utter chaos in our schools, because the boast has been made by the executive department that by September all racial segregation in the schools in the South is going to be ended. That is going to cause much confusion, much unhappiness, and much lack of support by the school patrons and the people of Alabama. It is going to cause much unhappiness among the black citizens of our State.

In my hometown of Gadsden, Ala., the black high school, which had been a great institution in our city for 40 or 50 years—possibly even longer than that—had a wonderful plant, had a great band, and we always enjoyed watching them parade in civic parades that we had in the city, had a great football team, a cafeteria, a good faculty, and a happy, contented student body. Under the plans of HEW, the Gadsden public school system was required to close that school, causing much protest and much unhappiness among the black citizens of that community. Those students were then sent to white high schools throughout the city. We have only two others. Many of the students did not move. They dropped out of school. So that has not met with the approval of any of our people, black or white in Alabama. If we can move in piecemeal fashion, as provided by sections 209, 210, and 211, toward a measure of equal enforcement of the laws, equal application of the laws, then we can solve the problems affecting our public schools in Alabama and the South.

Now, Mr. President, it has been brought out on the floor of the Senate many times that actually there is more segregation in the big cities of the North and East than there is in the South, but that type of segregation has not been outlawed by the Supreme Court, even though, back in 1954, it ruled that a State could not maintain a segregated school system.

They have gone exactly 180 degrees to the left and now say that the States must provide an integrated school system.

So, what logic is there to that, to say in one case that a State cannot maintain a segregated school system, and say, in another case, that they must maintain an integrated school system?

In the North and East, and other sections outside the South, the type of segregation which obtains there, is called de facto segregation. It is segregation that exists as an accomplished fact, that did not come about by operation of law. It came about, as Secretary of HEW Finch said, by fortuitous patterns of residence. That is all right, according to the HEW, but it is not all right. We set up the Mondale commission to make a

study and to come up with recommendations providing or suggesting how best to eliminate de facto segregation in the North.

I shall be interested in watching that report when it comes out, to see what suggestions they make about eliminating de facto segregation in the North. It will be most interesting if that report is ever made on that subject. We have appropriated around $300,000 to make the study, so that it will be interesting to see how they will recommend ending de facto segregation in the North.

Mr. President, the President of the United States came out with a long statement, some 19 or 20 legal-size pages, stating his position on school problems and desegregation in the public schools. He recognized the existence of de facto desegregation in the North. So, we are not going to proceed against that. Oh, no, we are going to proceed against de jure segregation which exists down South. So, that is what is being done.

I should like to pose this question and assume a set of facts: They say that de facto segregation is allright, and we have no power to interfere with that, that we cannot give——

Mr. ERVIN. Mr. President, would the distinguished Senator yield to me at this point.

The PRESIDING OFFICER (Mr. Moss). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. ALLEN. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator if the Jonas amendment were retained in the bill, the black children of the North who are held in de facto segregated schools would have something they could do about it, would they not?

Mr. ALLEN. That is exacty right. They could.

Mr. ERVIN. So, they would not be there any longer as helpless pawns of the Department of HEW.

Mr. ALLEN. That is exactly right. Under their privilege and right, they could not be denied that, by reason of race or color.

Mr. ERVIN. I was not privileged to be here on the floor at the time the distinguished minority leader, the Senator from Pennsylvania, was speaking on the amendment, but not the Senator from Alabama, like the Senator from North Carolina, read a great deal in the newspapers with reference to a subject called "President Nixon's Southern Strategy"?

Mr. ALLEN. I have heard something about that in words, Senator, but I have not seen too much action along that line.

Mr. ERVIN. Is it not ordinarily to be thought that when the leader in the Senate of a political party which occupies the White House takes action on the floor of the Senate, that he is, ordinarily acting on behalf of the White House?

Mr. ALLEN. He is supposed to be the Republican leader, representing the party of the President.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama whether the distinguished Senator from Pennsylvania, the leader in the Senate of the President's party, made a disclosure during the course of his speech, as to whether his effort to eliminate the Jonas amendment is part of the President's southern strategy.

Mr. ALLEN. No, sir. I do not believe the Senator made that representation.

Mr. ERVIN. Well, would the Senator from Alabama agree with the inference of the Senator from North Carolina that perhaps the President and the distinguished Senator from Pennsylvania, the present leader of the President's party in the Senate, are trying to conceal from the Senator from Alabama and the Senator from North Carolina, and others, whether the action taken by the Senator from Pennsylvania in respect to the Jonas amendment is part of the President's southern strategy?

Mr. ALLEN. It rather looks like it to the junior Senator from Alabama.

Mr. ERVIN. I should like to ask the Senator from Alabama one or two other questions.

Mr. ALLEN. All right, sir.

Mr. ERVIN. Does not section 401 of title IV of the Civil Rights Act of 1964 say that desegregation means the assignment of students to public schools and within such schools without regard to race, color, religion, or national origin?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. Does not that mean in plain nonlegal English that in assigning a student to a public school, those who do the assigning must absolutely ignore the race, the color, the religion, and the national origin of the student?

Mr. ALLEN. Yes sir. That is true. I should like to suggest, in that same section, in the next sentence, it says that desegregation shall not mean transferring a student from one school to another in order to overcome racial imbalance, which shows again that they are trying to protect de facto segregation in the North.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama whether a person who becomes the Secretary of HEW prior to assuming the duties of that office does not hold his hand high, pointing somewhere toward the heavens, and take a solemn oath that he will support the Constitution and the laws of the United States.

Mr. ALLEN. Yes sir. That is the requirement.

Mr. ERVIN. Well, would not that oath require that the Secretary of HEW obey the Civil Rights Act of 1964 which prohibits him from taking into consideration the race, the color, the religion, or the national origin of students to be assigned to a public school?

Mr. ALLEN. It would seem to the junior Senator from Alabama that that is correct.

Mr. ERVIN. I should like to ask the distinguished junior Senator from Alabama whether he has heard of any instance, where the Department of HEW devised a plan or a program for a southern school which complied with the spirit and the letter of the Civil Rights Act of 1964?

Mr. ALLEN. I certainly agree with the Senator on that observation.

Mr. ERVIN. Does not the Department of HEW, in every case, before it grants money to a southern school district, require that school district, as a condition precedent to receiving the money, to devise a plan which will violate section 401 of title IV of the Civil Rights Act of 1964?

Mr. ALLEN. Mr. President, that would be the conclusion the junior Senator from Alabama would reach, yes, sir.

Mr. ERVIN. Mr. President, has the Senator from Alabama ever heard of the Department of Health, Education, and Welfare devising any plan as a condition precedent for a southern district receiving Federal funds which was in compliance with section 401 of the Civil Rights Act of 1964?

Mr. ALLEN. I agree that I have not.

Mr. ERVIN. Mr. President, does not the Senator from Alabama agree with the Senator from North Carolina that the Department of Health, Education, and Welfare has scant respect for acts of Congress?

Mr. ALLEN. I certainly agree. That is quite obvious. Mr. President, going on with my discussion regarding de facto segregation and de jure segregation, I call attention to the fact that the President of the United States—and I am not saying that the President's message was all bad, because it was not; the President laid a lot of emphasis on the use of neighborhood schools, and that is one of the possible solutions to this problem—said that schoolchildren should not be transported from one district to another. He obviously knows something of the problems we have in the South. And I approve and laud his recommendation that neighborhood schools be used wherever possible.

But on the matter of de facto segregation, that apparently is a sacrosanct provision and is absolutely above being reached. There is an element of sacredness about it. It cannot be tampered with.

The President pointed out that there is not only de jure segregation in the South, but there is also some de facto segregation. He did not go on to explain. However, it has been pointed out that in a district or area where the character of the neighborhood changes and new subdivisions have arisen since the Supreme Court decision, the type of segregation in the schools in that type area would be de facto segregation. Also, where a once segregated system becomes a desegregated or integrated system to the satisfaction and approval of Health, Education, and Welfare and the Federal courts and thereafter, after having once become integrated, becomes then resegregated so that it would come under the protection of the de facto segregation theory, if that happens throughout the South, we are going to have nothing then but de facto segregation and will have no integration anywhere in the country.

All schools then would have de facto segregation. And there is no rule of law at this time that is being directed against the de facto segregation of schools.

The thrust of all of these efforts of the distinguished Senator from Pennsylvania is to water down and make ineffectual the Jonas amendment. He does not

water it down. He seeks to knock it out entirely.

Some Senator will come along when we get through with this provision and seek to knock out the Whitten amendments. That opportunity will be passed along to someone. It is something of a plum, Mr. President, to have the privilege of introducing one of these amendments to strike out or water down or make ineffectual the Jonas amendment or the Whitten amendments.

It is a great political plum to be able to say to one's constituency, "I helped kill the Whitten amendments," or to say "I offered the amendment that killed the Jonas amendment."

I do not know who will offer such an amendment, but we can see that some Senator will regard it as a political plum.

The thrust of all of these amendments seeking to water down the Whitten, Jonas, and Stennis amendments has the effect in all of these amendments of requiring desegregation of segregated schools in cases where the segregation is said to be de jure. And it protects these efforts and fosters and encourages the continued existence of de facto segregation in areas outside of the South.

Mr. President, the question that occurs to me is how long it will be before the constituencies of the Senators who offer these amendments seeking to desegregate the de jure schools, the black schoolchild and his family and his friends, are going to wonder why it is that these distinguished Senators withhold from them in de facto segregated areas the benefits of integrated schools, because they are preserving segregation in the North and seeking to strike it down in the South.

If it is so good for the South, are not the black constituencies of the Senators who foster and protect and preserve de facto segregation in their areas going to feel that their Senators ought to bring them these same benefits?

As it is now, however, they are seeking to solve the problems not of their own constituencies, but of constituencies 750 or 1,000 miles away.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Mr. President, I yield.

Mr. ERVIN. Mr. President, if I recall the opinion of Chief Justice Warren in the Brown case, he asserted that it was a psychological fact that it is detrimental to a child to be excluded from a school on account of his race. Is my recollection correct?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, would the Senator from Alabama tell the Senator from North Carolina whether that psychological detriment is removed by the fact that the child is in a school which is segregated de facto rather than a school which is segregated de jure?

Mr. ALLEN. No. I believe that feeling will still exist in those schools.

Mr. ERVIN. Mr. President, does the Senator from Alabama think that the child concerned, who happens to be in a de facto segregated school somewhere north of the Potomac River, knows the difference between de facto segregation and de jure segregation?

Mr. ALLEN. I doubt if the percentage would be high that would know the difference.

Mr. ERVIN. It would certainly be a very small number that would know the difference.

Mr. ALLEN. I agree.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. Mr. President, I thank the Senator from North Carolina for calling these thoughts to the mind of the junior Senator from Alabama.

Mr. STENNIS. Mr. President, will the Senator from Alabama yield to me briefly? I have a few remarks that I want to make.

Mr. ALLEN. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to make reference here to the distinction between the approach in the South and in the non-Southern areas.

I have before me some official figures which show that in Chicago, Ill.—and these are official figures from the office of Mr. Finch—69.8 percent of all the Negro students of that city are in all-black schools. That figure is 69.8 percent.

Now, under the present policy with reference to HEW, no effort, or virtually no effort—just a fragmentary effort, so for all practical purposes no effort—is made to desegregate those schools. What chance, if any, do those Negro students in those black schools in Chicago have of ever getting the benefit of the decision in the Brown against Board of Education case?

Mr. ALLEN. Apparently none, if the effort of those interested in doing away with de jure segregation in the South is confined only in the South and is not directed against de facto segregation.

Mr. STENNIS. Does the Senator know that nothing has been done in Chicago?

Mr. ALLEN. Nothing at all.

Mr. STENNIS. Nothing has been done in Chicago since the Brown against the Board of Education case in 1954. Is that right?

Mr. STENNIS. Except to ask them to desegregate de facto.

Mr. ALLEN. And they have refused to do it.

Mr. STENNIS. I have further figures from Cleveland, Ohio. The official figures show that 66.4 percent of the Negro students in Cleveland, Ohio, are in all-black schools. Now, under that same policy we have been talking about is there anything being done by the Federal Government or with the money that we appropriate here to give those black children a chance to get into more mixed schools?

Mr. ALLEN. Not a thing, except the Senator will recall that Congress set up the Mondale Commission to go into this matter and report back when it saw fit to report.

Mr. STENNIS. Yes. The President recommended $1.5 billion in his message in April, I think it was, and some of that money was referred to on the floor of the Senate in a bill the other night and more is coming, as I understand.

But does the Senator know of any plan to spend any of this $1.5 billion in the schools in Chicago or Cleveland in order to desegregate them?

Mr. ALLEN. No, I do not. Insofar as the junior Senator from Alabama is advised, no plans are being made along those lines.

Mr. STENNIS. The Senator from Mississippi is a member of the Committee on Appropriations where we have had this matter come up. There is no suggestion, no plan, and no suggestion leading to any plan to do anything outside of the South to change the situation.

I had referred to the fact that in Cleveland 66 percent of the Negro students are in all-black schools. At the same time only 6.4 percent of the white children attend majority black schools. So if there is any benefit to the white children to go to mixed schools, as the Supreme Court said in 1954, we thought, the other 94 percent of the white children in Cleveland are being denied that privilege.

Mr. ALLEN. Yes, they are.

Mr. STENNIS. Does the Senator know of any plan to change those white children over to mixed schools?

Mr. ALLEN. No.

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

Mr. ALLEN. I yield.

Mr. EASTLAND. I wish to ask the Senator if the figures referred to by my colleague do not show that men in public life and in the Government in both political parties nationally are segregationists in the North?

Mr. ALLEN. Yes.

Mr. EASTLAND. And integrationists in the South.

Mr. ALLEN. The Senator is correct.

Mr. EASTLAND. But when it applies to them, oh, no; they are strict segregationists, just as segregationist as any ultra-segregationist in the South.

Mr. ALLEN. That capsules in just a few words what the junior Senator from Alabama has been trying to say.

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

Mr. ALLEN. I yield.

Mr. ERVIN. Is the proposal of this $150 million designed primarily to enable school children to have their intellectual horizons expanded?

Mr. ALLEN. No. As the junior Senator from Alabama sees it, the $150 million that the Senator refers to is money to be used along the lines of a carrot and stick type treatment to our people down South. They will hold out as a carrot in the form of the use of this money for their school systems and at the same time brandish the power of the Federal courts, requiring them to desegregate now in public schools of the South.

Now, Mr. President, those of us who support the Jonas amendment, the Whitten amendments, and those of us who supported the Stennis amendment, are speaking for the public school systems of our respective areas. We are trying to save the public school system in my own State and in the other States. Where this same problem exists the same solution is being used. The public school system is in a chaotic condition; it is losing public

support; bond issues are being turned down by the score; taxes being submitted for a vote are being turned down; the people do not know what is going to happen to the public school system, and we are trying to help solve that problem. We are trying to help save the public school systems of our respective States.

From whence will we get our help? Where is our help going to come from? Is it going to come from the Republican leadership in the House? Apparently not. The Republican leadership is seeking to strike down the Jonas amendment which is just a short step forward for equal protection of the law for people of the South. Is it going to come from the national Democrats? Apparently not. We see on these votes that we get very few votes from the Democrats outside of the South.

Is it going to come from the executive department? Certainly not from HEW, which recognizes the dual system that seeks to desegregate the de jure segregated school systems and protects the de facto segregated school systems.

Is it going to come from the courts? Well, Mr. President, on a long range basis I am hopeful that we are going to get some relief from the courts. There are some rays of hope. The decision of the Fourth Circuit Court of Appeals in a recent case set up the rule of reasonableness. I refer to the opinion in the case of Swann against Charlotte-Mecklenburg Board of Education. The court stated in that opinion:

> We adopted the test of reasonableness—instead of one that calls for absolutes—because it has proved to be a reliable guide in other areas of the law.

Again:

> Nevertheless, school boards must use all reasonable means to integrate the schools in their jurisdiction.

I hope this case will be affirmed by the Supreme Court of the United States and this new rule set by the Fourth Circuit Court of Appeals, setting up a rule of reasonableness, may be a part of the answer.

Chief Justice Burger, in one of his opinions, said that he hopes that cases will come before the Supreme Court that will allow the Supreme Court to rule on questions that are now—I am not quoting him now—in the gray area, questions that have not been passed on specifically by the Supreme Court of the United States.

So that I will not misquote him, he said as follows:

> As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented, including whether, as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; and to what extent transportation may or must be provided to achieve the ends sought by prior holdings of court, and other related issues that may emerge.

Mr. ERVIN. Mr. President, will the Senator yield for a question about the Fourth Circuit Court of Appeals decision?

Mr. ALLEN. Yes, sir; I am delighted to yield.

Mr. ERVIN. Am I correct in inferring from the decision in that case that the majority of the court held that they would adopt the rule of reason?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. Did not two judges dissent on the ground that the court ought not act reasonably?

Mr. ALLEN. I believe that was the effect of it.

Mr. ERVIN. Does not the Senator recall that on one occasion Justice Oliver Wendell Holmes of the Supreme Court of the United States handed down a decision involving the constitutionality of a State law providing for sterilization of idiots, and that in announcing his decision sustaining the State law Justice Holmes said that "The Court thinks," speaking of the ancestry of the person who was to be sterilized, "that three generations of idiots are enough, but Mr. Justice Butler dissents from that view"?

Mr. ALLEN. Yes, sir; he did.

Mr. ERVIN. Mr. President, I ask unanmous consent that I may make the observation here, without the Senator from Alabama's losing his rights to the floor, that when the Senator from Alabama pointed out, as a result of his answer to my question, that two of the judges of the Fourth Circuit Court dissented to the court's applying reasonableness to that decision, I was reminded of that remark made by Justice Oliver Wendell Holmes on that previous occasion.

Mr. ALLEN. That is very interesting. I was somewhat surprised to see that dissent, but the majority opinion was to the contrary, that the rule of reasonableness ought to be adopted.

I hope that rule will be approved by the Supreme Court of the United States. But, Mr. President, this is relief that will come years down the road. We need relief now in the public schools of the South. We need the rule of reason there. We need the right of freedom of choice. We need the Jonas amendment. We need the Whitten amendments that will be explained in detail later.

The amendment offered by the distinguished Senator from Pennsylvania—and I am sorry he is not here, because we have been discussing him and his amendment for some little while here—seeks to strike out section 211, which is merely a provision which will afford some measure of equality of treatment under the law. It will furnish some measure of equal enforcement of the law and equal application of the law. It will not solve the problem, but it is something that will be for the protection of black and white alike, because it forbids the use of any of the money appropriated by this act to formulate or implement any plan that would deny any student, by reason of his color or his race, the right or privilege to attend any public school of his choice as selected by his parent or guardian.

Mr. THURMOND. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. Yes, I am delighted to yield.

Mr. THURMOND. Mr. President, I congratulate the distinguished Senator from Alabama for the enlightening remarks he has made on this school bill, especially with regard to section 211 of the bill, known as the Jonas amendment. The Senator from Alabama has eloquently described the overriding importance of a measure such as this.

Mr. President, I should like to say further that prior to the Brown against Board of Education decision, the law of the land was that a State could assign students to different schools on the basis of race.

In 1954, the Supreme Court handed down the Brown decision, which outlawed this type of concept by saying that the equal protection clause of the 14th amendment prohibited the States from assigning students to schools on that basis. Is that not correct?

Mr. ALLEN. Yes, that is correct.

Mr. THURMOND. Today, the Supreme Court and the all-powerful HEW have construed the Constitution to mean that school boards now must assign students to schools on the basis of race in order to obtain integration.

