

thinking was usually ahead of his time. The labor movement has lost a towering figure. He was a remarkable person, and I join in expressing regret at his untimely death.

He fought many battles, not only for the working men and women whom he represented but on behalf of the rights of all Americans for improved housing, improved education, and improved health care. He was an innovative thinker and a crusader. While he led the United Auto Workers for 24 years, he was admired by almost every union member and was a worldwide symbol of American labor. He was a legendary figure in his lifetime, and this legend will continue to grow.

The death of Walter Reuther has cut down a giant. I grieve for the surviving members of his family and the working man who trusted him and loved him. Walter Reuther will not be forgotten.

I am inserting an editorial from today's Boston Globe in the RECORD, as follows:

[From the Boston Globe, May 12, 1970]

THE DEATH OF WALTER REUTHER

The labor movement never before had seen the like of Walter P. Reuther and it never may again. He was of course vitally interested in and constantly working for better wages, shorter hours and improved working conditions for the members of the United Automobile Workers Union which he helped found and which he headed as president for 24 years.

But Mr. Reuther's largest concern was the human condition. Hunger, privation, inequities and imbalances in the American society distressed him as they should distress all men. But unlike many of us, he worked ceaselessly to right wrongs. Although early in his career he was maligned for this and widely but incorrectly called a Communist (this man who drove Communists out of all positions of influence in his union), he ultimately came to be regarded in both government and industrial circles for precisely

what he was—a good and dedicated man whose contributions to the general welfare were great indeed. The comment of one of his intimates aptly describes both the width and depth of his concerns and his wisdom: "Walter is the only man I know who can reminisce about the future . . . Ask him what time it is, and he will tell you how watches are made."

Those who worry today about student protests and demonstrations and clashes with the police would do well to go back and read about the sit-ins of the Thirties. They, too, were often violent, and men were shot and killed. Yet out of it, somehow, came progress, and industrial unionism was on its way.

Mr. Reuther brought more than decent wages, pensions, medical plans and paid vacations to working men. He brought idealism of a very high order to unionism. There had been some signs that he was losing in this area to hard-nosed pragmatists even before his death. If labor union idealism dies now, its passing will compound the tragedy of the death of Walter himself.

HOUSE OF REPRESENTATIVES—Wednesday, May 13, 1970

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If thou shalt seek the Lord thy God, thou shalt find Him, if thou seek Him with all thy heart and with all thy soul.—Deuteronomy 4: 29.

Almighty and Eternal God, without whom no one can live wisely and well, reveal to us Thy will and show us Thy way amid the problems of this perplexing period. As we draw near to Thee in prayer, so do Thou draw near to us, that in all the decisions we make we may be mindful of Thy presence, eager to do Thy will, and ready to walk in Thy way for the good of our beloved United States of America. Enlighten our understanding, purify our desires, strengthen every noble purpose, and make us diligent among the demanding duties of this disquieting day.

Give to these Members of Congress the willingness to listen to the voices of our day and with that the greater willingness to listen to the voice of the ages as we seek what is right and good for our country and endeavor to lead our people in the ways of peace and good will. To this end may our lips praise Thee, our lives bless Thee, our works glorify Thee, for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on May 9, 1970, the President approved and signed bills of the House of the following titles:

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an ac-

tivity which may affect the resources of the Hudson Riverway, and for other purposes; H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 16, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arlington, 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 Senate to the bill (H.R. 14465) entitled "An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes."

PARKER COUNTY, TEX., SUPPORTS GOVERNMENT'S POLICY

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

Mr. POAGE. Mr. Speaker, in the midst of all the turmoil caused by protesters against the Vietnam conflict it should be pointed out that a great segment of this country still supports its Government's policies and condemns the anarchy which is depriving thousands of students of the education they seek.

It is time the so-called silent majority take every opportunity to voice its disapproval of the rash and destructive activities of these violent radicals, and in that vein I am proud to cite the bipartisan move of the Democrats and Re-

publicans of Parker County in my congressional district. At their county conventions in Weatherford on May 9 they cosponsored and adopted identical resolutions expressing their sentiments.

The resolutions, signed by Mrs. Jack L. Eidson, chairman of the Parker County Republican Party, and Gabe Vick, chairman of the Parker County Democrat Party, follow:

Resolved that this Convention of the Parker County Democrat (Republican) Party affirm its support of the National administration's Cambodian policy as the option which it is hoped will bring the Vietnam involvement of the United States to an early conclusion with a minimum loss of American lives.

Resolved, That this Convention of the Parker County Republican (Democrat) Party urge state and national public administrators and public educational administrators to adopt a firm policy in support of the rights of the education of students uninterrupted by the disruptive actions of non-students, students, and faculty.

THIRD ANNUAL YOUTH LEADER CAMP

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

Mr. MONTGOMERY. Mr. Speaker, beginning June 18, the District of Columbia National Guard in cooperation with the Metropolitan Washington Board of Trade will begin the third annual youth leader camp at Aberdeen Proving Ground, Md. The highly successful 10-day event will be for the benefit of some 150 young boys between the ages of 14 and 17. The young men will be selected from among male student leaders in 34 public and parochial schools in Washington and Prince Georges and Arlington Counties and city of Alexandria.

The purpose of the camp is to recognize and reward boys who have demonstrated their understanding of good citizenship and exhibit potential for leadership in their schools and communities. Maj. Gen.

Charles Southward, Commanding General of the District of Columbia National Guard, started this most successful program 2 years ago. The cost of the camp is paid by business firms in the Washington area.

Camp activities are centered around character guidance, athletics, personal hygiene, and general knowledge of the National Guard. Professional players from the Washington Redskins and Washington Senators freely give of their time to direct the sports program at the camp.

Mr. Speaker, I know my colleagues will join with me in offering congratulations and sincere thanks to General Southward and his staff, the metropolitan Washington Board of Trade and its member firms, and the professional athletes of the Washington area for providing a program that will make the youth of this area better citizens and the leaders of tomorrow.

SEVENTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

As required by law, I transmit to the Congress the Seventh Annual Report on Special International Exhibitions conducted during Fiscal Year 1969 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor; and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

	[Roll No. 116]	
Abbt	Celler	Diggs
Anderson, Tenn.	Clark	Edmondson
Ashley	Clay	Edwards, Aja.
Baring	Cohelan	Fallon
Blaggi	Collier	Flash
Bingham	Colmer	Fisher
Blatnik	Conyers	Flowers
Brademas	Culver	Ford
Broomfield	Cunningham	William D.
Brown, Calif.	Daddario	Fraser
Carter	Dawson	Frelinghuysen
	Dickinson	Gallagher

Glatino	McCloskey	Reld, N.Y.
Gilbert	McEwen	Reifel
Green, Oreg.	McFall	Rostankowski
Gubser	McMillan	Ruppe
Halpern	Mollohan	Scheuer
Hathaway	Moorhead	Schneebeil
Hawkins	Morse	Slack
Hébert	Morton	Stokes
Karth	Mosher	Stratton
Kee	Nedzi	Tunney
Keith	O'Hara	Whalen
Kirwan	O'Neill, Mass.	Wilson, Bob
Kuykendall	Ottinger	Winn
Long, La.	Powell	Yatron
Lowenstein	Price, Tex.	
McCarthy	Pucinski	

The SPEAKER. On this rollcall 349 Members have answered to their names, a quorum.

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

PROVIDING FOR CONSIDERATION OF H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 1004, Rept. No. 91-1075), which was referred to the House Calendar and ordered to be printed:

H. Res. 1004

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of Rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, and Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and all points of order against the provisions contained under the following headings are hereby waived: "Law Enforcement Assistance Administration" beginning on page 19, line 14 through line 19; "Economic Development Administration" beginning on page 23, line 5 through line 23; "National Bureau of Standards" beginning on page 29, line 7 through line 16; "Maritime Administration" beginning on page 30, line 13 through page 33, line 12; "Arms Control and Disarmament Agency" beginning on page 43, line 8 through line 12; "Commission on Civil Rights" beginning on page 43, line 14 through line 17; and "Small Business Administration" beginning on page 45, line 17 through page 46, line 10.

PROPOSAL TO ESTABLISH A COMMISSION TO EXAMINE RECENT EVENTS AT KENT STATE AND OTHER COLLEGE CAMPUSES

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

Mr. STANTON. Mr. Speaker, recent events culminating in the tragic deaths of four Kent State University students have focused national attention on the college campus.

Kent State University in Kent, Ohio, is in my Congressional District. It is where it happened and thus, I am in a most particular and personal sense concerned with these events. But the echoing "Why?" has reverberated from the commons at Kent State to every college in the Nation and to the heart and mind of every American.

We must put aside the reactions of

emotion and rhetoric. Now is the time for searching recovery. It is a time for us to rely on reason and logic in order to look to the future. We must find the answers through a thorough examination of the 4 days at Kent and hopefully, learn what positive and constructive steps we may take as a Nation to prevent this terrible thing from ever happening again.

Next Tuesday, I plan to introduce a concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses. The purpose of my resolution is to give the Members of the House an opportunity to express their desire to see the President move on this matter of national concern.

I cannot conceive that there is a parent in America with a student in college or about to go to college who would not be personally interested in promoting this resolution. It has the full support of the President of Kent State University and the hundreds of college students with whom I have talked in the last few days.

I welcome the support of my colleagues in the House.

JUSTICE WILLIAM O. DOUGLAS

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

Mr. FREY. Mr. Speaker, if the allegations in the recent petition concerning Supreme Court Justice William O. Douglas are true, he should be impeached. I would certainly vote for impeachment.

I did not sign the petition because certain facts were stated about which I had no direct knowledge.

However, it was my clear understanding that an investigation would be quickly made and a report filed with the House of Representatives. This has not yet been done. This issue must be faced and cannot be buried.

It is a time of crisis in our country and only men of the highest caliber deserve to serve on the courts, especially the U.S. Supreme Court. I do not believe Justice Douglas meets these standards. However, it is my obligation to ascertain the facts and not be swayed by personal feelings. I urge the Committee on the Judiciary to report before the end of May to this House so we can all stand and be counted on this most important issue.

CONFERENCE REPORT ON H.R. 14465, AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House for title I of the bill be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 12, 1970.)

Mr. STAGGERS. Mr. Speaker, this House passed the original bill on November 6 by a vote of 337 to 6. We had four conferences with the other body before we were able to work out our differences. The House conferees prevailed in most every instance. I am, therefore, happy to bring this conference report back to the House and say that this is a good bill and one that deserves the vote of each Member of this House.

As I look back over my years in Congress, I am caused to mark today as one of the most memorable days of my career as a Member of Congress and as chairman of the House Committee on Interstate and Foreign Commerce.

With the able assistance of both my Democratic and Republican committee colleagues, and I might particularly mention with the great cooperation of Mr. SPRINGER, the ranking minority member of the committee, we reported a bill (H.R. 14465), which will permit aviation to grow and prosper and serve the Nation in the safest possible manner.

I congratulate and commend my fellow members of the conference, and also each member of the Committee on Interstate and Foreign Commerce. The airlines, general aviation, and more importantly, all of the citizens of the Nation should benefit materially by the implementation of this legislation:

Authorization for air carrier and reliever airports: House, \$150 million, \$180 million and \$240 million over a 3-year period.

Senate, \$270 million a year for 10 years. Conference agreement, \$250 million for each of 5 years.

Authorization for general aviation airports: House, \$25 million a year for 3 years.

Senate, \$30 million a year for 10 years. Conference agreement, \$30 million a year for 5 years.

Long-term obligatory authority: House, none.

Senate, proposed \$1½ billion over a 10-year period.

Conference agreement, 5-year limitation with no obligation for more than 3 years and a ceiling of \$840 million over the 5-year period and not more than one obligation can be incurred for any single project.

Terminal facilities: House continued the existing requirements that Federal funds not be used for terminal construction.

Senate would have permitted limited use of Federal funds for certain areas of terminals such as baggage handling.

Conference agreement, the Senate receded.

Airport certification: House, the House version proposed for the first time air carrier airports be certified as meeting FAA safety requirements.

Senate, the Senate had no provision for airport certification.

Conference agreement, the House conferees prevailed as to this airport certification provision.

I support this legislation and recommend adoption of the conference report.

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

Mr. STAGGERS. Yes, I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman please restate what the funding was in this bill as it left the House?

Mr. STAGGERS. It is \$150 million, \$180 million and \$240 million over a 3-year period. I might say to the gentleman from Iowa that it is contemplated after the first year that more than \$500 million will be generated and expended in the whole program, but our committee did not have anything to do with the actual raising of revenue. That is done, as you know, by creating a fund for which the users will be taxed. Chairman MILLS, I am sure, will explain the taxes.

Mr. GROSS. Yes, but we are asked here today to approve a conference report dealing with a number of dollars.

Mr. STAGGERS. The gentleman is correct.

Mr. GROSS. I am trying to find out what happened to this bill after it passed the House and went to conference.

Mr. STAGGERS. I think I understand what the gentleman is trying to get at, and it was in the first statement that I made that this is for air carriers and reliever airports, also an airways program, too.

I might elaborate just a little bit more. The House bill included \$150 million, \$180 million, and \$240 million for the 3 years that we had allotted these funds.

Mr. GROSS. Yes.

Mr. STAGGERS. Because we want to take a look at it, as the gentleman knows. The Senate version set it up at \$270 million a year for a period of 10 years.

Mr. GROSS. Did the gentleman say \$270 million?

Mr. STAGGERS. Two hundred and seventy million dollars for each of 10 years.

Mr. GROSS. So you compromised at \$250 million?

Mr. STAGGERS. Two hundred and fifty million dollars for a 5-year period.

Mr. GROSS. So on the basis of the bill as it passed the House, the expenditure for a 5-year period is going to be more than that which the House approved. Is that correct?

Mr. STAGGERS. Yes. However, it is less than the Senate proposed and only for 5 years as against 10. In addition, the \$250 million a year figure is in line with the amounts approved by the House in the declaration of policy.

Mr. GROSS. Well, 3 years at \$250 million must be more than 3 years at \$150 million, \$180 million, or whatever those figures are that the gentleman gave.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I may be able to help the gentleman concerning the revenues that will be raised by the user taxes that are imposed by title 2 of the bill. I think that

is what the gentleman is really addressing himself to. These revenues are placed in the trust fund created by this bill, and this trust fund is dedicated to the basic purposes of this bill.

In the bill as it passed the House last November, the revenue that was to be produced in fiscal year 1971 was \$674 million. Under the conference bill it will be \$665.8 million. In 1972 the House bill provided \$747.8 million, while the conference-approved bill provides \$738 million. It was estimated that the House bill would produce \$834.4 million in 1973, while the conference bill will produce \$823.8 million.

I can give the projections for additional years if the gentleman would like it, but I think it does show that this is very, very close to the revenue that would be produced under the House bill as we passed it last November.

I would say that as far as the type of taxes imposed for raising these funds is concerned, the position of the House prevailed 99 percent in the conference.

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

Mr. STAGGERS. I will be glad to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I thank the gentleman for yielding.

I think there are four or five things that the House ought to know in addition to what the distinguished chairman has already outlined.

I think the impact and the thrust of this bill is that the general taxpayer has now under this bill stopped paying the cost for the citizen who uses aviation.

Whether you are flying from here to Chicago or to San Francisco—or whether you use your own plane to fly from here to Chicago or San Francisco, you will now pay your cost for doing so.

That is the thrust of this bill.

The Committee on Ways and Means, in the raising of revenue, created a trust fund similar to the highway trust fund of 1954 for the Interstate Highway System.

This money cannot be spent for anything except what is designated in this bill.

It is, therefore, a pay-as-you-go measure and the people who fly are the people who pay.

Now the second thing—we put into effect in 1962 a change in the whole theory of airport financing. Until then we contributed to every facet of the construction of an airport including the terminal building and everything that went into it.

In 1962 we changed that to provide that the Federal Government would be responsible for two things. First, the runways and airport facilities to the terminal door. The exception in the terminal were the safety devices such as the tower, which was provided by the FAA.

Terminals are financed entirely by funds that are not federally contributed, which means in effect that bonds are issued and paid for and guaranteed by the local airport authorities, such as I have in my district. Last Sunday in Decatur I dedicated their new fire protection building, and all of the equipment that went into it. That was paid for by

the taxing authority of the Decatur Park Board.

The same is true in Mattoon, Ill., by virtue of the Coles County Airport Authority.

We now pay only up to the terminal door. We continue that theory in this bill.

The airlines wanted us to assist with terminal facilities such as baggage and ticket offices but we did not change our theory.

These are the two most important things, I think, that come out of this bill, other than the question of the amount of money.

We did change the formula slightly and this is pretty important as every Member would know who has an airport in his district.

The formula for apportionment is based on one-third area and population; one-third total enplanements; and one-third discretionary with the Secretary of Transportation.

The House version was accepted.

The Senate version used hubs instead of enplanements to apportion the second one-third of grant funds. This would concentrate the money in a few large places, and we rejected it.

One thing we did lose.

The gentleman from Texas (Mr. PICKLE) put up a great fight for the provision of the House bill which provided money directly to the States for authorization by them. All that the provision supported by the distinguished gentleman from Texas (Mr. PICKLE) proposed was \$5 million per year to the local States. This turned out to be one thing to which the other body was unalterably opposed, that is, the granting of money to the States which they, in turn, could grant to the local communities.

The House conferees reluctantly receded. Other provisions which were retained should compensate for this loss.

One thing in the House bill that we did retain was the requirement for the certification of airports.

The House version included most airports but the Senate had no provision of any kind on this at all. As agreed upon it will apply to air carrier airports.

I think with these few additions to what the chairman has already outlined, we have covered the main features of the conference agreement and given some picture of where we are going in the future with reference to airport expansion, aviation facilities and improvements of all kinds pertaining to air travel.

This will be the first large amount of money for air facilities. I believe last year our allotment for airport construction was \$75 million. Beginning at the end of the first year, the new taxes will bring in between \$600 and \$800 million. Some of you who are flying into the large airports, such as Kennedy, LaGuardia, Newark, O'Hare in Chicago, Los Angeles, San Francisco, New Orleans, and Dulles—not too bad, may I say, at Dulles—but at National, you will find that this money is going to be used, I believe for something that is really needed.

Finally, I come back again to a repetition of the one point, and that is we

are now on a pay-as-you-go basis, and the people who pay are you who get on the airplanes or you who fly your own airplanes here on Monday morning and fly out on Friday afternoon.

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

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

Mr. GROSS. Does that mean that the taxpayers are relieved of the annual gouge of about \$7.5 million to make up the deficit at Dulles?

Mr. SPRINGER. This is for construction only.

Mr. GROSS. I am disappointed.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I join my colleagues in support of this important legislation. The Airport and Airways Development Act of 1970 is a strong bill that provides long-needed aid and direction for our expanding aviation industry. It is time that our legislation comes of age and is as modern as air travel itself. For safety's sake alone, the Congress is compelled to update its laws affecting aviation. It was for that reason I had introduced a similar bill in the early days of this session.

Mr. Speaker, for the first time in at least 15 years, Congress is providing a reasonable sum of money to begin to do what we had long since failed to do—solve our aviation crisis. Some of the long needed things this bill provides are:

First. This bill sets up a trust fund similar to the system that has worked so well for our national highway development;

Second. The bill sets aside \$250 million per year for development of airport facilities and \$250 million a year for airway facilities;

Third. \$30 million dollars is to be spent on general aviation facilities;

Fourth. \$15 million is to be spent per year on planning of new facilities;

Fifth. We have authorized contracting authority for 3 years;

Sixth. Money from the trust fund can be spent for research and development projects;

Seventh. The Secretary of Transportation is required to submit to Congress within 1 year a recommendation for a national transportation policy. Such a policy is necessary because transportation has become so complicated and integrated and we need to have our goals set forth clearly so that our efforts will be in accord with our goals.

I am concerned, however, with some aspects of this bill; in some cases we have not gone far enough. Specifically, this bill today glosses over an important aspect of State and Federal cooperation.

In the House version of this bill, we had provided under section 22 that the States would be entitled to grant money for both planning and construction in the amount of \$5 million per year for a period of 5 years, or a total of \$25 million provided the State could qualify as an official agency of the State. We intended this to help and encourage the States to build local facilities and to coordinate with the huge interstate sys-

tem. We were requiring an increase in ticket excises, freight way bills, foreign travel, general revenue appropriations and mainly we had put on a 7-cent per gallon jet fuel tax on general aviation, and a limited registration fee. For these specific taxes, we felt general or local aviation would be entitled to grant money, just as we were helping the scheduled carriers in the development of large airfields.

The amount appropriated under the House version was modest—\$5 million per year. It was the right and fair thing to do. The Senate deleted this provision from their bill—and the conferees agreed to go along with the Senate version. I fought that deletion as hard as I could. I regret it was taken out. I think it was a mistake. I think it will spark a great deal of controversy throughout the country. We have made the big air fields bigger, the rich airfields richer, the congested airfields more congested. We have made it more difficult for the Department of Transportation to deal with or help the smaller or rural airfields. Under this bill, General aviation is helped in the same manner or formula as in the past. More funds are provided for planning and development, but the smaller airfield or smaller cities may not be able to qualify. The big cities will be able to submit a well-prepared plan. The smaller cities will be left as a last resort. Thus, the big will become bigger.

It is hard to believe that some members of the other body would be so afraid or opposed to State authorities that they would delete this grant money from the bill. In my judgment, there ought to be a proper partnership between the Federal Government, the carriers involved—all types and kinds of them—and the State authorities. We have weakened the role of State authorities by this measure except for the relief given in the language of the statement of the conferees. It is significant that we are reminded of that language now, because it might have great bearing on the development of interstate facilities later.

Let me refer you to the conference committee report language in which the purpose of the bill is briefly described:

As stated, this legislation refers specifically to the need for the expansion and improvement of the national airport and airway system, in accordance with a national airport system plan to meet the needs of interstate commerce, the postal service, and the national defense.

Mr. Speaker, to my thinking, we could have easily gone one step further and created the machinery to bring about better liaison between the State and Federal governments. Although this bill is an excellent piece of legislation in many ways, it overlooks and leaves undefined the specific State's role in aviation planning. As it presently stands, this act relates only to the Federal responsibility in the development of the Nation's airport system and fails to clearly define the role which the States are to provide air transportation to the Nation.

To support my position, I would again refer you to the conference committee report which says:

The managers on the part of the House are aware of the fact that there are needs for expansion and improvement of airport and airway facilities to meet interstate needs outside the national system contemplated by this legislation. In this connection, the managers on the part of the House recognize that many States have created State aeronautical agencies which not only cooperate with the Federal Government in the planning, development, and operation of the national system, but also effectively engage in the planning, development and operation of needed airport and airway facilities not included in the national airport system, and would encourage the States to continue and expand their activities in this respect.

Mr. Speaker, if this legislation is to create only an interstate system, then it should be made abundantly clear to the Governors and the State legislatures that the cost for the development of that part which is intrastate and not interstate is their responsibility. The States should know that the Congress hopes and expects them to do more in this field.

To my thinking, this bill has a blind-spot in it and overlooks a vital role that could be played by the State agencies. While we are looking at the whole picture of aviation nationally, we are ignoring the important piece of the whole— intrastate air travel.

If we are to open up the underdeveloped areas and smaller communities to the benefits of air transportation, and if we ever hope to link these small towns to the metropolitan areas, then it will have to be done at the State level, or coordinated at the State level.

The explosive growth in the number of general aviation aircraft accentuates the magnitude of intrastate air transportation. This is highlighted even further when we consider the expanding commuter and air taxi services in these areas.

Mr. Speaker, general aviation is here and growing. Without proper cooperation between the State and the Federal levels, it will grow like Topsy, and the progress we are making with this bill will later come back to haunt us through this oversight. To illustrate my point, let me quote briefly from an article written in the April edition of Texas Business Review by Dr. Charles Zlatkovich of the University of Texas:

A large part of overall air transportation in Texas and the United States is general aviation, which includes all flying other than military and commercial airline service. A few statistics illustrate the importance of general aviation in Texas. The total number of civil (general-commercial) and joint-use (civil-military) airports in Texas on record with the F.A.A. at the end of 1967 was 900, including 26 heliports and 3 seaplane bases. Only 29 of these Texas airports were used by commercial airlines. Of the 9,030 civil aircraft registered in Texas in 1967, all but 147 were in the general-aviation category. Only 2,117 of the 45,167 active pilot certificates held by Texans were outside the general-aviation category. General aviation will thus be an important part of air transportation in the 1970's just as private automobiles and trucks will be important in highway transportation.

Mr. Speaker, I am fully aware that the tall tales from Texas are legend. But these are irrefutable facts—facts that

can be just as easily developed in other States, such as California, which include a large amount of intrastate air transportation.