Mr. ALLEN. That is correct. They changed courses 180 degrees—to the left.

Mr. THURMOND. That is true, is it not?

Mr. ALLEN. Yes, sir.

Mr. THURMOND. If the former concept were unconstitutional, then this concept must be unconstitutional also; is that not correct?

Mr. ALLEN. The junior Senator from Alabama would agree with the distinguished Senator from South Carolina. The only trouble is that the Supreme Court does not agree with the junior Senator from Alabama.

Mr. THURMOND. As a matter of fact, if it were unconstitutional to assign a child to a certain school on the basis of race previously, does it not seem that it would still be unconstitutional to use race as the basis for assigning schoolchildren to certain schools?

Mr. ALLEN. The logic of the Senator's contention is unassailable.

Mr. THURMOND. Federal bureaucrats and civil rights zealots at HEW are attempting to require that students be bused from one school to another in order to satisfy their own personal view of how every school should be run. Does not the Senator from Alabama conclude that this is an open violation of the 1964 Civil Rights Act?

Mr. ALLEN. Yes, indeed. That is my opinion.

Mr. THURMOND. Did not the 1964 act specifically prohibit this very thing from being done?

Mr. ALLEN. Yes, indeed.

Mr. THURMOND. But yet HEW and the courts are requiring it to be done.

Mr. ALLEN. That is correct.

Mr. THURMOND. I wish to stress that this policy of busing students is opposed in my State, and I believe in most States, by both black and white parents as well as the students.

Mr. ALLEN. Yes; that is correct, I am sure.

Mr. THURMOND. We are receiving a lot of complaints in South Carolina now from the black students who are being bused to other schools, that they want to stay in their own schools, but yet they are being forced, on account

of their race—the very criterion that was used before in saying you cannot force a child to go to a certain school on account of his race—and race is being used as the very basis for requiring a child to go to a school.

In 1965, the Fourth Circuit Court of Appeals handed down a decision that declared that freedom of choice was what the constitution required. Does the Senator recall that decision?

Mr. ALLEN. Yes.

Mr. THURMOND. In my judgment, the court was entirely correct in that decision. I presume the Senator from Alabama feels the same way.

Mr. ALLEN. Yes, sir; I surely do.

Mr. THURMOND. However, 3 years later the Supreme Court virtually nullified that decision by their decision in the Green case and some other decisions.

At that point, in my judgment, the Supreme Court abandoned all legal and constitutional grounds in order to accomplish the goal of bringing about social reform. Does the distinguished Senator agree with that statement?

Mr. ALLEN. Yes, I do. They are out on an uncharted sea in their decisions.

Mr. THURMOND. What could be more just than providing an opportunity for each parent to choose the course of action which he feels is best for the education of his child?

Mr. ALLEN. No plan could be better than that, in the opinion of the junior Senator from Alabama; and that is the only answer to the problem—that, combined with the neighborhood school concept.

Mr. THURMOND. Indeed, the concept of individual free choice lies at the very heart of the foundation on which this great Nation was built, does it not?

Mr. ALLEN. That is correct.

Mr. THURMOND. In my judgment, the Jonas amendment, as embodied and designated as section 211 in this bill, is an attempt to project some reason and some logic into the tragic state of affairs we find facing this country today.

Mr. ALLEN. That is correct. That is very sound logic.

Mr. THURMOND. I very strongly favor this amendment, and in my judgment it should certainly stay in the bill. In my judgment it is a very simple amendment. It merely says that no part of the funds provided in this act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice, as selected by his parent or guardian.

Mr. ALLEN. That is right.

Mr. THURMOND. In other words, this amendment does exactly what the Brown decision of 1954 said had to be done.

Mr. ALLEN. It seems to me it is in line with it, yes.

Mr. THURMOND. I thank the able Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from South Carolina for his comments and the contribution he has made to this discussion and this colloquy.

Mr. President, I was very much interested in the statement of the distinguished Senator from South Carolina that white and black both oppose the forced desegregaton of the public schools. But I call attention to the fact that our people are law-abiding; that there is no violence in the South, in face of these intolerable implementations of plans and these intolerable court decrees.

As I recall, when the Stennis amendment was under discussion here in the Senate, one of the distinguished Senators from a section outside of the South said that this provision, which would have required uniform enforcement of the Federal desegregation criteria and guidelines, with enforcement of the same guidelines and plans and desegregation policies in his area, would be so fraught with violence that it would be necessary to call out the Army to put an end to the violence and to keep order.

That is not so in the South. But we do plead for equal treatment, equal enforcement of the law. We believe that the Jonas amendment, embodied in section 211 of the bill, is a step in the right direction. It is a short step, but it does give us some measure of equal treatment before the law.

For that reason, Mr. President, I hope that the amendment of the distinguished Republican leader, the distinguished senior Senator from Pennsylvania (Mr. SCOTT), will be defeated, so that section 211 will remain in the bill.

Mr. President, I yield the floor.

Mr. SPARKMAN. Mr. President, before the Senator yields the floor, will he yield to me?

Mr. ALLEN. Yes, I am delighted to yield to my distinguished colleague, the senior Senator from Alabama.

Mr. SPARKMAN. I was interested in the colloquy between my colleague and the Senator from South Carolina (Mr. THURMOND), particularly on the freedom of choice situation.

Mr. ALLEN. Yes, sir.

Mr. SPARKMAN. I wonder if the Senator is aware of the fact that back when HEW started putting out its guidelines suggesting to districts how they would go about to desegregate their schools, it actually proposed, itself, the freedom of choice plan as the proper method to pursue.

Mr. ALLEN. Yes, sir. I appreciate that suggestion of my distinguished senior colleague.

Mr. SPARKMAN. I could name schools right near the Senator's home—for instance, Guntersville, in Marshall County—in which the suggestion was made by HEW to use the freedom of choice plan.

Mr. ALLEN. And it was followed for a time.

Mr. SPARKMAN. They freely entered into it and carried it out in good faith; and yet, after a year or maybe two years, it was almost sacrilegious, you would think, some of the howls they put up.

Mr. ALLEN. It was working too good.

Mr. SPARKMAN. Yes.

The Senator, I know, is aware of neighborhood schools that have been virtually destroyed by some of the plans they have put out there. Children have been bused many miles, simply for the purpose of obtaining racial balance, even though the law plainly declared that such could not be done. Is that not correct?

Mr. ALLEN. Yes, sir, that is correct.

I was informed by the Superintendent of Education in Alabama, the Honorable Ernest Stone, that the State of Alabama has had to close, and the local school districts have had to close, school buildings worth approximately $100 million as the result of HEW plans and Federal court orders. In almost every instance, these schools are black schools—uprooting the black students—and that is what makes it so unpopular with the black students, as pointed out by the distinguished senior Senator from South Carolina.

Mr. SPARKMAN. And in areas that are almost completely occupied by black people.

Mr. ALLEN. Yes.

Mr. SPARKMAN. I have in mind a very valuable school in the city of Birmingham about which there has been a great deal of dispute. At one time, HEW directed that that school be demolished—a fine, brick school. It was in a community that was occupied almost entirely by black people; and because that was true and because, naturally, the students attending there, who lived in that neighborhood, were black, there was, you might say, a black school. HEW ordered that that school be demolished, or directed that it be—I cannot say that they had the right to order that it be—and they said that a new school should be built in an area completely out of there, and the students would be bused over there.

A lady in Birmingham wrote me that she had a small daughter who, during the 2, 3, or 4 years she had been attending school, had been able to walk a couple of blocks to the school in the neighborhood. Now they had come through with an order that required her to be bused 11 miles across town in order to attend school, under that direction.

It just does not make sense to destroy the neighborhood schools, does it?

Mr. ALLEN. It does not.

Mr. SPARKMAN. And that is the effect of what they are directing be done.

Mr. ALLEN. That is correct.

Mr. SPARKMAN. I thank the Senator.

Mr. ALLEN. I thank the distinguished and able senior Senator from Alabama.

Mr. STENNIS. Mr. President, my remarks concerning the motion to strike by the Senator from Pennsylvania will be rather brief. I want to point out with emphasis and quote briefly from the key paragraph, as I understand it, of the case of Brown against the Board of Education. I want to point with emphasis to the fact that this test has long since been abandoned, as has been said by the Senator from Alabama, and is prohibited from being followed now, under the subsequent decisions of the Supreme Court and the rules and regulations of HEW.

I want to point out, further, that this simple amendment of Representative JONAS, of North Carolina is the very thing

that in body and in spirit would restore the real meaning of Brown against Board of Education.

Mr. President, these are not my words. These are the words of the Supreme Court of the United States in the case of *Brown* v. *Board of Education*, 347 U.S. 483, 74 Supreme Court 636, 98th law edition 873, decided in 1954:

> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

I repeat, for emphasis, the last sentence of the Court:

> We believe that it does.

That is the test. That is the rule they laid down.

It was said here last night by the Senator from Pennsylvania—and I call this to his attention because I do not want to talk to his back—that 15 long years ago—may I have the attention of the Senator from Pennsylvania?

Mr. SCOTT. Yes. I am all attention.

Mr. STENNIS. I thank the Senator.

I have quoted from the case of Brown against Board of Education what I consider the key holding of that case.

The Senator from Pennsylvania last night—in all good faith, I am sure—said that 15 long years had passed, and still the South had not done what it should have done, that very little had been done in some areas, and so forth, and that it was time to put a stop to it. His motion was to strike out the section that would give some measure of freedom of choice.

With great respect to him, I happen to have before me the figures from his wonderful city of Philadelphia, Pa.—and it is a wonderful city. I had the privilege of visiting here briefly last week.

According to these figures, which are official, the percentage of Negro students attending majority white schools in that great city in 1968 was 9.6 percent—9.6 percent only. In 1969, that had dropped to 8.2 percent. So instead of it going up, it is going down.

Mr. SCOTT. Does the Senator want me to comment?

Mr. STENNIS. I want to finish my sentence, and then I will yield.

Instead of going up, it is going down. What is being done in the South? Let us look at Pennsylvania. Let us get home first, and let us clean up a little there, if this is sin. What about it? It is the same old double standard. Fifteen long years have passed—they throw that at us.

I have more figures here. I believe these to be official. They were given to me as such. Pennsylvania is not alone. Cleveland, Ohio—15 long years—in 1968, 4.8 percent of Negro students there were attending majority white schools. In 1969, it dropped to 4 percent. Fifteen long years—going down, not going up.

I yield to the Senator from Pennsylvania.

Mr. SCOTT. I am very grateful to my distinguished friend from Mississippi, and I would be glad to answer him.

The reason why we have more black students in schools where we have fewer white students is nothing to pat ourselves on the back about. It is nothing about which to accept any praise or any blame. It is due to the fact that in varied geographical areas of the city of Philadelphia in recent years, a very large percentage of that population, a large part of west Philadelphia, almost all of north central Philadelphia, and parts of many other areas have been occupied in the residencies by people who are black. Therefore, in those schools, not necessarily because they seek to meet the educational requirements on a quota of more black than white students but population shifts and de facto effects rather than de jure situations have brought that about. On the other hand, I recall the Henry School, which is very near to where I live, which was once all white but which now is very much in considerable majority a black school, it remains a very good school, one of our best high schools.

I live in a residential area in Philadelphia known as Chestnut Hill. My neighbors are among the best neighbors in the whole section. They are black. We in Philadelphia do not regard the existence of a city block of white or black neighbors as unusual. In fact, in Washington, D.C., my neighbors are black as well.

We have accepted that as the situation. What we are after is the quality of education. It is not a matter of concern to me whether my neighbor or the schoolchildren there are black or white but whether they get an equal quality of education. Where there has been de facto situations they have been caused, in other words, by the shifting of populations, not by a legal determination to evade the consequences of the law or of court decisions.

I thank the Senator from Mississippi very much for giving me this chance to answer.

Mr. STENNIS. I thank the Senator. I am glad that I yielded to him. He has not answered yet, what, if anything, Philadelphia has been doing these past 15 years about trying to eliminate this situation of——

Mr. SCOTT. Well, we have been spending——

Mr. STENNIS. Let me finish first, please—the Supreme Court said in 1954 that it was not fair, that it was not equal treatment under the law, and it must be abolished. Thus, I am not trying to find fault with anyone. I say, let us clean up Philadelphia. While we are after Philadelphia, Miss., let us take Philadelphia, Pa., and improve it a little bit.

Mr. SCOTT. I am sure, if I can say this to my good friend from Mississippi, that his remarks now, and his very fine speech of a moment ago, will read very well in Mississippi.

Mr. STENNIS. Yes.

Mr. SCOTT. But, will not be persuasive in Pennsylvania.

Mr. STENNIS. I am fully satisfied with that, Senator. I am fully satisfied of it. You are consistently here imposing every ruling you can on us in the South. So far as I know, you have never satisfied us anyway—I am not speaking about the Senator personally, of course——

Mr. SCOTT. The Senator and I are friends. We know that.

Mr. STENNIS. This is not a matter of friendship. This is a matter of education.

Mr. SCOTT. I do not wish to embarrass the Senator with my friendship——

Mr. STENNIS. No. We are friends. We are friends, of course. I am proud of that. My point is, what are we going to do about Philadelphia, Pa., while we are working in Philadelphia, Miss., since the Supreme Court has said what it did about the test?

If the Senator will pardon me, I will read from these percentages once more and then I will read one from Mississippi.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. Let me give these figures first, and then I will yield to the Senator.

Mr. ERVIN. Yes.

Mr. STENNIS. As I say, in the Senator's fine home State of Pennsylvania—and it is a wonderful State—in Philadelphia, the figures are 9.6 percent in 1968 and 8.2 percent in 1969.

In 1969, the percentage of Negro students attending the majority white schools in the largest city in my State of Mississippi was 19.7 percent. Would the Senator from Pennsylvania kindly give me his attention? It is 19.7 percent.

In a large city in Mississippi—large for us—the percentage of Negro students attending a majority white school it was 19.7 percent in 1969, as compared to 8.2 percent in Philadelphia, Pa., and 2.8 percent in Chicago, Ill.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ERVIN. I want to ask the Senator from Mississippi if they do not have de facto segregation in some places in Mississippi?

Mr. STENNIS. Yes. Yes.

Mr. ERVIN. Is there not one town down there where virtually all the black people live on one side of the bayou and the railroad tracks and virtually all the white people live on the other side of the bayou and the railroad tracks; and that notwithstanding the fact that there was de facto segregation there, and notwithstanding the fact that the school board set up one school district on one side of the bayou and the railroad tracks and another school district on the other side of the bayou and the railroad tracks, primarily for the safety of the little children, the Federal court held that the safety of the little children has to take second place to the overriding necessity of desegregation, and the school board would have to make some of the little black children endanger their lives by crossing the bayou and the railroad tracks to get over to the white school, and some of the little white children endanger their lives by crossing the bayou and the railroad tracks to get over to the black school?

Mr. STENNIS. That is true. That is one of the cases we have down there. It is just as the Senator has stated it. It is part of this crusade supported and backed by those who have not cleaned up their own backyards.

Mr. ERVIN. Does not the Senator

from Mississippi know of the celebrated case in Charlotte, N.C., where the court handed down a decree requiring the busing of thousands of students in de facto areas inhabited by blacks to schools in de facto areas inhabited by whites?

Mr. STENNIS. Yes. I am familiar with that.

Mr. ERVIN. In other words, HEW and the courts harass the schoolchildren of the South regardless whether it is de facto or de jure segregation in the South; is that not correct?

Mr. STENNIS. That is right.

Mr. ERVIN. The South is subjected in any event to compulsory integration. Only the North can hide behind the words "de facto."

Mr. STENNIS. That is deliberately set up that way, Senator, by some of those who helped to draft the 1964 Civil Rights Act. They took that for themselves, in no uncertain words. I have been frank about it. I have said here on the floor of the Senate, in a speech I made not many days ago, that the Supreme Court has repeatedly refused to hear a case originating outside the South to decide the question of the legality of this segregation that they have.

I cited four specific cases where the litigants tried to get that point decided, and applied for a writ of certiorari, but that writ of certiorari was denied by the Supreme Court in those four cases, as well as more. Those four were clean and clear cut, so there is some mysterious reason why the Court refused to pass on the legality of this very segregation we are talking about.

When we talk about children and equality of their education, I know of a case in my State of a man and wife with six children who, under orders of the Court, must send those six children to six different schools to the four different sides of the city, each one leaving home separately in the morning and going to a different school in a city of 100,000.

Call that quality education—or quality anything else that goes to make up the training of youngsters at that tender age?

I hope, Mr. President, and I submit this on its fairness, that the majority of Senators will see fit to let this amendment go on this appropriation bill for at least 1 year. That is the life of it. It will not be permanent law. Let it go along for 1 year and see what the result will be. Certainly it will not hurt anyone outside the South. It will lend somewhat of a new start and be of great encouragement to the spirit of the parents and teachers. We always hear the bad things, the thousands and thousands of parents and teachers in our area of the country that have sacrificed the right to make this thing work. And they come back with more, and more, and more intolerable demands under which human flesh can hardly live. It is injurious to those of both races.

I hope that the Senate will see fit to stand by the House and stand by the House committee and stand by the Senate committee and leave this temporary provision in the bill for one time, just one time, and let us see what good can come from it in 1 year.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I hope the Senate will sustain the motion to strike section 211.

"FREEDOM OF CHOICE" A MISNOMER

The progress of school desegregation since the Supreme Court announced the Brown decision in 1954 has been somewhere between nonexistent and slow. The very latest statistics available from the Department of Health, Education, and Welfare issued June 8, 1970, show us that almost 50 percent of the minority students in American primary and secondary schools attend schools with between 95 and 100 percent minority group populations. The corresponding figure is 77 percent for the 17 Southern and border States. Even in the 32 States of the North and West, where racial segregation of schools has been by and large de facto, more than 32 percent of the minority students attend schools which have 95 to 100 percent minority group populations.

In addressing my remarks to section 211 of the Office of Education appropriations bill—H.R. 16916—the so-called Jonas amendment, I express the hope that its presence and the presence of the accompanying Whitten amendments embodied in section 209–219 of the bill reported out of the Appropriations Committee, represent a futile last gasp on the part of those who seek to scuttle the desegregation process altogether. As I have every time that the predecessors of these amendments have been added to the appropriations measures by the House, I must now oppose their acceptance by the Senate.

Section 211 requires that desegregation plans embrace the idea of freedom of choice; it is quite clearly unconstitutional. The U.S. Supreme Court held in Green against County School Board of New Kent County, Va., in 1968, that the freedom of choice plan at issue was itself unconstitutional because it served to perpetuate, rather than terminate, racial segregation. The court was clear in stating that constitutionally, "utilizing freedom of choice is not an end in itself"; yet that is what section 211 would mean in practical consequence.

Even were we to suppose that constitutional commands have weakened in the past 2 years, section 211 should be decisively defeated. The phrase "freedom of choice," as rhetoric, has a rather compelling emotional appeal. But attaching the word "freedom" to a concept cannot change its practical effect. We would not for a moment entertain passage of a bill which attempted to establish the "freedom to assault," the "freedom to cripple," or the "freedom to kill." Yet as moderate a black leader as Whitney Young of the National Urban League said recently in testimony before the Senate Select Committee on Equal Educational Opportunity, that a system which fosters school segregation commits "educational genocide."

Proponents of section 211 have argued that if freedom of choice results in segregated schools, it is not because of de jure state action, but because the students and parents of a given community prefer segregation, which should be their right so long as they impose their views on no one else. This theoretical explanation simply does not comport with the facts which have been uncovered by the U.S. Commission on Civil Rights. The Commission's September 1969 report on Federal enforcement of school desegregation found a variety of causes for the failure of freedom of choice plans to achieve desegregation.