However, while I point out a few negative aspects of this bill, I do not want to detract from the progress it makes in aviation. The bill today puts wings on the seven league boots because we have taken giant strides in the right direction. This bill should be considered as important to the aviation industry as the highway trust fund has been to our ground transportation.

For example, the bill authorizes grants for airports to serve certified air carriers at \$250 million a year for 5 years, and \$30 million a year for 5 years in construction of general aviation facilities. I was particularly pleased to see that general aviation was recognized as something more than a stepbrother to the carrier airlines.

However, this \$30 million is only a recognition by the Federal Government of its obligation toward that part of general aviation that is primarily interstate. This recognition by the Federal Government only emphasizes the responsibility of State governments for the largest portion of general aviation and other types of aviation that are primarily intrastate.

Although the provision of this bill that authorizes \$250 million a year for airports that serve certified carriers will be a great boon to those who use the commercial airlines, I was disappointed that the bill did not allow any of the funds to be used for the construction of terminals. Although I agree that safe runways should be our first concern, the need for terminals that can handle passengers and baggage quickly and safely are of utmost importance to the development of our overall national airport system. Even though the present bill does not presently provide terminal funds, it is at least a framework upon which we can build. We all agree that the main problem here is one of a legal nature: Can the Federal Government spend funds for the improvement of privately owned facilities?

Within the mechanics of this bill are the viable provisions that create effective cooperation between the local airport authorities receiving grants and the Department of Transportation. We have included a provision that would allow the Secretary to make grants for up to 3 years running, rather than the old year-by-year basis. This contracting authority provision is very necessary in order for local authorities to sell securities to finance their portion of the matching funds. And, I do not suppose the local airport authorities will miss the drama of wondering each year if they will be renewed by DOT—rather, this 3-year provision will allow more efficient planning and use of funds. I supported strongly this contract authorization provision. The certificated carriers were entitled to this help and the local authorities had to have it. Costs of financing had become too burdensome to handle under the old system.

Mr. Speaker, this bill creates one very significant and tangible spin-off on the

plus side. Although they are not mentioned specifically as a group, in the bill, the air traffic controllers have been following this legislation very closely, I would imagine. The larger and safer airports that are going to be built by this trust fund will certainly improve the controller's working conditions as they shepherd the skies.

And the taxpayers can find some solace in this bill. The general taxpayer will be relieved that the greatest portion of the cost of this program will be carried by the users of these new airports. The cost will be borne by the people who derive the benefits of safety, speed, and convenience.

Although we are a long way from perfection with this bill, I am proud that the Interstate and Foreign Commerce Committee has successfully come to grips with a modern problem and successfully come up with a solution.

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

Mr. PICKLE. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Texas and commend the gentleman for his interest and effort in regard to this legislation generally, and in particular, for his efforts to retain funds in the bill which could be used by State aviation authorities to develop State airport systems.

It has been my view that this legislation should provide for a more balanced approach to meeting our total airport needs. Comprehensive planning for airports as provided under the State programs would give a better balance of facilities, one which would serve general aviation airports as well as the major airports. Such an approach would better accommodate the growing communities and businesses away from the metropolitan centers. Comprehensive planning at the State and local level, which would have been stimulated by the authorization of these funds, would yield more balanced plans, taking into account environmental factors such as congestion, noise and safety to the public. The satellite airport system would be constructively assisted by such a program and I regret the loss of those funds in the Senate.

I have had continuing concern with the need for the proper coordination of development and operation of the major Metropolitan Washington airports, particularly in the efficient use of the airport in which we already have such a substantial Federal investment, namely Dulles. With this legislation we must continue to pursue those plans which will provide the maximum in safety and service to the entire citizenry.

Mr. PICKLE. Mr. Speaker, I thank the gentleman from Maryland for his comment.

We must build these satellite fields. We must make the smaller rural airfields more useful and tie them in with the whole interstate system.

The opposition, I may say, came from the other body, not from the conferees on the part of the House as such. It was from the other side. They were com-

mitted or obligated or were afraid to go along with State authorities. Let us hope that we can obtain more participation with the States later as we go along.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DEVINE) a member of the committee.

Mr. DEVINE. Mr. Speaker, as one of the conferees I am happy to concur in the conference report which accompanies H.R. 14465. However, I feel compelled to point out several items important to the general public in connection with this matter.

I am deeply and increasingly concerned about the heavy burdens placed on the airline passenger resulting from higher fares and now the "user" charge. For example, in 1969, the Civil Aeronautics Board increased fares by two separate actions, a total of 10.6 percent. Now with this legislation, the passenger will pay an additional 8 percent. In other words, in less than 1 year the airline passenger must pay 18.6 percent more to travel by air.

It seems to me the commercial air transport industry and the Congress should take some initiative to halt this continuing increase in cost to the passenger.

I presume that in the pending passenger fare investigations by the Civil Aeronautics Board the airlines' efforts to keep costs down; overscheduling primarily for competition purposes; overbuying of equipment again primarily for competition purposes, will be exhaustively pursued by the Board. I am not convinced that the need for larger airports and associated facilities are based on handling larger equipment such as 747's, but is primarily due to the growth in traffic of all types.

The commercial air transport industry, it seems to me, would be well advised to thoroughly study the legality and feasibility of setting up a Comsat-type corporation to handle airports and air terminals throughout the country. Such a corporation could be organized and yet not adversely affect the primary responsibility of the Federal Aviation Administration and the Civil Aeronautics Board, and I feel Congress would be favorable to any proper proposals to implement the activities of such a corporation. Congress did so with respect to Comsat, and I know of no reason why we should feel differently disposed as it relates to aviation, particularly in light of the success of Comsat.

Even if the airlines found they could not set up such a corporation for legal or other reasons, I am confident Members of this body would feel better knowing that the airlines had at least tried to do something about the problem, which undoubtedly will get worse before it gets better.

To date, the airlines have looked rather successfully to the traveling public, the Civil Aeronautics Board, the Federal Aviation Administration, and the Congress for financial and other relief, rather than acting positively itself in a tangible way. If they do not begin to so respond, public opinion might bring reactions which could be adverse to the airlines.

The present appeal of the passenger fare increase by 38 of my colleagues should be an indication of public opinion. After all, these Members, as well as all Members of Congress, must be aware of public opinion while properly representing their constituency.

As I say, Mr. Speaker, I concur in the conference report; however, we must not turn our back and walk away from the fare-increase situation.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me this brief period of time.

I support the conference report, as one of the conferees. I regard it as a good accomplishment in the public interest. I hope my colleagues will support it.

Mr. Speaker, I strongly support the conference report on H.R. 14465, the Airport and Airway Development Act of 1970, and urge its adoption.

As the Member of this body who drafted the amendment to H.R. 14465 requiring the Secretary of the Department of Transportation to formulate and recommend to Congress for approval a national transportation policy—said amendment being offered in committee on my behalf by my good friend Mr. Moss of California—and as original author and manager in the House of the National Environmental Policy Act of 1969, I wish to make it very clear that the relevant sections of these two pieces of legislation are to be interpreted together.

That is, the national transportation policy required under H.R. 14465 is to be interpreted in harmony with the policy stated in the National Environmental Policy Act. Provisions were added to H.R. 14465 during consideration in the Committee on Interstate and Foreign Commerce which make it completely clear that activities authorized by the Airport and Airway Development Act shall be conducted in such a fashion as to fully take into consideration the protection of fish and wildlife values, as well as other environmental values.

Mr. STAGGERS. Mr. Speaker, again I want to say I thank especially the conferees who helped to work out the differences in the bill, and all members of the committee, and I thank WILBUR MILLS, the chairman of the Committee on Ways and Means, and JOHN BYRNES, for their cooperation in helping to work out this whole bill, and I also thank the ranking minority member of the Committee on Ways and Means for his explanation a few moments ago of the monetary fund.

Mr. Speaker, at this time I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House for title II of the bill be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 12, 1970.)

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement of the managers on the part of the House for title II of the bill.

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

There was no objection.

Mr. MILLS. Mr. Speaker, we have before us today the conference report on H.R. 14465, the Airport and Airway Development Act of 1970. My discussion is directed primarily to title II of the bill—the Airport and Airway Revenue Act of 1970. Title II provides the tax revenues to finance most of the expenditures authorized in the first title of the bill, which was considered by the conferees from the Committee on Interstate and Foreign Commerce.

There is one section in title I, however, which was considered by the conferees from the Committee on Ways and Means and the Senate Committee on Finance. The conference accepted the Senate amendment, section 53 of the bill, which provides that the maximum overtime charge for customs services performed for private aircraft or vessels returning from a visit to a foreign nation—such as Canada or Mexico—may not exceed \$25. Presently, as I understand it, if only one or two private aircraft or vessels use the customs services during an overtime period—for example, on a holiday, Sunday, or night shift—the owner could be charged an amount approaching \$100. If more use is made of the customs services, then the overtime cost is prorated among the several users—thereby reducing the charge to each user. Thus, after the enactment of this bill an individual aircraft owner will only have to pay up to a maximum charge of \$25.

Mr. Speaker, I would now like to briefly summarize the conference decisions relating to the revenue-raising provisions of H.R. 14465.

First, let me discuss the tax on air passenger travel. The conference accepted essentially the House provision raising the 5-percent ticket tax on passengers to 8 percent rather than the Senate's tax directly on the airline, with a slight modification that requires the airlines, or ticket agents, in the case of domestic transportation to advertise a total airfare that includes the 8-percent tax. Also, in the case of transportation fully subject to the domestic tax, the passenger air ticket must show the total ticket price, including the 8-percent tax, and must not contain a separate listing of the tax or before-tax fare. The public will, therefore, be aware of the total airfare for a particular domestic flight before arriving at the ticket counter. These provisions with respect to advertising or stating a tax-included airfare do not apply to the new \$3 per person tax on international flights leaving the United States or to foreign transportation.

As my colleagues will recall, the House bill generally removed all exemptions from the air transportation user taxes. We did not, however, remove the exemptions for transportation furnished to the

Red Cross and international organizations. The conference adopted the Senate amendment which also removes these two exemptions. Now, all users of civil aviation will pay a share of Federal aviation user taxes.

Second, with respect to the cargo tax on air freight transportation in the conference accepted the Senate amendments, which provided three minor exemptions. These exemptions from the cargo tax are charges made for: First, excess baggage accompanying the passenger as "baggage," and not classified as "freight" by the airline; second, the portion of flights to or from Alaska and Hawaii not over U.S. territory, the same exemption as provided in existing law under the passenger ticket tax; and third, imported air freight. In the case of the exemption for imported air freight, the conferees were unable to devise a practical and equitable method of assessing and collecting a cargo tax on imported freight. As a result, it was decided not to impose a tax on imported freight at the present time, but to continue to observe the problem in case it should become a serious competitive problem. I should also point out that both the House and Senate versions had exempted exported freight from the cargo tax.

Third, the conference accepted the House 7-cents-a-gallon tax on aviation fuel used by general aviation, rather than the 6-cents-a-gallon tax as passed by the Senate.

Fourth, in the case of the annual aircraft use tax, the conference accepted the House provision for an annual \$25

basic tax for all taxable civil aircraft plus a poundage tax—2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft. The conference also adopted, however, a modified form of the Senate small aircraft exemption from the poundage tax—based on gross weight rather than seating capacity as the Senate version would have provided. Under the Conference action, an exemption from the poundage tax is provided for piston-engine aircraft with a "maximum certificated takeoff weight" of 2,500 pounds or less. It was felt that an exemption based upon gross weight would be easier to administer by the Federal Aviation Administration and the Internal Revenue Service. This small aircraft exemption will relieve 60 percent of general aviation aircraft from the poundage portion of the use tax.

The conference took the action I have described under the fuel tax and the aircraft use tax after considering the proportion of the total aviation user tax burden to be borne by general aviation versus commercial aviation. Under the House bill, general aviation's share of the total user taxes raised in 1971 would have been 9.2 percent and by 1980 this would have been expected to decrease to 6 percent. However, under the Senate version, general aviation's share would have been only 7.2 percent in 1971 and 4.7 percent in 1980. The conference action represents a compromise between the House and Senate versions. In 1971, general aviation's share of the total user tax under the conference action will be 8.8 percent and by 1980 it is expected

that this will have decreased to 5.8 percent.

Fifth, the conference adopted the Senate amendments providing a termination date of June 30, 1980—for the new and increased aviation user taxes provided by this bill and also for the termination of the new airport and airway trust fund created by this bill. This will provide Congress a specific date to review the entire Federal airport and airway program. I should point out that this is consistent with the highway trust fund program which also has a termination date.

Finally, Mr. Speaker, the conference adopted July 1, 1970, as the effective date for the new and increased aviation user taxes and the start of the new airport and airway trust fund.

As approved by the conference, the revenue provisions of H.R. 14465 will provide aviation user tax revenues of \$665.8 million for fiscal 1971, or \$322 million above existing law aviation tax revenues. By fiscal 1980, the aviation user taxes are projected to yield \$1.8 billion annually, or almost twice the level of the estimated revenue of \$927 million from existing law aviation taxes.

Mr. Speaker, I ask unanimous consent that a summary table giving a comparison of the estimated aviation user tax revenues under the House, Senate, and conference versions of the bill be inserted at this point in the Record.

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

There was no objection.

The table referred to follows:

TABLE 1.—SUMMARY COMPARISON OF ESTIMATED AVIATION USER TAX REVENUES, H.R. 14465—HOUSE, SENATE, AND CONFERENCE VERSIONS, FISCAL YEARS 1971-74 AND 1979-80 (Millions of dollars)

	1971	1972	1973	1974	1979	1980		1971	1972	1973	1974	1979	1980	
A. As passed by the House:							Fuel tax, 6 cents a gallon¹.....							
Total.....	674.5	747.8	834.4	930.8	1,626.0	1,813.3		40.4	43.6	47.2	50.7	69.4	73.2	
Passenger ticket tax, 8 percent.....	526.2	584.4	653.5	731.7	1,293.2	1,444.2		28.4	31.2	35.0	39.6	68.4	74.5	
Waybill tax, 5 percent.....	42.9	48.9	56.1	63.3	134.3	157.6		19.2	20.9	22.6	24.4	33.0	34.9	
Fuel tax, 7 percent a gallon ²	47.2	50.9	55.1	59.2	81.0	85.4		3.0	3.2	3.3	3.5	5.0	5.3	
International tax, \$3.....	28.4	31.2	35.0	39.6	68.4	74.5	C. As approved by the Conference:							
Aircraft use tax ³	26.8	29.2	31.4	33.5	44.1	46.3	Total.....	665.8	738.0	823.8	919.1	1,605.6	1,790.1	
Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3	Passenger ticket tax, 8 percent.....	526.2	584.4	653.5	731.7	1,293.2	1,444.2	
B. As passed by the Senate:								Waybill tax, 5 percent.....	37.4	42.7	49.0	55.3	117.6	138.1
Total.....	661.7	733.9	819.4	915.1	1,604.0	1,789.7		Fuel tax, 7 cents a gallon ²	47.2	50.9	55.1	59.2	81.0	85.4
Passenger tax ⁴	533.3	592.3	662.3	741.6	1,310.6	1,463.7		International tax, \$3.....	28.4	31.2	35.0	39.6	68.4	74.5
Waybill tax, 5 percent ⁴	37.4	42.7	49.0	55.3	117.6	138.1		Aircraft use tax ³	23.6	25.6	27.9	29.8	40.4	42.6
								Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3

¹ General aviation aircraft.

² Annual use tax of \$25 for all aircraft plus 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft.

³ Tax at 7.5 percent of air fare, imposed on airline; assumes full tax is passed on in the ticket price.

⁴ Revised. Exempts charges for portion of flights to or from Alaska and Hawaii not over U.S. territory, excess baggage, and imported freight.

⁵ Annual use tax of 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft with seating capacity of 4 adults or less.

⁶ Annual use tax of \$25 for all aircraft plus 2 cents a pound for piston-engine aircraft of more than 2,500 pounds "maximum certificated takeoff weight" and 3½ cents a pound for turbine-engine aircraft.

Source: Department of Transportation, Federal Aviation Administration, Office of Aviation Economics.

Mr. MILLS. Mr. Speaker, I urge approval of title II of the conference report as well as title I.

Does the gentleman from Wisconsin (Mr. BYRNES) desire some time? I yield to the gentleman from Wisconsin such time as he may consume.

Mr. BYRNES of Wisconsin. Mr. Speaker, it is not my intention to speak at any great length on this conference report. I do, however, urge the adoption of the conference report.

The financial aspects of this legislation, as the House knows, was developed

by the Ways and Means Committee and the Finance Committee in the Senate. Members from these committees comprised the conference committee that worked out the revenue provisions. The conferees were unanimous in their agreement on the revenue aspects.

Mr. Speaker, as the chairman has pointed out and as I earlier pointed out, the taxing and financing aspects of the conference agreements is, with a minor exception, practically identical to the bill the House originally agreed to.

Let me emphasize this Mr. Speaker: I

think this is landmark legislation comparable to the Highway Act that we passed some years ago. We are today approaching a crisis situation as far as aviation and our capacity to meet our air transport needs are concerned. This bill, with the financing provided and the substantive changes included, should enable us to act effectively to cope with the growing problems that we face. It should assure the public a growing and improved air transportation capability in this country.

I think this can mark a turning point

in the air transportation problems we face. As a result of this legislation, we assure the basic funds required to meet the needs of this growing form of transportation, with its increases in sophistication, and its growing needs for navigational aids and safety equipment. I think this bill provides the basic framework for providing for a sound and safe growth in our air transport capacity over the next decade.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 362, nays 3, not voting 64, as follows:

[Roll No. 117]

YEAS—362

Abernethy	Carey	Flynt
Adair	Casey	Ford, Gerald R.
Adams	Cederberg	Ford,
Addabbo	Celler	William D.
Albert	Chamberlain	Foreman
Alexander	Chappell	Fountain
Anderson,	Chisholm	Frey
Anderson,	Clancy	Friedel
Anderson, Ill.	Clark	Fulton, Pa.
Andrews, Ala.	Clausen,	Fulton, Tenn.
Andrews,	Don H.	Fuqua
N. Dak.	Clawson, Del	Gallanakis
Annunzio	Cleveland	Gallagher
Arends	Collins	Garmatz
Ashbrook	Colmer	Gaydos
Ashley	Conable	Gettys
Aspinall	Confe	Giatmo
Ayres	Corbett	Gibbons
Barrett	Corman	Goldwater
Beall, Md.	Coughlin	Gonzalez
Belcher	Cowger	Goodling
Bell, Calif.	Cramer	Gray
Bennett	Crane	Green, Pa.
Berry	Daniel, Va.	Griffin
Betts	Daniels, N.J.	Griffiths
Bevill	Davis, Ga.	Gross
Bieber	Davis, Wis.	Grover
Blackburn	de la Garza	Gude
Blanton	Delaney	Hagan
Boggs	Dellenback	Haley
Boland	Denney	Hall
Bolling	Dennis	Hamilton
Bow	Dent	Hammer-
Brasco	Derwinski	schmidt
Bray	Devine	Hanley
Brinkley	Diggs	Hanna
Brock	Dingell	Hansen, Idaho
Brooks	Donohue	Hansen, Wash.
Broomfield	Dorn	Harrington
Brotzman	Dowdy	Harsha
Brown, Mich.	Downing	Harvey
Brown, Ohio	Dulski	Hastings
Broyhill, N.C.	Duncan	Hathaway
Broyhill, Va.	Dwyer	Hawkins
Buchanan	Eckhardt	Hays
Burke, Fla.	Edwards, Calif.	Hechler, W. Va.
Burke, Mass.	Edwards, La.	Heckler, Mass.
Burleson, Tex.	Elberg	Helstoski
Burlison, Mo.	Erlenborn	Henderson
Burton, Calif.	Esch	Hogan
Burton, Utah	Eshleman	Hollifield
Bush	Evans, Colo.	Horton
Button	Evins, Tenn.	Hosmer
Byrne, Pa.	Farbstein	Howard
Byrnes, Wis.	Fascell	Hull
Cabell	Felghan	Hungate
Caffery	Findley	Hunt
Camp	Flood	Hutchinson

Ichord	Murphy, Ill.	Scott
Jacobs	Murphy, N.Y.	Sebelius
Jarman	Myers	Shipley
Johnson, Calif.	Natcher	Shriver
Johnson, Pa.	Nelsen	Sikes
Jones	Nichols	Sisk
Jones, Ala.	Nix	Skubitz
Jones, N.C.	Obey	Smith, Iowa
Jones, Tenn.	O'Konski	Smith, N.Y.
Karth	Olsen	Snyder
Kastenmeier	O'Neal, Ga.	Springer
Kazen	O'Neill, Mass.	Stafford
Kee	Pasman	Staggers
King	Patman	Stanton
Kleppe	Patten	Steed
Kluczynski	Pelly	Steiger, Ariz.
Koch	Pepper	Steiger, Wis.
Kyl	Perkins	Stevens
Landgrebe	Pettis	Stubblefield
Landrum	Philbin	Stuckey
Langen	Pickle	Sullivan
Latta	Pike	Symington
Lennon	Pirnie	Taft
Lloyd	Poage	Talcott
Long, Md.	Podell	Taylor
Lujan	Poff	Teague, Calif.
Lukens	Pollock	Teague, Tex.
McClory	Powell	Thompson, Ga.
McCloskey	Preyer, N.C.	Thompson, N.J.
McClure	Price, Ill.	Thompson, Wis.
McCulloch	Price, Tex.	Tiernan
McDade	Pryor, Ark.	Ullman
McDonald,	Purcell	Van Deerin
Mich.	Quile	Vander Jagt
McEwen	Quillen	Vanik
McKneally	Railsback	Vigorito
Macdonald,	Randall	Waggonner
Mass.	Rarick	Waldie
MacGregor	Rees	Wampler
Madden	Reid, Ill.	Watkins
Mahon	Reuss	Watson
Malliard	Rhodes	Watts
Mann	Riegle	Weicker
Marsh	Rivers	Whalley
Martin	Roberts	White
Mathias	Robison	Whitehurst
Matsunaga	Rodino	Whitten
May	Roe	Whitman
Mayne	Rogers, Colo.	Wiggins
Meads	Rogers, Fla.	Williams
Melcher	Rooney, N.Y.	Wilson,
Meskill	Rooney, Pa.	Charles H.
Mesner	Rosenthal	Wold
Mich	Roth	Wolf
Mikva	Roudebush	Wright
Miller, Calif.	Roybal	Wyatt
Miller, Ohio	Ruppe	Wyder
Mills	Ruth	Wylie
Minish	Ryan	Wyman
Mink	St Germain	Yates
Minshall	Sandman	Young
Mize	Satterfield	Zablocki
Mizell	Saylor	Zion
Monagan	Schadeberg	Zwach
Montgomery	Scherle	
Morgan	Schwengel	
Moss		

NAYS—3

Foley	Hicks	Leggett
Abbt	Fish	Morton
Anderson,	Fisher	Mosher
Tenn.	Flowers	Nedzl
Baring	Fraser	O'Hara
Blaggi	Frelinghuysen	Ottinger
Eingham	Gilbert	Pucinski
Blatnik	Green, Ore.	Reid, N.Y.
Brademas	Gubser	Relfel
Brown, Calif.	Halpern	Rostenkowski
Carter	Hebert	Scheuer
Keith	Kirwan	Schneebeil
Cohelan	Kuykendall	Slack
Conyers	Kyros	Smith, Calif.
Culver	Long, La.	Stokes
Cunningham	Lowenstein	Stratton
Da idario	McCarthy	Tunney
Dawson	McFall	Udall
Dickinson	McMillan	Whalen
Edmondson	Mollohan	Wilson, Bob
Edwards, Ala.	Moorhead	Winn
Fallon	Morse	Yatron

NOT VOTING—64

So the conference report was agreed to. The Clerk announced the following pairs:

Mr. Gilbert with Mr. Halpern.
 Mr. Daddario with Mr. Fish.
 Mr. Moorhead with Mr. Keith.
 Mr. Long of Louisiana with Mr. Carter.
 Mr. Blaggi with Mr. Mosher.
 Mr. Blatnik with Mr. Kuykendall.