For one thing, fear of retaliation and hostility from the white community has continued to deter many black families from choosing all-white schools. The fear is not ill placed. The Commission has documented numerous instances of violent intimidation.

For example, a 16-year-old girl in Sharkey-Issaquena Counties, Miss., is today sightless in her right eye, the result of a shotgun wound inflicted when she tried unsuccessfully to transfer to a white attended school.

A black family in Clay County, Miss., received death threats and gunshots in its family home and the family car when their 12-year-old son registered in a white school.

Less than 5 years ago, an Alabama Federal court found that a local chapter of the Ku Klux Klan had been formed in Crenshaw County to forcibly prevent the desegregation of the public schools and intimidate Negro parents who chose to send their children to white schools.

In addition, economic coercion has been used as a weapon to prevent black families from exercising so-called free-choice. A black truckdriver in Dorchester County, S.C., was fired from his job, because as his former employer admitted, his children enrolled in the white-attended schools. The district court in the Crenshaw County case also found the Klan had utilized economic coercion in achieving its ends.

In the past, this body has been asked to endorse obstructionism by removing from judicial scrutiny freedom of choice approaches to desegregation. Tonight, we are asked not only to endorse obstructionism but to require it by approving section 211. To do so would be unpardonable.

Mr. MONDALE. Mr. President, I rise to support the amendment offered by the Senator from Maryland to strike sections 209 and 210 of the education appropriations bill.

Sections 209 and 210, the so-called Whitten amendments, would not in their present form change legal requirements in the area of school desegregation, or alter the authority and responsibility of HEW to enforce those requirements. But these provisions are designed to create confusion in the minds of laymen, and their passage would encourage futile resistance among school districts now fully desegregated, or planning to complete desegregation with the opening of school next fall.

Sections 209 and 210 would prohibit HEW from requiring the transfer or assignment of students over parental objection, or the busing of students, with respect to schools or school systems which are "desegregated" as that term is defined in title IV of the Civil Rights Act of 1964 or from requiring the abolishment of any school so "desegregated."

These provisions are meaningless, of course, since existing law gives HEW no authority to require further action of a school or school district which is "desegregated" within the meaning of title IV.

"Desegregation" is defined in title IV as follows:

401(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Under this definition, "desegregation" of a school district encompasses the process of disestablishing the effects of racial assignment, in order to achieve the nonracial operation required by the Constitution.

As the Supreme Court ruled over 2 years ago in the Green decision, a school district does not stop the practice of assigning students on the basis of race when it adopts an alternative method of assignment which achieves the same results as racial assignment. The Court held that de jure segregated school districts achieve nonracial operation only by integration in fact of faculties and student bodies.

The title IV definition of "desegregation" explicitly excludes efforts "to overcome racial imbalance," that is, to eliminate segregation which is accidental or de facto in origin. Thus, the term "desegregation" refers only to the constitutional obligations of school districts segregated by law or official policy.

No narrow interpretation of the term "desegregation" is consistent with its use in title IV. Its only present function is to describe the Office of Education's authority to render technical assistance to school districts requesting such assistance in meeting their legal responsbilities. The term "desegregation" is coextensive with 14th amendment requirements, so that the Office of Education program can render useful service to desegregating school districts.

The administration has announced its opinion that sections 209 and 210 would have no legal effect, and asks that we strike them because of the confusion they would cause among desegregating school districts. The Leadership Conference for Civil Rights opposes these sections on the same grounds. Mr. President, we are dealing with the lives of children, and with the most fundamental of this Nation's commitments, our commitment to the elimination of racial injustice. Enactment of these meaningless but divisive provisions would betray our public trust.

Mr. EASTLAND. Mr. President, once again we are faced with the crucial question of whether the Senate is willing to help save the public schools of the South and the Nation from disruption and chaos.

We must exercise our powers responsibly by returning to the local and State school officials the authority to bring about desegregation in an orderly manner by use of the "freedom of choice" plan.

The inferior Federal courts in the South, with the sanction of the Supreme Court of the United States, have entered extreme and arbitrary orders forcing Southern school districts to achieve integration by means of forced assignment of students to schools on the basis of race so as to achieve a racial quota in the public schools. This has been done even when it violated the "neighborhood school" concept and entailed busing of children for long distances in order to attain a racial quota in the schools.

Likewise, officials of the Office of Education in the Department of Health, Education, and Welfare have similarly forced Southern school districts to adopt the same sort of extreme destructive plans for accomplishing desegregation as a condition to the payment of Federal funds for educational purposes.

It is this latter abuse of power which is sought to be remedied by the Whitten amendments and the Jonas amendment.

These amendments appear as sections 209, 210 and 211 in the pending bill as reported by the Committee on Appropriations. This language must be retained in its present form. It must not be watered down. Section 209 provides that no part of the funds contained in this act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Section 210 provides that no part of the funds contained in this act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

Section 211 provides that no part of the funds provided in this act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice as selected by his parent or guardian.

These sound provisions would merely prevent forced busing and arbitrary closing of schools, and would permit a child to attend the school of his parents' choice.

What is wrong with that? This is completely consistent with our American traditions of self-determination and local control under school boards.

If we fail to include these provisions in the law, we will permit, sanction and condone the actions of officials in the Office of Education in unjustifiably treating the public schools of the South differently from the public schools of the other parts of the Nation.

Mr. President, my colleagues from the South and I have made a number of speeches on this floor in which we stated irrefutable facts which clearly demonstrated that the arbitrary and outlandish actions of the Federal courts and of Federal administrative officials have had a terrible effect upon many of the public schools of our section. These Federal edicts have caused many of the children who attended public schools, both white and black, to withdrawn from the public schools. These unwise edicts have brought about turmoil and confusion among the teachers and students in many of these schools.

I deeply regret to say that apparently the terrible events that are occurring in many of the public schools of the South seem to have little or no impact on some of my colleagues from other sections of the country.

In the event that anyone should think that my considered judgment that the forcing of a racial quota of students and teachers in the public schools will invariably result in educational chaos and public resentment is influenced by the fact that I am a southerner, then I invite your careful attention to a few extraordinary statements made on this floor during the course of the debate on the Stennis amendment last February. I believe that these statements, which were made by eminent nonsouthern Members of this body, show beyond the shadow of a doubt that people in no section of this country want to be subjected to a racial quota system by the assignment of students and teachers in the public schools on the basis of race.

As you recall, the Stennis amendment, as modified by an amendment of the junior Senator from Connecticut, stated that the guidelines established pursuant to title VI of the Civil Rights Act of 1964 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the agencies of any State without regard to the origin or cause of such segregation, whether de jure or de facto.

In other words, since we had previously been unable to receive justice by the adoption of the Whitten amendments and the Jonas amendment, some of us sought by the Stennis amendment to at least be assured that the other sections of the United States would receive the same and equal treatment as that received by the South.

I commend my colleague from Mississippi for forcing this issue to the floor. His efforts resulted in a landmark vote, in which the Senate approved the "equal treatment" amendment by a vote of 56 to 36. Unfortunately, even though the Senate adopted the Stennis amendment, its language was weakened by the conference committee with the House, and the language which was finally enacted into law still permits the Federal courts and the Federal bureaucrats to discriminate against the South. It is my firm conviction that the people of the South are being afflicted with terrible conditions in their schools which 95 percent of all Americans in all sections of the Nation would never voluntarily endure. This statement is supported by the many tragic events which had occurred in the school systems of Mississippi as a result of Federal interference in the operation of the schools. I now call to your careful consideration a statement made by the distinguished Republican leader, the sen-

ior Senator from Pennsylvania in the closing moments of the debate on the Stennis amendment on February 18, 1970. Senator SCOTT opposed the adoption of the Stennis amendment. He took the position during the debate that even should both Houses of Congress adopt the language of the Stennis amendment, it might not have the effect of law because it was couched in terms of a statement of policy. The Senator from Pennsylvania then made the following statement:

I say I am glad it is only stated as policy, because any genuine attempt, in good faith, to enforce this language would require, in my judgment, the use of all the police forces in America, and a great many of the troops overseas. That may be a good thing; it may be a good way to get the troops home.

I completely concur with this statement of the Senator from Pennsylvania. If HEW and the Federal courts should harm and disrupt the public schools in all 50 States to the same degree that they have harmed and disrupted the public schools of the South, it would indeed require all of the police forces and many of our troops to enforce this destruction of public education on an angry and outraged American public.

Mr. President, if the consequences of forced integration by racial quotas would be so bitterly resented by the people of America so as to compel the use of all of the police forces and hundreds of thousands of Federal troops in order to enforce compliance with the law, then how, in good conscience, can anyone justify or condone punishing the people of the South in such a fashion? There is no justification for such discriminatory treatment.

One can draw at least three inferences from the statements of the Senator from Pennsylvania which I have quoted.

The first possible inference is that the people of the North, East, and West are much more violently opposed to forced integration by racial quotas than are the people of the South, and for that reason Federal troops would be required to enforce such conditions in those sections of the Nation. This may or may not be true. The Senator from Mississippi does not undertake to impute thoughts, ideas or motives to people in other States.

The second reasonable inference which could be drawn from this statement is that the South should be treated differently than the rest of the Nation because it has not yet paid enough pennance for the War Between the States.

It is my sincere hope that this inference is not the correct one to draw from this statement. I had hoped that the spirit of Thaddeus Stevens was dead in the Senate, but events of the last few years make me wonder.

The third reasonable inference which could be drawn from the statement is that ideally a system of forced integration by racial quotas should be foisted on all of the schools in America, but that realism compels the concession that the people of the North, East, and West would not stand for such outrages, and if such conditions were forced upon them might not only react with violence, necessitating the use of troops, but, even worse, they might react at the ballot box with disastrous political consequences to some persons.

I hope and trust that this inference is not the correct one to be drawn, because it would put our Government in the position of being a bully or tyrant.

Just because it has been forcibly demonstrated to the people of the South that the whole might of the Federal Establishment may be brought to bear on them in order to force integration by means of racial quotas in the public schools, it does not follow that it is right, proper, or moral to take such tyrannical actions.

We in the South have learned from experience that the Federal courts and the bureaucrats at HEW will blatantly treat our schools differently from the schools in other sections of the Nation. We have learned that harsh and arbitrary edicts will be entered by the Federal courts in order to achieve the goal of integration by quotas. We have learned to our sorrow that Federal bureaucrats will arbitrarily and illegally deny our schools and other institutions funds to which they are entitled under the law unless they submit to a policy of integration by quotas.

We have even learned the ultimate lesson that Federal troops will be used to bring about the complete social revolution which is the goal of so-called civil rights leaders.

Perhaps it would not be such a bad idea for people in all of the other sections of the Nation to realize that troops may be used against them, too, in order to enforce integration by racial quotas and the social revolution. It is an unhappy thought, but perhaps only in that way will all Americans learn of the results of Federal interference in the operation of the public schools.

I also call your attention to a statement made by the distinguished Republican leader at an earlier stage of the debate on the Stennis amendment on February 18:

But, without waiting for that, we will now have, if the amendment is agreed to, a decision that after de jure segregation has been pursued as far as it can be pursued, in all sections of the country, including the South, the white student will have gone to the private schools and the blacks will have attended the public schools and then we will have a situation where we will have resegregation; and then, in the South, as in the rest of the country, we will have a United States policy stated of an attempt to enforce the unsegregation of the resegregated areas nationwide, which is a matter highly exalted in principle and most desirable, but would, in fact, operate as a total breakdown of the law all over the country.

On the preceding day of the debate, February 17, the senior Senator from New York made this prediction of what would happen if the Stennis amendment, which provided for equal treatment, were adopted:

One of two things will happen. All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law.

I agree with my colleagues from Pennsylvania and New York. If the tragedies which are being inflicted on the public schools of the South are visited upon all of the public schools in the United States, then there would be a total breakdown of law all over the country, and the country would be appalled.

My colleagues from the South and I have made pleas in the past to grant us simple equity and justice. Since we were not able to receive equity and justice, we then asked you for equal treatment.

We have failed to receive equity, justice, or equal protection of the laws from the Congress.

We now renew our demand for fairness and justice. If the Senate again turns a deaf ear to our plea for justice, it will have a tragic impact on all of the schoolchildren of this Nation.

Do not think that you can forever succeed in punishing the South and forcing our section to bear the full brunt of compulsory racial integration by quotas. It just will not work that way.

I ask that the Senate restore sanity to the operation of our public schools by the adoption of the Whitten amendments and the Jonas amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER (when his name was called). On this vote I have a live pair with the Senator from New York (Mr. GOODELL). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a live pair with the able junior Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Having already voted in the negative, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The pair of the Senator from New York (Mr. GOODELL) has been previously announced.

The result was announced—yeas 53, nays 27, as follows:

[No. 169 Leg.]

YEAS—53

Aiken	Hatfield	Pastore
Allott	Hughes	Pearson
Anderson	Inouye	Pell
Bellmon	Jackson	Percy
Boggs	Javits	Prouty
Brooke	Jordan, Idaho	Proxmire
Burdick	Kennedy	Randolph
Case	Magnuson	Ribicoff
Church	Mathias	Saxbe
Cook	McGee	Schweiker
Cooper	McGovern	Scott
Cranston	McIntyre	Smith, Maine
Dole	Miller	Smith, Ill.
Dominick	Mondale	Stevens
Eagleton	Montoya	Symington
Fong	Moss	Tydings
Griffin	Nelson	Williams, N.J.
Harris	Packwood	

NAYS—27

Allen	Ellender	Jordan, N.C.
Baker	Ervin	McClellan
Bennett	Fulbright	Sparkman
Bible	Gore	Spong
Byrd, Va.	Gurney	Stennis
Cannon	Hansen	Talmadge
Cotton	Holland	Thurmond
Curtis	Hollings	Williams, Del.
Eastland	Hruska	Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Byrd of West Virginia, against.
Mansfield, for.
Tower, against.

NOT VOTING—17

Bayh	Hart	Murphy
Dodd	Hartke	Muskie
Fannin	Long	Russell
Goldwater	McCarthy	Yarborough
Goodell	Metcalf	Young, Ohio
Gravel	Mundt	

So Mr. SCOTT's amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICE OF EDUCATION APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 737

Mr. JAVITS. Mr. President, I submit an amendment intended to be proposed by me for appropriations in the amount of $150 million for emergency assistance to desegregating local educational agencies. This amendment carries forward the recommendations of the President contained in his message to the Congress of May 25.

The amendment is similar to the text of the parallel provision contained in chapter VII of the supplemental appropriation bill, H.R. 17399, as reported to the Senate by the Appropriations Committee with two important exceptions—first, the item which made the previous provision out of order has been eliminated, and second, the amendment includes as its second proviso the key elements of the three amendments including the form decided by recall—introduced on June 16 by Senator MONDALE for himself, and other Senators, including myself.

The Appropriations Committee has had an opportunity, therefore, to consider this proposal and one may find the detailed testimony concerning it on pages 733 through 781 of the hearings on H.R. 17399.

This proposal would carry out the first step of the plan proposed by the President in his May 21 message to the Congress to provide $1.5 billion in assistance on desegregation to schools throughout the Nation over the next 2 years.

In order to meet the emergency situation of schools facing September deadlines this year, the amendment would provide funds under six authorities presently existing in law. Also, as the distinguished chairman of the Subcommittee on Education, Mr. PELL, pointed out this morning during hearings of the subcommittee, this amendment will serve as a test vehicle for gauging the efficacy of the larger $1.5 billion administration proposal to which I have referred.

I ask unanimous consent that there be printed in the RECORD a memorandum citing the individual statutes, the amounts which would be utilized under each, and a description of the authority.

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

MEMORANDUM

1. Community development programs: $100,000,000.

Economic Opportunity Act of 1964, Title II, Urban and Rural Community Action Programs. This title's purpose is to help focus available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. Presently funded under this authority are Headstart and Follow Through, among others.

2. Personnel development programs: $9,000,000.

Education Professions Development Act, Part D, Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education. Programs or projects under this part are funded to improve the qualifications of persons serving or preparing to serve in educational program in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise or train persons so serving.

3. Major demonstrations: $14,000,000.

Cooperative Research Act. This Act authorizes projects for research, surveys, and demonstrations in the field of education, and for the dissemination of information derived from educational research.

4. Dropout prevention: $5,000,000.

Elementary and Secondary Education Act, Section 807. This section authorizes demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of children who do not complete their education in elementary and secondary schools.

5. Technical assistance: $15,000,000.

Civil Rights Acts of 1964, Title IV. This title authorizes rendering technical assistance to school boards in the preparation, adoption, and implementation of plans for the desegregation of public schools.

6. Planning and evaluation: $5,000,000.

Elementary and Secondary Education Act Amendments of 1967, Section 402. This section authorizes grants, contracts or other payments for planning and evaluating any programs for which the Commissioner of Education has responsibility for administration.

These particular authorities were selected because they met the following criteria:; focus on elementary and secondary education, can be used for student and teacher services, are discretionary authorities, do not have formulas which would channel funds away from areas of greatest need, are designed to support and encourage demonstration activities, are flexible in the range of activities which can be approved, are clearly related and appropriate to the needs of school districts undergoing desegregation, have authorization levels which are sufficiently above current levels of appropriation to permit additional appropriations.

Mr. JAVITS. Mr. President, in the debate Monday night, the distinguished chairman of the Education Subcommittee, Mr. PELL, raised a very valid question as to whether this appropriation would be consistent with the relevant authorizing legislation. In response to this, I submit for the RECORD a memorandum from the General Counsel's Office of the Department of Health, Education, and Welfare. It is the opinion of the Department that existing authority is entirely adequate to carry out the programs contemplated.

I ask unanimous consent that the memorandum referred to be printed at this point in my remarks:

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

MEMORANDUM

June 19, 1970.

Subject: Emergency School Assistance Program.

To: The Secretary.

We have been requested to furnish a brief statement of our views with respect to the adequacy of the statutory authority to carry out the emergency school assistance program for 1970 under the $150,000,000 supplemental appropriation for that purpose contained in H.R. 17399, as reported in the Senate. A summary of the program is attached as an appendix to this memorandum. A copy of the relevant appropriation is also attached.

At the outset it should be clear that title IV of the Civil Rights Act was deemed too restrictive to enable the program to meet the full range of emergency needs faced by desegregating school districts. Title IV authorizes the Commissioner of Education to render technical assistance in the preparation, adoption, and implementation of plans of desegregation, make arrangements for appropriate training institutes, and provide assistance for in-service training for teachers and the employment of specialists with regard to problems incident to desegregation. Title IV would not provide authority for the broader range of needs related to desegregation, including provision for special personnel, such as teacher aides, remedial and special services for students involved in the desegregation process, and special guidance and counseling, which are contemplated in the supplemental request.

With respect to whether the authorities cited in the supplemental appropriation are adequate to carry out the emergency program, we, in conjunction with lawyers of the Office of Economic Opportunity, have considered the matter and conclude that the authorities in question do provide a sufficient basis to carry out this emergency program.

Program components covering teacher training and educational personnel development activities, dropout prevention programs, technical assistance to school districts in the implementation of desegregation plans, and special demonstration projects, are authorized under the combination of authorities administered by the Commissioner of Education, including part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, and section 807 of the Elementary and Secondary Education Act of 1965. Contemplated planning and evaluation may be conducted under section 402 of the Elementary and Secondary Education Amendments of 1967.

With respect to those aspects of the program which will be carried out under title II of the Economic Opportunity Act of 1964, representatives of the Department and of the Office of Economic Opportunity, including members of our office and of the Office of General Counsel of OEO, have negotiated a memorandum of understanding in anticipation of a delegation of authority from OEO to the Department for the purpose of carrying out portions of a specially designated emergency school assistance program under section 222(a) of the Economic Opportunity Act of 1964. We have been assured by the OEO lawyers that title II of the Economic Opportunity Act affords ample authority to support the relevant portions of the program. This memorandum of understanding has been executed by the Director of the Office of Economic Opportunity.

The memorandum of understanding by the Department and OEO gives effect to section 244(5) of the Economic Opportunity Act, prohibiting assistance under the Act to provide general aid to elementary or secondary education in any school or school system. The Department has assured the Office of Economic Opportunity that this prohibition will be observed in the administration of the program. (In this connection, we note that the educational projects to be assisted are special and remedial in nature.) In such administration, we understand that the projects to be developed will be designed to meet the special emergency needs of school districts with substantial enrollments of children from low-income families.

In furnishing our views on this matter, we point out that regulations and guidelines to be promulgated pursuant to the program will give effect to the various limitations contained in each of the above-mentioned authorities, including such matters as distribution or allotment of funds and State agency approval.

We also take note that the emergency school assistance program to be funded under the supplemental appropriation is not intended to become a permanent operation. On the contrary, it is intended to be a short-span, single, emergency effort to meet a specific immediate crisis in the schools in the coming school year, pending consideration by the Congress of the Emergency School Aid Act of 1970, which the Administration has proposed to deal with the problem during fiscal year 1971 and fiscal year 1972.

SIDNEY A. SAPERSTEIN,
Acting General Counsel.

Mr. JAVITS. Mr. President, while the delays in implementing desegregation plans which have occurred in many de jure situations in school districts cannot be condoned, neither can the children who reside in those districts be punished for the recalcitrance of their elders. The imperative need throughout even the still segregated districts is to desegregate, as required by the Constitution. This quite often requires money—funds for training personnel, providing guidance services and a variety of other needs. We know the job can be done because it has been done successfully in, among others, formerly segregated school districts as New Albany, Miss., Marion County, Fla., Chapel Hill, N.C., Ruston, La., Chattooga County, Ga., Aiken, S.C., and Sherman, Tex., as evidence presented to the Select Committee on Equal Education Opportunity has indicated.

And just this morning, the Subcommittee on Education of the Committee on Labor and Public Welfare received testimony from the staff director of the Civil Rights Commission as to how additional funds have helped make desegregation succeed in school districts in North Carolina and Mississippi and New Jersey and Rhode Island.

Civil rights advocates have tended to emphasize the morality of educational equality and the advantages to be derived by minority group children from the desegregation of schools. I subscribe to these important values and I think it is also important to emphasize that segregated education is detrimental also to the middle-income family white child whose parents have on to many occasions fought to maintain it.

When Congress acts, important resources will become available to assist long overdue compliance with the Constitutional guarantee of equal educational opportunity; this challenge is now ours for the Nation.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD and that it be printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

AMENDMENT NO. 737

On page 8, after line 9 add the following:

"EMERGENCY SCHOOL ASSISTANCE

"For assistance to desegregating local educational agencies as provided under Part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $150,000,000: *Provided*, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102(b) of the Economic Opportunity Amendments of 1969; *Provided further*, That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement."

Mr. MATHIAS. Mr. President, I move to strike all that part of the bill beginning on page 10 at line 13, to and including line 7 on page 11.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Maryland (Mr. MATHIAS) moves to strike out all that part of the bill beginning on page 10 at line 13, to and including line 7 on page 11.

The language proposed to be stricken is as follows:

SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

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

Mr. MATHIAS. Certainly.

Mr. MAGNUSON. For the information of the Senate, as I understand it, the Senator from Maryland is moving to strike sections 209 and 210, commonly known as the Whitten amendments. Is that correct?

Mr. MATHIAS. The Senator is exactly right.

Mr. MAGNUSON. The vote will be on both sections rather than a separate vote on each. Is that correct?

Mr. MATHIAS. That is correct.

Mr. STENNIS. Mr. President, will the Senator yield to me on the point mentioned by the Senator from Washington?

Mr. MATHIAS. I am happy to yield.

Mr. STENNIS. As I understand, the Senator from Maryland proposes to strike each of those sections on one motion.

Mr. MATHIAS. The Senator from Mississippi is correct.

The lines which are proposed to be stricken embody both sections 209 and 210, which deal substantially with the same subject matter.

Mr. STENNIS. As I recall, when we had a similar matter up before, though this amendment is somewhat different, we voted on them together. Even though a motion to divide might be in order, I think they are so alike, the second one relating to withholding funds, that I would rather have them voted on together.

Mr. MATHIAS. I appreciate that expression from the Senator from Mississippi.

I will review the text of each section so there will not be any misunderstanding about it.

Although these sections of the bill do not, on their face, purport to modify constitutional responsibility for dismantling dual school systems, their effect can only be to retard progress on that front by confusing the issue. The present Whitten amendments should be dealt with in the same spirit in which the Senate acted last December and again last February.

At this point I would like to recite the text of those amendments.

Section 209 provides that—

No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students——

Mr. GRIFFIN. Mr. President, may we have order.

The PRESIDING OFFICER. Will Senators please take their seats? Order will prevail in the Senate.

Mr. STENNIS. Mr. President, while the Senator is interrupted, will he yield to me for just one question?

Mr. MATHIAS. I am happy to yield.

Mr. STENNIS. I know Senators are interested in this. We have a good attendance. If we can hold that attendance and have attention to it, as far as I know, we ought to be able to get along with this debate, and we might get to a vote.

I just make that observation. I do not know. I just speak for myself. I am very anxious to proceed.

Mr. MANSFIELD. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. MANSFIELD. Mr. President, I agree with the Senator from Mississippi.

At this time I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, I am very encouraged by the intervention of the Senator from Mississippi on the prospect of an early determination of this issue.

Section 209 further provides that:

No part of the funds contained in this Act may be used . . . to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Section 210 provides that—

No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

The key phrase in this new version of the Whitten amendments is as follows—

school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964.

It is important to understand the relevant portion of title IV of the 1964 act, which reads as follows:

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This provision of the 1964 act, and a similar section relating to suits by the Attorney General, were intended to prevent Federal agencies from requiring that a school district do more than discharge its constitutional obligation to desegregate.

The Department of Health, Education, and Welfare thus has operated since 1964 under the same limitation which sections 209 and 210 purport to impose. The reason that these sections are objectionable is that their legal redundancy will not be evident to many Americans who are engaged in the process of bringing our school systems into accord with the Constitution; these citizens will only be confused by the passage of this latest version of the Whitten amendments. Regardless of their purpose, their effect will be that of further unsettling an already difficult situation.

The administration and the President favor the striking of this language. President Nixon recently stressed the importance of community leaders on March 24, when he stated:

In those communities facing desegregation orders, the leaders of the communities will be encouraged to lead—not in defiance, but in smoothing the way of compliance. One clear lesson of experience is that local leadership is a fundamental factor in determining success or failure. Where leadership has been present, where it has been mobilized, where it has been effective, many districts have found that they could, after all, desegregate their schools successfully. Where local leadership has failed, the community has failed and the schools and the children have borne the brunt of that failure.

These words of the President are measured and wise. We in the Congress must aid the President in encouraging responsible leadership by defining as clearly as possible the role of the Federal Government in helping to dismantle dual school systems.

We can best accomplish that goal by striking sections 209 and 210 of this bill.

The men who have had experience in the execution of the laws fully agree with the President's position. Secretary Richardson, just sworn into office today as Secretary of Health, Education, and Welfare, a man who had vast experience in that department during the Eisenhower administration, has written me a letter asking that we strike sections 209 and 210. I ask unanimous consent that the complete letter be printed in the RECORD, though I shall read only a small portion of it.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 23, 1970.

Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, the fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Appropriations Committee. I am pleased to respond.

On April 21, my predecessor in this office, former Secretary Robert H. Finch, testified on this matter before the Committee on Appropriations. At the time, he expressed the Administration's opposition to these sections, which are unnecessary and undesirable.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

As the President indicated in his comprehensive message on School desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210 and 211 would not serve that purpose. I know that you have been a leading opponent of similar amendments in the past. Your assistance in urging deletion of these sections when the Senate considers H.R. 16916 would be appreciated.

For your information I am enclosing an excerpt from Secretary Finch's testimony of April 21 in reference to the aforementioned sections.

With kind regards, I am

Sincerely,

ELLIOT RICHARDSON,
Secretary-designate.

EXCERPT FROM STATEMENT OF THE HONORABLE ROBERT H. FINCH

GENERAL PROVISIONS

The bill as passed by the House also includes three general provisions which were not requested by the Administration. These are Sections 209 and 210 which pertain to busing, and Section 211 which pertains to "Freedom-of-choice" desegregation plans.

Section 211 should be stricken from the bill for several reasons. First, it would sabotage the efforts of the Federal government and local school officials to carry out the requirements of the Constitution—requirements which this section does not and cannot remove. What this provision does is to impose a penalty on a school district for carrying out its legal obligation to desegregate. The Department would be put in the position of having to prohibit many school districts from using Federal funds to draw up and implement desegregation plans pursuant to court order.

Section 211 would also jeopardize the substantial progress made to date in school de-

segregation, and make more difficult the application of uniform standards in accordance with the Constitution. Furthermore, the amendment directly contravenes the President's March 24 statement on school desegregation in which he pledges to support the recent Supreme Court decisions mandating immediate desegregation. Freedom-of-choice plans, the courts have said, would not be an effective method of doing this. Court decisions are unequivocal on this point. Because section 211 is not consistent with court rulings on "freedom-of-choice plans," it could only produce an administrative nightmare for the Department. I strongly urge the Senate to remove it from the bill.

I am also concerned about sections 209 and 210 which pertain to school busing although I am convinced that these provisions would change neither basic law nor HEW regulations. A school district which has not completed its Constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed Sections 209 and 210. Such a district, therefore, would be unaffected by these sections. My concern, rather, is that the enactment of these two provisions would encourage some people to believe that, in fact, there has been a change in basic law and thus the provisions would give rise to much confusion. Further, it is my belief that language which pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. Therefore, I am asking that these two provisions be stricken from the bill.

Mr. MATHIAS. Secretary Richardson writes, in part:

On April 21, my predecessor in this office, former Secretary Robert H. Finch, testified on this matter before the Committee on Appropriations. At the time, he expressed the Administration's opposition to these sections, which are unnecessary and undesirable.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Mr. President, prior to his resignation as Secretary of Health, Education, and Welfare, Secretary Finch wrote me with a similar request to strike the Whitten amendments. I ask unanimous consent that his letter be printed in the RECORD.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 3, 1970.

Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR MAC: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, the fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Labor-HEW Appropriations Committee. I am pleased to respond.

As you know, on April 21, I testified on this matter before the Committee on Appropriations. At the time, I expressed the Administration's opposition to these sections, which we regard as unnecessary and undesirable. An excerpt from my testimony is enclosed.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

As the President indicated in his comprehensive message on school desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210 and 211 would not serve that purpose. Your assistance in urging deletion of these sections when the Senate considers the Bill would be appreciated.

With kind regards, I am

Sincerely,

ROBERT H. FINCH,
Secretary.

EXCERPT FROM STATEMENT OF THE HONORABLE ROBERT H. FINCH

GENERAL PROVISIONS

The bill as passed by the House also includes three general provisions which were not requested by the Administration. These are Sections 209 and 210 which pertain to busing, and Section 211 which pertains to "Freedom-of-choice" desegregation plans.

Section 211 should be stricken from the bill for several reasons. Frst, it would sabotage the efforts of the Federal government and local school officials to carry out the requirements of the Constitution—requirements which this section does not and cannot remove. What this provision does is to impose a penalty on a school district for carrying out its legal obligation to desegregate. The Department would be put in the position of having to prohibit many school districts from using Federal funds to draw up and implement desegregation plans pursuant to court order.

Section 211 would also jeopardize the substantial progress made to date in school desegregation, and make more difficult the application of uniform standards in accordance with the Constitution. Furthermore, the amendment directly contravenes the President's March 24 statement on school desegregation in which he pledges to support the recent Supreme Court decisions mandating immediate desegregation Freedom-of-choice plans, the courts have said, would not be an effective method of doing this. Court decisions are unequivocal on this point. Because section 211 is not consistent with court rulings on "freedom-of-choice plans," it could only produce an administrative nightmare for the Department. I strongly urge the Senate to remove it from the bill.

I am also concerned about sections 209 and 210 which pertain to school busing although I am convinced that these provisions would change neither basic law nor HEW regulations. A school district which has not completed its Constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed Sections 209 and 210. Such a district, therefore, would be unaffected by these sections. My concern, rather, is that the enactment of these two provisions would encourage some people to believe that, in fact, there has been a change in basic law and thus the provisions would give rise to much confusion. Further, it is my belief that language which pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. Therefore, I am asking that these two provisions be stricken from the bill.

Mr. MATHIAS. Secretary Finch's letter reaffirms his April 21 testimony before the Senate Appropriations Committee, as well as the opposition of the Nixon administration to the Whitten amendments.

In his testimony of April 21, Secretary Finch said this:

I am also concerned about sections 209 and 210 which pertain to school busing although I am convinced that these provisions would change neither basic law nor HEW regulations. A school district which has not completed its constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed sections 209 and 210. Such a district, therefore, would be unaffected by these sections. My concern, rather, is that the enactment of these two provisions would encourage some people to believe that, in fact, there has been a change in basic law and thus the provisions would give rise to much confusion. Further, it is my belief that language pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. Therefore, I am asking that these two provisions be stricken from the bill.

Mr. President, the position of the administration is clear. I think we serve the cause of attaining the constitutional standard that most Americans seek by the striking of this language, and I respectfully submit that the Senate will act responsibly by deleting the Whitten amendments.

Mr. STENNIS. Mr. President, I address myself now to a response to the motion to strike made by the Senator from Maryland.

Those two sections of the bill, sections 210 and 211, in the last portion of the appropriation bill that we are now considering—I have them here before me—may we have it quiet, Mr. President? There may be someone who would like to listen.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. The first section provides:

No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Mr. President, there are two key words here. The first one is the word "force." All these things can be done if the local authorities and State authorities wish them to be done. The prohibition is on the using of force. This is a limitation on an appropriation bill; it has a life of only the fiscal year 1971. It has been passed by the House of Representatives. It was passed by the Senate Committee on Appropriations by a vote very close to 2 to 1—I think it was 11 to 5 or 11 to 6.

The other key word here is that it refers to a school district which is "de-

segregated," as that term is defined in title IV of the Civil Rights Act of 1964.

Title IV, to which reference is made, contains a very brief definition of that, which I have here—title IV, section 401:

(b), "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin. . . .

Then there is another provision there that does not apply here.

In other words, this amendment is written to cover a case where a school district is desegregated, either by court order or by HEW plan, and when that is done, you cannot further force the district to do these things.

Mr. President, I raise this point: Here is a school district that is under a court order. How long are we going to keep it under the court order? It is obeying the court's order. It is desegregated. Or it is obeying the HEW plan, and it is desegregated. How long are we going to keep these districts under the surveillance of the courts, or of HEW?

We do not know, down South, because they never have turned any of them loose; and you do not know outside the South because they never have brought any proceedings against you. But if they ever do do anything to you, you will get under the gun here, and you will want something to help terminate this matter. That is the prime key word here, with this amendment.

Mr. Finch says in his letter to the Senator from Maryland that it does not mean anything.

Well, if it does not mean anything, what is the objection to it? What is the objection to it? I think it does mean something, and I say that with all deference to Mr. Finch. He passed on this when he was in office, and we are entitled to rely upon what he said. He said it would not have any meaning. He said it would be confusing. Well, we are confused already with so many demands and contradictions and everything else that is required. No one here on this floor except those of us who have had direct, immediate, personal contact with the demands that are made on these school boards and their efforts, and the anguish in trying to carry them out, knows just what these demands and these decrees do mean.

The Supreme Court's decision is so sweeping in these demands for immediate and total integration, even after the school term has started, that many of the judges—I know as a fact—know in their minds and they even say that this will not work. But it is a demand, a demand of the Court, and it has to be carried out.

So we are trying to get at the matter of terminating these cases. If it is in a court proceeding, of course, a judge has control. If it is a HEW proceeding, they are under surveillance. But after the plan has been adopted and is being carried out, that is when these amendments come into effect.

I think one could raise a point here about what the word "desegregation" means as used in these amendments, and that might be a legal question. But, certainly, it does not make sense to just say it does not mean anything and therefore kill the amendment. That is what Mr. Finch said—it does not mean anything. And it brings about confusion. If there is uncertainty as to what it means, the courts are open.

Incidentally, these amendments do not touch top, side, and bottom. I am not trying to defeat any court or anything like that.

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

Mr. STENNIS. I yield.

Mr. MATHIAS. The Senator has raised a crucial question, the meaning of the word "desegregation" in this context. It is a word of art as used in title IV of the Civil Rights Act and as incorporated in the Whitten amendments.

I would like to point out that this action taken by HEW under the 1964 act is not limited to the South. The distinguished Senator from Mississippi has very properly pointed out that conditions are not perfect in many other parts of the country. As a matter of fact, his view has been shared by the Department of Health, Education, and Welfare to the extent that as of May 1, 1970, it had 41 school districts in 15 Northern and Western States under active review for violations of the act.

I ask unanimous consent to have the list of the 41 districts printed in the RECORD.

Mr. STENNIS. Does the Senator want to put it in the RECORD?

Mr. MATHIAS. If I may.

Mr. STENNIS. Mr. President, reserving the right to object, I want to comment on it. I am not going to object, but I hope it is not just a general statement. I hope they specify and tell what they have done and what they propose to do and when this was initiated and just how far it has gotten along and what the demand is.

I have the actual figures that I will relate when the Senator has finished, and I can give the names of the cases, where they are, as to what has been done. The total substance of it is that HEW really moved to action in 14 cases and the Department of Justice in only six cases outside the South.