Mr. Brademas with Mr. Collier.
 Mr. Edmondson with Mr. Frelinghuysen.
 Mr. Pucinski with Mr. Reid of New York.
 Mr. Rotsenkowski with Mr. Morse.
 Mr. Hébert with Mr. Smith of California.
 Mr. Fisher with Mr. Edwards of Alabama.
 Mr. O'Hara with Mr. Morton.
 Mr. McFall with Mr. Bob Wilson.
 Mr. Culver with Mr. Schneebeil.
 Mr. Flowers with Mr. Dickinson.
 Mr. Fraser with Mr. Whalen.
 Mrs. Green of Oregon, with Mr. Cunningham.
 Mr. Slack with Mr. Gubser.
 Mr. Mollohan with Mr. Relfel.
 Mr. Kyros with Mr. Winn.
 Mr. McMillan with Mr. Udall.
 Mr. Anderson of Tennessee with Mr. Baring.
 Mr. Abbott with Mr. Kirwan.
 Mr. Brown of California with Mr. Stokes.
 Mr. Ottinger with Mr. Clay.
 Mr. Lowenstein with Mr. Conyers.
 Mr. McCarthy with Mr. Yatron.
 Mr. Cohelan with Mr. Bingham.
 Mr. Stratton with Mr. Tunney.
 Mr. Nedzl with Mr. Scheuer.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 16516, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MILLER of California, TEAGUE of Texas, KARTH, HECHLER of West Virginia, FULTON of Pennsylvania, MOSHER, and ROUDEBUSH.

DISAPPROVING REORGANIZATION PLAN NO. 2 OF 1970

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 960, disapproving Reorganization Plan No. 2 of 1970; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution may continue not to exceed 4 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. ERLNBORN) and myself.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 960, with Mr. HUNGATE in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from California (Mr. HOLIFIELD) will be recognized for 2 hours and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 2 hours.

The chair recognizes the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although the time of general debate agreement between the gentleman from Illinois (Mr. ERLENBORN) and myself has been set at 4 hours, both of us desire to handle this bill as expeditiously as possible. We shall strive, if we are not interrupted by quorum calls or excessive desires by Members to speak, to make the time shorter.

I intend to take time to cover this matter rather thoroughly because I believe this is a very important resolution that is now pending before us, a resolution to disapprove Reorganization Plan No. 2 of 1970.

I do not approach the disapproval of the presidential reorganization plan lightly or in a bipartisan way. I believe that I will show my good faith by saying that if this resolution is approved that the gentleman from Minnesota (Mr. BLATNIK), the chairman of the committee, and I, have introduced a resolution which will give the President all of the assistance that he needs, but at the same time it will form a structure of Government which is not behind the cloak of executive privilege and executive secrecy where the Congress cannot get to the individuals that are going to be charged with very heavy responsibilities of evaluating the programs and policies, coordinating the programs and policies and setting our national priorities on those programs and policies. And it is because the reorganization plan forms a layer of some 90 staff and other executive directors that will be in the position of non-competitive, noncivil service, and non-Senate approved and nonstatutorily appointed to be responsive to the Congress that we disapprove this plan and ask for a favorable vote on the disapproval resolution.

Mr. Chairman, Reorganization Plan No. 2 of 1970 was transmitted by President Nixon to the Congress on March 12, 1970. The plan and the accompanying message are printed in House Document 91-275. These documents were included with other descriptive material in my remarks on Thursday, May 7, which appear in the CONGRESSIONAL RECORD of that date, commencing at page 14627. A fact sheet explaining the plan and a critique also were included.

Briefly, the plan renames the Bureau of the Budget as the Office of Management and Budget, authorizes six new

high-level positions for the office, creates a Domestic Council to encompass most of the Cabinet members and others whom the President may designate, and provides for an Executive Director to head the staff of the Domestic Council.

If the Congress does not disapprove the plan, it will take effect, according to its terms, on July 1, 1970. However, the 60-day period for congressional review provided in the Reorganization Act requires the Congress to take action before May 16, in deciding whether to approve or disapprove the plan.

House Resolution 960, introduced by the gentleman from Minnesota (Mr. BLATNIK), is a disapproving resolution. Hearings were held by the Subcommittee on Executive and Legislative Reorganization, and the full Committee on Government Operations recommends disapproval in accordance with the resolution. Under the parliamentary situation, therefore, an aye vote is requested on the disapproved resolution. The committee's views, together with separate and dissenting views of several members of the committee, are set forth in House Report 91-1066.

I might add, Mr. Chairman, that the gentleman from Minnesota, who chairs the subcommittee and has introduced the disapproving resolution, is unavoidably absent on official business for the committee.

In opposing Reorganization Plan No. 2 of 1970, I want to make it clear that the committee is not taking a negative position. Legislation has been introduced (H.R. 17376) which embodies the worthwhile features of the plan while eliminating its defects. If this plan is rejected by adoption of the disapproving resolution, then I can assure the Members that our committee will report out legislation to accomplish the objectives of the plan which help the President without interfering with vital congressional responsibilities.

The fact that our committee will report out legislation on this subject is an earnest of our good will. In opposing the plan it is not our purpose to attack President Nixon. There is nothing personal in the committee's decision to endorse the disapproving resolution after careful study. We believe simply that the plan has serious flaws and that its objectives could be better accomplished by legislation.

As a matter of information, let me note that this plan is the first public product of the President's Advisory Council on Executive Organization, known as the Ash Council after its chairman, Roy L. Ash, president of Litton Industries. Mr. Ash appeared before the subcommittee in support of his brainchild, along with Frederick R. Kappel, former chairman of the board, American Telephone & Telegraph Co.

OBJECTIVES OF THE PLAN

What are the objectives of the plan? In essence, this is a plan to increase staff assistance to the President in two ways: First, by authorizing six high-level—Executive-V—positions in the Bureau of the Budget, which is renamed the Office of Management and Budget under the

plan; and second, by creating a Cabinet secretariat, officially estimated at 90 persons—see House Report 91-1066, page 54—to be headed by an Executive Director who is one of the Presidential assistants.

Essentially, this is what the plan does—it creates a large new staff in the Executive Office of the President. The rest is window dressing or technicalities, and the members would not be misled by the high-blown rhetoric and gobbledegook usually accompanying such reorganizations.

Please understand, this is not a reorganization plan, in any real sense of the word, for the President's office. The assorted councils, committees, commissions and offices within the Executive Office will remain largely undisturbed. According to the President's message accompanying the plan, the Domestic Council will absorb a few nonstatutory committees—the Urban and Rural Affairs Councils and the Cabinet Committee on the Environment—but these will be merely reformed as subcommittees of the Domestic Council. In fact, the Council will accomplish much of its work, as the President's message says, "by temporary, ad hoc project committees"—House Document 91-275, page 4.

STAFFING OF EXECUTIVE OFFICE

How many staff people are there now within the confines of the Executive Office? That is a good question, but nobody seems to know precisely the answer. It depends, in part, on how we define the Executive Office. For example, when the Congress created the Office of Economic Opportunity by Public Law 88-452, it decreed, in its wisdom, that OEO would be located within the Executive Office of the President. OEO alone has 2,502 permanent positions. The Peace Corps is not formally listed within the Executive Office, but its funds are appropriated to the President, and it lists 1,165 employees. The Central Intelligence Agency comes under the National Security Council, both of which are in the Executive Office, but of course there is no public listing for the employment roles of the CIA. We know from the Budget figures—and in all cases I am referring to the 1971 budget estimates—that the Bureau of the Budget has 585 permanent positions, the Office of Emergency Preparedness 233, the Office of Telecommunications Policy 117, the National Security Council 75, the Office of Science and Technology 57, the Council of Economic Advisers 51, and so on down the line. Among the smaller agencies in the Executive Office is the Office of the Special Representative for Trade Negotiations. This office, in which, as you may recall, Murray M. Chotiner served as General Counsel for a time, has 35 permanent positions.

Then there is the White House Office, which is a separate part of the Executive Office. It carries a permanent staff of 548—including details from Federal agencies which, under the 1971 budget request, are to be shifted directly to the White House payroll. Besides this staff, there are additional White House staffs provided for the Executive Mansion upkeep, for special jobs assigned by the

President, and for a variety of other Presidential tasks deriving from special funds appropriated to the President, including the emergency fund.

The United States Government Organization Manual for 1969-70 lists 13 components of the Executive Office of the President. It includes the CIA but does not show the recently created Council on Environmental Quality and various less formal or temporary groups attached to or working within the Executive Office. Information obtained from the Budget document and elsewhere permits the generalization that the Executive Office of the President employs well in excess of 4,000 persons, not counting the CIA, whose employment is not made public, and such organizations as the Peace Corps, whose funds are appropriated to the President.

We are told that the President needs more staff. He is beset by world-shaking problems abroad and by domestic disorder and crises at home. He needs help in identifying national goals and setting national priorities. We sympathize with the President's needs, and I for one am perfectly willing to see that he gets all the help he needs in grappling with the problems that afflict the Nation today.

THE CENTRAL ISSUE

There is no need, however, for the President to get this expanded staff at the expense of congressional prerogatives and responsibilities. That is the big issue, the central issue as far as I am concerned. If this plan is adopted, the President will acquire vast new powers to assign and reassign functions throughout the Government. He will have a congressionally-authorized Cabinet secretariat to develop policies and programs, beholden to him alone, unavailable to appear before congressional committees or to provide documentary information to the Congress.

This is the major vice of Reorganization Plan No. 2 of 1970. It seeks a worthwhile objective by questionable means. It would alter the constitutional balance of powers against the Congress, in favor of the Executive. This may be the consequence rather than the intent of the plan, but the result is no less pernicious.

Let me explain what I mean. Section 101 of the plan transfers to the President all functions vested by law in the Bureau of the Budget or its Director. There are at least 58 statutory provisions—laws enacted by the Congress—which apply in one particular or another to the Bureau of the Budget. This plan in one fell swoop gathers up all those statutory functions and puts them in the hands of the President.

Why is this transfer necessary? Well, the answer seems to be, based on the testimony and other explanatory material submitted by administration witnesses, that to effect a reorganization, under the Reorganization Act of 1949 as amended—the basic enabling legislation for reorganization plans—it was necessary to move governmental functions from one place to another. Remember what I said a moment ago—that this plan essentially expands the staff of the President's Executive Office. Expansion of staff by itself is not a reorganization

under the terms of the law. So to make the plan legitimate, the administration planners concocted the idea of transferring all the statutory functions vested in the Bureau of the Budget or its Directors to the President himself.

PLAN IS ILLEGALLY DRAWN

This transfer has far-reaching and very serious implications, which I will develop in a moment. The interesting thing, however, is that the effort to make the plan legitimate did not quite succeed. The drafting was sloppy and the drafters overlooked a key provision of the Reorganization Act of 1949 as amended. This provision says, in essence, that if certain new positions are required in a reorganization, appointments to these positions either must be in the competitive civil service or be confirmed by the Senate.

You will note in section 203 of the plan that a new office or position is created, that of Executive Director of the Domestic Council. Section 203 says that the Executive Director shall be an assistant to the President. In other words, one of the President's assistants is designated Executive Director. He wears another hat. Nevertheless, he would be filling a new office created under the plan, and since a Presidential assistant is neither in the competitive service nor confirmed by the President, this is a clear and obvious violation of the terms of the Reorganization Act of 1949 as amended.

The plan is not, I repeat not, legally drawn. The Comptroller General has confirmed the committee's finding. His letter is printed in the appendix to House Report 91-1066, which is the committee report accompanying the disapproving resolution, see page 56.

The administration witnesses consulted with Department of Justice parties and received a memorandum which goes contrary to the Comptroller General's opinion. This was followed by a letter from Attorney General John W. Mitchell to the chairman of our subcommittee, the gentleman from Minnesota (Mr. BLATNIK), saying the same thing with more words. Both of the Department of Justice statements also are printed in the appendix to House Report 91-1066, see pages 59-64.

I might note, incidentally, that this is a rather unusual course—for the Attorney General to tender directly to a committee or subcommittee his legal opinion on an executive action. The Department of Justice traditionally considers itself as lawyer for the executive branch and frequently, in the past, it has refused to give legal opinions to the Congress. We have our own lawyer, of course, the Comptroller General. In many ways, his legal opinions carry more weight than those of the Attorney General, for the Comptroller General makes rulings practically every day on the legality of expenditures, and these rulings are binding on the executive branch. If expenditures are made in a manner which the Comptroller General finds to be illegal or unauthorized, he has powers conferred by the Congress to disallow such expenditures.

CONFLICT OF LEGAL OPINIONS

This 180-degree difference of opinion by two great legal centers—the counsel for the executive branch and the counsel for the legislative branch—at the very least casts a cloud of uncertainty over the plan. Our committee in good conscience cannot approve a plan which we believe to be in violation of the Reorganization Act, and which the Comptroller General believes to be in violation by what he terms a reading of the "plain words" of the statute.

The Attorney General happens to disagree, and while I do not for a moment impute any political motivations to Mr. Mitchell, it strikes me as a layman that his opinion does not make good law. The Attorney General's opinion says in substance that the Executive Director receives his authority from the President by virtue of legislation outside the plan; namely, legislation which authorizes the President to appoint six administrative assistants—section 106 of title 3, United States Code. I look at the plan and in section 203 I see that it provides for the staff of the Domestic Council to be headed by an Executive Director. The Attorney General tells us that this Executive Director is really outside the plan, not inside the plan. This gets to be legal legerdemain.

A MANAGEMENT PRINCIPLE CARRIED TOO FAR

Let me come back to the point about the transfer of functions from the Bureau of the Budget and its Director to the President. As I have already explained, this was a technical device to effect a "reorganization" by means of which the President would be enabled to expand his staff resources. Proponents of the plan then have gone on to argue that the President should have the right to organize his own Office, that this is simply a principle of good administrative management put forth by the Hoover Commission and many students of Government administration. This principle has merit, but let us not get carried away with it. The fact is that when the first Hoover Commission put forth this principle more than two decades ago—in 1949—the Federal budget was only \$40 billion compared to \$200 billion today, and Government was a lot less complicated. Today, the Executive Office of the President has many offices and councils and other organizational units, as I have already observed. Some of these are authorized by law, some were created by reorganization plan, and others owe their existence simply to Presidential order or announcement.

We can no longer dispose of the issue of Executive Office organization by saying, "Let the President do it." The Executive Office represents something far more complex than the President's "personal staff." The Congress has seen fit, again in its wisdom, to establish many components of the Executive Office by law and to prescribe their duties by law. Furthermore, the heads of the important components of the Executive Office are confirmed by the Senate. No less than eight heads of agencies in the Executive Office are subject to Senate confirmation. These agencies are Central Intelligence Agency, Office of Economic

Opportunity, Council of Economic Advisers, Office of Science and Technology, Office of Emergency Preparedness, Office of Telecommunications Policy, Office of Special Representative for Trade Negotiations, and the Council on Environmental Quality.

If the logic of the principle were carried far enough—if the President were to have transferred to him all the statutory powers of all the statutory agencies in the Executive Office, with power to reassign or redelegate at will, you can see what this means from the standpoint of the Congress.

It means that the Congress would be relinquishing to the President its constitutional power to prescribe departmental organization and to determine the locus of the appointing power. Even in the case of the great departments of Government, the Congress has been unwilling to leave complete discretionary authority in the department heads to organize and reorganize, to assign and reassign, as they see fit. The Secretary of Defense, for example, has considerable authority along this line, but major reorganizations of designated types have to be submitted to the Congress for approval. The Department of Transportation, the Department of Housing and Urban Development—in these and other cases, the Congress has prescribed to a certain extent the internal organization of the department, so that the head of the department cannot simply rearrange things according to his own judgment or whim.

CONGRESS IS CUT OUT OF THE PATTERN

Under this reorganization plan the Congress gets cut out of the pattern in some ways that are obvious and some ways that are subtle. Consider first the Bureau of the Budget. The Congress enacted some 58 statutory provisions, listed in our report—see House Report 91-1066, page 36—which apply to the Bureau of the Budget or its Director. The plan transfers these functions to the President. The President promises to delegate them back to the Bureau under its new name, Office of Management and Budget. At a later date, the President may decide to transfer some or all of these functions elsewhere in the Government. The plan gives him a free-floating mandate in this respect. Once the authority is lodged in the President rather than in the Bureau, he can do with it what he will. And this is more than a matter of reorganizing the Presidential office. The McCormack Act—section 301 of title 3, U.S. Code—enables the President to delegate functions, under specified conditions, to agency heads or other statutory officers throughout the Government. Testimony of witnesses before the subcommittee made it plain that the President might very well decide to retrieve some of the functions he would redelegate to the Office of Management and Budget, and assign them to other Government agencies.

Here we come to one of the subtleties of the situation. When the Congress enacts a law directing the Bureau of the Budget to perform specified functions, to discharge certain duties and responsibilities, then the Congress expects that

the Director of the Budget, just as the head of any other Government agency, will report from time to time and give an account of his performance. It cannot expect quite the same response when the statutory functions are vested in the President, for the President represents the head of a separate branch of Government, whereas the Congress has constitutional authority to prescribe the departmental organization of Government and to vest appointing authority as it sees fit.

ILLUSTRATING THE SHIFT OF AUTHORITY

To illustrate the point that the statutory function vested in the Bureau of the Budget or its Director is something different from the same statutory function transferred to the President, consider section 20 of title 31, United States Code. It provides:

The Bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request.

Substitute "President" for "Bureau" and you have at once a different order of obligation and responsibility. The Congress cannot command the President like it does the Bureau of the Budget. Besides the specific statutory requirement to supply assistance and information to the designated committees, the Bureau of the Budget also is called upon by many other committees of Congress for advice and information on pending legislation and other matters of mutual interest. The Committee on Government Operations, for example, has frequent occasion to consult with Bureau officials concerning such matters as reorganization plans, accounting methods in the Federal departments and agencies, Federal property management, and legislation concerning administrative expenses or operations in the Government.

If we examined the numerous statutes enacted over the years with reference to the Bureau of the Budget, we would find that the statutory relationships of Congress with the Bureau involve such committees as Post Office and Civil Service, Armed Services, Veterans' Affairs, District of Columbia, Education and Labor, Interstate and Foreign Commerce, Public Works, and Foreign Affairs. These are just the committees with a statutory relationship, where the Bureau promulgates regulations. All committees, of course, are interested in the activities of the Bureau of the Budget because all programs go through a budget process, and all legislation goes through a clearance process in the Bureau.

Administration witnesses contended that such relationships with the Congress would remain unimpaired despite the statutory transfer of powers to the President. This is not likely to be the case. Subtle differences develop when the law directed to a specific agency is handed to the President and injected into the aura of the Presidency. Sensitivities develop on the part of Executive Office officials as to what is privileged and what is not privileged, and the benefit of the doubt is given to the side of privilege for fear of embarrassing the President or prematurely making some

statement which has not been approved or finally settled by the White House.

DOMESTIC COUNCIL BEYOND CONGRESSIONAL REACH

If the effect of the transfer of functions to the President is to place the Bureau of the Budget several steps farther away from the Congress, what shall we say of the Domestic Council as constituted under the plan? The Executive Director would be a Presidential assistant, and that relationship by itself is enough to move White House bureaucrats to put the stamp of privilege on the documents or deliberations of the Council. The committee was assured by administration witnesses that the individual members of the Council, that is to say, the department and other agency heads who might be designated to participate, would be available, as usual, to testify before committees and to supply information to the Congress. This is only seeming assurance. In fact, the department heads and others would be less inclined to discuss their problems freely before the Congress because of the likelihood that all important policies would be continuing matters of concern and consideration in the Domestic Council.

This is not to say that the Council itself would be the actual policymaking instrument. The active work would be done by the 90-member secretariat headed by the Presidential Assistant/Executive Director. The Council in the nature of the case would not meet frequently. The department heads are too busy to spend much time at it, and at best they would be a review rather than a policy-forming group. The basic work would be done by the Executive Director working through the secretariat and the ad hoc committees and subcommittees. Since the major justification offered for the Council and the secretariat is the importance of examining domestic policies and problems which cut across numerous agencies and the need to do a better job of coordination and coherence in policy development, then it is obvious that the veil of secrecy will be spread over larger and larger areas of Government policy-making. What such a Council distinctively has to offer will be withheld from the Congress. No administration witness was prepared to say that the Executive Director would be willing or be permitted to make an appearance before committees of the Congress or make any report or document of the Council available to these committees.

The distinction made in the President's message between policy formulation and policy implementation, assigning the first responsibility to the Domestic Council and the second to the Office of Management and Budget, accentuates the problem of congressional access. We believe that for many purposes, including the purposes of this plan, the distinction is naive and artificial to the extent that it is, or can be, applied in practice. It not only diminishes the importance of the budget agency but it gathers into the policy domain—the most important part—many matters associated with budget-making. These become less accessible to the Congress than if they were retained in the budget agency.

REVERSAL OF ACCESS PRINCIPLE

It is curious and somewhat ironic that Reorganization Plan No. 2 of 1970 would cut Congress out of the pattern of access to basic information on domestic policy formation when, theoretically, the existence of a reorganization plan—having the force and effect of law—can be said to strengthen congressional access. This was the rationale put forward in asking the Congress to approve Reorganization Plan No. 2 of 1962, creating the Office of Science and Technology. Thus, President Kennedy, in submitting the OST plan, said it would "permit some strengthening of the staff and consultant resources now available to the President in respect of scientific and technical factors affecting executive branch policies and will also facilitate communication with the Congress."

Testifying in behalf of the 1962 plan, Elmer B. Staats, then Deputy Director of the Bureau of the Budget—now Comptroller General—said, in part:

We recognize that the Congress at times will desire the testimony of an official who can speak authoritatively on the Government's scientific activities from an overall, rather than departmental, point of view.

The Director of the Office of Science and Technology, in the same way as the Budget Director and the Chairman of the Council of Economic Advisers, will be free to appear before congressional committees.

Administration witnesses were quick to point out that the 1962 plan and the 1970 plan were somewhat different in content and purpose. Nevertheless, the principle is valid and should be consistently maintained; namely, that when the Congress gives, through approval of a reorganization plan, statutory underpinning to a component of the Executive Office of the President, congressional access should be enhanced rather than retarded. I repeat that none of the administration witnesses was prepared to state that the Executive Director of the Domestic Council would be available to appear before congressional committees or to supply requested documents or other information concerning the work of the Council.

CUTTING INTO CIVIL SERVICE COMMISSION

There are other features of this reorganization plan which raise serious questions. Although the plan does not spell out details, the President's message informs us that the renamed and expanded Office of Management and Budget, among other things, "will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of the civil service, in the broadest sense of that term." The message goes on to say that the OMB will not itself deal with individuals, but will depend on the Civil Service Commission and the employing departments and agencies to administer this program. These are intended to be words of assurance that the OMB will not take away from the Civil Service Commission its important program for the development of Federal executive talent. The words have not been reassuring enough. The subcommittee re-

ceived testimony from the American Federation of Government Employees—AFL-CIO—and the National Federation of Federal Employees, which are unequivocally opposed to the personnel features of the reorganization plan because of the perceived threat to the role of the Civil Service Commission. Several other experts, including our former colleague, the Honorable Robert Ramspeck, also a former Chairman of the Civil Service Commission and a noted authority in Federal personnel affairs, took issue with this aspect of the plan.

Their concerns are not imaginary. If the OMB is made responsible for career personnel development in the manner indicated by the President's message, then the Civil Service Commission's program for career development will shrivel up and its standing in the Government permanently impaired. Split responsibilities are prejudicial to progress in this field. And remember that the OMB functions will be delegated by the President under the plan, so that inevitably the OMB participation in executive career development will be tinged with Presidential politics. The vexing problem of proper relationships between the Civil Service Commission and the White House, and the old argument whether the Chairman of the Commission should be formally constituted as a personnel adviser to the President, are revived in a new way by this plan. No less than the integrity of the Civil Service Commission as a professional, nonpolitical agency for advancement of the Federal career service is at stake.

ANOTHER ANOMALY

Among the anomalies in the personnel provisions of this plan is the following: on the one hand the OMB would reach into the jurisdiction of the Civil Service Commission with adverse consequences; on the other hand, the six high-level—Executive-V—positions which the OMB would acquire under the plan are in the competitive civil service. The appointees would be blanketed into permanent civil service positions, which a succeeding administration would have to accept. Our committee does not believe, nor do I, that such high-level policy positions should be in the competitive civil service. A new President should be able to select whom he desires for such policymaking responsibilities.

The anomaly derives from the fact that since the positions were created as a consequence of the "reorganization" concocted by the plan, the Reorganization Act requires that they be either in the competitive civil service or subject to Senate confirmation. In other words, we may presume that the drafters of the plan did not necessarily want to place these positions in the competitive civil service, but they believed they had no alternative.

Incidentally, it is not clear from the testimony precisely why these positions are needed or what responsibilities will be assigned. There was some discussion before our committee, and earlier before the Appropriations Committee, about the desire of the Bureau of the Budget to place functionaries in the field to serve as problem solvers or ombudsmen. On

several occasions, as I understand, requests for field functionaries in the Bureau of the Budget have been rejected by the Congress. I am sure that every Member of Congress would want to know what kind of ombudsman services the Bureau has in mind for their districts and how many and what types of personnel would be involved.