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

State	District name	Location	ZIP code	District visited	Internal report prepared	Review status
Arizona	Tucson District No. 1	Tucson	85717	May 1969	December 1969	Report under review by HEW's Office of General Counsel (OGC).
California	San Francisco City Unified	San Francisco	94102	September 1969		Review in progress. No report yet.
	Sequoia Union High	Redwood City	94063	April 1969	July 1969	Report under review by OGC.
	Bakersfield City Elementary	Bakersfield	93305	January 1969	April 1969	OCR negotiating with district.
	Fresno City Unified	Fresno	93721	April 1969	August 1969	Report being reviewed by OGC.
Colorado	Pueblo City	Pueblo	81005	September 1969	January 1970	Do.
Connecticut	Hartford	Hartford	06103	November 1969		Report being written.
Illinois	Springfield	Springfield	62704	September 1968	February 1969	Recommended for further review.
	Maywood	Maywood	60153	June 1969	December 1969	Report being reviewed in regional office.
	Cahokia Community	Cahokia	62206	October 1969	April 1970	Do.
	Joliet	Joliet	60436	April 1969	October 1969	Report being reviewed by OGC.
	Kankakee	Kankakee	60901	January 1970		OCR negotiating with district. Report awaiting further information.
Indiana	Hammond	Hammond	46320	August 1968	October 1968	Recommended for further review.
	Evansville-Vanderburgh	Evansville	47708	July 1969	February 1970	Report being reviewed by OGC.
	South Bend	South Bend	46601	October 1969		Report being completed in regional office.
	Fort Wayne	Fort Wayne	46802	April 1969	September 1969	Report being reviewed by OGC.
Kansas	Kansas City	Kansas City	66101	September 1968	September 1968	Recommended for further review.
Michigan	Westwood Heights	Flint	48504	April 1970		Review in progress. No report yet.
	Pontiac	Pontiac	48058	July 1968		Review suspended because of court action.
	Ecorse	Ecorse	48229	February 1969	September 1968	Report being reviewed by OGC.
	River Rouge	River Rouge	48218	do	July 1969	Do.
	Saginaw	Saginaw	48601	July 1968	do	Scheduled for further review during May 1970.
	Flint	Flint	48503	November 1968	September 1968	Do.
Nebraska	Omaha	Omaha	68131	May 1970	May 1969	Review in progress. No report yet.
New Jersey	Passaic	Passaic	07055	April 1969		Report awaiting further information.
	Pleasantville	Pleasantville	08232	October 1969		Report being written.
	Perth Amboy	Perth Amboy	00861	June 1969		Report being reviewed by OGC.
New York	Lackawanna	Lackawanna	14218	April 1970	October 1969	Review in progress. No report yet.
	Mount Vernon	Mount Vernon	10550	December 1969		Report being written.
	Monticello	Monticello	12701	March 1970		Do.
Ohio	Springfield City	Springfield	45504	May 1969	December 1969	Report being reviewed in Washington office.
	Hamilton	Hamilton	45011	July 1969	February 1970	Report being reviewed in regional office.
	Lima	Lima	45804	do	do	Report being reviewed in Washington office.
	Warren City	Warren	44483	December 1969		Report being completed in regional office.
	Toledo	Toledo	43608	October 1968	Feebruary 1969	Report under review by OGC.
	Dayton	Dayton	45402	November 1968	January 1969	OCR negotiating with district.
	Canton City	Canton	44703	August 1968	October 1968	Recommended for further review.
Pennsylvania	McKeesport area	McKeesport	15132	April 1968	June 1968	OCR negotiating with district.
Utah	Ogden	Ogden	84403	October 1969		Report being written.
Wisconsin	Shawano	Shawano	54166	June 1969	December 1969	Report being reviewed in regional office.
	Racine	Racine	53403	December 1969		Report being completed in regional office.

Mr. MATHIAS. I should like to comment further on the meaning of the word "desegregation" as it is used as a word of art here, because it came into this context in the debate in the other body in 1964. I was then a Member of the other body; my colleague, Representative WILLIAM CRAMER of Florida, called the attention of the other body to a newspaper article concerning, interestingly enough, a desegregation case in Manhasset, N.Y.

Later, in connection with the situation illustrated by that newspaper article, he offered the amendment which added to section 401(b) this language:

> But "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Representative CRAMER explained, as he offered this amendment, that its purpose was "to prevent any semblance of congressional acceptance or approval of the concept of de facto segregation or to include in the definition of desegregation any balancing of school attendance by moving students across school district lines to level off percentages where one race outweighs another."

I think this is the accepted legislative history of the use of the word in the act, and one which has been accepted by the courts.

A recent opinion of the fourth circuit, in response to an assertion that the Civil Rights Act of 1964 forbade the busing ordered by the district court, states:

> This argument misreads the legislative history of the statute. Those provisions are not limitations on the power of school boards or courts to remedy unconstitutional segregation. They were designed to remove any implication that the Civil Rights Act conferred new jurisdiction on courts to deal with the question of whether school boards were obligated to overcome de facto segregation.

Mr. COTTON. Mr. President, will the Senator yield for 2 seconds?

Mr. MATHIAS. The Senator from Mississippi has the floor.

Mr. COTTON. I would like to announce that the news has come in, and the Republicans beat the Democrats in the ball game by a score of 6 to 4.

Mr. STENNIS. The Senator is out of order. [Laughter.]

Mr. President, may I say to the Senator from Maryland that I want to yield to him, but I really believe he has gone far beyond the matter in question.

Mr. MATHIAS. I appreciate the Senator yielding so that I could make that statement.

Mr. STENNIS. Mr. President, I go back to the point: This amendment is bottomed on the idea of not trying to stop anything, not trying to prohibit a court from requiring desegregation of a school district. This is not defying a court. This is just laying down a rule as to the use of this money—that after a school is desegregated through these processes, they cannot be hounded to death and required to do all these things, cannot be forced to do them. If they wish to do it, that is a different matter—busing or anything else of that kind.

There has to be some kind of rule laid down that will get a district that is living up to it out from under the thumb of the aggressive leadership of the working level of HEW, and that is partly true with reference to the Department of Justice. The people outside the South have no idea what goes on over and over and over in these cases.

With reference to the statement I made about not having proceeded on this matter outside the South, according to the memorandum I have, very carefully prepared, and I think it is correct, the Department of HEW has required only 10 northern school districts to file desegregation plans. In each of these cases that HEW laboriously set about, six of the plans have been accepted, two have resulted in fund deferrals, and two are under further review. No funds have been cut off. Of all the talk we hear about what they will do beyond the South—this is HEW now—they have gotten only to these 10 hard cases where action was taken. And all found no funds being cut off in any of those; whereas in our area there have been hundreds and hundreds and hundreds of them proceeded against in every conceivable form, with HEW negotiating plans with 1,700 districts in the South.

I am not trying to criticize them. I am just showing the willful, deliberate, repeated pattern of a two-policy system with reference to desegregation in the schools. I know, too, that for some reason, the Supreme Court has refused to pass on a case that comes up from outside the South, to say whether it is lawful or unlawful to have desegregated schools. I do not know why they do that but four times in particular, and more times than that, they have refused to consider such a case.

Chief Justice Burger went so far as to make the unusual remark, in a case a few months ago, where he talked about a lot of things that were left in doubt and had not been decided on which the Supreme Court must lay down further rules.

I hope that he was referring to the idea that they could no longer go along and close their eyes to what was going on outside the South merely by continuing to rule on cases. We can take anything that is supplied in the East, North, and West with equal force and vigor that is applied to us, but the picture here now is that all the rules and regulations, and demands, and cutting off of money, and disruption of schools, and the hauling of children all over the district, which is going on in our part of the country, is done with relative immunity there.

I have some figures here which I have already cited—in Chicago alone, 69.8 percent of the Negro students there are in all-black schools. In 1968, 3.2 percent of Negro students were in a majority of white schools, but by 1969 it had dropped to 2.8 percent. Going down. Going down, instead of going up. Still they made the argument here just last night, pointing to the fact that 15 years have passed and nothing has been done. These disparities here are getting worse in the East and North because no demands are being made on them. Human nature is pretty much the same all over. I do not say these things to the discredit of anyone. I am talking about conditions where both peoples have some rights—colored people and white people. Students are entitled to the best education they can get, but this standard as laid down by the Supreme Court in 1954, which I have already quoted tonight has long since been abandoned.

Do not let them fool you. Education is not their goal. The courts frankly tell you that it is not a matter of education but a matter of the mixing of the races, that they have to be mixed up on a basis of the proportion of the population. The reason they do that is that the courts over here, in any case from the South, will throw it back at them with an ultimatum to mix the races on a percentage basis. That is what it means, but if a case comes there outside the South, so far, they refuse to hear it on the merits.

I am responsible for what I say. I say that deliberately. It is part of the picture. We have this money here, which is a part of the same pattern. The $1.5 billion—I am not registering any complaints—but this $1.5 billion is no way worked out yet, to start appropriating the money and laying down the guidelines, the definitions, and the requirements, and what will be required of the schools outside of the South to be able to participate in this money. Nothing has been done about that, or laying down those guidelines yet. There is a bill with some loose language in it. It talks about racial isolation, and so forth, but it is nothing like the pattern of coercion which has been required of us in the South all these years.

Thus, I submit this to the judgment and the conscience of the Senate that, on this one year, this 1 year's appropriations bill, let us tray and put on this limitation. Let us try. If Mr. Finch is right, it does not mean anything, and no one will be hurt so far as enforcement is concerned. If someone else decides that it does have meaning, or court action decides that it does have meaning, why it is something that I believe will—I know it will—promote the idea of the equality of education as well as integration of the schools.

What we need now is to get some kind of rule that is workable and livable and will apply throughout the Nation. I do not believe we can go on year after year after year, closing our eyes to one area of the country and, at the same time, pursuing the other area as I have related.

In Cleveland, Ohio, these are official figures, 15 years after the Supreme Court decision, as they say, the percentage of Negro students in all-black schools is 66.4 percent. The percentage of Negro students in majority-white schools in 1968 was 4.8 percent and in 1969 it was 4 percent. It is going down. That is, attendance of Negro students in the major white schools is going down instead of up.

I have here some figures on one of the towns in my State—a small city by your standards, but it is the largest in our State—19.7 percent of Negro students there are attending majority white schools.

As I say, that compares with Philadelphia and Chicago—2.8 percent; compared with Cleveland, Ohio, 4 percent; Detroit, Mich., 6 percent; Philadelphia,

Pa., 8.2 percent—by the way, Philadelphia last year was 9.6 percent and now it has dropped to 8.2 percent.

Talk about 15 years. Talk about equal application of these requirements. It is not true. It does not work that way. They have not tried to make it that way.

Thus, I appeal here and now. This may go against you one day, and you will want something like this amendment where you will need it, because the vigilantes, once they move in—I do not know of any school district that they have released. This one will, at least, after they are desegregated, and it will stop some of this forced enforcement of these provisions.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CURTIS). The question is on agreeing to the amendment of——

Mr. ALLEN. Mr. President, earlier this evening, the junior Senator from Alabama discussed at considerable length the Scott amendment which was agreed to by the Senate by roughly a 2-to-1 vote. It struck out section 211 of the bill.

Now the distinguished Senator from Maryland seeks to strike out sections 208 and 209 which, as the distinguished Senator from Maryland referred to the sections, are the 1970 version of the Whitten amendment.

I assume by that that the distinguished Senator from Maryland is calling attention to the fact that for a number of years, for years before the junior Senator from Alabama came to the U.S. Senate——

Mr. MATHIAS. Mr. President, would the Senator yield?

Mr. ALLEN. I yield.

Mr. MATHIAS. Mr. President, perhaps they would be more accurately referred to as the retreaded 1970 version. It is the second time that we dealt with them this year.

Mr. ALLEN. Mr. President, I thank the Senator for his revision of his original remarks which the junior Senator from Alabama is seeking to quote.

Starting apparently with the Civil Rights Act of 1964, at least that far back, the word "desegregation" was being defined. And it was expressly provided that desegregation should not mean the transfer of a student from one school to another in order to overcome racial imbalance.

So, then, as far back as 1964 at least, the thrust of the civil rights legislation and of a majority of the Senators and Representatives in Congress, was to protect de facto segregation because, as the distinguished Senator from Maryland clearly understands, the words "racial imbalance" are used interchangeably for de facto segregation.

All through the legislative history of the Whitten amendments and the civil rights provisions, an attempt has been made to protect de facto segregation, which is segregation as it exists outside of the Southern States.

The Whitten amendment, as it appears for the first time, I believe, in the 1968 HEW appropriation bill—possibly at a period before that; it may have appeared in 1966—but at any rate, in the 1968 appropriations bill the Whitten amendment, as it passed the House, provided that no portion of the funds appropriated by the HEW appropriations should be used for the purpose of forcing the busing of students or forcing the closing of schools or forcing any child to attend a school other than the school chosen for him by his parents.

As the junior Senator from Alabama understands, in the legislative process the words were added that these things could not be done in order to overcome racial imbalance, which deprived the segregated schools, which are said to exist in the South, of the protection of these prohibitions. But at the same time it gave to those areas which had so-called de facto segregation the protection of these prohibitions against busing, against the closing of schools, and against requiring any child to attend a school other than the school of the choice of his parents.

The Whitten amendment started out one way. And when it came to the Senate, somewhere in the legislative process, either in the Senate or in the conference committee, it was so diluted, so watered down, and so changed as to deprive the southern school systems of any of the protections provided by the amendment. But at the same time it gave that protection to the schools outside the South where they had so-called de faco segregation.

Instead of doing what the amendment sought to do, they did just the opposite and afforded protection to de facto segregation and deprived those school districts that had de jure segregation of any protection whatsoever.

How ironic and hypocritical can we act or can we be?

Then when the Whitten amendments came over from the House last year and were approved by the Senate committee and came to the floor of the Senate, as the junior Senator from Alabama recalls, the distinguished junior Senator from Maryland (Mr. MATHIAS) added the interesting phrase that became something of a hallmark for this type of legislation: "except as required by the Constitution," which gave the HEW the supposed right to say that the Constitution required the protection of de facto segregation and that it provided for the stamping out of de jure segregation.

There again the Whitten amendments were changed in the Senate to provide something entirely different from what they provided when they started out in the House, when they passed the House and when they cleared the Senate committee.

This time they go one step further and say, "We are not even going to have any language of that sort in here. We are going to eliminate every single vestige of language of this sort."

The present amendment is to strike both of these sections, 209 and 210.

All that these sections do is to seek to give to the southern school districts the protection that is already afforded to districts outside of the South that already have this protection.

All that the Whitten amendment seeks to do is to give the southern school districts some little piecemeal start toward achieving some type of equal protection of the laws, equal application of the laws, and equal enforcement of the laws.

Mr. President, it is hard for the junior Senator from Alabama to accept a Federal school policy that demands immediate desegregation of the public school systems in the South and at the same time, by every single piece of legislation enacted by Congress that the junior Senator from Alabama has been able to locate dealing with the matter of desegregation, de facto segregation has been protected, it has been fostered, and it has been preserved. Now, as we have immediate desegregation in the public school systems of the South what is happening in States outside the South? Is segregation being eliminated there? What are these Senators and these Representatives who twist the language of the Whitten amendment around so that it means exactly the opposite of what it started out to provide, doing to eliminate segregation in their areas?

Mr. President, I have excerpts before me from a study made by the regents of the University of the State of New York, the first one being dated January 1968, entitled "Integration and the Schools." I would like to read an excerpt from that study on page 9:

PROBLEM GROWS

Despite the determination and significant accomplishments of many in education, the growth of the problem has outstripped the efforts to deal with it:

Racial imbalance *within* school districts is increasing in both suburban and urban communities.

This is segregation in the State of New York:

Racial census reports show that between 1961 and 1966, in the 41 school districts with the highest percentage of Negro pupils (exclusive of New York City):

* * * the number of elementary schools with more than 50 percent Negro pupils increased from 60 to 72; the number with more than 90 percent Negro pupils increased from 25 to 33.

Racial isolation *among* school districts is also increasing. In this same period, the percentage of Negro pupils in one suburban district rose to 82 and in another, to 71. In three other districts, the percentage surpassed 50.

Then, in December of 1969, working on this problem, trying to do something about it supposedly, there was a review of the revised studies taken some 2 years before, a restatement of the policy, in which it is stated by the regents of the University of the State of New York:

The efforts of the State of New York to eliminate segregation and to speed integration must be increased.

* * * * *

Racial and social class isolation in the public schools has increased substantially during the past two years despite efforts to eliminate it.

So, Mr. President, there in this great State of New York we have segregation increasing, whereas in the southern school districts the administration boasts that they are going to require the desegregation of every school system in the South—not in the North; every school system in the South—by September of this year.

That is going to wreck the public school system of the State of Alabama and in most of the South.

It is not only the white citizens of our State that disapprove of this policy of closing the schools, of busing students, of refusing to allow a child to go to the school of his choice; the black citizens, the black students also object to this in the most decisive and in the strongest fashion that they can.

Mr. President, it is a matter of record that it is the black students of our State whose school buildings in the main are being closed by order of HEW, and they object to that. One of the best school buildings in my hometown of Gadsden, Ala., is the black high school with about 1,000 students. That school was ordered closed to the dismay of the pupils, the black pupils, the faculty, the families and the friends of those students. Throughout the State it is the black students that are bearing much of the brunt of this policy of forced desegregation now in the southern school districts. They do not like being bused into the white high schools in order to desegregate the white schools. They do not like that. This is not only a complaint of white citizens of the State of Alabama and the white citizens of the South. But it is destroying the public school system in my State and in other Southern States. Bond issues are being defeated; proposed taxes which are being submitted to the people are being defeated in tax referendums; taxes already imposed, coming up for renewal, are being defeated; and public support is being withdrawn from the public school system in our State.

What we are interested in doing is not in having sociological experiments with our children, white and black. We want to see every schoolchild in our section, every schoolchild in the Nation given the advantage of having a quality education. So we think it is unfair to have a Federal school policy that requires this immediate desegregation in the South and that fosters, encourages, and promotes segregation in the North that is every bit as pronounced and more so in some instances than segregation that exists in the South. All we are asking is equal protection of the laws and we believe that the Whitten amendment, not diluted, not changed in meaning, but passed as it passed the House, will give us some small measure of equality of enforcement of the law and equality of treatment under the law.

Mr. President, I have been interested in the fact that this bill has been under consideration now for parts of 2 days. It is a bill that appropriates some $4.5 billion for the cause of education.

Many Senators have amendments they want to offer, I am told. I have been told that the distinguished Senator from New York (Mr. JAVITS) has an amendment he wants to offer having to do with the appropriation of $150 million to aid in easing the shock in southern school districts of the demand for immediate desegregation.

That amendment has not been offered. There are a number of other amendments on Senators' desks.

Why was it so important to rush in here? The distinguished Republican leader, the able and distinguished senior Senator from Pennsylvania, rushes in with an amendment, just as soon as the bill is brought up, to strike section 211, the Jonas amendment. They do not consider any of the advisability of this $4.5 billion appropriation. They do not consider the merit of that.

Is it wise to appropriate $4.5 billion? Is it properly allocated? Do the proper services get the correct amounts? Are the proper priorities being maintained? Have we spread out the $4.5 billion properly? Should not some adjustment be made in this amount? Does one agency get more money than perhaps it should?

It is easy to make reference to this tremendous sum of $150,000,000 when $4.5 billion is involved. Is that what is considered by the Senate? Is that why Senators rush in with amendments, reallocating the $4.5 billion?

No; it is not. The two items given priority are not those amendments. There seems to be a general feeling of consent in this matter. No Senator rushed in. I did not see three or four Senators on their feet with amendments asking for recognition. The Senator from Pennsylvania was recognized. He did his work. He put his amendment in to knock out the Jonas amendment.

Now the distinguished junior Senator from Maryland has no trouble getting recognition, because no other Senator has an amendment. Let us get this possible relief for the southern school systems knocked out before we do anything else—that seems to be the opinion. That seems to be thought to be most important—the knocking out of those three amendments, the two Whitten amendments and the Jonas amendment. They have top priority. Let us see that no protection, let us see that no guaranty, let us see that no equality, let us see that no equal enforcement of the law, is made available to southern school districts. Let us place as the top priority the knocking out of those three items. But at the same time let us make sure that these sections are not turned against de facto segregation as it exists in the North. That is the attitude of many Senators.

Is anything ever going to be done about de facto segregation? Are we always going to say that where a black child is required to go to an all black school, he is being denied a good education in the South, that he is being denied equal protection of the law, but prevent that statement from being made about a black child in the North in a segregated school? Do you suppose that black child in the North, with a protected de facto segregation staring him in the face, says to himself, "Well, the black students of the South are getting to go to white schools down there because they have de jure segregation, but that is all right with me. I like this black school that I go to in the North because this is de facto segregation, and that is all right"? As long as segregation is de facto, that is fine, it does not have to be broken up; but if it is de jure, if it is that type which exists in the South, it has to be broken up.

Well, if segregation is unlawful in the South, it should also be unlawful in the North.

Mr. President, early in this session the Senate, in an all too rare display of statesmanship, voted for the Stennis amendment. A total of 56 votes were cast for it, and 30-odd cast against it.

That amendment, of course, provided for uniformity of enforcement of Federal guidelines in implementing Federal policy regarding desegregation of the public schools.

I do not know what happened to that amendment or why the Senate apparently changed its mind when the conference committee brought out its version of the amendment and did just the opposite of providing for uniformity. It provided for two uniformities—the uniformity of application of desegregation policies as regards de jure segregation, and uniformity of desegregation policies as regards de facto segregation.

Certain Members of the Senate were apparently aghast at what they had done. They had voted for uniformity in the application of a Federal policy regarding desegregation of public schools. So when they got the opportunity to go back to a dual policy—one policy for the North, one policy for the South—they were quick to jump at it; and that is what happened.

But the Stennis amendment had served its purpose. It had pointed but to the public that segregation exists in the North, in many cases to a far greater degree than it exists in the South; and that while segregation is ending in the South, it is increasing in the North.

Many people throughout the country did not realize that that was the case. Of course, at the bar of public opinion, Mr. President, the Stennis amendment won a great victory for the cause of right and justice, because of its insistence on giving to each citizen of our country equal protection and equal application of our laws.

The effect of shining the light of public notice on this condition will be of great influence for many years to come, and I want again to commend the able and distinguished Senator from Mississippi (Mr. STENNIS) for his untiring efforts in connection with the Stennis amendment and in connection with the Whitten amendments and the Jonas amendment.

Mr. President, as we seek to speak for the public schools in our area, and as we seek to speak for the schoolchildren in our area and the people of our area, we wonder where our help is to come from, in seeking to solve this problem.

If these two amendments are left in—and I will say frankly that I do not expect them to be left in, and I am not going to seek to prevent this amendment from coming to a vote; I certainly am not trying to extend any discussion unduly, but the feeling of the people of Alabama and the people of the South needs to be expressed in this matter, and it is for that reason that those of us who are interested in this amendment are addressing our attention to it—where is our help to come from?

We passed the Stennis amendment. If we back up on it, and go back to the old double standard, HEW offers no encouragement. They say, "Yes, we have double standards; we protect de facto segregation in the North, and we seek to stamp out de jure segregation in the South." So there is no hope there.

What about the Republican leadership here in the Senate? Is there any hope there? Well, no; no hope there. The Republican leader (Mr. SCOTT) killed the Jonas amendment. If he were here now, he would vote against the Whitten amendment also, I am sure.

Mr. ERVIN. Mr. President, will the distinguished Senator from Alabama yield to the Senator from North Carolina for a question?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. Does the distinguished Senator from Alabama not recall that during the late campaign, when President Nixon was seeking the votes of the people of the South, he stated, in an interview at Charlotte, N.C., that he was opposed to the busing of children to achieve a racial balance in the public schools?

Mr. ALLEN. Yes, he did, according to the press accounts.

Mr. ERVIN. Does not the Senator from Alabama also recall that on one or more occasions during the late campaign, President Nixon stated that he was in favor of the preservation of the neighborhood school?

Mr. ALLEN. Yes. He still states that.

Mr. ERVIN. Can the distinguished Senator from Alabama inform me of any action taken in Congress at the instance of or on the recommendation of the President of the United States to carry into effect either one of those campaign promises?

Mr. ALLEN. In answer to the question of the distinguished Senator from North Carolina, I will state that I know of no initiative taken by the President himself; but I will have to express deep appreciation to individual members of his party for standing with us on these principles. We have received splendid support from many members of the, shall I say, opposition party in this regard.

Mr. ERVIN. I share the gratitude that is expressed by the Senator from Alabama on that point, and I know that the Senator from Alabama and North Carolina are both deeply grateful for the support we have received from individual Senators here in the Senate of the United States. But does the Senator from Alabama recall any occasion since President Nixon made those campaign promises to the people of the South when the Republican leadership, either in the Senate or in the House of Representatives, has supported any bill that was calculated to prevent busing of schoolchildren to achieve racial balance, or to correct racial imbalance, or to preserve the neighborhood schools?

Mr. ALLEN. In answer to that question, I will have to say that the nearest approach that the junior Senator from Alabama recalls was the fact that in connection with the Stennis amendment, the distinguished Senator from Pennsylvania, the Republican leader (Mr. SCOTT), produced a letter from one of the White House people, I believe Mr. Harlow—I am not sure that it was Mr. Harlow, but he produced a letter from someone over there—saying that the President was opposed to the Stennis amendment; and another member of the group from across the aisle either produced a letter or reported a conversation with someone of equal rank over there saying that the President was for the amendment. So we had conflicting reports on that.

Mr. ERVIN. Has not the Senator from Alabama, in times past, heard of politicians who tried to work both sides of the street?

Mr. ALLEN. Not only heard of them, but observed them.

Mr. ERVIN. I will ask the Senator from Alabama if the Secretary of the Department of Health, Education, and Welfare is not an appointee of the President, and if that Department was not created to assist the President in carrying out his program.

Mr. ALLEN. Yes, sir; I so understand.

Mr. ERVIN. I ask the Senator from Alabama if the distinguished minority leader of the Senate, the able Senator from Pennsylvania did not read or refer to a letter from the Secretary of Health, Education, and Welfare during the consideration of the Jonas amendment, in which the Secretary of Health, Education, and Welfare expressed, in substance, his disapproval of the Jonas amendment.

Mr. ALLEN. Yes, sir; that is true.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that all the President has to do to control a member of his Cabinet is to tell that member of his Cabinet what to do?

Mr. ALLEN. I would say that the President's request would probably have considerable influence on the Cabinet member.

Mr. ERVIN. Does not one of the Whitten amendments expressly provide that the Department of Health, Education, and Welfare shall not use any of the funds appropriated by this bill to bus schoolchildren to achieve a variation in racial composition of any school?

Mr. ALLEN. That has been in the amendments in the past. I believe this one has been revised a little bit at that point. Yes, sir.

Mr. ERVIN. It is still, in substance, in the amendment?

Mr. ALLEN. Yes, sir; that is correct.

Mr. ERVIN. And if the President wished to implement his campaign promise he made in Charlotte, N.C., to the effect that there should be no busing to achieve a racial balance in the schools of the country, he could very well restrain his Secretary of Health, Education, and Welfare from writing a letter advocating a course of action which permits busing, could he not?

Mr. ALLEN. I believe he could have considerable influence over him, yes, sir.

Mr. ERVIN. Has the Senator from Alabama heard of what we call the President's southern strategy?

Mr. ALLEN. I have seen reference to that in the press.

Mr. ERVIN. Does the Senator from Alabama think that it is a part of the President's southern strategy to encourage or permit the Secretary of Health, Education, and Welfare to write a letter to the Senate, asking the Senate, in substance, not to carry out one of the campaign promises which the President made during the campaign?

Mr. ALLEN. I do not believe that would contribute to a successful strategy along that line.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

I wonder whether I might ask the distinguished Senator from North Carolina a question. The letter from Secretary Finch was read by the distinguished Republican leader. Of course, we all know that Mr. Finch is no longer the Secretary, and the junior Senator from Alabama is wondering whether possibly remorse over the ruin and havoc that Mr. Finch has visited on the southern school systems might have contributed to his resignation as Secretary of the Department of Health, Education, and Welfare.

Mr. ERVIN. If I may make an observation by quoting an expression of Shakespeare, without the Senator from Alabama losing his right to the floor, I would like to say:

'Tis a consummation devoutly to be wish'd.

Mr. ALLEN. I thank the distinguished Senator.

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

Mr. ALLEN. I yield.

Mr. EASTLAND. Is there any difference in the policies of the Nixon administration toward the South from those of President Lyndon Johnson?

Mr. ALLEN. Does the Senator have reference to the public schools?

Mr. EASTLAND. Of course.

Mr. ALLEN. I would say, in answer to that question, that we have received much better statements and expressions of policy.

Mr. EASTLAND. Lipservice.

Mr. ALLEN. If the Senator would like to refer to it as that. We have received considerably more expressions of looking with favor on our problems under the present administration than we received under the other.

Mr. EASTLAND. What has been the difference in policy?

Mr. ALLEN. The policy might be hard to define. Does the Senator mean the policy that has been implemented?

Mr. EASTLAND. That is right. The present administration is promoting school integration.

Mr. ALLEN. The administration is making their boast that they have desegregated more school districts than have ever been desegregated during a like period in the past, and I believe that is correct. It certainly will be by September.

Mr. EASTLAND. What were the promises that were made?

Mr. ALLEN. I believe the distinguished Senator from Mississippi heard the distinguished Senator from North Carolina outline them, and I would refer the Senator to his remarks. I would hesitate to speak in that regard, as to just what he did promise.

Mr. ERVIN. I would like to ask the distinguished Senator from Alabama whether the words which the President used during the late campaign are not

quite different from the words which the Department of Justice is using in allegations it is making in complaints it is filing in the respective school districts down South.

Mr. ALLEN. Quite different.

Mr. President, we hope that relief can be had in time through the courts. At one time, it looked as though there was no possibility or hope of getting relief from the courts.

In that regard, I was questioned earlier about the actions of the President and his policies. I feel that his appointments to the Supreme Court have been excellent—all four of them, I might say—certainly the Chief Justice, and Justice Blackmun, as well as Judges Haynsworth and Carswell who were denied confirmation by the Senate.

I should like to call attention, as a possible basis for some hope along this line, to a portion of an opinion written by Chief Justice Burger with regard to some of the gray area having to do with the construction of the Constitution in the matter of our schools. He had this to say:

> As soon as possible, however, it is well to resolve some of the basic practical problems when they are appropriately presented, including whether, as a constitutional matter, (1) any particular racial balance must be achieved in the schools; (2) to what extent school districts and zones may or must be altered as a constitutional matter; and (3) to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the court, and other related issues that may emerge.

Mr. President, that indicates a willingness on the part of the Chief Justice, and a welcoming on his part, of the acceptance of cases for review by the Supreme Court touching on these problems.

Also, in a Fourth Circuit Court of Appeals case, recently decided, Swann against the Charlotte-Mecklenburg Board of Education, the Circuit Court of Appeals for the Fourth Judicial District, in commenting on their adoption of the rules of reasonableness, said:

> We adopted the test of reasonableness—instead of one that calls for absolutes—because it has proved to be a reliable guide in other areas of the law.

They also said:

> Nevertheless, school boards must use all reasonable means to integrate the schools in their jurisdiction.

Certainly, we hope that the Supreme Court of the United States will go along with that policy and that ruling.

Mr. President, it seems to me that the two Whitten amendments do only this: They give to the southern school districts and the patrons of the southern school districts just a small amount—just a short step in the direction—of equal enforcement of the law, because what is granted to the citizens of the South, the patrons of the schools, is something that other areas of the country already have. There would be no need for an amendment if we had equal protection of our laws. If the people in the South, the patrons of the southern schools, had equal enforcement of the law accorded to them, equal application of the laws, there would be no need for these amendments. Lacking that equal enforcement of the law, and in the face of a dual standard for desegregating the public schools throughout the country, the Whitten amendments are needed. It is to be hoped that, for once, in the long history of these amendments, coming over to the Senate from the House, we will leave the amendments intact, that we will not strike them out, and that we will not dilute them, as has been done in the past.

Mr. President, I hope that the amendment of the distinguished Senator from Maryland will be rejected.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I send a substitute for the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. CURTIS). The clerk will state the substitute for the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 10, line 13, after the period, insert the following language:

"Except as required by the Constitution,"

On page 10, line 23, same amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I intend to take probably no more than 5 minutes at the maximum on this particular substitute. If enough Senators are in the Chamber now, I might as well ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I am concerned over the effect it would have if we leave the language without following through on what we did last year in this field. All I have done is to leave the language as it is written and put in the forefront of both sections 209 and 210 the words, "except as required by the Constitution."

I think that my friends on the other side of the aisle will recall that we had a rather extensive debate on these two amendments last year in somewhat different wording. Representative WHITTEN has, of course, changed the wording since the way it was last year. As now written, it comes close to trying to reflect both the mood of Congress and also the rules of the court. But to the extent that the administration, HEW, and myself might be concerned, this is designed to avoid any of those requirements. I am merely putting in, "except as required by the Constitution," which is what was voted on last year, on a slightly different type of amendment. This, it seems to me, will clarify the whole intent of the two paragraphs of the bill and will, in like manner, permit a counterattack type whereas the Mathias amendment would simply strike. This is something which would be agreeable, hopefully, to the other side of this particular problem, and if so, I would be happy to yield back the remainder of my time and have a vote on it, but I think that we should hear a little bit from the other side on this question first, as to how they feel about it.

Mr. STENNIS. Mr. President, I have nothing to say except that the wording here obviously does not have any meaning. That is always implied in any kind of amendment or act. I hope that we will just vote on these amendments up or down. I hope that we will reject this substitute for the amendment and vote directly on the amendment of the Senator from Maryland.

Mr. MATHIAS. Mr. President, I rise to oppose the substitute which has just been offered by the distinguished Senator from Colorado.

In my initial statement regarding sections 209 and 210, I referred to them as legal redundancies, because I think they are redundant. However, if we alter them, as proposed by the Dominick substitute, then we will have redundant redundancies. The language as presently in the bill, referring to the Civil Rights Act of 1964, is a means of referring back through the legislative history of the 1964 act to the constitutional test as was explained by Representative CRAMER in the other body during debate on that act.

Thus, to add the words "except as required by the Constitution," in addition to the reference to the 1964 act, I think, is superfluous, and I would very strenuously have to oppose the substitute offered by the Senator from Colorado.

Mr. DOMINICK. Mr. President, I appreciate what the distinguished Senator from Maryland has just said. He is apparently speaking merely because he thinks this is surplusage on top of surplusage. It would seem to me evident, if the paragraphs are surplusage, that there is no point in striking them out. It would seem to me that if they have meaning, then we should say "except as required by the Constitution," which will have the same effect on them as we had last year.

On that basis I am willing to take the substitute to a vote.

The PRESIDING OFFICER (Mr. CURTIS). The question is on agreeing to the substitute amendment of the Senator from Colorado for the amendment of the Senator from Maryland.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. RUSSELL) and the Senator from Michigan (Mr. HART) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from California (Mr. MURPHY), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) is detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

The result was announced—yeas 20, nays 62, as follows:

[No. 170 Leg.]

YEAS—20

Allen	Dole	Hruska
Baker	Dominick	Jordan, N.C.
Bellmon	Ervin	Jordan, Idaho
Bennett	Griffin	Sparkman
Byrd, W. Va.	Gurney	Stevens
Cook	Hansen	Williams, Del.
Curtis	Holland	

NAYS—62

Aiken	Hatfield	Pastore
Allott	Hollings	Pearson
Anderson	Hughes	Pell
Bible	Inouye	Percy
Boggs	Jackson	Prouty
Brooke	Javits	Proxmire
Burdick	Kennedy	Randolph
Byrd, Va.	Long	Ribicoff
Cannon	Magnuson	Saxbe
Case	Mansfield	Schweiker
Church	Mathias	Smith, Maine
Cooper	McClellan	Smith, Ill.
Cotton	McGee	Spong
Cranston	McGovern	Stennis
Eagleton	McIntyre	Symington
Eastland	Miller	Talmadge
Ellender	Mondale	Thurmond
Fong	Montoya	Tower
Gore	Moss	Williams, N.J.
Gravel	Nelson	Young, N. Dak.
Harris	Packwood	

NOT VOTING—18

Bayh	Hart	Muskie
Dodd	Hartke	Russell
Fannin	McCarthy	Scott
Fulbright	Metcalf	Tydings
Goldwater	Mundt	Yarborough
Goodell	Murphy	Young, Ohio

So Mr. DOMINICK's amendment was rejected.

Mr. MANSFIELD. Mr. President, if I may have the attention of Senators, I wish all Members would stay nearby because this will be the last recorded vote this evening and it will take place within the next 2 or 3 minutes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maryland (Mr. MATHIAS).

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I shall not detain the Senate more than 2 additional minutes. The reason I voted for the amendment of the Senator from Colorado (Mr. DOMINICK) was not because I thought it would provide an effective limitation on the power of the Department of Health, Education, and Welfare for the use of these funds, but since it does put the phrase "Except as required by the Constitution" in front of the two sections and leaves them intact except it does serve this useful purpose: In the future when the "busing of students" is forced with funds appropriated by this act, when the "abolishment of a school" is forced "on account of race, creed, or color" with funds appropriated by this act, and there is forced "the transfer or assignment of any student attending any elementary or secondary school to or from a particular school over the protest of his or her parents or parent," when it is pointed out to the Department of Health, Education, and Welfare that money is being used for those purposes contrary to the apparent intent of these sections, it means the Secretary of the Department of Health, Education, and Welfare will have to give as his excuse that he still does recognize a dual standard in the matter of segregation and the desegregation of public schools of this country.

For that reason I voted for the amendment of the Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

Mr. STENNIS. Mr. President, will the Chair state for Senators what the amendment is?

The PRESIDING OFFICER. The amendment is to strike section 209 and section 210.

Mr. STENNIS. The so-called Whitten amendments?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON (when his name was called). On this vote I have a live pair with the minority leader, the Senator from Pennsylvania (Mr. SCOTT). Were he present and voting, he would vote "yea." Were I permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea," even though I have voted in the affirmative. Therefore I withdraw my vote.

Mr. LONG (after having voted in the negative). Mr. President, on this vote I have a pair with the junior Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." I have voted "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) the Senator from California (Mr. MURPHY) and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The pair of the Senator from Pennsylvania (Mr. SCOTT) has been previously announced.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from New York would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 47, nays 33, as follows:

[No. 171 Leg.]

YEAS—47

Aiken	Gravel	Moss
Anderson	Griffin	Nelson
Bayh	Harris	Packwood
Bellmon	Hatfield	Pastore
Boggs	Hughes	Pearson
Brooke	Inouye	Pell
Burdick	Jackson	Percy
Case	Javits	Prouty
Church	Kennedy	Proxmire
Cook	Magnuson	Ribicoff
Cooper	Mathias	Saxbe
Cranston	McGee	Schweiker
Dole	McGovern	Stevens
Dominick	McIntyre	Symington
Eagleton	Mondale	Williams, N.J.
Fong	Montoya	

NAYS—33

Allen	Ervin	Randolph
Allott	Gore	Smith, Maine
Baker	Gurney	Smith, Ill.
Bennett	Hansen	Sparkman
Bible	Holland	Spong
Byrd, Va.	Hollings	Stennis
Byrd, W. Va.	Hruska	Talmadge
Cannon	Jordan, N.C.	Thurmond
Curtis	Jordan, Idaho	Tower
Eastland	McClellan	Williams, Del.
Ellender	Miller	Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Cotton, against.
Long, against.
Mansfield, for.

NOT VOTING—17

Dodd	Hartke	Russell
Fannin	McCarthy	Scott
Fulbright	Metcalf	Tydings
Goldwater	Mundt	Yarborough
Goodell	Murphy	Young, Ohio
Hart	Muskie	

So Mr. MATHIAS' amendment was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 737

Mr. JAVITS. Mr. President, I send to the desk an amendment and asked that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. JAVITS' amendment (No. 737) is as follows:

On page 8, after line 9 add the following:

"EMERGENCY SCHOOL ASSISTANCE

"For assistance to desegregating local educational agencies as provided under Part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended including necessary administrative expenses therefor, $150,000,000: Provided, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102(b) of the Economic Opportunity Amendments of 1969; *Provided further*, That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement."