OBJECTIONS IN SUMMARY

In summary, then, we disapprove Reorganization Plan No. 2 of 1970 for the following reasons:

First. The plan is not a genuine reorganization of the executive branch.

Second. The plan is not legally drawn.

Third. The plan would give the President a free-floating mandate to make further reorganizations without congressional approval.

Fourth. The plan would put the policy reins of Government in the hands of a faceless bureaucracy in the Executive Office beyond the reach of the Congress.

Fifth. The plan would blanket six new high-level positions for the Office of Management and Budget into the competitive civil service.

Sixth. The plan would threaten the integrity of the Civil Service Commission by permitting duplicative functions in the Office of Management and Budget for executive career development.

LEGISLATION AS ALTERNATIVE

In the bill, H.R. 17376, which we have introduced as an alternative to the plan, and which we promise to report out timely from the committee, the major objections to the plan are overcome. There is no transfer of functions from the Bureau of the Budget directly to the President. The Domestic Council is provided for, but its Executive Director would be subject to Senate confirmation, just as are the heads of eight other offices or councils within the Executive Office of the President. The bill also requires that the Executive Director submit an annual report to the Congress and provide the Congress with such other information as may be requested. Finally, the Domestic Council, under the bill, would have a tenure until June 30, 1973. In this way it could be determined whether experience warrants the continuation of the Council. Also, if a new President is elected in 1972, he would not necessarily be faced with a statutory organization he did not want to utilize. Under the plan, despite the emphasis on flexibility, the organization of the Domestic Council is frozen into permanence.

As you know, a reorganization plan must be voted up or down without amendment. The bill will give the Congress an opportunity to present amendments and to work its will on a complex and controversial matter.

In conclusion, I therefore request an "aye" vote on the resolution of disapproval which is before the committee.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. JONES of Alabama. In 1949 the members of the Hoover Commission made a report on this subject and it was

not accepted by the Congress. It was discredited and it was not even entertained as being a valid proposal.

Mr. HOLIFIELD. I think this plan reflects a similar principle; it is practically the same.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. ROSENTHAL. Does the gentleman have an opinion as to why the President did not see fit under this plan to have the head of this proposed agency confirmed by the Senate?

Mr. HOLIFIELD. I can only make my deductions from what the Executive Director can do. The Executive Director will be the head of a staff of 90. He will not be confirmed by the Senate, nor will the 90 members of his staff be under civil service. Therefore, they can exert the claim of executive privilege and refuse to come before any committee of the House or of the Senate to testify as to their functions. Yet their functions are very important. They have to evaluate the programs. They have to coordinate the programs. They have to set the national priorities on these programs, in recommendations which they send to the President. The President can then send this to the Bureau of the Budget, and direct the Bureau of the Budget to implement it.

Mr. ROSENTHAL. It seems to me additionally, if the President sent such a nomination to the Senate, the proposed nominee would be subject to questioning as to his philosophy in the operation of this office. It may well be the President did not want that to take place.

Mr. HOLIFIELD. Well, that is one of the possibilities, although I think it is relatively unimportant, when we consider the more important fact that he will be behind the cloak of executive privilege and will not be responsive to congressional inquiries as to how and why he made certain recommendations, which we only see surfaced after the President makes his recommendations to the Bureau of the Budget and the Bureau of the Budget follows out the recommendations.

Let me say again, regarding this Domestic Council, the Director of the Budget is not on the Council, so he will not be privy by firsthand information and participation to the reasoning and the arguments that go behind the policies which they recommend, and the setting of the priorities on the programs which are before this group of political appointees.

Mr. ROSENTHAL. If the gentleman will yield further, it does seem strange to me that the head of the Office of Emergency Preparedness, which was organized by reorganization plan, the head of the Office of Science and Technology, which was organized by reorganization plan, and the head of the Office of Telecommunications Policy, which was organized by reorganization plan, are all subject to Senate confirmation.

Mr. HOLIFIELD. And the heads of other agencies, of which there are several, which I just read.

Mr. ROSENTHAL. It seems to me

painfully obvious that the head of this proposed agency has a far more important function, in the light of congressional responsibility, than the head of any one of these other offices. If the President and the Congress saw fit for the heads of these other offices to be confirmed by the Senate, then serious questions are raised as to why this man was shielded from Senate confirmation and the questioning of the Senate. This is such a vitally important proposal.

Mr. HOLIFIELD. Let me say I agree with the gentleman when he says that this position is far more important, for instance, than the Office of Telecommunications Policy, or any of the other offices mentioned, because this Executive Director and his staff of 90 are going to be looking at the full domestic system in the United States.

They are going to be evaluating some 400 programs.

Mr. ROSENTHAL. All of the programs that will be enacted will be the ones that will be evaluated. Yet this office which deals with a very narrow field has to be confirmed by the Senate. There is a deep and serious question raised in my mind as to why the Senate saw fit to shield this proposed head of the agency from Senate inquiry.

Mr. ERLÉNBERG. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. ERLÉNBERG. I understand from the questioning of the gentleman from New York and the answers of the gentleman from California, as well as the position that the gentleman from California took in committee and the bill he has referred to which has been introduced and which is now resting in the subcommittee, that he makes some comparisons between the Executive Director of the proposed Domestic Council, and other heads of agencies within the Executive Office of the President some of whom are confirmed by the Senate, as you pointed out. I would like to comment that most of those you have discussed—not all of them but most of them—head up operating agencies such as the Office of Emergency Preparedness, the Peace Corps, the CIA, and others. Let us make another comparison here, however. We have the Director of the Bureau of the Budget, who is certainly one of the most powerful figures in the Office of the President. I think the gentleman from California would agree he is not subject to confirmation by the Senate.

Mr. HOLIFIELD. Oh, but I must stop the gentleman at that point and tell the gentleman that there is a statute which makes the Director of the Bureau of the Budget available to the Congress. There is a direct statute in the law that overcomes the fact that he is not confirmed by the Senate.

Mr. ERLÉNBERG. Will the gentleman yield further?

Mr. HOLIFIELD. I yield.

Mr. ERLÉNBERG. I am aware that that is true, but I thought the gentleman from New York was making the point that a man who is subject to Senate confirmation can then be posed a question as to his political philosophy. It

seems to me what the gentleman from New York implies—and I guess the gentleman from California agrees with him—that the man who serves the Cabinet as well as the President in formulating domestic policy should be in tune with the political philosophy of the Senate rather than the President and his Cabinet, and that seems to make very little sense to me.

Mr. HOLIFIELD. No, I do not take that position. I say that the man who has such a powerful position as this is going to be a man with a big staff layered between the President and the Congress and that I believe he should be responsible to congressional inquiry as to his functions and decisions. If the President wants to keep this man within his own staff, which is the permanent staff that he has in his office, behind the cloak of Executive privilege, with all of the confidentiality that can be given to this man, that is one thing. When you take him out of the President's office as a presidential assistant and put him over here into a statutory body created by the Congress, then I submit you are doing a completely different thing.

Therefore, if the Congress creates by statute, it should have the right to inquire as to the functions of the individual. I had this experience with the Office of Science and Technology in a Democratic administration, I might say. We had an adviser to the President making decisions which were tremendously important in respect of different weapons defense systems, massive systems, with a great economic effect on the country. We could never find out why he advised that we should use system A as against system B. So I supported the reorganization plan which established the Office of Science and Technology as a statutory body and which requires the director of that office, Mr. DuBridge at the present time, to be confirmed by the Senate.

And, just 2 weeks ago before the Joint Committee on Atomic Energy, Dr. DuBridge appeared and testified as to the impact of atomic energy development on electrical generating plants, and what his ideas were with reference thereto. His testimony was most valuable and I was very glad that he did not have the cloak of Executive privilege surrounding him.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I would like to raise one other point because of the questions about the responsibilities of the Bureau of the Budget under section 101 of the reorganization plan, the transfer of functions to the President which reads as follows:

There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget.

This means, in effect, that the Bureau of the Budget could be, if it has been transferred to the President, given to the Executive Director of the Domestic Council as one of his functions to operate as part of his responsibilities as

Executive Director of the Domestic Council and as supervisor of this staff of people who will be developing domestic policy and further insulate the Bureau of the Budget from contact with the Congress.

Mr. HOLIFIELD. Well, of course, that is the basic question. The gentleman has hit upon the basic point. Do we as the Congress want to isolate a powerful staff of 90 people in the pocket of the President—and I say this most respectfully—in the immediate Office of the President, with all of the powerful decisions that have to be made relating to the selection of programs and functions and assignments and powers? Do we want to isolate them and insulate them against congressional contact?

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, let me just point out the fact that we know there are some 58 statutory connections between the Bureau of the Budget and the Congress. Now, as one who has grown unfortunately accustomed to being a Member of the minority in this Congress, I like to have that statutory connection between the Bureau of the Budget and hate to see it go and disappear completely from the authority of the Congress to the total authority of the President.

I say this because the day may come when we do not have a President who happens to believe and share the same political philosophy as the minority Members of Congress. Then the minority Members of Congress would be in a worse position, vis-a-vis the Bureau of the Budget than they are at a time when the Presidency is in the control of another party. But, the Bureau of the Budget still has a statutory connection with the Members of Congress.

Mr. HOLIFIELD. That is right. The gentleman has brought up the fact of the statutory functions, and this is in the report, the listing of 58 statutory functions which the Congress placed in the Bureau of the Budget. Did the Congress act idly in so doing? My opinion is that the Congress acted with deliberation in placing them in the Bureau of the Budget and insofar as I know Congress wants them to remain there.

I want to be completely fair. If they are transferred to the President, the President can transfer all of them back, but he does not have to do so. He can transfer half of them back and retain the other half, or he can take the other half or any portion thereof and transfer them to another agency.

In each case here he would exercise the power that would be given in the plan to do this. He would transcend the will of the Congress as expressed in placing those 58 statutes in the permanent receptacle of a statutory body created by the Congress with a permanent institutional memory, where we can go to the Bureau of the Budget on the basis of a straight statute that says they have to give this information to the congressional committees.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

I do not have the concern that some people do that the head of this Domestic Council be confirmed by the U.S. Senate.

Mr. HOLIFIELD. Not the Domestic Council, but the Executive Director.

Mr. WAGGONNER. Well, that the Domestic Director be confirmed by the Senate. I am not too concerned as to the civil service status of the supergrades because I at times have been critical of the supergrades and their policymaking authority which is immune from the will of any administration.

But I am concerned about the function of the Domestic Council and this is what I want to try to get clear. Is this Domestic Council in any way to be, if the presidential reorganization plan is approved, an operational agency?

Mr. HOLIFIELD. What meaning does the gentleman put on the word operational? They will operate, let me say it in this way, they will evaluate problems.

Mr. WAGGONNER. Which some programs need.

Mr. HOLIFIELD. Yes, indeed; yes, indeed; they do need. But they will also coordinate programs which I admit some programs need. But they will also set the national priorities.

Let us say that program A which the gentleman is very much interested in, has No. 1 priority in the eyes of the Congress that created this particular program, and suppose that this Council acting through its Executive Director and its 90 staff members should advocate that it be given priority No. 11 in place of priority No. 1, and this recommendation would go to the President. The President could direct the Budget Bureau Director to assign that priority to it in the allocation of the funds.

Mr. WAGGONNER. Can he not do that now to a point?

Mr. HOLIFIELD. Pardon?

Mr. WAGGONNER. Can he not do exactly that now to a point in establishing priorities?

Mr. HOLIFIELD. He can do it to a point, but we can call the Bureau of the Budget Director before us, and we can say, "Why was this changed from priority No. 1 to priority No. 11? What is the thinking behind it? What was the reason for this coordination?"

Maybe this decision coordinates the program across several different agencies. Would we then have to go to each one of these departmental heads and ask them, many of whom were not present when the decision was made by the staff of the Council, although they may have approved them, to get the information? And should we not be able to call the Executive Director before us and say, "Why did you do this?"

Mr. WAGGONNER. Is the approval of the Domestic Council required to administer or set into play any legislative act? Let us be specific. Let us talk about something I am very much interested in, which is public works. Is approval of the Domestic Council ever at any point in time required to gain approval of public works projects in addition to what the Bureau of the Budget presently does?

Mr. HOLIFIELD. I am going to let Mr. JONES of Alabama, a member of the subcommittee, who is on the Committee on Public Works, answer that.

Mr. JONES of Alabama. Mr. Chairman, the gentleman from California has been very explicit, and it says that priorities will be escalated through this superimposed body that will determine the priorities and needs of capital improvements in this country. So the consequences of that are that we are losing or we are lessening our capabilities as Members of Congress to determine the priorities and the needs and the geographical requirements of our country so that lessens what we have just been talking about. I concur with what the gentleman from California has said—

Mr. HOLIFIELD. It puts a layer of decision between the Bureau of the Budget and the President with the right to recommend to the President priorities on programs and policies.

Mr. JONES of Alabama. This will be a retardation of all the efforts that we have made.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield, let me ask one other question, if I may.

Could the President if given the authority he requests in this Reorganization Plan No. 2 transfer for example say, without being specific, functions of the Corps of Engineers to the Department of the Interior?

Mr. HOLIFIELD. I am not prepared to answer that from a legal standpoint.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I will yield to the gentleman in just a moment.

Out of the 58 statutes that are in the Bureau of the Budget, I do not believe any of those refer to the Corps of Engineers, but I might be wrong on that.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield again to the gentleman from Alabama.

Mr. JONES of Alabama. The question is not so much as to whether or not the Corps of Engineers will continue to exist, or another department or the Department of the Interior will continue. But there might be a reassignment of programs that are contained in the Corps of Engineers.

Mr. HOLIFIELD. That is as to the setting of national priorities.

Mr. JONES of Alabama. The Department of the Interior projects may be assigned to the Corps of Engineers.

What you are talking about is not a reorganization plan, as we sense it. It is a question of the functions of government. That is the total question we are examining here today. I hope and I plead that we will not retard the functions of government to be supplemented with a superimposed obligation to go through something more than they have to at the present time.

Mr. HOLIFIELD. I want to be as candid as possible and explain what I believe about the Corps of Engineers. I do not believe any of the functions of the Corps of Engineers would be disturbed by the President under this plan

except in the field of setting priorities for projects which they handle. That setting of priorities is clearly set out in the testimony we have, that this super layer of 90 people will set national priorities.

Now they cannot impose them, but they recommend them to the President and the President recommends to the Bureau of the Budget, which sets the levels according to these determinations by this Domestic Council.

Now the thing that I do not like about that is—you cannot get to the Council—the Congress cannot come to the Council to find out why the President told the Bureau of the Budget Director to put a certain priority on a certain project—for example, to set it back 5 years or 7 years—and put something else up, which is more attractive to the staff of the Council.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. BROWN of Ohio. I think the gentleman is discussing the whole point of this plan, and that is that the Department of Transportation, for example, could develop its own policy recommendations within the department and then go into the Domestic Council where its recommendations along with the recommendations of other departments are filtered through the staff of the Domestic Council, the 90 people—who may either take it then into account or ignore it or develop its own recommendations on any facts and figures or any other matter.

You have presiding over the staff of that Domestic Council, which comes up with policy, a man who is also the assistant to the President.

So here is policy being developed literally over the heads of Cabinet officers—a man who takes that in to the President for his consideration and who is the President's personal adviser. That is the problem. Because when the Department of Transportation then comes before, for example, the Interstate and Foreign Commerce to discuss this, he is discussing not a policy developed within the Department of Transportation but rather a policy developed—vetoed, modified, or changed—by the staff of the Domestic Council.

Now, whom do you get before the Committee on Interstate and Foreign Commerce, to come out with and name all of the inputs—or who can put together all of the inputs that went into the policy development within the staff of the Domestic Council?

The answer is "No one." Because this is a decision of the Executive Director and the Domestic Council has the cloak of executive privilege.

So really what you are doing is extending the cloak of executive privilege throughout the policymaking functions of the executive branch of Government.

Mr. HOLIFIELD. I find that this colloquy with my colleagues is taking a great deal of my time and I did want to get on to some other important points.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ERLENBORN. I thank my colleague for yielding.

Mr. Chairman, let me just very quickly make one or two points.

First of all, the plan we are considering does not add to or diminish the powers of the Office of the Presidency or of the Bureau of the Budget.

Second, we are talking of the formation of policy. This is now done, in part, by channeling suggestions from the various departments or agencies through the assistants to the President—those who have been described as the nameless and faceless people who make these policy decisions.

What we really would be doing with the Domestic Council is to allow the various Cabinet officers and agency heads to come in and participate in this process in a far more orderly and effective manner instead of trying to fight for the ear of the President through the assistants to the President.

Last, let me disabuse anyone if they have the idea that the Domestic Council is in any way going to be in the process of deciding the priorities for your particular public works project. It may be making recommendations to the President on such things as whether we should delay construction of Federal buildings, or something like that. But, it will permit consideration in a more effective way than is now done in an uncoordinated manner with the advice of his assistants and not in the formalized manner of having all the different agencies and Cabinet heads having an opportunity to participate in making recommendations.

Mr. HOLIFIELD. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I am very intrigued by the nature of the lobbying that has gone on with the use of appropriated funds on behalf of this reorganization plan.

I am sure all Members of Congress have received letters from six members of the President's Advisory Council on Executive Organization, on the stationery of that advisory council, mailed under the frank, apparently rototyped by two different people, because three are from identical typewriters and the other three are from identical typewriters, urging all Members of Congress to support the reorganization plan and to reject a motion to disapprove that plan.

I should like to get the opinion of the gentleman from California as to the use of appropriated funds from the President's Council on Executive Organization for this form of lobbying. It seems to me that this might well be either a violation of a statute or certainly a very improper way to approach the Congress.

Mr. HOLIFIELD. Will the gentleman from New York (Mr. ROSENTHAL) read the statute? I believe it will answer the gentleman's question.

Mr. ROSENTHAL. If the gentleman from California will yield, 18 U.S.C. 1913

reads as follows under the title "Lobbying With Appropriated Moneys":

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Then it goes on and suggests a fine.

Mr. HOLIFIELD. I believe the statute answers the gentleman very clearly.

I believe all the Members of Congress received these letters. The men are some of the finest businessmen we have in the United States. I do not believe that they knowingly violated the statute in regard to lobbying Members of Congress with money furnished by the appropriations process. I do not believe that they knew about this law.

As I have talked with them, I have found that in many fields they are very wise in their business proceedings, and that they are a little bit naive in governmental affairs.

They have probably innocently violated this statute, and I would certainly not ascribe any ill motives to them. They worked hard to prepare this plan. They were very anxious to put it over. I believe undue zeal on their part caused them to write these letters.

Therefore, I will let the facts stand as they do stand on that matter.

The CHAIRMAN. The gentleman from California has consumed 1 hour.

Mr. HOLIFIELD. Mr. Chairman, I reserve the remainder of my time.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for one question, in preparation for his remarks?

Mr. ERLENBORN. I yield to the gentleman from New York.

Mr. ROSENTHAL. I believe the gentleman from California raised an interesting point. Whether or not Members of the House are offended by the lobbying is a question for their own individual concern, but I believe the gentleman did raise a point that the men who are on the Presidential Commission are all distinguished men and they are dedicated to making the Government and particularly the executive branch more efficient. On the other hand, they do not have, it seems to me, the same commitment to the congressional responsibility. They do not have the same understanding, presumably, that we do of the equality between the President and the Congress.

I wonder if at some point in the gentleman's comments he might direct him-

self to the imbalance, I think, created by this plan between the President and the Congress and the erosion of Congressional oversight responsibility.

Mr. ERLENBORN. I intend to do that, in answer to the gentleman from New York.

My first comment, to deviate somewhat from what I intended to say first, is that I noticed a lot of eyebrows up over there on the other side of the aisle, as though they are really quite surprised that the President would like to see his plan adopted and that the executive branch of this Government would try to influence Members of Congress to support something. I know this has never been done in the past and it is a new attempt that really catches these gentlemen by surprise.

Now, Mr. Chairman, on June 27, 1968, Richard Nixon, who was then a candidate for the Presidency, said that he favored the appointment of a Commission on Government Reorganization to set in motion a searching fundamental reappraisal of our whole structure of Government. He made it clear that he felt the need was not to dismantle the Government but to reorganize it. In furtherance of this objective, the President in April of 1969 established the Advisory Council on Executive Organization. The chairman named by the President was Roy L. Ash, president of Litton Industries, Inc. Other members are George Baker, dean of Harvard School of Business Administration, former Texas Governor John B. Connally, and a member of the same political party as the gentleman from California, the gentleman from West Virginia, and the gentleman from New York; Frederick Kappel, chairman of the executive committee of American Telephone & Telegraph; Richard M. Paget, a member of the New York management consulting firm; and Walter Thayer, the president of Whitney Communications Corp. The Council was asked to make a thorough review of the structure of the executive branch and to recommend to the President solutions to the organizational problems of the maze of Federal departments and agencies and offices created throughout the years. The need for such a review is apparent when one realizes the last thorough review in restructuring of the Executive Office of the President was accomplished in the 1930's culminating with the passage of the Reorganization Act of 1939. It was by virtue of this act that the Bureau of the Budget became an integral part of the Executive Office of the President, which was created by that act. Since 1939, as we are all aware, new Cabinet-level departments have been created as well as innumerable agencies and offices. In addition, literally hundreds of programs requiring executive administration have been established. Most of them require coordination among several agencies with the State and local governments as well.

Yet, in the face of the increased complexity of management of the executive branch, no basic restructuring of the Executive Office of the President has been accomplished. It was this basic problem which seemed to be the key in

the opinion of the Ash Council to the several reforms in the executive management field and the executive structure that are so desperately needed to meet the needs of today. Thus Reorganization Plan No. 2 was suggested by the Council and enthusiastically adopted and recommended by the President. The resolution we are considering today would deny to the President the reorganization of his own Executive Office, which he and many others believe to be the cornerstone of the entire much-needed modernization.

The means to formulate policy; conduct proper management of programs; resolve conflicts in administration; conduct oversight, which is so badly needed, and evaluation of existing programs; and in general to make the promises of legislative enactment possible of attainment.

The plan would do two things. It has been fairly well explained in the report of the committee, and to a certain extent it has been explained by the gentleman from California in his presentation.

First of all, it would create the Office of Management and Budget. The gentleman from California has pointed out the functions now assigned to the office of the Bureau of the Budget would be transferred to the President, and he has stated in his message it would be his intention to redelegate them to the Office of Management and Budget.

Now, I shall address myself a little bit later as to the reason for this and the rationale behind it. But this would leave the Office of Management and Budget as the Bureau of the Budget is now to perform the same functions.

In addition, the plan would call for the creation of a Domestic Council. I think it is important to understand that the kinds of decisions which will be made by the Domestic Council will aid the President in making his decisions rather than as they are now being made.

We are not giving the President any additional power by this plan. The President now must make policy and recommendations without a formal structure for its formulation. The plan would for the first time formulate a structure within which there can be discussion at the Cabinet level before policy decisions are made. Also, as the Council and as the President referred to it, there would be some institutional memory of the organization itself. Yes, today, we have the President getting advice from the different Cabinet-level departments and agencies. I know we are all aware of some administration Cabinet officer feeling that he does not have the ear of the President, that he has to go through some assistant to the President, and he can only get his story across by doing this. So, who today is it that performs the functions the Domestic Council would perform? The various assistants to the President who may at one time or another gain ascendancy in the estimation of the President and be able to filter the information that reaches the President.

So, what difference would there be with the Domestic Council? We would have a formal structure where the Cab-

net members themselves could meet with the President as the chairman of this Council to discuss these problems so that the Cabinet officers would be making the decision as to what information the President should have about their departments and what they think should be the domestic policy of this country, rather than to have this filter through an assistant to the President as it has been done by President after President.

So, rather than consider the Domestic Council as some sort of structure that will insulate the President from the advice of his Cabinet, it is exactly the opposite. He is now so insulated by the assistants to the President who perform this function. The Domestic Council would provide a formal opportunity for Cabinet officers and agency heads to participate in meeting with and getting the information to the President and the alternatives which are available as to what is going on in the various departments and to give him alternative judgments upon which he can make determinations as to domestic policy.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes, I yield to the gentleman from New York.

Mr. ROSENTHAL. I do not view this plan in any partisan light at all. Having said that, let me say this: I was very intrigued by what Mr. Hickel said on television last night to the effect that he had great difficulty in seeing the President. It would seem to me that would be a matter of a relationship which could be straightened out by telephone.