Mr. JAVITS. Mr. President, by arrangement with the leadership, it is proposed that this amendment be considered tomorrow when we get to the appropriation bill. In the meantime, I ask unanimous consent that the amendment I have sent to the desk be temporarily laid aside, so that the Senator from North Dakota (Mr. YOUNG) may proceed with an amendment which he has; and that, upon completion of action and disposition of Senator YOUNG's amendment, the amendment I have submitted may again become the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YOUNG of North Dakota. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, Line 18, strike the period and add the following: "during the preceding year."

Mr. YOUNG of North Dakota. Mr. President, I do not believe this will take more than about 3 or 4 minutes. I have discussed it with the chairman of the committee, the distinguished Senator from Washington (Mr. MAGNUSON), and the ranking Republican member of the committee, the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. President, this bill provides 90-percent entitlement for both 3A and 3B students, except for one provision in the bill. That provision provides $8.8 million for 3A students where 25 percent or more of the students are children of parents who live on a military base.

All my amendment would do would be to add the words "during the preceding year."

Right now, schools are determining whether or not they are going to continue to educate these children. Oftentimes, the town school operates a school on the base. The problem now is that, with the reduction of forces, they are not sure whether, at the end of the school term, there will be 25 percent of their students who are listed as 3A students. They may have 27 percent now, and 22 percent afterward.

All the amendment would do would be to say that they could take their enrollment of the last year, and if they then had 25 percent or more, they would be eligible. That would have several advantages. The schools could determine now whether they were eligible or not. It would still limit the amount to be paid to schools in this category to $8.8 million, but the schools would not have to wait, as they do now, until 3 or 4 months after the close of the school term to determine whether or not they are eligible for these funds.

Mr. President, I believe this amendment is really very necessary at this time.

Mr. MAGNUSON. Mr. President, it was the intent of the committee to take care of the particular school districts that really have a hardship in this respect, and, as the Senator from North Dakota points out—and I am sure the Senator from Nebraska feels this way also—it is a little difficult to determine the need on a current basis.

We used the figure 25 percent arbitrarily. It could have been 24 percent or 27 percent. They will not know until all the data is in. But in the meantime, they have to make their plans, and it is agreeable to the distinguished Senator from New Hampshire and myself, if no one else has any objection, to accept the amendment.

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

Mr. MAGNUSON. I yield.

Mr. HRUSKA. Mr. President, I subscribe to the views expressed by both the Senator from North Dakota and the Senator from Washington. The amendment will help stabilize the situation, and enable better planning, if it is agreed to.

Mr. STENNIS. Mr. President, if the Senator will yield, I am glad to support the amendment. I think it would be helpful all around.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment was agreed to.

AMENDMENT NO. 737

Mr. MAGNUSON. Mr. President, it is my understanding that tomorrow at 5 o'clock we will begin discussion on the amendment of the Senator from New York.

Mr. JAVITS. That is right.

Mr. MAGNUSON. For the benefit of the Senators who are present, this amendment would provide $150 million for emergency school assistance. It involves the matter of desegregation in certain areas of the United States. It is approved by the Bureau of the Budget and is a part of a larger amount, but this amount is a beginning; and this is a provision that was discussed at some length in the Senate during consideration of the supplemental, but deleted by a point of order.

Now it is back being requested in this bill. I think it is germane to this particular bill. The Senator from New Hampshire and I are hopeful that we will not need to rediscuss the whole matter, because there was a long discussion 2 days ago, on the supplemental appropriation measure. So tomorrow when we begin the legislative session at 5 o'clock under the unanimous-consent agreement, we will begin discussion of this amendment to provide $150 million for emergency school assistance.

Mr. JAVITS. Mr. President, having been a lawyer for a long time, I will shorten the discussion and absolve myself of blame by embracing everything that has happened up to now.

Mr. MAGNUSON. You do not want to talk too much when the judge is with you.

Mr. EAGLETON. Mr. President, at the appropriate time I intend to offer amendment No. 642 to H.R. 16916, the bill making appropriations for the Office of Education for fiscal 1971. This amendment would provide $53.6 million for the payment of entitlements under the impacted areas aid program, Public Law 874, for children living in federally assisted public housing. The authorizing legislation for the public housing segment of the impact aid program provides for a separate appropriation for entitlements based upon children living in public housing projects. No funds for public housing entitlements were recommended by the Appropriations Committee and the amount contained in this amendment represents approximately 20 percent funding for such entitlements.

I ask unanimous consent that at the conclusion of my remarks there be printed tables which I have had prepared showing the estimated allocation of funds that would be appropriated by this amendment to each State and to a number of major cities for which figures are available, and that there also be reprinted a resolution of the U.S. Conference of Mayors endorsing funds for this program along with a letter from Mr. J. J. Gunther, executive director of the U.S. Conference of Mayors.

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

TABLE A

State	Public housing units under management [1]	Estimated number of pupils [2]	Estimated full entitlement [3]	Estimated entitlement at 20 percent funding [4]
Alabama	30,755	50,438	7,734,667	1,546,933
Alaska	738	1,210	297,660	59,532
Arizona	3,703	6,072	1,074,744	214,948
Arkansas	8,499	13,938	2,137,392	427,478
California	45,892	75,262	14,224,518	2,844,903
Colorado	4,500	7,380	1,623,600	324,720
Connecticut	15,529	25,467	5,755,542	1,151,108
Delaware	2,302	3,775	705,925	141,185
District of Columbia	11,772	19,306	3,824,325	764,865
Florida	23,639	38,767	5,944,919	1,188,983
Georgia	39,945	65,509	10,045,805	2,009,161
Hawaii	3,633	5,958	983,070	196,614
Idaho	359	588	95,844	19,168
Illinois	57,203	93,812	21,952,008	4,390,401
Indiana	9,667	15,853	2,615,745	523,149
Iowa	1,288	2,112	442,273	88,454
Kansas	2,468	4,047	728,581	145,716
Kentucky	17,629	28,911	4,433,501	886,700
Louisiana	22,104	36,250	5,558,937	1,111,787
Maine	1,396	2,289	414,309	82,861
Maryland	14,441	23,683	4,949,747	989,949
Massachusetts	27,893	45,744	11,436,000	2,287,200
Michigan	18,576	30,464	5,361,664	1,072,332
Minnesota	14,319	23,483	3,992,110	798,422
Mississippi	6,706	10,997	1,686,389	337,277
Missouri	15,047	24,677	4,343,152	868,630
Montana	1,393	2,284	415,688	83,137
Nebraska	5,807	9,523	2,282,472	456,494
Nevada	2,549	4,180	664,620	132,924
New Hampshire	2,100	3,444	874,776	174,955
New Jersey	41,089	67,385	17,115,790	3,423,158
New Mexico	2,189	3,589	550,373	110,074
New York	92,258	151,303	45,693,506	9,138,701
North Carolina	18,934	31,051	4,761,670	952,334
North Dakota	1,212	1,987	326,106	65,221
Ohio	32,421	53,170	10,208,640	2,041,728
Oklahoma	4,021	6,594	1,173,732	234,746
Oregon	5,070	8,314	1,937,162	387,432
Pennsylvania	54,421	89,250	18,117,750	3,623,550
Rhode Island	7,848	12,870	3,063,060	612,612
South Carolina	7,128	11,689	1,792,508	358,501
South Dakota	1,633	2,678	540,956	108,191
Tennessee	27,425	44,977	6,897,222	1,379,444
Texas	40,785	66,887	10,257,121	2,051,424
Utah	53	86	13,188	2,637
Vermont	313	513	120,042	24,008
Virginia	15,494	25,410	4,904,130	980,826
Washington	10,027	16,444	2,663,928	532,785
West Virginia	3,335	5,469	838,671	167,734
Wisconsin	7,237	11,868	2,587,224	517,444
Wyoming	185	303	53,631	10,726
Subtotal	784,930	1,287,285	260,216,419	52,043,283
Guam				
Puerto Rico	36,171	59,320	6,584,520	1,316,904
Virgin Islands	1,460	2,394	500,346	100,069
Wake Island				
Total	822,561	1,348,999	267,301,285	53,460,257

[1] As of December 31, 1969. Based on figures supplied by FHA Division of Research and Statistics.
[2] Estimated by multiplying 1.64 pupils per unit by the number of public housing units under management. The average of 1.64 children per public housing unit is based on a survey by HUD.
[3] Calculated by multiplying estimated number of pupils (column 2) by the average rate for Public Law 874 "b" students for each state. State rates supplied by U.S. Office of Education and are for fiscal year 1970.
[4] Eagleton-Case amendment to H.R. 16916 would provide approximately 20 percent funding.

TABLE B

State and city	Public housing units under management	Estimated number of pupils	Estimated full entitlement	Estimated entitlement at 20 percent
Alabama:				
Birmingham	5,859	9,609	$1,470,177	$294,035
Huntsville	1,555	2,550	390,150	78,030
Mobile	2,199	3,606	551,718	110,343
Montgomery	2,326	3,814	583,542	116,708
Arkansas: Little Rock	1,164	1,909	292,077	58,415
California:				
Los Angeles	10,040	16,466	3,111,885	622,377
Oakland	2,775	4,551	860,139	172,027
Sacramento	1,260	2,394	452,466	90,493
San Francisco	6,427	10,540	1,992,060	398,412
Colorado: Denver	3,696	6,061	1,333,420	266,684
Connecticut:				
Bridgeport	2,910	4,772	1,078,472	215,694
Hartford	2,636	4,323	976,998	195,399
New Haven	2,251	3,692	834,392	166,878
Delaware: Wilmington	1,718	2,818	526,966	105,393
District of Columbia: Washington	10,702	17,551	3,475,098	695,019
Florida:				
Jacksonville	1,861	3,052	466,956	93,391
Miami	4,938	8,098	1,238,994	247,798
Tampa	3,731	6,119	936,207	187,241
Georgia:				
Atlanta	10,809	17,727	2,715,291	543,058
Augusta	1,957	3,209	490,977	98,195
Savannah	2,320	3,805	582,165	116,433
Illinois:				
Chicago	33,753	55,363	12,954,942	2,590,988
East St. Louis	2,067	3,390	793,260	158,692
Indiana:				
Gary	1,427	2,340	386,100	77,220
Indianapolis	1,797	2,947	486,255	97,251
Kansas: Kansas City	962	1,578	284,040	56,808
Kentucky: Louisville	5,467	8,966	1,371,798	274,359
Louisiana:				
E. Baton Rouge	170	297	42,687	8,537
New Orleans	12,790	20,976	3,209,328	641,865
Maryland: Baltimore	10,480	17,843	3,729,187	745,837
Massachusetts:				
Boston	10,931	17,926	4,481,500	896,300
Cambridge	1,163	1,907	476,750	95,350
Fall River	1,362	2,234	558,500	111,700
New Bedford	1,128	1,883	470,750	94,150
Worcester	1,202	1,971	492,750	98,550
Michigan: Detroit	8,203	13,453	2,367,728	473,545
Minnesota:				
Minneapolis	3,647	6,047	1,027,990	205,598
St. Paul	2,816	4,618	785,060	157,012
Missouri:				
Kansas City	2,066	3,388	$596,288	$119,257
St. Louis	8,416	13,805	2,429,680	485,936
Nebraska: Omaha	2,558	4,195	1,002,605	200,521
New Jersey:				
Jersey City	3,806	6,242	1,585,468	317,093
Newark	13,226	21,723	5,517,642	1,103,528
New York:				
Buffalo	4,463	7,319	2,210,338	442,067
New York City	76,354	125,220	43,856,440	8,771,288
Rochester	559	917	276,934	55,386
Syracuse	1,838	3,014	910,228	182,045
North Carolina:				
Asheville	592	971	148,563	29,712
Charlotte	2,092	3,431	524,943	104,988
Winston-Salem	1,718	2,817	431,001	86,200
Ohio:				
Akron	1,464	2,401	460,992	92,198
Cincinnati	6,214	10,191	1,956,672	391,334
Cleveland	7,994	13,110	2,517,120	503,424
Columbus	3,562	5,842	1,121,664	224,332
Dayton	2,414	3,959	760,128	152,025
Toledo	2,442	4,005	768,960	153,792
Oklahoma:				
Oklahoma City	1,328	2,211	393,558	78,711
Tulsa	832	1,364	242,792	48,558
Oregon: Portland	2,341	3,839	901,477	180,295
Pennsylvania:				
Philadelphia	19,279	31,618	6,418,454	1,283,690
Pittsburgh	9,614	15,767	3,200,701	640,140
Rhode Island: Providence	2,972	4,874	1,160,012	232,002
Tennessee:				
Chattanooga	2,633	4,318	660,654	132,130
Knoxville	2,937	4,817	737,001	147,400
Memphis	5,039	8,313	1,271,889	254,377
Nashville	5,157	8,457	1,296,880	259,376
Texas:				
Dallas	6,372	10,942	1,674,126	334,825
El Paso	1,650	2,706	414,018	82,803
Houston	2,830	4,641	710,073	142,014
San Antonio	5,682	9,318	1,425,654	285,130
Virginia:				
Norfolk	3,720	6,101	1,177,493	235,498
Richmond	2,969	4,869	939,717	187,943
Washington: Seattle	3,978	6,524	1,056,888	211,377
Wisconsin: Milwaukee	3,037	4,981	1,085,858	217,171

U.S. CONFERENCE OF MAYORS,
Washington, D.C., June 23, 1970.

Hon. THOMAS EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: The United States Conference of Mayors, at its annual meeting in Denver, Colorado last week, adopted a Public Housing Impact Aid Resolution urging the Congress to fully fund the public housing entitlement of the "impact aid" program. I am enclosing a copy of the resolution and would hope that you express to the Senate that the nation's mayors support your effort in funding this new program.

The need for funding of this new program stems from the fact that the cost of educating children in our cities continues to increase. Children living in public housing units must be educated but the public housing in which they live is not on the local property tax rolls. While a small portion of the rents paid by these families is paid in lieu of taxes, the amount does not nearly

cover the costs of services, including education, which are provided. The balance, unfortunately, is made up for the most part from property taxes on other property owners. If you and your colleagues are successful in your efforts, the result would be less levies in local property taxes for school purposes.

The mayors throughout the country commend you in your efforts and support you in this worthy endeavor which will not only provide better educational opportunities for the school children of our cities, but also the funding of this program could mean that local monies could be freed to use elsewhere in our overall effort to improve the cities for all our citizens.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

RESOLUTION NO. 25—PUBLIC HOUSING-IMPACT AID

JUNE 17, 1970.

Whereas, there are almost one million low-rent public housing units now under management in this country with more than one million children attending city schools, and

Whereas, these public housing units do not pay local property taxes and small payments in lieu of taxes do not cover the cost of local services, including education, which must be provided daily by cities, and

Whereas, the Congress recognizing this burden, has amended the "impact aid" program to authorize payment to local school boards for children living in low-rent public housing;

Now therefore be it resolved that the United States Conference of Mayors commends the Congress for passing this legislation;

Be it further resolved that the Conference urges the Congress to fully fund the public housing entitlement of the "impact aid" program and urges the Administration to support the full funding of this new program.

Mr. EAGLETON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Texas (Mr. YARBOROUGH), who is absent on official business.

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

STATEMENT OF SENATOR YARBOROUGH

Mr. YARBOROUGH. Mr. President, the appropriations for education brought to the Floor by the Appropriations Committee is a fine achievement. It signals progress for education. It means that the national investment in development of the minds and brains of American youth is not being sacrificed to the financial demands of war.

Of great significance to education in my State of Texas is the increase made in the impact aid program. The $673.8 million in the Committee bill will permit payment of 90% of entitlement for A and B category students, and 100% of entitlement for A students where they comprise 25% or more of the student body.

The House version permits payment of only 45% of the entitlement for category B students, who live on private property but whose parent works on government property.

This sum is recognition that it is not fair to burden local property taxpayers with the share of school taxes the Federal government does not pay by virtue of its tax-exempt status. I commend the Committee for standing by the principle of the impact aid program.

OTHER ELEMENTARY AND SECONDARY EDUCATION

For elementary and secondary education other than Federal impact aid, the Appropriations Committee has made significant increases. It sustained the House action in providing $1.5 billion for Title I.

The Committee has done better by the President's proposed "Right to Read" program than did the President's own budget. The Committee has recommended $220,393,000 for Titles II and III, under which the "Right to Read" will be carried out, a $20 million increase over the budget estimate.

I am pleased that the Committee has added substantial funds for purchase of instructional equipment. The budget eliminated this program entirely. The Committee has provided $79,200,000 for it.

Bilingual education will receive $25 million under both the House and Senate bills, an increase of $3,750,000 over the budget. This amount will begin to give meaningful funding to teaching in more than one language.

I am pleased, however, to join with Senator Murphy of California in suggesting a $5 million increase for the bilingual Title of the Elementary and Secondary Education Act. Keep in mind that the Bilingual Education Act, which I authorized in 1967, is not intended to be just a pilot, or demonstration program. It is designed to reach the 5 million school-age children whose language in the home is not English.

EDUCATION FOR THE HANDICAPPED

For the Education of the Handicapped Act and Section 402 of the Elementary and Secondary Education Amendments of 1967, the Committee has provided $105 million. I am especially pleased that $1 million of this is earmarked to begin the learning disabilities program I initiated, and which is now part of the Elementary and Secondary Education Amendments of 1969.

VOCATIONAL EDUCATION

For the various vocational education activities, the Committee recommends a substantial increase over the budget. $497,946,000 is recommended. This amounts to $78.9 million more than was available in the last fiscal year. Over half of this increase will go for basic grants to the States. Another $5 million increase over last year will bring to $55 million the funds for Adult Basic Education. In the last 2 years, I have received hundreds of letters from men and women in my State who have enrolled in adult basic education classes in Texas. They have written to tell me how much difference it made to them to gain knowledge of the elements of language that so often mean the difference between poverty wages or unemployment on one hand, and a liveable wage on the other.

HIGHER EDUCATION

The major increase for higher education in the Committee bill is for construction of junior and community colleges. For this, $43 million is added to the House bill, the same as was available last year.

There remain certain areas where additional funds are needed, where I shall join in seeking increases. This is no reflection upon the diligence and devotion to education displayed by the Appropriations Committee, the Subcommittee on HEW, nor on Chairman Magnuson of the Education Subcommittee. Yet, I think we need to start this year to giving financing to the public housing addition made to the impact aid program. I have joined Senator Eagleton and others in offering an amendment for this purpose.

I also believe additional funds are desirable for guidance and counselling. I have joined Senators Cranston and Eagleton in proposing an amendment for that purpose.

Likewise, I shall support an amendment to provide funds for construction of 4-year undergraduate college facilities, under Title I of the Higher Education Facilities Act.

The University of Texas System has been in touch with me about its needs under this Title. It is awaiting appropriations so that it may submit applications for a communications building and two engineering buildings at the University in Austin, and administration building and a fine arts building for the University of Texas at Arlington, and for two fine arts buildings at the University of Texas at El Paso.

The Congress has it own responsibility in fields of education. We must live up to them. I commend Senator Magnuson for the outstanding work he has done the last two years on education appropriations. Under his leadership, the Senate is making great progress in all fields of Education—early childhood, higher education, vocational. I urge early and favorable action on the bill.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of railroad retirement accounts, and for other purposes (Rept. No. 91-960).

ADDITIONAL COSPONSOR OF A BILL

S. 3941

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER), I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings.

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

THE NATION'S ECONOMY AND THE CONGRESS

Mr. MANSFIELD. I should like to repeat in the Senate a statement I made at noon today over the NBC television network.