The gentleman has suggested it would make it easier for Mr. Hickel to meet with the President, but we would be doing that at the cost of eroding congressional responsibility and oversight. It seems that is the problem we are faced with here today.

Mr. ERLENBORN. I shall be happy to answer the gentleman and to answer other questions which will be posed later, but I will address myself to that point right now because it seems to be the recurring theme of the opposition.

We know from the bill that has been introduced by the gentleman from California and the chairman of our subcommittee, the gentleman from Minnesota, what they would like to do as an alternative. Their bill would create a Domestic Council.

So I guess we are in agreement, I guess we do not have to argue the fact that we need a Domestic Council because they say in their legislation, "Yes, let us create a Domestic Council." So they must see some value to this as organizational structure. Their real complaints about the Domestic Council is first that the chief staff man, the Executive Director will not be confirmed by the Senate and second that the Executive Director and the staff of the Domestic Council will not be responsible to Congress.

The gentleman from California and the gentleman from Minnesota have gone so far as to suggest that the policymaking arm of the Presidency be subject to making annual reports to the Congress. The gentleman from New York suggests

that the chief staff man who serves the Cabinet officers and the President in their formulation of domestic policy should be subject to interrogation by the Senate to determine whether or not his political policy is in conformity with theirs. Now how ridiculous can you be? Presently you do not have the assistants to the President who are performing this function subject to interrogation by the Senate before they are appointed assistants to the President. Presently, you do not have anyone in the administration subject to a searching inquiry as to what all the various suggestions may have been that have gone into the Office of the President in the formulation of domestic or international policy by the administration. And to suggest that somehow or other Congress should reach into the Office of the President and control the staff of the President in helping him formulate domestic policy seems to me to be utter folly and nonsense, and yet this seems to be what they suggest we should do.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ERLÉNORN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would ask the gentleman do not Cabinet officers today get a review on a senatorial basis as to their approach in the policy development role, and yet the Senate does not draw a line between whether the Senate and the Presidency are held by the same political party? It is the prerogative of Congress to get into the policymaking areas. And if the Executive Director of this Domestic Council is going to supervise 90 people who will have a hand in the policymaking decision area it seems to me it is not such a ridiculous suggestion that he be confirmed by the Senate anymore than it is for a Cabinet officer.

Mr. ERLÉNORN. I would suggest to the gentleman from Ohio in answering his question that policy is formulated probably in more than one place. It is not formulated only by the President. I think Congress has a role in formulating policy. I think the President has a role in making recommendations as to the formulation of that policy. And I do not know of any President who has suggested since we are working together, the executive and legislative branches, in the joint formulation of policies that the President ought to have some say as to who we hire on our staff in our job of making policy or that the President ought to have our staff reporting to him annually so that he knows what is going on in the legislative branch on the formulation of policy here in Congress.

Now I would like to go through the several objections that have been raised and try to answer them one by one. I do not think that anything new has been raised in the debate so far on the floor that was not in the report of the committee.

First of all it has been suggested in that report and here on the floor that all that needs to be done can be done more properly by the introduction of legislation. And some legislation has been introduced.

First of all I think that time is a factor. I think the job of reorganizing the

Office of the President to make the Presidency as an institution more responsive and able and capable of performing its functions is upon us. I do not think there is any assurance, in fact I think hardly anyone would believe that we could complete legislative action in passing such a bill this year.

Second, I think the suggestions for the bill, as I have seen them, would probably make the contents of the bill less than acceptable to the President.

For instance, and this one item that I have already mentioned—the confirmation of the Executive Secretary of the Domestic Council by the Senate and the reporting by the Domestic Council annually to the Congress.

I know that this reorganization cannot be accomplished as timely, via legislation. Nor do I think the legislation would be effective in doing what the President ought to be able to do.

The point has been made by the subcommittee and the full committee and reiterated in the report and again on the floor of the House here today, that somehow or other this plan violates the Reorganization Act. This can be a complicated legal argument, and I hope I will not get that deeply involved in it.

First of all, let me say there are two conflicting opinions, as the gentleman from California pointed out—one from the General Accounting Office and one from the Attorney General. The gentleman from California seemed to be surprised that the Attorney General would be issuing legal opinions. Of course, if he had not, we would only have one opinion from the General Accounting Office, and it was requested by the gentleman from California and it was favorable to the position that he held. So, let us be thankful, the Attorney General has rendered an opinion so a competing viewpoint can be heard.

The provision that the gentleman from California claims is contrary to the Reorganization Act and, therefore, makes the plan illegal, is the reference to the Executive Director of the Council.

I would like to read the language of the Reorganization Act that the gentleman relies upon. I will do this by leaving out some language which I do not consider to be necessary in the interpretation, so that it will only be a portion of the language, but it is, I think, the operative portion.

This is in section 904, subparagraph (2) of the Reorganization Act, United States Code 901-913, Reorganization Act of 1949, as amended.

It reads:

A plan may provide appointment and pay for the head of one or more officers of an agency * * * .

Then it goes on later to say:

The head so provided may be an individual or it may be a commission or board with more than one member * * * .

The very next sentence says:

In the case of such an appointment * * * .

And that is in the singular and I would suggest that that refers back to the preceding sentence which talks of the head of an agency.

But it reads:

In the case of such an appointment, if the appointment is not to be in a position in the competitive service, it shall be by the President with the advice and consent of the Senate.

I submit that what this requires is that a head of an agency created by the plan must be competitive service or be confirmed by the Senate.

Under the interpretation put upon it by the General Accounting Office attorneys and by the gentleman from California, it is that all officers must be either in the competitive service or subject to confirmation by the Senate.

Even if this were true, I submit that there is no office created by this plan of the Executive Director. It provides an assistant to the President—an existing office, a person appointed by other provisions of the law—shall serve as the chief of the staff of the Domestic Council.

There is no provision in this plan for the pay of an assistant to the President and the Attorney General has so ruled—that the President has power under existing law to appoint an assistant to the President and to fix his compensation and to delegate to him whatever functions he wishes him to perform.

There is merely an acknowledgement in this plan that the President intends to delegate functions of the Executive Director of the Council to an existing official that he has the power to appoint—and that is the assistant to the President.

So I submit that the argument is not sound, that this violates the Reorganization Act. I think the reorganization plan before us conforms in all respects to the Reorganization Act.

The objection also is raised that the existing functions of the Bureau of the Budget are transferred to the President.

The President in his message indicated that he would redelegate these to the Office of Management and Budget.

Let me read here recommendation No. 3 for the executive, recommendations of the first Hoover Commission.

The President should not be prevented by statute from reorganizing the President's Office and from transferring functions and personnel from one part of it to another.

I think what is suggested here is in keeping with that recommendation.

It is also recommended in the first Hoover Commission report, and I think it was repeated in the second Hoover Commission report, that the head of a department or an agency should be the one in whom functions reside, and he could then delegate to his subordinates the power to perform those functions. The Hoover Commission has warned us against creating separate authority in a subordinate of an agency. That again is a parallel to what we are doing in this plan.

The head of the Executive Office of the President obviously is the President. In him the function should reside. People who serve in the Executive Office of the President should not exercise independently power that is given to them, but this should flow through the President, and that is what the plan would do, and it conforms with the substance of the recommendation of the Hoover Commissions.

I think I have already pretty well covered the objection that the Executive Director of the Domestic Council and his staff would not be accountable to Congress.

Let me just suggest one other thing about that, however. It has been suggested that you would not be able to get the Executive Director up here to testify, to justify the policy recommendations of the President or of the administration. I think that this is only right. The Executive Director would be one in the position of doing the staff work for the Domestic Council composed of Cabinet officers. The Council would make recommendations to the President for domestic policy that might then become the administration's policy. That policy should be supported by the different Cabinet heads and agency heads, not by some sort of super secretary for domestic affairs.

If the Executive Director were to be subject to being called before the committees of Congress on all domestic affairs, he would not have time to do anything but be here on the Hill testifying before the committees. The mere fact that you had such a person who could be called upon by the committees would downgrade the importance of the Cabinet officers who are the ones who should come here to justify the policies that have been recommended by the administration within the scope of their departments. So that I think it would be a sad mistake to have this sort of super secretary subject to testifying on all domestic policy and downgrading the importance of all the Cabinet officers.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ERLÉNORN. I yield to the gentleman from California.

Mr. MOSS. I wonder if I misheard the gentleman. The gentleman stated, as my notes indicate, that we would have this important new position doing the staff work of the Cabinet officers.

Mr. ERLÉNORN. Doing the staff work for the Domestic Council, which is composed of Cabinet officers and agency heads.

Mr. MOSS. I believe the gentleman's words were "Cabinet officers."

Mr. ERLÉNORN. I would hope the gentleman would not argue about semantics. The Domestic Council is composed of Cabinet officers and agency heads and those that the President may call in from time to time on an ad hoc basis. The staff work of the Domestic Council is to be performed by the Executive Director and those on the staff under his direction.

Mr. MOSS. I hope the gentleman would not feel I was indulging in semantics. I submit it would be a substantive difference between having the staff work done for the Cabinet and having some of the members of the Council doing that staff work or substituting. That is very different.

Mr. ERLÉNORN. I hope the gentleman is reassured.

One of the other objections that has been raised and I do not think has been discussed very much on the floor here today—and I shall discuss it—is the question of the six new Executive Level V positions in the Office of Budget and

Management. The point is made, somewhat contrary I think to other arguments at other times in the same controversy by those who oppose the plan, the point is made that these people are rather frozen in. These are going to be career civil servants. It seems to me the gentleman from California was arguing that the Reorganization Act required an Executive Director of the Domestic Council to be in the career service to conform with the reorganization plan of 1949.

But, that aside, I do not see any problem with an Executive Level V in the Office of Management and Budget. Yes, these are career positions. We already have executive level personnel in career positions in the Bureau of the Budget. This is nothing new. And I would point out that any of these people who are in executive level positions are not protected in their jobs. The civil service protection does not say this man holding this job will be forever in that job.

Yes, these are positions in the Office of the President, and the President ought to be able to change them—and he can under the civil service laws. The man is protected at his level. He can be shifted to another job. If someone is appointed to take his position in the Bureau of the Budget, he can be placed in another similar position—but he is not protected in the job.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, of course, in my opinion, this is the point, which is that we are creating six new Level V positions at \$34,500, placing them in there with civil service tenure, and when the bumping process starts, that can mean he can bump lower grade people all down the line and retain his standing. They may be assigned to different jobs, I agree to that, but we are taking six political appointees and blanketing them in at Executive Level V with all the bumping privileges of career people who have been there for 20 or 25 years.

Mr. ERLÉNORN. The gentleman may have some objection to the present civil service laws. I would only submit again we already have executive career people in the Bureau of the Budget, and there is no difference at all in that situation from this. They are entitled to the same bumping process.

Mr. HOLIFIELD. If the gentleman will yield again, they are in their places by longtime service, and these are political appointees who are set in above them. That is the point I am making.

Mr. ERLÉNORN. The gentleman may differ with me, but my understanding of the civil service laws is that the executive level people now in the Bureau of the Budget are just as much political appointments. They have not necessarily come up any career ladder. It may, in fact, be they came up a career ladder, but the executive level appointments are not in the competitive service, and they do have to rise through that competitive service. So I think the situation the gentleman complains of exists today in the Bureau of the Budget, and if the gentleman wants to change the civil service laws, I think he will have to go to another committee.

Let me say, an objection was made in

committee, and I have not heard too much objection about it on the floor, but I will anticipate those who read the report of the committee or may have this question on their minds—the objection was to downgrading the position of the Civil Service Commission in the formulation of programs for the attracting of career civil servants on the executive level of the civil service and training them and developing their careers and retaining them in the career civil service.

The plan does make reference, or the message of the President transmitting the plan does, to a function of this sort to be performed by the Office of Management. As a matter of fact, one of the things this plan would do would be to put greater emphasis on management. It would put greater emphasis on the management functions the Bureau of the Budget presently has—and many people do not realize it has presently those management functions. They look upon the Bureau of the Budget as merely a bookkeeping and budget operation.

I think it is important that we do take a greater degree of interest in management in the executive branch of this Government. As I pointed out earlier, I think the only way the things we promise to the people in the legislative enactments can ever be fulfilled is if we have good management.

But let me, to forestall any fears that the Bureau of the Budget or the Office of Management and Budget will be taking over from the Civil Service Commission, just point out this, which is not denied, I am sure, by anyone who is familiar with the Reorganization Act: No new duties can be created by a reorganization plan. No new functions are created by this plan. The only things the Office of Management and the Executive Office of the President can do if this plan is adopted are those things that they are presently authorized to do. No functions of the Civil Service Commission can be taken away by this plan. The Civil Service Commission is not even mentioned in the plan.

To again set at rest any fears anyone may have, let me point out that on the very last page of the report, issued by the committee, there is a letter to the chairman of our subcommittee from the Chairman of the U.S. Civil Service Commission, Robert E. Hampton, endorsing this plan. Certainly he would not be endorsing a plan which would downgrade the importance of or the functions of the Civil Service Commission.

Mr. Jones, now in the Bureau of the Budget, the former Chairman of the Civil Service Commission, who is very knowledgeable in the field of management, testified before our subcommittee and did an excellent job of explaining the reasons why this plan should be adopted. He, as a former Chairman of the Civil Service Commission, explained that no diminution of the powers of the Civil Service Commission could be or were contemplated by this plan.

I believe I have answered each objection, one by one. Let me sum up by saying if there is any place the President of the United States should have some freedom of deciding what the organiza-

tional structure should be, so that an agency can operate and function properly, it ought to be in the Executive Office of the President.

The President should be allowed to have this plan go into effect. The work of the Ash Council should be endorsed by a rejection of the resolution of disapproval.

The National League of Cities, as Members probably all know, supports this. I do not believe anyone is going to object to their lobbying by sending letters to Members of Congress. I believe each Member of Congress got a letter from the National League of Cities strongly endorsing this plan. The National Conference of Mayors endorses this plan. An editorial in the New York Times, I believe on Monday of this week, strongly endorsed this plan.

We have, I consider, a very good reason to reject the resolution of disapproval, to allow the President to have the kind of reorganization that will upgrade the functions of his office so that he can perform the necessary duties of his office.

I hope all Members will join with me in rejecting the resolution of disapproval.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise in support of Reorganization Plan No. 2. I believe it is a definitive step in the right direction in management in our Government. The people are asking for this kind of plan.

I associate myself with the remarks of the gentleman from Illinois, the able chairman of our Subcommittee on Executive and Legislative Reorganization.

It seems to me of utmost importance that we should today reject House Resolution 960, and approve President Nixon's sound and timely plan to exercise management responsibility.

Never before has a President been confronted with domestic issues of such vastness and complexity. Never before has the need for an Executive structure adequate to effectively plan, coordinate and evaluate domestic policy been as critical.

By his appointment of an Advisory Council on Executive Organization, the President redeemed his campaign pledge "to set in motion a searching fundamental reappraisal of our whole structure of government."

This plan is the first fruit of that reappraisal and gives promise of enabling the President to strengthen his control of the biggest, most sprawling executive branch in history.

I reject the arguments that have been advanced against the plan, but I do believe that much of the criticism could have been blunted had congressional input to the plan been possible earlier in its development. On the first day of this Congress I introduced H.R. 423 which would establish, on a continuing basis, a Commission on the Organization and Operation of the Executive Branch of the

Government. I, and scores of other Members, have introduced such bills in previous Congresses as well. This type of commission which would include congressional Members has not been viewed with favor by any administration since Truman presumably because the Executive would prefer to keep control. However, congressional participation on the advisory panel might well have anticipated and obviated some of the objections heard now and, by the same token, a nucleus of bipartisan congressional support for the plan would be in existence before the plan was transmitted to the Congress.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois.

Mr. FINDLEY. I should like to compliment my colleague from Illinois for a very thorough and skillful presentation of the arguments for the reorganization plan.

Further, I should like to clarify a point. Am I correct that the President has enough authority to effect the substantive changes which are contemplated by this reorganization plan without reference to Congress? This means except for actual name change, and that alone.

Mr. ERLENBORN. I believe the answer to that, honestly, is "Yes." Most of the substantive changes which the plan would bring about the President could do by Executive order or internal reorganization. As to the creation of the council, many councils have been formed by Executive order or by informal action of the President.

I believe it is all to the credit of President Nixon that he sent up in the way of a formal plan so we could consider it.

Mr. FINDLEY. It is a demonstration of good faith toward the legislative branch, would the gentleman not say?

Mr. ERLENBORN. I would agree.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. As a former member of the Committee on Government Operations, I have listened with great interest and appreciation to the extremely lucid presentation of the gentleman from Illinois. I certainly want to congratulate him for his statements of fact today and to associate myself with his remarks, and also to thank him for his memorandum or letter of May 12, 1970, which I believe he addressed to each Member of the House, in which he undertook to answer point by point some of the objections that have been raised. Certainly he has succeeded in convincing me of the wisdom of adopting this plan.

I noted with great interest the various endorsements it has received. I would ask the gentleman am I not correct that Mr. Joseph Califano also, who was at one time the chief domestic officer in the White House under President Johnson, has endorsed this particular reorganization?

Mr. ERLENBORN. The gentleman is correct. Mr. Califano last Friday in an

appearance before the Committee on Government Operations in the other body gave a very strong endorsement to this plan. Certainly this is a man who is well aware from experience of the problems that the President faces in the organization of his office and the kind of structure his office should have.

I would also point out that Mr. Califano made a similar recommendation for the Domestic Council many years ago. This is not a novel idea that was thought up by the Ash Council. Many people, including Mr. Califano, have suggested this sort of reorganization years ago.

Mr. ANDERSON of Illinois. If the gentleman will yield further, I thank him again for his explanation and join him in support of the reorganization plan.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I was interested in the response that the gentleman from Illinois gave to the question of the gentleman from Illinois (Mr. FINDLEY) concerning the power of the President to carry out these changes without this plan which we are considering here. I gather, then, that all we are really doing today is authorizing this 90-member staff. Is that correct?

Mr. ERLENBORN. No. I could certainly not agree with the gentleman on that. I said most of the basic things done by this plan the President could do. The creation of the domestic council, for instance. As a matter of fact, I do not think it would take any particular authority from the Congress to authorize the staff. I do not think that is really the basic point of this plan. The President has additional staff people in the Executive Office from time to time without affirmative authorizing action by legislative committees. I think that is more a budgetary matter. So I could not agree with the gentleman that that is the substance of the plan.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from New York.

Mr. ROSENTHAL. Is it the gentleman's position that if we permitted this plan to become law, it is an empty gesture and there is no requirement for it?

Mr. ERLENBORN. Hardly. The gentleman knows that I do not consider it anything like an empty gesture. I think it is an exciting proposal for a reorganization that is long overdue. I think it is a very important thing to give the tools to the President to perform those functions which we expect him to perform.

I know that people across this land are getting disenchanted with Government because it is apparently not responsive to their needs. We know that mayors find there are too many points of contact and young people feel that nobody is listening to their voices and there is criticism that there seems to be no coherent policy in Government. It is the tools of management that are sought by this plan and the additional powers that the President will be seeking in the Executive Office and other executive departments that are going to make the

executive branch of this Government responsive to these demands across the country for better execution of our laws and the fulfillment of the promises that we make.

I think time after time we have passed legislation here holding out the promise of solving the problems of people and then they get bogged down in administration to the point where there is great disappointment with them. People get disillusioned. The promises are not fulfilled. It is only through better organization and a better executive branch that we will be able to avoid that pitfall in the future.

Mr. ROSENTHAL. Will the gentleman yield again?

Mr. ERLBORN. I will be happy to yield to the gentleman.

Mr. ROSENTHAL. Am I correct in understanding the gentleman's response to the gentleman from Illinois (Mr. FINDLEY) was that the President could have done all of these things he seeks to do in this plan without the plan? He already has existing the statutory authority to do everything?

Mr. ERLBORN. No. The gentleman misunderstands. I said most of the substance of it could be done by Executive order.

Mr. ROSENTHAL. Could the gentleman tell us what he could not have done that he seeks to do with the use of this plan?

Mr. ERLBORN. Well, I do not know that I need to go into all of that. There are a few things that could be done only by a reorganization plan. One is to accomplish the recommendations of the Hoover Commission which focuses the responsibility for the exercise of authority in the head of the particular agency or department. There are several others.

Mr. ROSENTHAL. I am getting the feeling from the dialog that is going on here—not that we are being used in this thing—but the gentleman may well be correct that the President did not even need this plan and that this is some kind of response to the needs of the country for better management and this was the manner in which the President sought to do this.

Mr. ERLBORN. I cannot agree with the gentleman. I think anyone who read the message of the President in transmitting this plan would know he feels the need for this reorganization and he wants the cooperation of this Congress in giving him the kind of structure in his office that will be responsive to the needs of the people.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. HENDERSON), the chairman of the Subcommittee on Manpower of the Post Office and Civil Service Committee.

Mr. HENDERSON. Mr. Chairman, I want to thank the chairman of the subcommittee for yielding to me and especially at this time in the debate.

I have not given attention to and do not feel qualified to talk, perhaps, on the merits of Reorganization Plan No. 2. But I feel compelled to point out what, in my opinion, is going to happen to our civil service system.

Mr. Chairman, I rise in support of House Resolution 960.

As a Member of Congress and as vice chairman of the House Committee on Post Office and Civil Service, I oppose the President's Reorganization Plan No. 2 because I feel it could be used as a basis for downgrading the statutory authority of the Civil Service Commission, endangering the nonpolitical nature of the civil service system and making the system subservient to the Executive Office of the President.

In his message transmitting the plan, the President stated:

The new Office will also take the lead in devising programs for the development of career executive talent throughout the Government. Not the least of the President's needs as Chief Executive is direct capability in the Executive Office for insuring that talented executives are used to the full extent of their abilities. Effective, coordinated efforts for executive manpower development have been hampered by the lack of a system for forecasting the needs for executive talent and appraising leadership potential. Both are crucial to the success of an enterprise—whether private or public.

The Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of civil service, in the broadest sense of that term.

Mr. Chairman, what does this mean? I fear that it simply means that, in time, a political patronage system, controlled by the White House, in which appointments and promotions to the top career positions in the executive branch would be politically motivated. Maybe President Nixon does not have this in mind; but the possibilities are always at hand.

We were disturbed at times during the Kennedy and Johnson administrations by a Presidential appointee serving in the dual capacity of Chairman of the Civil Service Commission and also as talent scout for top political jobs for the White House. Then too, there were brief rumblings of discontent when the word went out in 1967 that newly appointed career civil service supergrade personnel, people in the top Classification Act jobs GS-16, GS-17, and GS-18 had been invited to the White House for tea.

I regard the above as minor in comparison to what might well evolve from the plan, as detailed by President Nixon, in his message of March 12, 1970, to the Congress.

We have in the Federal Government's executive branch some 8,100 positions in the salary range of career executives, GS-16 level and above, plus about 22,000 employees who are in Grade GS-15. It is from the Grade 15 that many of our replacements go into the supergrade positions. My point here is that there is considerable personnel turnover every year. There are needs for overall control of our merit system.

The House Committee on Post Office and Civil Service, charged by the Congress with the preservation of the merit system in recruiting, hiring, training, promotions, and use of civilian personnel, in turn, looks to the Civil Service Commission for monitorship. Reorganization Plan No. 2 simply takes from the Civil

Service Commission a significant degree of such authority. Congress under the proposed plan would lose that degree of control over the employment and retention of thousands of high level Federal personnel.

For this important reason, Mr. Chairman, I must vigorously oppose Reorganization Plan No. 2, as it is now proposed. Plans for more control or better control of the vast operations of our departments and agencies, provided by this reorganization plan, are for naught if we also by such reorganization open the door for "buddyism" instead of the merit system.

Mr. Chairman, at this time, with numerous and varying personnel problems throughout the departments and agencies of the Federal Government, I believe our Government would be much better off by investing more responsibilities, personnel know-how, and funds in the Civil Service Commission rather than weakening this "watchdog" agency.

Mr. Chairman, in conclusion may I add that during the course of the public hearings on this plan—a former Member of this body, a former chairman of the House Committee on Civil Service, and later Chairman of the Civil Service Commission, Mr. Robert Ramspeck, spoke out strongly against any plan to take from the Civil Service Commission control of top positions in the Federal Government. National presidents of two of our largest Federal employee organizations, Mr. John Griner and Dr. Nate Wolkomir, each strongly oppose the plan.

Mr. FINDLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the resolution of disapproval. I would like to observe that what I think the young people, and people generally, are crying out for today is a little independence in their legislators and a little more definitive defense of the legislative prerogatives.

Mr. Chairman, seldom is it necessary for a President to avail himself of the unique opportunity provided by the Reorganization Act to bypass both the leadership and the legislative committees of the Congress with a reorganization package not subject to amendment.

The record will show that the most common form of reorganization is by statute, by positive substantive law, reviewed by the appropriate committees, and amended as the Congress sees fit.

Why did the President choose the less usual unamendable reorganization plan route for this particular package today? The answer should be obvious. Statutory reorganizations are open to amendment, and this plan, repugnant and damaging in some of its aspects to congressional prerogatives, would never survive the legislative process intact.

The question was asked by the gentleman from New York (Mr. ROSENTHAL) about what things this plan does or accomplishes that could not be accomplished simply by Executive order.

If the gentleman will look at the additional views that I have submitted in the committee report in connection with this reorganization plan, he will find

them listed on page 20 and they are as follows:

First, the plan changes the name of the Bureau of the Budget to the Office of Management and Budget in order to convey a greater sense of commitment to the management needs of Government.

Second, this plan is necessary to overcome the limitations of the Russell amendment which places some limitations on funded interagency committees and similar units created by Executive order.

Third, to create six executive level V positions in the Office of Management and Budget, the plan is required.

Finally, the plan is absolutely necessary to authorize the President to receive total discretion in redelegating Bureau of the Budget functions to whatever agency or individual he chooses.

The objectionable aspects of the plan are pointed out in the committee report and effectively summarized on page 3.

I would only highlight a few of them here.

In the first place, as the committee report indicates, this plan violates the statutory requirement of the reorganization Act that officers authorized by reorganization plans be either confirmed by the Senate or be in the competitive civil service.

In disregard of this requirement of law, Reorganization Plan No. 2 provides that the Executive Director of the Domestic Council shall be an assistant to the President who, thus, is neither in the competitive service nor subject to Senate confirmation. As a Presidential assistant, he becomes cloaked in a silent shroud of executive privilege.

The plan may in fact name the nameless—but named or not, the Executive Director is still voiceless so far as the Congress is concerned.

If the basic Reorganization Act itself of 1949 which is used as authority for this reorganization plan is not an unconstitutional abdication to the President of essential legislative functions with which Congress is invested, it is at least a reversal of the constitutionally prescribed legislative process and is, to the degree that it strengthens the hand of the President vis-a-vis the Congress, in derogation of the power of Congress. As such, the Reorganization Act should always be strictly construed.

And this is not the first time that the administration has sought to stretch the limits of delegation under the Reorganization Act. For example, Reorganization Plan No. 1 of 1969 had the effect of authorizing an agency to exercise a function not expressly authorized by law despite the proscription of the Reorganization Act in this regard. The Interstate Commerce Act, under which the Interstate Commerce Commission was established, made no provision for selection of a chairman, yet plan No. 1 authorized the President to designate the chairman. In attempting to validate this apparent illegality, a previous violation to the same effect was cited by the administration spokesman as a precedent. That is a sad commentary on this process.

So it will be if we sanctify this ille-

gality, it will become a precedent for the next violation.

Second, by permitting the transfer of all of the existing functions of the Bureau of the Budget to the President with almost unlimited power to redelegate, we will sanction the further obscuring from Congress of large and important areas now under our cognizance.

The establishment of the Domestic Council, chaired by the President, does not in itself concern me.

The President already chairs meetings of his Cabinet, or of such members thereof as he chooses to convene, such as the Urban Affairs Council and the Rural Council. But Reorganization Plan No. 2 freezes this structure into law for all future Presidents. Thus, I am more concerned about the effect of the plan in rendering unaccountable to Congress and beyond the power of Congress to question the Executive Director of the Domestic Council and his large staff who are charged with supporting policy development.

Moreover, the Domestic Council will find itself sandwiched between the upper and nether millstones of a Presidential assistant advising the President on policy decisions on the one hand and acting as Executive Director of the Domestic Council, developing policy recommendations, on the other hand. Incredibly enough, these two responsibilities will be exercised by the same person.

While wearing the hat of Assistant to the President, the President's chief aide will continue to be interposed between the President and his domestic Cabinet. He can mute the voices of the very Cabinet officers who are entitled to be heard by the President on the great domestic issues that concern them, and make it more difficult for Cabinet secretaries to respond to congressional committee jurisdiction over their departments.

When this omnipresent individual puts on his other hat as Executive Director of the Domestic Council staff, he will insulate the Cabinet officers from their own departments as he and his staff filter information flows and alternative proposals from the departments and, in effect, control policy formation. Initiative could be impeded, alternatives blocked, and originality stifled as a strong staff director hammers out a consensus.

In thus bestowing additional power and prestige upon his principal assistant, the President may be aggravating problems which have already occasioned widespread concern. Evidences of this concern are revealed in a number of recent articles which I shall place in the RECORD following my remarks.

Let me quote the headline of only one of them, and that is the May 8th copy of the Wall Street Journal, which states, "An Inaccessible Nixon Stirs Anger and Despair Within the Administration. Aides Charged With Isolating the President. Some Officials Are Talking of Resigning."

The question raised here is whether or not the administration—the President—who has the ultimate responsibility—the man at whose desk the buck stops—is going to be more insulated from his Cabinet officers by this plan or whether

his administration will be more available to those people who are actually charged in connection with the congressional process with the policy development responsibilities that Cabinet officers have traditionally had.

The burden of these articles is that Cabinet officers are insulated from the President by his aides. To elevate one of these aides to an even higher level of influence could only serve to further diminish each Cabinet officer while increasingly shutting off direct and private contact with the President.

Finally, it is very difficult to give a strong answer to the argument that the President should be permitted to reorganize his own personal office. However, that argument is not appropriately applied to this reorganization plan today. More than the President's Office is involved. We are asked to sanction today fundamental changes in the power structure of Government—the relationship of Congress to the Bureau of the Budget and the various Cabinet departments.

I think it is not too strong a statement to say that we are being asked to approve in this irregular reorganization plan procedure, the creation of a nonelected vice president for domestic affairs. While that idea may not be all bad, Congress, through appropriate committees of jurisdiction, should have been able to make its input to such reorganization.

To that end, then, the idea of an effective reorganization, I support legislation which has been introduced to authorize a number of the desirable aspects of the proposed reorganization plan. It is my hope that this legislation will be moved along rapidly and it will provide each Member a reasonable opportunity to pass upon the merits and demerits of such proposal as opposed to the non-amendable reorganization plan approach.

Contrary to those who are critical of this action of disapproval, I am not seeking to deny the President his right to run his affairs. We are instead seeking to exercise our constitutional right as a legislative body to work with him cooperatively to establish the structure best suited to safeguard and advance the rights of our mutual constituencies.

Mr. Chairman, I include at this point the newspaper articles I referred to:

[From the Wall Street Journal, May 8, 1970]
AN INACCESSIBLE NIXON STIRS ANGER AND DESPAIR WITHIN ADMINISTRATION—AIDES CHARGED WITH ISOLATING PRESIDENT; SOME OFFICIALS ARE TALKING OF RESIGNING—WHITE HOUSE STAFF'S DEFENSE: TURMOIL AT THE TOP

(By Richard F. Janssen)

WASHINGTON.—A deepening malaise grips the highest levels of the Nixon Administration, as many of the men the President picked to help him run the Government find themselves increasingly cut off from access to the Chief Executive himself.

Cabinet members and sub-Cabinet officials complain that Mr. Nixon is insulated from them by a screen of elite aides; information and competing opinions fail to filter through to the lonely Oval Office. Issues pile up awaiting decision. When a decision does finally emerge, the Cabinet men and their top lieutenants may find it unrecognizable; their

counsel has been overruled by the men in the tiny innermost circle.

Morale sags. Men who planned to stay the course now talk of leaving, and men who planned to leave at the end of the year talk of leaving now.

MANY ISSUES OF INVOLVED

The troubling situation can hardly be overstated. The unhappiness and disillusionment is deep and wide, predating Cambodia and Kent State and encompassing a range of domestic and foreign issues. Interior Secretary Walter Hickey's plaintive bid for the Presidential ear—a Cabinet member forced to write a letter and leak it to the press in order to obtain the President's attention—is merely the most dramatic and public evidence.

Consider these other examples:

Secretary of State William Rogers and Defense Secretary Melvin Laird have been caught off guard by some of the most momentous Nixon decisions regarding the Southeast Asian war, in part because of White House fear that their departments can't keep secrets.

Housing Secretary George Romney, reading the papers while on vacation in Hawaii, learned for the first time that the White House was contemplating deep cuts in his Model Cities budget. He is now back here—"hopping mad," according to a top aide—demanding a face-to-face confrontation with the President before a final decision is made.

A high Commerce Department official with a pressing question about a vital foreign trade policy problem strove in vain for one whole year to obtain an audience with the appropriate White House staffers.

A Transportation Department chieftain needing a Presidential yes or no on a plan for preserving rail passenger service was sidetracked so long that he toyed with the idea of stomping into the White House and setting up an electric train to dramatize his frustration.

AN OLD COMPLAINT

Disappointment over lack of access to a President is nothing new in Washington; a common capital cliché has it that the scarcest commodity in the world is the time of the President of the United States. But Nixon appointees can recite that cliché with unusual feeling—and now that Cambodia and the campus are such overriding concerns, officials handling less dramatic matters can expect to find the President even less accessible than before.

The lack of Presidential attention and the absence of clear policy positions result in frustrated floundering by administrators in such fields as budget and taxes, foreign trade, consumer protection, farm price props, school desegregation, urban improvements and the war on poverty.

Recent weeks have produced some agonizing economic developments, ones that presumably should have been receiving top-level attention and analysis. Yet at one time or another four key economic policy-makers—Treasury Secretary David Kennedy, Budget Director Robert Mayo, Commerce Secretary Maurice Stans and Federal Reserve Board Chairman Arthur Burns—were out of the capital on assorted missions in South America. Aides suggested, only partly in jest, that their bosses all figured they would be having no greater impact on policy remaining in Washington than traveling abroad.

BACK TO THE UNIVERSITY

Numerous second-level Administration men talk in private about cutting short their service in the Government. One sub-Cabinet-rank official who had expected to have a major role in making economic policy feels sufficiently shut out to be thinking now of leaving by the end of the year, rather than staying the whole four years. Another sub-Cabinet member begins stressing his university's desire to have him back teaching

in February; associates are convinced he wouldn't be paying much attention to that deadline if he found his present work more rewarding. Speculation grows that some Cabinet men may quit after November's Congressional elections, if not before.

In December 1968, introducing his 12 Cabinet members to the American people on television, President-elect Nixon promised that "every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decision we can possibly reach." Yet today only four of those men—Attorney General John Mitchell, Secretaries Laird and Rogers and Labor Secretary George Shultz—are said to have ready access to the boss.

Mr. Mitchell, the bond-market lawyer who managed the Nixon election campaign, wields paramount influence; even the other three sometimes find themselves in the dark about what's on the Nixon mind. Only four days before the President announced the commitment of troops to Cambodia, Mr. Rogers was telling Congressmen such a course would mean "our whole program (of Vietnamization) is defeated." Earlier, Mr. Laird didn't know up to the last minute that the President would announce a decision to pull 150,000 troops out of Vietnam within 12 months; the Defense Secretary kept right on talking almost to the very end about 40,000 to 50,000 troops within four months.

In general, frustrated would-be policy-makers concede high regard for the intelligence of the key men around the President. But there's deep resentment and growing concern about what is felt to be his over-reliance on them. Besides Mr. Mitchell, the names most mentioned as part of the inner circle are John Ehrlichman, majordomo for domestic affairs; Henry Kissinger, the foreign-affairs counterpart; H. R. Haldeman, who decides which persons and papers get through to the President, and Peter Flanagan, general troubleshooter.

Frequently, however, a Cabinet member can't even penetrate to anybody in this inner circle, let alone to the President himself. White House men confirm that it's quite common for the head of a Cabinet department to be denied an audience with Mr. Ehrlichman and instead be shunted to one of his half-dozen deputies—even though the deputy may be half as old as the Cabinet member and far less experienced.

The official current defense of this procedure seems far removed from Mr. Nixon's December 1968 promise of easy access. "We can't have a lot of Cabinet guys running in to the President," a White House insider asserts, "or he'd never have a question refined to where it's worth his making a decision."

A NEAT SYSTEM

Another Nixon intimate rejects the suggestion that this emphasis on orderly processes denies the President any real feeling for what's going on around him and in the nation at large. Through memos and talks with the top staff aides, he insists, the President gets a very full understanding of what the Cabinet departments are urging. Even more important, this man argues, the present system somehow tends to keep the President from becoming overly preoccupied and immersed in any one problem—"He's not going down to the war room in his slippers like LBJ."

Views may quite legitimately differ, of course, on what subjects are vital enough to warrant speedy Presidential attention and decision. But many Government men complain that the current White House team often fails to recognize how important some matters are.

According to insiders, the "Railpax" plan for passenger service was mired for months outside the President's office, kept there by Presidential aides concerned over the poten-

tial budget impact. Finally, to force the issue, frustrated Transportation Department officials leaked a report that the plan had received the Nixon blessing. Some accuse Mr. Ehrlichman of recognizing this pressure attempt and retaliating by holding a decision back still longer. Now an impatient Congress has devised a costlier plan of its own—which the President is expected to accept.

The Commerce Department official (a Nixon appointee) needing guidance about possible expansion of trade with the Soviet bloc says he tried all through 1969 to obtain an audience with Henry Kissinger. He failed, and now others observe that, in the absence of a crystallized Administration position, Congress has done only minor tinkering instead of major "bridge-building" between East and West.

TAX INCENTIVE PLAN

The White House staff stalled for almost a year on details of a Presidential proposal for wealthy nations to give tariff preference to poorer countries. In the end, the original plan was approved, but meantime other key nations had impatiently gone ahead with plans of their own, and pessimists here fear it now may be impossible to get everybody in step.

A prime casualty of White House delays is the idea of tax incentives to business for helping solve social problems—training the hardcore unemployed and locating plants in poverty areas to create jobs there. In the 1968 election campaign, Mr. Nixon portrayed this approach as a cornerstone of domestic strategy. Even when the costs and complexities loomed larger and the once-sweeping schemes were pared down to pilot projects, Presidential Counselor Arthur Burns kept the concept alive.

When Mr. Burns moved to the Federal Reserve in February, however, nobody at the White House wanted to take over the idea. Instead, it was handed—without any Presidential guidance, and with instructions to do whatever they wanted—to two unenthusiastic Treasury men, tax policy chief Edwin S. Cohen and Internal Revenue Service Commissioner Randolph Thrower. Predictably, they have let the package languish. "Between Carswell and Cambodia, I doubt this ever came to the President's attention," asserts a disappointed advocate of the tax-incentive approach.

Even at the Budget Bureau, long the all-powerful overseer of all Presidential legislative proposals, the aura of cool command is fading. "The bureau was completely in the dark" about a Presidential effort to shape a major piece of labor law, says an official of another agency. "They were asking us who to contact at the White House to find out what was going on."

AN OVERLOOKED MATTER

White House aides may even be undercutting the Budget Bureau's most basic role—helping slice the fiscal pie. It was after the President brainstormed with his immediate staff that he suddenly decided to sweeten his school desegregation statement with a promise to divert \$500 million from other domestic programs to help schools cope with racial problems. Nobody could say precisely where the money was to come from, however, because budget chief Mayo didn't even know of his huge new chore until he read about it in the papers. And the decision as to where the money is to come from still hasn't been made, six weeks later.

While that left-out feeling is perhaps most painful in such traditional Government power centers as the Budget Bureau, it is also demoralizing in less pivotal departments. Housing Secretary Romney hasn't minded admitting that programs to stimulate homebuilding must remain low in priority until inflation is checked, but he was stung to read while on his Hawaiian vacation that a big chunk of the extra school money was likely

to be provided out of his already depressed urban programs.

"That's really an affront to a Cabinet member," observes one Romney aide. Another finds the slight all too typical of that "bunch of whiz kids" at the White House. Besides resenting the way the decision is being made, the HUD Secretary himself views the likely slashes in his budget as fresh evidence of something more troubling: A deep disdain for urban problems among politically oriented men in the White House.

UPSTAGED BY AGNEW

The Administration's school desegregation policy still is far from clear to the Government officials who must work in this field, even though the problem has received at least passing Presidential attention. In part, this confusion may stem from the fact that Health, Education and Welfare Secretary Robert Finch, the logical man to handle the matter, has been upstaged by a special White House panel headed by Vice President Agnew, and its workings remain obscure. The panel's staff chief, Robert Mardian, so diligently avoids reporters that down-the-line agencies despair even of learning about policy through the press. HEW's old-line Office of Education is in turn upstaged by Mr. Finch, and reports abound of Commissioner James Allen's early departure.

An Allen aide, Anthony J. Moffett, 25-year-old director of the Office of Students and Youth, announced his resignation just yesterday. Assailing recent Nixon and Agnew statements about young people and campus disturbances, Mr. Moffett said: "The President and his most trusted advisers do not view themselves as leaders of all of the American people."

Poverty-warriors in the Office of Economic Opportunity grumble that they face the ultimate embarrassment of a bureaucrat—decisions so sluggish that unspent funds may have to be turned back to the Treasury when the fiscal year expires June 30. The Ehrlichman operation comes in for criticism among HEW's welfare planners, too. They complain that the White House staffers simply don't know enough about the details to make decisions on crucial changes required by the Senate in the President's massive welfare reform plan. Veteran HEW experts would be happy to help, but no one asks. Says one with a shrug: "I guess the White House just doesn't trust us."

[From the New York Times, May 8, 1970]

HICKEL'S ADVISERS TELL WHY HE ACTED

(By E. W. Kenworthy)

WASHINGTON.—"Why Wally Hickel?"

That was the question asked all over this city today. How was it that Secretary of the Interior Walter J. Hickel—a former Governor of Alaska, a self-made millionaire, a heating and plumbing contractor, owner of shopping centers, motels and expensive housing developments—how was it that this man, so apparently square, should be the one member of the Cabinet to write a letter to President Nixon saying bluntly that his Administration was consciously alienating the young people of America by failing to communicate with them?

"It came right from the heart and it was meant for the President," said one Interior Department official today who is a trusted adviser to the Secretary.

The official went on to express regret that the letter had somehow leaked to the press, but he volunteered the feeling that, however much the White House might be angered by this leak and however much pressure was put on Mr. Hickel, the Secretary would not recant or retreat from his deeply held conviction that leaders of the nation had an obligation "to communicate with our youths and listen to their ideas and problems."

There was no doubt here, considering

the risks to his political career, that Mr. Hickel had spoken from the heart. And there was not much doubt that he would not recant—his stubbornness is a byword.

But what had made him believe he must carry his dissent to the President? What influences had reinforced his own feelings? What events had preceded the sending of the letter?

To these questions, there came answers today from some of Mr. Hickel's closest associates who spoke freely but not for attribution.

And their answers served to dispel some cynical rumors here that the letter had been stage-managed by the White House, presumably in an effort to establish a belated Presidential liaison with the young people.

One man who has long been close to the Secretary gave this account today of the genesis of the letter.

"First," he said, "there was Hickel's own feelings about the Vietnam war. He has been increasingly turned off by it. He has said repeatedly [to friends] that 'If it comes to a choice between continuing the war in order to win it and the risk of increasing the contention in the country, with people set against people, I'm in favor of pulling out even if we lose it.'"

Second, this aide said, Mr. Hickel has undoubtedly been considerably influenced by three young assistants—Malcolm Roberts; Michael Levett, a graduate of the University of California law school at Los Angeles and a White House Fellow on assignment to the Interior Department; and Pat Ryan, formerly Mr. Hickel's special assistant when he was Governor of Alaska.

All of these assistants, it was said, have grave doubts about Vietnam policy and all have a sympathetic understanding of the problems of the young. Mr. Levett, for example, was once an assistant to former Senator Ernest L. Gruening, Democrat of Alaska, one of the earliest and most implacable critics of the war.

MEETINGS WITH STUDENTS

Third, according to this informant, Mr. Hickel has talked with a large number of college students who came to the Interior Department in connection with SCOPE (Student Councils on Pollution and Environment), a program sponsored by the Interior Department over the Christmas holidays. He saw many more in connection with Interior's participation in earth day on April 22.

"He's sensitive and perceptive to things he's seen and heard around him," one of his aides said today. On one occasion, he talked with nine students [in connection with SCOPE] for four hours. He became convinced of the seriousness and purpose of the young people."

Another aide said of these meetings with young people: "They had a real impact. He feels they are good kids, idealistic kids."

This associate said that the events in the last few days brought the Secretary's concern to the point of resolution.

THE CAMBODIAN DECISION

"Before the President's speech announcing the Cambodian invasion last Thursday night," the aide said, "the President briefed the Cabinet. Hickel was very disturbed by the escalation. He was also disturbed by the President's statement in his speech about 'great universities being systematically destroyed,' and his off-hand characterization of student dissenters the next day as 'bums.'"

"After the Cambodian invasion," the aide went on, "there was a regularly scheduled staff meeting at Interior in which there was much discussion of the President's move. As a result of the discussion, Hickel got this thing that he had to go to the White House and talk to the President personally and make him see the error of his ways."

On Monday, the day of the Kent College killings, Mr. Hickel called the two eldest of

his six sons—Walter, 21 years old, at the University of Alaska, and Jack, at the University of San Francisco.

"They were very upset," the aide related, adding that the Secretary has been very close to his sons. "After the telephone calls, he made up his mind he had to do something," the aide said, continuing:

"Through Pat Ryan, he tried to set up an appointment with the President. He was turned down, presumably by a White House aide. He then tried to see John Ehrlichman [Presidential assistant for domestic affairs] and he was out of town.

"Wally felt he just had to get it off his chest, and he called Rogers on Tuesday and said, 'I've just got to talk to you.' And Bill Rogers said, 'Come on over.' When he finished talking, he said, Rogers said to him, 'I agree with you.'"

When Mr. Hickel returned to his office, the aide said, he decided that, if Secretary of State Rogers agreed with him, he would write a letter to the President. He wrote a rough draft before going home and worked on it at home that night. Then on Wednesday, May 6, after talking with some of his advisers, he revised it and sent it off.

"ENGLAND'S CAMBODIA"

The aide related that Mr. Hickel, in order to make certain of his point about the youthfulness of the leaders of the "violent" colonial protest against England preceding the Revolution, had one of his assistants look up ages of Patrick Henry, Thomas Jefferson, James Madison and James Monroe. The aide also said that in the early draft of the letter, Mr. Hickel called the American Revolution "England's Cambodia."

The first reaction of the White House to the letter and the leak, the aide said, was one of anger. A White House assistant, it was related, called Mr. Ryan, the Secretary's personal assistant, and said: "If you find the S.O.B. responsible for leaking that letter I want you to fire him." To which Mr. Ryan was said to have replied: "If you find the S.O.B. responsible for not letting Hickel see the President, I want you to fire him." This afternoon the Interior Department issued a statement saying the department had been "swamped" with telegrams and telephone calls on the Secretary's letter, and that the comments were "overwhelmingly favorable."

"ANOTHER RIGHT ARM"

There was one call that indicated that the White House was fully aware of the impact of the letter and was attempting to convert the Secretary's new popularity into a line of communication between the President and the young.

John Ehrlichman, it was learned, called Mr. Hickel and said he was "offering him another right arm—the President's."

Mr. Hickel likes man-to-man dealings, and this, his friends say, accounts for his suggestion to the President yesterday that "you consider meeting, on an individual and conversational basis, with members of your Cabinet." He has seen the President privately only twice in 15 months.

He also chafes at restraints. Since Henry A. Kissinger, the President's foreign affairs adviser in the White House, has twice blocked his acceptance of an invitation by the Soviet Government to visit Russia, Mr. Hickel is not much enamored by Mr. Kissinger, according to his friends.

Mr. Hickel often talks like an unreconstructed 19th-century, laissez-faire capitalist, and he has been an aggressive entrepreneur. But, his friends all attest, he thinks of himself as a populist, and he sometimes acts like one.

For example, when Governor, he got through the legislature a bill authorizing him to build a small state-owned refinery on the Kenai Peninsula sufficient for the state's own fuel needs. The state takes "in

kind" the 12.5 per cent royalty due it from oil produced in the area, refines the crude and saves money. Mr. Hickel shrugged off charges that this was "socialism."

One friend said that Mr. Hickel, ever since he entered public life, has refused to attack opponents personally, insisting on trying to open communications with them and "bring out the best in them." That, his friend said today, was the reason he was appalled at what he views as Vice President Agnew's confrontation tactics, imputation of motives, and intemperate language.

[From the New York Times, May 8, 1970]

WASHINGTON: WHO ADVISES THE PRESIDENT?
(By James Reston)

WASHINGTON.—One of the most surprising things about the violent opposition in the Congress and the universities to the invasion of Cambodia is that President Nixon was genuinely surprised by it.