It is unusual for a Member of Congress to report in this fashion to the people of the Nation. I do so because the circumstances are unusual and so, too, are the times. The matters to which your attention is directed affect every American. They hang over every deliberation of the Congress.

The Congress, I might say, was established by the very first article of the Constitution. Along with the executive and the judiciary, it is a coequal branch of the Government of the United States. Your Representatives in Congress—Members of the House of Representatives and of the Senate—are there to do a job for you. In the main, it consists of writing the laws. You have a right to know how that job is being done.

I speak with you today as the elected leader of the majority of the U.S. Senate and with the concurrence of the majority leadership of the House of Representatives. In recent days, you have heard

from the President on the state of the Nation's economy. It is on the same matter that I ask your attention.

Three words say a great deal about the Nation's economy: inflation, unemployment, and war. Whether the term is used or not, these words spell recession. That is today's fact. It is not a political fact. It is an economic fact. References to the mistakes of the past cannot paper over it. The rhetoric of a radiant tomorrow does not alter it. To be sure, much of what transpires now began in an earlier time. We may regret it but we cannot undo it. To be sure, the basic strength of the American economy promises a great deal. But that is for the future. What of today? What of the now?

Inflation is still with us; it is still rising. Three years ago prices were up by 3 percent; 2 years ago by 4.6 percent. Last year they rose 6.1 percent. In recent months the increase has been at a rate of 6.3 percent. Interest rates have climbed to highs not seen in over 100 years. Today it costs a builder 10 to 11 percent in borrowing costs to finance the construction of a home. To finance its purchase, home buyers put up another 9 percent or more in interest charges. Even at those inflated rates, mortgages are often impossible to obtain.

Five years ago the typical monthly payment on a $20,000 house was $115. To buy the same house today takes an outlay of $205 a month. Inflated costs and higher interest rates represent the difference. Recently the administration's Secretary of Housing and Urban Development put it bluntly: he said that 80 percent of the American people cannot afford to buy a new home.

Unemployment climbs steadily, from 3½ percent a year ago to 5 percent-plus last month. There are over 1 million more people out of work now than there were last year. In farming, there are a quarter of a million fewer people employed. The price the farmer is paid for his crops has actually declined since 1968 but his costs have increased by 10 percent. The take-home pay of factory workers has fallen. Corporate profits are $10 billion lower than they were a year ago. Stock prices have slumped.

Homebuilding was at the low rate of 1.5 million new units a year ago. It has slipped still further to 1.2 million. That is less than half the 2½ million new homes needed each year to keep up with the growth of new families. It is less than half of what this Nation set as its housing goal to replace substandard housing 2 years ago.

In short, the things which should be going up—home building, take-home pay, and real economic growth—are coming down. At the same time, the things that should be coming down—such as interest rates, the cost of living, and unemployment are going up.

Congress shares the responsibility for correcting these discouraging economic trends which started under previous administrations. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the Nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress.

In my judgment, much of what can readily be initiated by Congress to improve the economic situation has been forthcoming. Congress has required no prompting from any quarter, for example, to make cuts in the administration's budget as a counter to inflation. Overall spending for this fiscal year was reduced by $6.4 billion. To repeat: Congress did not increase the administration's budgetary requests; Congress made a $6.4-billion reduction.

Acting on its own, Congress passed a selective credit control law last December. The law gives the administration authority which can be used to bring down home mortgage costs. I do not know why that authority has not been used by the administration. Nor, do I know, if the legislation is unsatisfactory, why a legislative alternative to reduce mortgage rates has not been requested by the administration.

Acting on its own, Congress last year passed a general Tax Reform and Reduction Act. Tax loopholes of $6.6 billion were closed. These savings were converted into lower taxes for all Americans. Millions of persons on low and fixed incomes will get the principal benefit of these changes, which will begin to take effect in the months immediately ahead. This initiative was, first, ridiculed as impossible to achieve. Then, enactment was resisted. Now the Tax Reform and Reduction is embraced. The fact is that its benefits will be no laughing matter as they begin to flow to persons dependent on moderate salaries or other fixed incomes.

Congress can cooperate with the administration in dealing with the problems of the economy. We have done so and we will continue to do so. We can provide the President with specific authority to take action. We have done so and we will continue to do so.

We can support the President if he wishes to use the persuasion of the Presidency, for example, as a means of discouraging excessive price and wage increases. That persuasive power has yet to be tried. It is not clear why it has not been tried. Its effectiveness was demonstrated in 1962 when prices were rolled back in a basic industry by the determined efforts of the President at that time. As a result, other industries held the price line, the economy avoided inflation and experienced a sound and dynamic growth. By contrast, without Presidential intervention, prices in that same basic industry have been raised four times already this year—and the year is only half over. Other industries follow suit. The dollar loses value both at home and abroad. Millions of Americans are caught in a vise of higher prices and declining incomes.

Congress has already given more authority to the President than he wishes, apparently, to use against the rise in prices. That is his option. I do not criticize his decisions. But the record should be clear. Congress has been ready and stands ready to cooperate with the President. We are prepared to move on any proposals which may be forthcoming from the administration to end the inflation and to check the slide into a deepening recession. We need concrete proposals for today. We can hardly act on either the administration's rejection of what was done yesterday or on the administration's assurances of what will emerge tomorrow.

Last Wednesday, President Nixon announced the formation of a National Commission on Productivity. It is a welcomed initiative. The Commission will gather the information on the basis of which wage and price changes can be measured—guidelines for control of inflation. The concept of guidelines, however, has not yet been accepted by the administration. If it is not, then for what purpose will the Commission function? What is the value of a Commission in controlling inflation if its work is not subject to use as a yardstick to persuade all who require persuasion to stay within established limits?

Congress cannot very well call to the attention of particular business and labor leaders the consequences of excessive price and wage increases. But the Congress can and, I am confident, will support the President should he decide to do so.

Congress cannot itself draw up and administer a set of guidelines for reasonable wage and price behavior on the part of industry and labor. But Congress can and, I am confident, will support the President if he chooses to do so.

In short, Congress can and, I am confident, will support initiatives of the administration which are designed to reverse the whole psychology of inflation.

For its part, Congress, as I have noted, cut $6.4 billion from the administration's budgetary requests last year. Further cuts below the President's spending requests are to be anticipated this year.

For its part, Congress is attempting to assist the housing industry. The Senate began work last February on the Emergency Home Finance Act, a measure conceived by Congressman PATMAN and Senator SPARKMAN which now has the support of the President. It has passed the Senate unanimously. The House has scheduled action on the measure tomorrow.

Congress will provide funds for expanded manpower training programs to equip the unemployed and the disadvantaged for jobs. The President has requested it. It will be forthcoming.

The Congress will enact improved unemployment compensation, as the President has requested. Indeed, both Houses of Congress have already acted, and final passage of this authority awaits only the formal approval of details to be worked out between the two Houses.

The willingness of the Congress to work with the President reaches beyond efforts to stop the downward drift in the

economy. The fact is that the economic uncertainty today is only a reflection of a deeper concern. The root of our economic difficulties lies in the distorted use of the Nation's resources. We are casting vast quantities of these resources, for example, into the continuing war in Southeast Asia—the estimates are over $26 billion a year, not to speak of the tragic loss of young lives.

We are using our resources at a reckless rate and with dubious wisdom in other places and in other ways.

Government spending, to put it bluntly, is seriously out of date. It is not how much is being spent. It is how it is being spent. Priorities are still determined largely by yesterday's fears and fallacies. They scarcely meet today's urgencies. They only begin to perceive tomorrow's needs.

If there is an overriding imperative, it is to readjust these national priorities—these allocations of Government expenditures. It will take a great and painful effort to make the changes. Yet, they must be made, if this Nation is to have a strong economy, a healthy people, and a livable environment. It is a matter of emphasis.

How we choose has much to do with what we conceive to be threats against the national security. To be sure, we are strong, militarily, and we use by far the greatest share of the taxpayers resources to maintain the Defense Establishment which provides that strength. But while the security of a nation depends on a sophistication of arms, it depends, too, on the inner stability and unity of the nation.

Nations may be attacked from without. They may also crumble from within. For 5 years, we have put great emphasis on protecting the Nation from the inhabitants of Vietnam, Laos, and now Cambodia. In the meantime, what of the attacks on the very livability of our cities and their surrounding suburbs? What of the growing pollution of the environment? What of the mounting array of domestic difficulties? Crime? Transportation? Railroads? Drug addiction? Power shortages? Educational needs? Racial tensions? Health? Have any of these difficulties yet been brought under reasonably secure control? Will they stand still, awaiting some undefined solution to the war in Vietnam when, presumably, sufficient resources will be released to permit them to be dealt with without inflation? Will they remain quiescent, to the end that the United States may first be enclosed in a web of antiballistics missiles at a cost of billions of dollars which may or may not act to protect us from a missile attack which may or may not come before the system is obsolete?

Every dollar spent by Government whether for Vietnam or for weapons or whatever, comes from you, the taxpayer. For every man, woman, and child in the United States, the administration now requests about $1,000 in spending. How and where each $1,000 is spent sets the Nation's priorities.

For the coming year, of each $1,000:

About $7 is requested for health and mental health research;

About $7.50 for elementary and secondary education;

About $5 for urban renewal for our cities;

About $4.50 for air and water pollution;

About $1.40 for vocational education;

About $0.50 for education for the handicapped;

About $2.40 to assist State and local government in their fight against crime;

Over $375 for military defense.

Consider that just the cost overrun—that is, what was actually paid above what was quoted to the Congress as the initial price tag—for a single airplane—the C5–A cargo plane—has cost each American $10. Consider as well that it costs every American today $70 a year to back and maintain in Europe the several hundred thousand U.S. forces and their dependents who are still there—25 years after World War II.

These illustrative examples clearly demonstrate where the emphasis in Federal spending has been placed for many years. For too long, we have pursued the Nation's security all over the globe. For too long, we have forgotten that national security begins at home. It has taken the tragic war in Indochina to show us that our resources are not unlimited. Our wealth is not endless. Inflation and recession are a part of the price of this overdue insight.

As I have noted, Congress has begun to deal with the reality of our limited resources by reducing Federal spending by $6.4 billion. I must say, also, that the President reduced expenditures by $3 billion and I commend him. By far, the greatest share of the congressional cut was taken for defense spending and the foreign aid program. Foreign aid alone was cut by $1 billion. Of the $32 saved for each American, Congress attempted to reallocate $5 to pressing needs in health, education, and the protection of the environment.

That is what has been labeled in some quarters as inflationary and irresponsible. Let the most be made of the labels. For those reallocations, there will be no apology from the congressional leadership. Nor will the Congress be deferred from trying to meet essential domestic needs of this kind by charges of isolational problems of peace without devastating consequences to this Nation tion can turn away from the international problems of peace without devastating consequences to this Nation and the world. By the same token, the neglect of needs at home will no longer be accepted in the name of some vapid internationalism such as we have witnessed on the mainland of Asia during the past 5 years—well over 50,000 American lives later, a total of 331,000 casualties overall and well over $100 billion in resources later.

The congressional majority seeks to cooperate with the President in an effort to readjust the Nation's budgetary priorities in terms of today's needs. It must be stated in all frankness, however, that there are still differences to be reconciled if that cooperation is to be possible. It is difficult, for example, to understand how a congressional effort to divert about $1 billion of the $6.4 billion savings in the budget to pollution control, education, health, and welfare is struck down by a veto as inflationary but at the same time the Senate is urged not to foreclose a future expansion of military and foreign aid spending in Cambodia.

When you consider, moreover, that $2.50 a person was all that was allocated by the administration during this past year to combat rising crime—one wonders whether it is rhetoric or results that count.

The Senate has passed all but two of the major 13 administration crime proposals. In addition, Congress has originated and passed seven additional anticrime laws which have been endorsed by the administration. Even the enactment of these laws will be insufficient, however, if we do not devote greater resources to the causes of crime, to reform of penal institutions, and to providing assistance to enforcement officials. Two dollars and fifty cents per person for crime control is simply not enough.

These issues which I have been discussing are of the utmost seriousness. Every American is affected directly or indirectly by an economy in distress and the war from which, to a great extent, the difficulties are derived. Every American has a stake in the way the Government makes broad commitments of national resources abroad and at home. It was for this reason that I was asked by colleagues in the Senate and the majority leadership of the House of Representatives to address you this afternoon.

We hold the view that the economic problems of this Nation will not disappear at a date uncertain in the future, if only they are left alone by government, especially in the light of our continuing involvement in the war in Indochina.

We do not accept the view that a little unemployment is good for the Nation any more than we can believe that a lot of inflation is good for the Nation.

Within these premises, the majority in the Congress will give the most respectful consideration to whatever the President may propose to halt the inflation and high interest rates, to reduce unemployment and terminate our involvement in Vietnam. To that end, the President has had the cooperation of the Congress in the past. He has it now. He will have it in the future. He has it in good conscience—without ifs, ands, or buts.

The Republic deserves no less.

Mr. KENNEDY. Mr. President, we have heard the distinguished majority leader respond on behalf of the Democratic congressional majority to the President's recent speech on the economy.

His speech was a masterly compilation of facts and, in my opinion, responded in full measure to the challenges to Congress which the President set forth.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. 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 9 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 25, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 24, 1970:

DEPARTMENT OF LABOR

Peter G. Nash, of New York, to be Solicitor for the Department of Labor, vice Laurence H. Silberman.

U.S. NAVY

Rear Adm. Sam H. Moore, U.S. Navy, for appointment as Director of Budget and Reports in the Department of the Navy for a term of 3 years.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Ainsley, Edward J., xxx-xx-xxxx
Algeo, John B., xxx-xx-xxxx
Allbright, William F., xxx-xx-xxxx
Allgood, Vernon L., xxx-xx-xxxx
Almquist, Peter W., xxx-xx-xxxx
Ambrose, Earle H., xxx-xx-xxxx
Anderson, Stanley L., xxx-xx-xxxx
Ardoin, Louis G., xxx-xx-xxxx
Arney, Cloyd L., xxx-xx-xxxx
Aune, Edward H., xxx-xx-xxxx
Bach, Lawrence V., Jr., xxx-xx-xxxx
Bachman, Jay G., xxx-xx-xxxx
Bagnard, Richard W., xxx-xx-xxxx
Bailey, William K., xxx-xx-xxxx
Baisden, Orville R., xxx-xx-xxxx
Baisley, William D., xxx-xx-xxxx
Ballard, James F., xxx-xx-xxxx
Ballew, Monte, Jr., xxx-xx-xxxx
Barker, William R., xxx-xx-xxxx
Barnes, William B., xxx-xx-xxxx
Barr, Thomas J., xxx-xx-xxxx
Barton, James R., xxx-xx-xxxx
Basco, Johnnie M., xxx-xx-xxxx
Bassett, John K., xxx-xx-xxxx
Beaton, Clifford M., xxx-xx-xxxx
Beinkemper, Elmer H., xxx-xx-xxxx
Bellovin, Milton, xxx-xx-xxxx
Belser, Ritchie H., Jr., xxx-xx-xxxx
Bennett, Charles F., xxx-xx-xxxx
Berkley, John W., xxx-xx-xxxx
Bilyeu, Hiram P., xxx-xx-xxxx
Birdsall, Alan H., xxx-xx-xxxx
Bishop, Russell, xxx-xx-xxxx
Bjorgen, Leonard L., xxx-xx-xxxx
Black, Elmer E., Jr., xxx-xx-xxxx
Blanchard, Felix A., xxx-xx-xxxx
Blanton, Dwight W., xxx-xx-xxxx
Bobo, Robert K., xxx-xx-xxxx
Bogan, Robert J., xxx-xx-xxxx
Bolstridge, Leslie J., xxx-xx-xxxx
Borgen, Dale E., xxx-xx-xxxx
Borini, John N., xxx-xx-xxxx
Bork, Ervin F., xxx-xx-xxxx
Borresen, Edward W., xxx-xx-xxxx
Boutwell, Rufus C., Jr., xxx-xx-xxxx
Boyd, John H., xxx-xx-xxxx
Boynton, John B., xxx-xx-xxxx
Braun, James A., xxx-xx-xxxx
Breeulove, James M., xxx-xx-xxxx
Brennan, Herbert D., xxx-xx-xxxx
Breslauer, Irving H., xxx-xx-xxxx
Brewer, Martin M., xxx-xx-xxxx
Briarton, Henry R., xxx-xx-xxxx
Brittian, William D., xxx-xx-xxxx
Brittun, Charles G., xxx-xx-xxxx
Bruck, George W., xxx-xx-xxxx
Brooks, Glenn L., xxx-xx-xxxx
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HOUSE OF REPRESENTATIVES—*Wednesday, June 24, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And ye shall proclaim liberty throughout all the land unto all the inhabitants thereof.—Leviticus 25: 10.

O God, our Father, in this sacred moment we would rise above the feverish activities of a seething world where we can be still and hear Thy voice seeking to guide us as we face the perplexing problems of this difficult day. During this hour of our national life, when the world's best hope for a bright tomorrow is largely in our frail hands, do Thou help us to preserve our heritage of freedom, to proclaim liberty to all the world, and to promote peace and good will among all people.

To this end bless our President, our Speaker, Members of Congress, and all who work with them that in this day of decision we may not lose the way.

"Cure Thy children's warring madness,
Bend our pride to Thy Control:
Shame our wanton, selfish gladness,
Rich in things and poor in soul,
Grant us wisdom, grant us courage,
Lest we miss Thy Kingdom's goal."

Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its Clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 743) entitled "An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2062) entitled "An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following title:

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act.

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

S. 2209. An act to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; and

S. 2583. An act to provide for the conveyance to the county of Washakie, State of Wyoming, of certain real property of the United States.

TELEVISION FOR FIVE MILITARY HOSPITALS IN JAPAN

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

Mr. SIKES. Mr. Speaker, I am very pleased to report to the House that Headquarters Pacific Air Forces—PACAF—has been requested to revalidate requirements for television at five military hospitals in Japan. The Air Force will have the responsibility for the service. The cost is $424,000 and 10 military personnel will be required for the operation.

During a brief stop in Japan in August, I was surprised to note that there were no Armed Forces TV network facilities available in Japan. This is an important worldwide service which provides the best link for American forces overseas with our own country. It occurred to me at the time that there are no valid reasons that American forces in Japan should be denied this useful service.

Accordingly, I strongly urged upon my return that the service be provided. It is now being done insofar as hospitals are concerned. It should be extended to all U.S. facilities in Japan.

ANNUAL "DAY OF BREAD" AND "HARVEST FESTIVAL" WEEK IN OCTOBER

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

Mr. KLEPPE. Mr. Speaker, last year I joined with a number of my colleagues in sponsoring a resolution which established an annual "Day of Bread" and "Harvest Festival" week in October. The 1969 observances were proclaimed by the President, the Governors of 32 States, and 43 mayors.

Since 1953 West Germany has celebrated a "Day of Bread" with the custom spreading to other countries of the Continent, to the Americas, and the Far East.

"Day of Bread" as part of a "Harvest Festival" week is a time that we set aside as an expression of gratitude for the bounty of nature and recognition of bread as the symbol of all foods.

I am again joining in cosponsoring such a resolution that will set aside Tuesday, October 6, 1970, as a "Day of Bread," and designate the last week of October as the week of "Harvest Festival."

As governments around the world become increasingly concerned with the problems of feeding the hungry, this occasion will serve as a contribution to human understanding, person to person, and to international communication—to a degree that transcends all boundaries of country, creed, or politics.

THE CONGRESSIONAL BASEBALL GAME

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

Mr. CONTE. Mr. Speaker, we are now only hours away from the seventh con-