He was forewarned time and again by his own people about what would happen if he invaded Cambodia, but he was astonished when the warnings came true, and this is not the first time. He misjudged the opposition to his Supreme Court nominations of Judges Haynsworth and Carswell as much as he misjudged the opposition to his adventure in Cambodia, and this raises questions not only about his personal judgment but about where he is getting the advice he chooses to follow.

THE REJECTED FRIENDS

Paradoxically, his decisive advice is not coming from his oldest friends in the Cabinet. He has been closer personally to William Rogers, his Secretary of State, and to Robert Finch, his Secretary of Health, Education and Welfare, over the last fifteen or twenty years than to anybody else in his Cabinet or on his White House staff, but there is no evidence that they are his principal advisers on foreign or domestic affairs. In fact, they are probably more unhappy about the present plight of the Administration than anybody else in Washington tonight.

The Nixon Cabinet is clearly not playing the powerful role Mr. Nixon said he wanted it to perform at the beginning of his Administration. He was quite specific about what he expected from them during and after the Presidential campaign of 1968.

During the campaign he said: "The President cannot isolate himself from the great intellectual ferment of his time. On the contrary, he must consciously and deliberately place himself at their center. . . . This is one reason why I don't want a Government of yes-men. . . ."

When he introduced his Cabinet on television at the beginning of the Administration he said, "Every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decisions we could possibly reach."

But the Cabinet has not worked that way under President Nixon, any more than it did under Presidents Johnson and Kennedy. Increasingly, and earlier than in most Administrations, Mr. Nixon has isolated himself with a few members of his White House staff and followed the advice of Attorney General Mitchell and Vice President Agnew.

Thus, by the accident of a newspaper "leak," we now find Secretary of Interior Walter J. Hickel complaining in a private letter to the President that the Administration appears to lack an appropriate concern for the attitude of young Americans, and appealing to the President to keep in touch with his own Cabinet.

THE NIXON PARADOX

"Permit me to suggest," Secretary Hickel wrote, "that you consider meeting, on an individual and conversational basis, with members of your Cabinet. Perhaps through such conversations, we can gain greater in-

sight into the problems confronting us all. . . ."

This helps explain what has been going on here behind the scenes. The President, for all his talk of "teamwork," has not been using to the full his Cabinet, whose members are in touch with the realities of the problems in their areas of responsibility, but has increasingly been closeted with his White House staff, who are more isolated from the people at home and abroad than almost anybody else in the Administration.

The result is that the President now finds himself precisely where he said he would not be: isolated from the great intellectual ferment of his time, and even from his own dissenting Cabinet members, and acting on assumptions which turn out to be false.

Accordingly, he is now in a dangerous situation, both at home and abroad. By his lunge into Cambodia, he has not destroyed the enemy or wiped out the sanctuaries, but aroused such a protest at home that he has committed himself to withdraw within seven weeks from Cambodia, thereby inviting the enemy to establish new sanctuaries in an area which includes the Cambodian capital.

In the process, he has not only divided his own Cabinet and party, but almost achieved the impossible goal of reviving the confused and incoherent antiwar movement and uniting the Democratic party.

This is clearly not what he intended, and it is amazing that it has happened to Richard Nixon. For he is a cautious man, who says he believes in careful staff work, getting the facts before he moves, organizing the Cabinet and listening to their views before he acts; but he didn't do it, and is now in a jam because he broke all his own rules about getting the facts and never being surprised.

[From the Washington Post, May 10, 1970]

LACK OF CONTACT WITH NIXON FRUSTRATES
ECONOMIC ADVISERS

(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the war will have either no effect or at worst a negligible impact on the economy.

But do they know what they are talking about?

It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charles E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months.

The Treasury Secretary even assured French Finance Minister Valery Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt re-assured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's,

Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they do get in to see Mr. Nixon, they are never alone with him; either Ehrlichman, Flanigan, or other aides are present.

Flanigan, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as a well-informed, had expected. Now, they don't know what comes next.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ERLLENBORN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman from Ohio for yielding, and I congratulate him on this effective opposition to the reorganization plan.

I would only ask that the gentleman consider for a moment and respond if he will to the thought that he and others who support this rejection of the reorganization plan have expressed great concern about the lost prerogatives of Congress or the jeopardy that the prerogatives are being placed in by this particular plan. Would the gentleman agree that which has long since been abandoned, namely, the prerogative of the Congress to initiate legislation and actually apply the oversight which it is charged with, has long since occurred, and it would be in the nature of locking the barn after the horse is gone to raise that issue at this point?

Mr. BROWN of Ohio. That is a concession, I might say to the gentleman from Arizona, that I am not ready to make. Otherwise I would not be serving

in this body. Probably I would be at home writing nasty newspaper articles, as I was before serving in this body.

I do not think we are ready to accept that the legislative function is one that can be undertaken lightly in our Government today. We have a prerogative, it seems to me, which should be exercised, and that, I might say to the gentleman from Arizona, is the very reason I stand here today taking the position that I do. As I pointed out earlier in colloquy with the gentleman from California (Mr. HOLIFIELD), I have observed that administrations come and administrations go, and Members of Congress come and Members of Congress go, but the functions of the two responsibilities, it seems to me, ought to be kept pretty much in balance.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman from Ohio 2 additional minutes.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from Ohio (Mr. Brown). He has made a splendid statement in opposition to the pending plan to reorganize the office of the President. The gentleman from Ohio is also a member of the subcommittee which I have the honor to chair. He also acquits himself well on that committee.

The gentleman from Ohio does not know it, but when we acted on this legislation before the full Government Operations Committee, I told the acting chairman, the distinguished gentleman from California (Mr. HOLIFIELD), that I reserved the right to vote against this disapproving resolution and for the reorganization plan because I am one of those who believes the President should have the power to appropriately reorganize the Executive Office. In some way, he should be closer to all of the agencies of Government and better prepared to direct their operations. He must have all the necessary tools to enable him to more effectively carry out his job. Not being a member of the subcommittee, I had not had a chance to examine either the hearings or the committee report when this matter came up in the committee.

After carefully examining the reorganization proposal, I have serious reservations about it, certainly, in its present form. Regrettably, the plan cannot be amended by the House. It must be accepted or rejected as it is. The gentleman from Ohio articulates very clearly the dangers of separating policy from administration, and policy from fiscal and management responsibilities.

I think it rather dangerous to place so much responsibility in the hands of a so-called Domestic Council composed of men already serving so many agencies and on so many committees and commissions that they will of necessity have to leave the basic responsibility for Council work and decisions in the hands of the Council's executive director and those who work under him. And the director will be immune from congressional prob-

ing, since there is no requirement that his appointment be confirmed by the Senate. I am also concerned over the question raised by my colleague from North Carolina (Mr. ANDERSON).

A professional staff, responsible only to the President, would be assuming responsibility as Mr. Brown so well said:

For defining national goals, identifying priorities, recommending policy . . . and overseeing agency conduct and reviewing the administration of programs.

This "heart of Government operations" should not be handled in this way.

A so-called super cabinet composed of Cabinet members who have too little time now to perform responsibilities they already have, is not the answer.

I think the gentleman from Ohio has performed a great service, not only by the fine statement he has just completed, but through his separate views in the report of the committee. His fine discussion has had tremendous weight with me in the decision I have made to vote for the disapproving resolution and against the plan in its present form. I am fearful it has not been read by enough Members.

I am concerned that we cannot amend the reorganization plan. If we could appropriately do so I would have no hesitation in supporting it, because the President needs the right kind of help.

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the sentiments of the gentleman from North Carolina (Mr. FOUNTAIN).

The point was made that this reorganization plan was recommended by an appointed commission, the Ash Commission, and the indication was that that made it something special. The gentleman knows, in the Government Operations Committee, we are looking into the inordinate use of separate commissions. It seems to me that also is a yielding of our congressional prerogative to a degree and something we ought to give consideration to.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. JONES).

Mr. HORTON. Mr. Chairman, will the gentlemen yield?

Mr. JONES of Alabama. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I rise in opposition to the resolution and in favor of the reorganization plan.

Mr. JONES of Alabama. Mr. Chairman, in the consideration of this proposition I believe that we should take some common basis of reasoning for what we are trying to decide; that is, whether or not the reorganization plan, even if effected, would be a helpful instrument or a helpful agency for the President of the United States to better carry out his occupation.

There is not a single thing this reorganization proposal has in it that the President does not already possess. It only represents a divestiture of legislative responsibilities which we possess now, which we would yield to the executive branch of the Government.

What we are seeking to do is to make the Bureau of the Budget a more responsive agency, an agency that will give us a reaction, will give us responses, will

give us analyses, and will give us proportions on the various and going programs and schemes of the Federal Government.

If we impose on the Bureau of the Budget another executive agency which is going to take into account the priorities, the needs, the use and the disposition of the Federal Government, then we will less heed the needs of our people and our constituents.

It seems to me at this stage of the game, when we have been talking about bureaucracy, talking about overlaying in operations of the Federal Government and the frailties of the Federal Government in not responding to the people, that here we would engage another agency to make another and harder hurdle for the people who want to transact business with the Government.

Let us reason again. Let us talk about the functions of Government.

We had the reorganization under the first Hoover Commission report. This is just one of the propositions that was included in the Hoover Commission report in 1949. It was so totally discredited that the people on that side of the aisle would not accept it. It was looked upon and frowned upon as being a distraughtful thing, a frightening thing to the people who had to deal with the Bureau of the Budget.

Now we come along and we say we are only going to give the Bureau of the Budget the right to make priorities in use of all the public laws we have enacted, and we are going to superimpose another function on them, to give them the guidelines and to make this association of one agency to the other.

Under the provisions of this reorganization plan the functions of Government will be transferred. The legitimacy of that is set up. So we do not know where we stand or what the ultimate results might be if we transfer one activity or one agency from one department to another. It is not like saying that you are going to transfer the Corps of Engineers to the Department of the Interior. This is a question as to whether you want to transfer the functions of those agencies.

Now, the functions of Government are the most important thing that we have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. JONES of Alabama. We have invested in all of our public laws the responsibilities dealing with every agency of the Government. Those reviews must be cumulative and must be presented to the Bureau of the Budget so that they can receive expenditures, receive approval and approbation, and meet whatever other requirements are necessary. However, here we not only give that extended right, but we make a greater enlargement on it so that they can transfer the functions from one agency to another.

Mr. ERLÉNBERN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. Yes; I yield to the gentleman.

Mr. ERLÉNBERN. Let me reassure the gentleman that there is nothing in this plan that gives the President or anyone

else the power to transfer functions from one agency to the other. There is nothing in this plan that disturbs the present status of the Corps of Engineers. None of the fears expressed by the gentleman are incorporated in this plan.

Mr. JONES of Alabama. I disagree totally with the gentleman that those activities cannot be traded under this arrangement. The question is not the organization of the agency but the functions of the agency can be transferred from one to the other. That is where the harshness of this whole transaction comes in. We are laboring under the notion that we are going to have a reorganization here. Why do we have to have a reorganization when every agency of the Government is responsible to the Bureau of the Budget, when all of its reports, all of its examinations, and all of its credentials must be examined there? Why do we want to come up here now and say that the Bureau of the Budget is incapable or is lacking in its capabilities for making an examination and then transmitting this to the Congress for the purpose of making national policy?

It seems to me that if we are going to do anything at all, it is to fortify the amount of money made necessary for the Bureau of the Budget rather than to create a superimposed agency to direct the Congress, the Bureau of the Budget, and the President and all other activities of the Federal Establishment.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this time now to reiterate what I just told the gentleman from Alabama; namely, that there is nothing in this plan that would in any way derogate the powers, the functions, or the structure, including the functions of the Corps of Engineers or any other agency.

I would at this moment like to yield to the gentleman from California (Mr. HOLIFIELD). If I could have the gentleman's attention, I would ask the gentleman from California—and I will yield to him for the purpose of answering this question—in your opinion, is there anything in this plan that would allow the transfer of the functions of the Corps of Engineers or any other agency from one to the other; that is, anything outside of the Executive Office of the President?

Mr. HOLIFIELD. Well, all of the present functions of the Bureau of the Budget are transferred to the President. And, then, there is a separate law known as the "McCormack Act" whereby he can delegate throughout the Government. I also happen to know that there are other plans being prepared by the Ashe Council. I am not sure what those plans are.

So, I think the language is unclear, it is ambiguous. I think it is subject to different interpretation as was proven by the fact that the Attorney General and the Comptroller General, one gave an opinion that it was illegal and one gave an opinion that it was legal.

Mr. ERLENBORN. I must interrupt the gentleman at this point but I shall yield to him again in just a moment. I

wish the gentleman would be responsive to my question.

Mr. HOLIFIELD. I thought I was.

Mr. ERLENBORN. I hope the gentleman will honestly answer this: Is there anything in this plan that will allow the President to transfer any of the functions of the Corps of Engineers?

Mr. HOLIFIELD. I do not believe so. I said that when I was in the well of the House, that I did not think it would be. I said also that the Domestic Council, acting through the Executive Director, could make program recommendations to the President setting up priorities on national programs, which, in turn, could be effective against projects of the Army Engineers.

Mr. ERLENBORN. Let me just wind up by saying that I wish to assure the gentleman from Alabama (Mr. JONES) that the understanding of the gentleman from California (Mr. HOLIFIELD) and my understanding is the same and that is the fact that the Army Corps of Engineers is not affected by this reorganization plan in any way whatsoever. The gentleman from California is right. Some other day—tomorrow, the next day or Saturday at some other time in the future—this question may come up and this Congress may have to pass on it either through substantive legislation or through a reorganization plan. But no powers of the Corps of Engineers are involved in this plan.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield further to the gentleman from Alabama.

Mr. JONES of Alabama. The gentleman from Illinois apparently is not acquainted with the law of 1899 in which that authority is vested in the President. So, consequently, in this reorganization plan, he does have that power and that authority.

Mr. ERLENBORN. Well, I decline to yield further to the gentleman from Alabama.

Let me again say that there is nothing in this plan to that effect. If there is some preexisting law that gives the President the right to do this, that stands on its own two feet. If the President has the power to do it today, he will have the power to do it tomorrow or Saturday if this plan becomes effective. But I understand that there are members of the Public Works Committee who have been given cause for thinking that something was going to be taken away from the Corps of Engineers or that their personal projects would have to be cleared through the new Domestic Council.

I want to reiterate once again that this plan does not do any of those things. These fears which are being spread may help defeat the reorganization plan, but the fears are totally unfounded. These tactics should not be used to defeat the plan. Arguments against it should be based on fact.

Mr. JONES of Alabama. Mr. Chairman, if the gentleman will yield further, I am pleased that the gentleman is making this legislative record because I think it is noteworthy. After all we are apprehensive not only as to this Budget Direc-

tor but as to all past Budget Directors that we would receive proper consideration.

Mr. ERLENBORN. Well, I hope that I have been able to help allay the fears of the gentleman from Alabama.

Mr. JONES of Alabama. I will say to the gentleman further, if he will yield—

Mr. ERLENBORN. I yield further to the gentleman from Alabama.

Mr. JONES of Alabama. There have been great disappointments on the part of those who have worked so long and so hard and earnestly in the field of water resources development and we hate to see a superimposed authority over the Bureau of the Budget.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Arizona. I thank the gentleman from Illinois for yielding.

I would simply comment, in light of the gentleman's very explicit discussion of the strawman just raised, I would like to point at another one, if I may, Mr. Chairman, and that is the fear that we are insulating for all time a President who by nature is difficult to get to see.

As stated by the gentleman from Ohio and by several other Members who also support the disapproval resolution, this President is a difficult person to see. In my short memory and in my own short political memory, I can think of no President who was easy to see and simple to see.

It occurs to me that no matter what structure you erect or what structure is not erected a President who wishes to remain insular will remain insular and one who seeks out certain counsel is going to seek out that counsel regardless of the reorganizational plan you present or adopt.

So I submit that a few of the basic objections to the reorganizational plan simply will not stand examination. We recognize the need for some type of reorganization plan and I would hope that we could reject this disapproval resolution in order that we might get on with the business of reorganizing the executive branch.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been much argument this afternoon valid and very constructive, both for and against the Reorganization Plan No. 2 for 1970. I shall support the reorganization plan and vote "no" on the House Resolution 960.

Our Nation today is beset with many problems both domestic and international. The hue and cry today is for the President and for government including the Members of this Congress to find solutions to these difficult problems, and yet much of the blame from within Congress and from the public is directed to the President, that he must find solutions to our serious problems. That is what the President is asking for here—new opportunities, new legislation and a

new working framework that he might use to develop better solutions to our serious problems rather than the cumbersome system that has been used in the past and up to the decade of the seventies. We need new ideas and new solutions.

For many years Members of the Congress from both sides of the aisle, for that matter, along with various task forces, study groups and independent scholars have called for reform in the Executive Office of the President. They have called for reform because they realized that the responsibilities of the President overburdened the machinery which he has to meet those responsibilities. They called for reform because they were unsatisfied with ad hoc and piecemeal arrangements with which one President after another has tried to fill this organizational gap. And the reforms they called for—again from both sides of the aisle—are by and large the same reforms which are contained in President Nixon's recommendation for a reorganization plan.

This reorganization plan has been a year in the making. It was prepared with the greatest amount of care, piece by piece and step by step. It was based on thorough and careful consultation with scholars, administrators, businessmen, Government officials both Democrat and Republican, from the present and the past, and Members of the Congress as well. From the vast array of studies which have been made about this matter, in and out of Government, the President's Advisory Council on Executive Organization drew out the very best ideas, refined them, brought them up to date and put them together in a reorganization plan which has been hailed from one end of the country to the other as the long awaited answer to a pressing governmental problem.

Now, at the end of this full year of study and work, a year of work which brought together the results of so many additional years of study by so many other people, in and out of Government, now at the end of all of this the Members of the House of Representatives are being asked by some to kill the plan after only a few hours or a few days of cursory examination. I do not believe that this is in the best interest of better Government. I hope the Members of this body will agree with me.

The cursory nature of the opposition's examination is evidenced by the many mistakes they have made in criticizing the bill presented here this afternoon. To mention just one example, some of the opponents this afternoon said this will change the powers of the Civil Service Commission. In truth the plan will not really change the powers of the Civil Service Commission in any way. In fact it gives the new Office of Management and Budget no power whatsoever to recruit, evaluate or train any individuals. When the critics make this argument, they are wrong on the facts and their error dramatizes the superficial nature of their analysis.

Or take another argument—the argument that department and agency heads will be downgraded by a new domestic

head of the Domestic Council. In fact, the plan achieves just the opposite effect—it will enhance the role of the Department and agency heads, who will, after all, be the permanent members of this Council. Those who worry about the power given a new domestic head expose a weakness of their own argument by suggesting at the same time that the head of the Domestic Council be made responsible to the Congress. If there is any way to make this official less the servant of the President and the Cabinet officers and more independent and powerful, it seems to me it is removing him from the staff role and giving him an independent status.

The list of specific points of refutation could go on and on. Suffice it to say that the critics of the plan have not studied it at length, nor have they arrived at sound and reasonable objections to it so far as I can see.

I urge the Congress not to bend to this opposition but rather to uphold a program which is the result of thorough and lengthy study and which—for very good reasons—has drawn wide support within the Government and throughout the Nation.

The gentleman from New York suggested a member of the President's Cabinet was not available for the President and that statement was made, I understand, on a recent television program by the Cabinet member.

It seems to me, this is additional evidence that we need a program like this. I think this is additional evidence that we need a streamlining of the Cabinet and we need a streamlining of the executive department so that we can get decisions more quickly and increase the effectiveness of the executive.

Also, the gentleman from Louisiana a moment ago said, and it has been brought up again, that the responsibility and jobs of the Corps of Engineers are being delegated to the Department of the Interior by this reorganization plan.

It seems to me here again we are going to eliminate this very thing by this Council. Because we are going to have an organization that is going to bring the executive effort together to be sure that we do not have duplications of effort and responsibility. So far as I know, today it is possible for the Corps of Engineers and the Department of the Interior to be looking at one valley for a reservoir and up to the time of land acquisitions and advanced planning not know of the others interest. They might both be spending lots of money looking and planning for the same area.

For that matter, the Office of Economic Opportunity through some program such as Green Thumb might be looking to plant trees out there. The Department of the Interior might also be looking for a place where they might have a national landmark. The Department of Agriculture might be considering a small watershed project. There would be four executive agencies each spending money and time on one project without any knowledge of the other. So it seems to me, we would be eliminating these very things. Coordination is essential for efficient and effective government.

Then, finally, the gentleman from Ohio made mention of the young people of our Nation, that the young people had problems and want to see better government and new responses from the Government. They want to see an independent attitude of Government, especially of their legislators.

What is the cry today of the young people? Reform—reform and progress. If there is one word that typifies our American society, I suppose that one word would be "change".

I say that today if you vote to not allow the President to reorganize the executive branch in the decade of the seventies, are you being progressive? Are you living up to the dynamic changes that exist in our society?

Or are you being the progressives and reformers that the young people want to see?

If we really want to solve the problems of the seventies and be prepared for the problems of the eighties, we had better make some changes in government so that we can keep up with them and you have the opportunity today to do just that.

If you believe in reform, change, and progress, you will vote "no."

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I oppose Reorganization Plan No. 2 of 1970 and shall vote for the disapproval resolution. This will be with some regret, because certain objectives of the plan are conceptually appealing. For instance, I find merit in the proposition that the Bureau of the Budget should be changed so as to strengthen its management functions. Unfortunately, the course which the President's plan would follow is far too uncertain.

Part I of the plan starts out by transferring to the President all the functions that Congress has vested in the present Bureau of the Budget or its Director. The Bureau would not be abolished but just renamed as the Office of Management and Budget. For at least a moment, though, it would be an entity in suspended animation without powers or duties.

According to the President's message, he intends to delegate his newly acquired functions to the Office of Management and Budget as soon as the plan takes effect. The reason for this procedure, as the Bureau of the Budget explains, is that "by vesting all Bureau functions in the President, it will be possible for him to make subsequent delegations of unrelated functions to appropriate agencies."

The Bureau also tells us that the transferred functions which might be redelegated by the President would be "ministerial," like setting per diem or uniform allowances. But nothing in the plan nor in other law requires that the functions subject to redelegation by the President to the head of another Federal agency shall be limited to any particular type. Presumably, the Bureau's reference to ministerial functions means those which involve no exercise of discretion. But we must not forget that these may include matters of great con-

sequence and complexity requiring a large measure of ability, judgment, and experience for their resolution.

The present Bureau of the Budget carries a heavy cargo of important statutory functions. The Congress loaded this cargo, just as the Congress also created the Bureau itself and in 1921 and then in 1939 allowed its transfer from the Treasury Department to the Executive Office of the President. When President Franklin Roosevelt proposed this transfer he spoke of the purpose in his message. He stated there that many of the Bureau's activities would be facilitated if the Bureau were not part of one of the executive agencies. Thus, the very reason for the Bureau's present location is that it should be able to maintain its separate functional identity.

A list drawn up by the Bureau of the Budget shows 58 of the statutory functions that would be transferred under the plan. This list, which does not include all statutory references to congressionally imposed functions, appears at page 36 in House Report No. 91-1066 on House Resolution 960.

The diversity and significance of many of these functions may be shown, I think, by some of the subjects they cover:

- (1) Agency reviews of their operations.
- (2) Comparability of Federal and private salaries.
- (3) Travel and subsistence expenses.
- (4) The Agricultural Trade, Development, and Assistance Act of 1954.
- (5) Department of Defense stock funds.
- (6) Disputes concerning prison-industries products.
- (7) Organization and management of the Executive Branch.
- (8) Collection and dissemination of statistical information.
- (9) Servicemen's Group Life Insurance.
- (10) Post Office Department fund transfers.
- (11) Reimbursements for excess property transfers.
- (12) Fiscal and policy control of automatic data processing.
- (13) The Demonstration Cities Act.
- (14) Specialized or technical services for States and local governments.
- (15) Coordinating Federal information collection.
- (16) Fund transfers to or from the CIA.

In dealing with this plan we confront the possibility that under it any President, not merely the incumbent, could parcel out any or all of the transferred functions to the head of almost any executive agency. It is easy to imagine that persuasive grounds might be advanced to make any number of transfers from the Presidency or from the Office of Management and Budget to other agencies. Let us look at some possible examples: Fiscal and policy controls over automatic data processing—to the General Services Administration or the Department of Defense. Regulation of per diem allowances—to the Civil Service Commission. Designation of specialized or technical services—to the General Services Administration or the Department of Health, Education, and Welfare. Comparability of Federal salaries with those of private enterprise—to the Department of Labor or the Civil Service Commission. Coordination of collecting Federal information under the Federal

Reports Act—to the National Archives.

Mr. Chairman, I am not ready to endorse a plan which in effect would deny Congress a voice in making changes like these.

At least 12 standing committees of the House have interests which directly relate to one or more of the 58 Bureau functions I mentioned before. The breadth of this interest adds to the gravity of the choice the plan requires us to make because of its omnibus transfer of Bureau functions to the President.

I believe there is a compelling need for further consideration of this issue by the Congress. During the committee hearings on House Resolution 960, the Assistant Director of the Bureau of the Budget was asked about the opportunity Members of Congress were given to comment on the plan before it was formally submitted. Here is how he replied:

Well, we unfortunately were not able to reach everyone that we had wanted to reach in the time that we wanted to reach them. We did make every effort we could to talk with people before it came up. I would agree with Mr. Brown that it would have been desirable, however, to have had more time.

Mr. Chairman, I am pleased that this needed time can now be obtained—even though the plan is rejected—as a result of the introduction of legislation to enact many of the features of the plan. It is my understanding that the majority of the Committee on Government Operations intends to report out such a bill. In this way each Member of Congress will have the opportunity to make his own constructive contribution to the achievement of the worthy objectives of Reorganization Plan No. 2.

Mr. Chairman, I am also alarmed about the President's plans for the Civil Service. There are many, like the gentleman from North Carolina (Mr. HENDERSON), who feel the merit system, so laboriously built by the Congress over the years, is being endangered by this reorganization.

During our hearings, representatives of the major Government employee organizations testified. John F. Griner, the president of the American Federation of Government Employees, claiming representation of 650,000 Federal employees, said that part 1 of the reorganization plan "would seriously undermine and, perhaps, irreparably shatter the still uncompleted structure of the Federal employee merit system." He was referring, of course, to the section dealing with the new Office of Management and Budget and the President's intention to give it a key role in recruiting, motivating, deploying, training, and evaluating career executive talent throughout the Government.

Mr. Griner's alarm was shared by Nathan T. Wolkomir, president of the National Federation of Federal Employees, another large group of Federal workers. He said his organization stood unequivocally against the plan and "We are naturally concerned if there is any possibility for having a spoils system even if only limited to the top ranks of the Civil Service." He spoke also of the fact that executive manpower development is a function now being carried out by

the Civil Service Commission and that it should remain in the Commission.

A former Assistant Postmaster General, not now in the Government, strongly opposed this aspect of the plan, stating that he saw no reason why the management career service should be separated from the rest of the Civil Service and transferred over into the White House. He said he was well aware of the pressures that can be brought upon personnel officials of the Government by people on the President's staff to take certain actions not necessarily in the best interest of the Federal Government or the senior career service.

Probably the most telling advice on this matter was given by our former colleague Robert Ramspeck, who was at one time chairman of the Committee on Post Office and Civil Service and later a Chairman of the U.S. Civil Service Commission.

Bob Ramspeck said the only way we can have a merit system in the Government is to have a bipartisan commission and he could not support that part of the plan that would put the recruitment and training of people in the Budget Office.

These are powerful voices raised in behalf of the merit system in Government. I, for one, cannot support a reorganization plan that would reverse the clear trend toward a nonpartisan, professional career Civil Service uninfluenced by White House politics.

Mr. Chairman, I think there are important substantive objections to the plan and I think we have been kind of fencing a little bit this afternoon.

I wonder if I can try to put this, at least so far as I am concerned, in focus.

Very candidly, there was a discussion about the question of the members of the Council, Mr. Ash and his colleagues using Government appropriated funds in lobbying Members of Congress on the value of this plan.

I personally am not very offended by that. I think perhaps if I had been the author of the plan, I might have with some degree of zeal urged the Members of the House to support the position that I had taken.

But the point that was made that the members of this Commission who are all substantial executives in their field have a kind of enamored view of executives and executive departments.

I do not think that they have the understanding of the role of Congress that all of us have, nor do I think that they have a commitment to the integrity of Congress that all of us have. I remember learning in school that we are coequal branches of Government, and all of us grew up understanding that this meant some degree of equal responsibility and equal ability to act.

What has developed in the recent past is a technological imbalance. The fact that the President has at his command the tools and techniques of the mass media, television, his ability to call instant press conferences, and things of that sort gives him a unique advantage over us, over the Congress. That is something that the Constitution did not intend.

What this plan does is to continue to rivet into the coffin of the Congress the weakness that the growing bureaucracy of the Executive has. I do not suggest that this is particularly true of the present incumbent of the White House, but it is a system that we have permitted to grow. Up until now we have found that the Bureau of the Budget, by statute, is a very responsive body. They have residing with them today 58 functions that Congress specifically gave to them, and under this plan these 58 functions will be transferred to the President for his disposal to other areas of Executive responsibility; additionally, the Executive Director of the Domestic Council, who will in fact be the domestic czar and be the boss of the Cabinet officers who are participating in major decisions affecting the future of legislation, will be totally unresponsive to the Congress.

This plan, if we go forward with it—and I am beginning to doubt that we will—will voluntarily give away more of the congressional responsibility than any single piece of legislation we have considered in the last half dozen years. We are almost illicitly strengthening the hand of the Government in the claim to efficiency. Now, efficiency is a very nice thing to have around. But if you are going to make more efficient a former co-equal, but now someone in much greater strength and magnitude, then you have destroyed the whole constitutional system under which we have operated.

My other very strong objection to this plan is that it does not make for open government. My very good friend from Indiana and my good friend from Illinois have talked about the demand of students for reform, and they have talked about the winds of the change. But the one thing that they forgot to mention is that if this plan moves forward it makes for more closed government. It is opposed to open government. This again is another classic example of the one thing we have learned in the last 6 or 7 years, that Congress, by forfeiting its responsibility, lets the Executive on occasion—and I use this word very, very cautiously—almost run amok. We are continuing to let the Executive gain strength at our loss, and we are giving up review of 58 statutory functions that we have specifically delegated to the Bureau of the Budget. We are forgoing the opportunity to question under congressional scrutiny the head of the Bureau of the Budget.

My friend from Indiana has suggested that the President is inaccessible. He has raised that issue. There has been conversation about the inaccessibility of the President. I do not suggest that this President is more or less inaccessible than any other President, but we are contributing to the bureaucracy that prevents us from having accessibility to the President.

I think it is a fact, and I would like to put it in the Record and will ask to do so when we go back into the House some recent comments in the press.

The May 8 Wall Street Journal says: **Turmoil at the Top; an Inaccessible Nixon Stirs Anger and Despair Within**

Administration; Aide Charged With Isolation of President; Some Officials Are Talking of Resigning."

In the Washington Post the headline says: **"Lack of Contact With Nixon Frustrates Technical Advisers."**

The New York Times of May 1970 says: **"Nixon Too Aloof, Officials Charge, Complaints of Inaccessibility Growing in Washington."**

What we are doing here is hurting the President and building another superbureaucracy to prevent any accessibility to him.

What we are trying to do is not only destroy congressional prerogatives, but also destroy the Presidency. How much further can we continue to isolate the President from the realities of our society? We are having a super-duper Director of a super Council direct the Cabinet officers and prevent them from consulting with the President and seeking his assistance on the programs they want.

How can we intelligently call ourselves legislators if we are going to participate in the most hypocritical action of efficiency I have ever seen.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

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

Mr. MYERS. Mr. Chairman, I do not agree that the President is going to remove himself from anyone. He is a part of this Council. He is going to be bringing all the effort of the Executive toward solving one problem, assuring that we are not duplicating efforts, and exerting all our efforts on the problem and finding quick solutions.

Mr. ROSENTHAL. Mr. Chairman, I include certain editorials at this point for the information of the Members:

[From the New York Times, May 10, 1970]
NIXON TOO ALOOF, OFFICIALS CHARGE, COMPLAINTS OF INACCESSIBILITY GROWING IN WASHINGTON

(By E. W. Kenworthy)

WASHINGTON, May 9.—"The White House has paid damned little attention to our report or to working with those who wrote it," a member of the staff of the National Commission of the Causes and Prevention of Violence asserted recently.

The top aide of the commission added that, when the report was completed last December, President Nixon at first showed some interest in it. But, the staff member said, the President delegated the whole matter to John D. Ehrlichman, his assistant on domestic affairs, and Mr. Ehrlichman in turn delegated it to Egil Krogh, one of his assistants.

What upset the commission staff member about the alleged White House neglect was that the studies prepared for the violence commission contained recommendations on how to respond to the dissent and disaffection of the young.

But, he went on, the President and his closest advisers "did not turn to us. They had made up their minds simply that the kids are wrong and everything is a matter of law enforcement. Now they are paying the price of having lost faith and trust in the academic community and the young."

TYPICAL OF GRIEVANCES

This complaint about the purported inaccessibility of President Nixon to all but a few of his inner circle of personal advisers in the White House was typical of the grievances

privately voiced by high officials in the wake of the disclosure of a critical letter sent to the President by Secretary of the Interior Walter J. Hickel.

In the letter, Mr. Hickel pleaded with the President to open channels of communication not only with the young but also with his own Cabinet. Perhaps through such conversations," Mr. Hickel wrote, "we can gain greater insight into the problems confronting us all, and, most important, into the solutions of these problems."

What seemed peculiarly ironic to many observers in Washington and in the academic community was that Mr. Hickel was begging the President to do what he had pledged himself to do during his 1968 campaign.

In a speech on his concept of the Presidency, Mr. Nixon had said that a President "should not delude himself into thinking that he can do everything himself, or even make all the decisions himself. America today cannot afford vest-pocket government, no matter who wears the vest."

BROADEST POSSIBLE BASE

For that reason, the President continued, he did not want a Cabinet of "yes-men," but one with the broadest possible base whose advice to him would be filtered through the best thought in the country. Because "the lamps of enlightenment are lit by the spark of controversy," he said, "dissenters would be brought into policy discussions to insure a true ferment of ideas."

To judge from the high-level complaints of what has been described as the President's isolation, his practice has fallen far short of his prescription.

The most startling revelations of the President's decision-making process and the closeness with which he holds his decisions involved Secretary of Defense Melvin R. Laird and Secretary of State William P. Rogers.

Mr. Laird did not know until the last moment that the President had decided to announce that 150,000 men would be brought home from South Vietnam over the next year. Mr. Laird had confidently told associates and key members of the Senate and House Armed Services Committees that Mr. Nixon would announce the withdrawal of 40,000 to 50,000 troops over four months.

CONTRADICTIONS FOUND

Mr. Rogers told a House Appropriations subcommittee on April 23 that "we have no incentive to escalate" the war, and that any diversion of troops into Cambodia would defeat "our whole program" of Vietnamization. Five days later, South Vietnamese troops, with United States advisers and the support of American aircraft, struck across the Cambodian border; seven days later, United States troops attacked in the Fishhook area.

Instances of failures in communication—either as a result of the President's self-imposed isolation or the zeal with which he is protected by the concentric White House rings around Mr. Ehrlichman and Henry A. Kissinger, the foreign affairs adviser—are plentiful.

For example, George Romney, Secretary of Housing and Urban Development, has complained that for long stretches he has not been able to reach the President by telephone. And Mr. Romney learned while on vacation in Hawaii of White House plans to take money from his Model Cities program to help finance the program to improve some schools in Negro areas and to desegregate others.

LACK OF CONTACT WITH NIXON FRUSTRATES ECONOMICS ADVISERS

(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the

war will have either no effect or at worst a negligible impact on the economy.
But do they know what they are talking about?

It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charis E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months. The Treasury Secretary even assured French Finance Minister Valéry Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt re-assured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's, Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out and of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they do get in to see Mr. Nixon, they are never alone with him; either Ehrlichman, Flanigan, or other aides are present.

Flanigan, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as well-informed, had expected. Now, they don't know what comes next.

TURMOIL AT THE TOP: AN INACCESSIBLE NIXON STIRS ANGER AND DESPAIR WITHIN ADMINISTRATION; AIDES CHARGED WITH ISOLATING PRESIDENT; SOME OFFICIALS ARE TALKING OF RESIGNING; WHITE HOUSE STAFF'S DEFENSE

(By Richard F. Janssen)

WASHINGTON.—A deepening malaise grips the highest levels of the Nixon Administration, as many of the men the President picked to help him run the Government find themselves increasingly cut off from access to the Chief Executive himself.

Cabinet members and sub-Cabinet officials complain that Mr. Nixon is insulated from them by a screen of elite aides; information and competing opinions fail to filter through to the lonely Oval Office. Issues pile up awaiting decision. When a decision does finally emerge, the Cabinet men and their top lieutenants may find it unrecognizable; their counsel has been overruled by the men in the tiny innermost circle.

Morels sags. Men who planned to stay the course now talk of leaving, and men who planned to leave at the end of the year talk of leaving now.

MANY ISSUES INVOLVED

The troubling situation can hardly be overstated. The unhappiness and disillusionment is deep and wide, predating Cambodia and Kent State and encompassing a range of domestic and foreign issues. Interior Secretary Walter Hicken's plaintive bid for the Presidential ear—a Cabinet member forced to write a letter and leak it to the press in order to obtain the President's attention—is merely the most dramatic and public evidence.

Consider these other examples:

Secretary of State William Rogers and Defense Secretary Melvin Laird have been caught off guard by some of the most momentous Nixon decisions regarding the Southeast Asian war, in part because of White House fear that their departments can't keep secrets.

Housing Secretary George Romney, reading the papers while on vacation in Hawaii, learned for the first time that the White House was contemplating deep cuts in his Model Cities budget. He is now back here—"hopping mad," according to a top aide—demanding a face-to-face confrontation with the President before a final decision is made.

A high Commerce Department official with a pressing question about a vital foreign trade policy problem strove in vain for one whole year to obtain an audience with the appropriate White House staffers.

A Transportation Department chieftain needing a Presidential yes or no on a plan for preserving rail passenger service was sidetracked so long that he toyed with the idea of stomping into the White House and setting up an electric train to dramatize his frustration.

AN OLD COMPLAINT

Disappointment over lack of access to a President is nothing new in Washington; a common capital cliché has it that the scarcest commodity in the world is the time of the President of the United States. But Nixon appointees can recite that cliché with unusual feeling—and now that Cambodia and the campus are such overriding concerns, officials handling less dramatic matters can expect to find the President even less accessible than before.

The lack of Presidential attention and the absence of clear policy positions result in frustrated foundering by administrators in such fields as budget and taxes, foreign trade, consumer protection, farm price props, school desegregation, urban improvements and the war on poverty.

Recent weeks have produced some agonizing economic developments, ones that presumably should have been receiving top-level attention and analysis. Yet at one time or another four key economic policy-makers—Treasury Secretary David Kennedy, Budget Director Robert Mayo, Commerce Secretary Maurice Stans and Federal Reserve Board Chairman Arthur Burns—were out of the capital on assorted missions in South America. Aides suggested, only partly in jest, that their bosses all figured they would be having no greater impact on policy remaining in Washington than traveling abroad.

BACK TO THE UNIVERSITY

Numerous second-level Administration men talk in private about cutting short their service in the Government. One sub-Cabinet-rank official who had expected to have a major role in making economic policy feels sufficiently shut out to be thinking now of leaving by the end of the year, rather than staying the whole four years. Another sub-Cabinet member begins stressing his university's desire to have him back teaching in February; associates are convinced he wouldn't be paying much attention to that deadline if he found his present work more rewarding. Speculation grows that some Cabinet men may quit after November's Congressional elections, if not before.

In December 1968, introducing his 12 Cabinet members to the American people on television, President-elect Nixon promised that "every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decision we can possibly reach." Yet today only four of those men—Attorney General John Mitchell, Secretaries Laird and Rogers and Labor Secretary George Shultz—are said to have ready access to the boss.

Mr. Mitchell, the bond-market lawyer who managed the Nixon election campaign, wields paramount influence; even the other three sometimes find themselves in the dark about what's on the Nixon mind. Only four days before the President announced the commitment of troops to Cambodia, Mr. Rogers was telling Congressmen such a course would mean "our whole program (of Vietnamization) is defeated." Earlier, Mr. Laird didn't know up to the last minute that the President would announce a decision to pull 150,000 troops out of Vietnam within 12 months; the Defense Secretary kept right on talking almost to the very end about 40,000 to 50,000 troops within four months.

In general, frustrated would-be policy makers concede high regard for the intelligence of the key men around the President. But there's deep resentment and growing concern about what is felt to be his overreliance on them. Besides Mr. Mitchell, the names most mentioned as part of the inner circle are John Ehrlichman, majordomo for domestic affairs; Henry Kissinger, the foreign-affairs counterpart; H. R. Haldeman, who decides which persons and papers get through to the President, and Peter Flanigan, general troubleshooter.

Frequently, however, a Cabinet member can't even penetrate to anybody in this inner circle, let alone to the President himself. White House men confirm that it's quite common for the head of a Cabinet department to be denied an audience with Mr. Ehrlichman and instead be shunted to one of his half-dozen deputies—even though the deputy may be half as old as the Cabinet member and far less experienced.

The official current defense of this procedure seems far removed from Mr. Nixon's December 1968 promise of easy access. "We can't have a lot of Cabinet guys running in to the President," a White House insider asserts, "or he'd never have a question refined to where it's worth his making a decision."

A NEAT SYSTEM

Another Nixon intimate rejects the suggestion that this emphasis on orderly processes denies the President any real feeling for what's going on around him and in the nation at large. Through memos and talks with the top staff aides, he insists, the President gets a very full understanding of what the Cabinet departments are urging. Even more important, this man argues, the present system somehow tends to keep the President from becoming overly preoccupied and immersed in any one problem—"He's not going down to the war room in his slippers like LBJ."

Views may quite legitimately differ, of course, on what subjects are vital enough to warrant speedy Presidential attention and decision. But many Government men complain that the current White House team often fails to recognize how important some matters are.

According to insiders, the "Railpax" plan or passenger service was mired for months outside the President's office, kept there by Presidential aides concerned over the potential budget impact. Finally, to force the issue, frustrated Transportation Department officials leaked a report that the plan had received the Nixon blessing. Some accuse Mr. Ehrlichman of recognizing this pressure attempt and retaliating by holding a decision back still longer. Now an impatient Congress has devised a costlier plan of its own—which the President is expected to accept.

The Commerce Department official (a Nixon appointee) needing guidance about possible expansion of trade with the Soviet bloc says he tried all through 1969 to obtain an audience with Henry Kissinger. He failed, and now others observe that, in the absence of a crystallized Administration position, Congress has done only minor tinkering instead of major "bridge-building" between East and West.

TAX INCENTIVE PLAN

The White House staff stalled for almost a year on details of a Presidential proposal for wealthy nations to give tariff preference to poorer countries. In the end, the original plan was approved, but meantime other key nations had impatiently gone ahead with plans of their own, and pessimists here fear it now may be impossible to get everybody in step.

A prime casualty of White House delays is the idea of tax incentives to business for helping solve social problems—training the hard-core unemployed and locating plants in poverty areas to create jobs there. In the 1968 election campaign, Mr. Nixon portrayed this approach as a cornerstone of domestic strategy. Even when the costs and complexities loomed larger and the once-sweeping schemes were pared down to pilot projects, Presidential Counselor Arthur Burns kept the concept alive.

When Mr. Burns moved to the Federal Reserve in February, however, nobody at the White House wanted to take over the idea. Instead, it was handed—without any Presidential guidance, and with instructions to do whatever they wanted—to two unenthusiastic Treasury men, tax policy chief Edwin S. Cohen and Internal Revenue Service Commissioner Randolph Thrower. Predictably, they have let the package languish. "Between Carswell and Cambodia, I doubt this ever came to the President's attention," asserts a disappointed advocate of the tax-incentive approach.

Even at the Budget Bureau, long the all-powerful overseer of all Presidential legislative proposals, the aura of cool command is fading. "The bureau was completely in the dark" about a Presidential effort to shape a major piece of labor law, says an official of another agency. "They were asking us who to contact at the White House to find out what was going on."

AN OVERLOOKED MATTER

White House aides may even be undercutting the Budget Bureau's most basic role—helping slice the fiscal pie. It was after the President brainstormed with his immediate staff that he suddenly decided to sweeten his school desegregation statement with a promise to divert \$500 million from other domestic programs to help schools cope with racial problems. Nobody could say precisely where the money was to come from, however, because budget chief Mayo didn't even know of his huge new chore until he read about it in the papers. And the decision as to where the money is to come from still hasn't been made, six weeks later.

While that left-out feeling is perhaps most painful in such traditional Government power centers as the Budget Bureau, it is also demoralizing in less pivotal departments. Housing Secretary Romney hasn't minded admitting that programs to stimulate homebuilding must remain low in priority until inflation is checked, but he was stung to read while on his Hawaiian vacation that a big chunk of the extra school money was likely to be provided out of his already depressed urban programs.

"That's really an affront to a Cabinet member," observes one Romney aide. Another finds the slight all too typical of that "bunch of whiz kids" at the White House. Besides resenting the way the decision is being made, the HUD Secretary himself views the likely slashes in his budget as fresh evidence of something more troubling: A deep disdain for urban problems among politically oriented men in the White House.

UPSTAGED BY AGNEW

The Administration's school desegregation policy still is far from clear to the Government officials who must work in this field, even though the problem has received at least passing Presidential attention. In part, this confusion may stem from the fact that Health, Education, and Welfare Secretary Robert Finch, the logical man to handle the matter, has been upstaged by a special White House panel headed by Vice President Agnew, and its workings remain obscure. The panel's staff chief, Robert Mardian, so diligently avoids reporters that down-the-line agencies despair even of learning about policy through the press. HEW's old-line Office of Education is in turn upstaged by Mr. Finch, and reports abound of Commissioner James Allen's early departure.

An Allen aide, Anthony J. Moffett, 25-year-old director of the Office of Students and Youth, announced his resignation just yesterday. Assailing recent Nixon and Agnew statements about young people and campus disturbances, Mr. Moffett said: "The President and his most trusted advisers do not view themselves as leaders of all of the American people."

Poverty-warriors in the Office of Economic Opportunity grumble that they face the ultimate embarrassment of a bureaucrat—decisions so sluggish that unspent funds may have to be turned back to the Treasury when the fiscal year expires June 30. The Ehrlichman operation comes in for criticism among HEW's welfare planners, too. They complain that the White House staffers simply don't know enough about the details to make decisions on crucial changes required by the Senate in the President's massive welfare reform plan. Veteran HEW experts would be happy to help, but no one asks. Says one with a shrug: "I guess the White House just doesn't trust us."

Mr. ERLENBORN. Mr. Chairman, I yield to the gentleman from Michigan (Mr. GERALD R. FORD), such time as he may consume.

Mr. GERALD R. FORD. Mr. Chairman, when we get into the House of Representatives, I will ask unanimous con-

sent to include in my remarks certain letters from members of the President's Advisory Council on Executive Organization.

Mr. Chairman, the gentleman from New York (Mr. ROSENTHAL), has made several observations and comments which are critical of the President's plan. I would like to respond to those particular charges or allegations.

One, the question of inaccessibility: I think the gentleman from New York knows very well that the chairman of the Domestic Council will be the President of the United States and in that capacity he will be sitting with members of the Council and will be counseling with them on the matters that are before the Council. Contrary to the belief of Mr. ROSENTHAL, the President will be more accessible to the members of the Domestic Council, and they will have a better opportunity to express their views to him in person, and each of them along with the President will have a better opportunity for an exchange of views in this atmosphere.

I think it is fair to say that the President will be more accessible rather than more inaccessible.

What particularly bothers me is the allegation or the implication perhaps that the group of eminent citizens who make up the President's Advisory Council on Executive Organization, have performed their assignment in a rather cavalier way and did not dig into the problems confronting a President in the management of his Office and the executive branch of the Government on the domestic side.

I have personally talked with four of the members of that Advisory Council, I have read with care the letters which they have sent to me and, I gather, to all Members of the House. It seems to me that they have thoroughly analyzed the problems facing a President and their endorsement of the reorganization plan is very persuasive to me.

Let me read off, for the benefit of those who have not taken the time, the names of the individuals who serve on the Advisory Council and their positions of responsibility.

Mr. Roy L. Ash, president of Litton Industries, Inc., a person who I believe, by any standards, is a management expert. He wholeheartedly endorses the proposal.

The letter is as follows:

EXECUTIVE OFFICE OF THE
PRESIDENT,

PRESIDENT'S ADVISORY COUNCIL ON
EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: You will be voting sometime this week upon House Resolution 960 which disapproves Reorganization Plan No. 2 of 1970. I am writing to call to your attention the significance of that Plan and to express my hope that Congress will allow its enactment.

As you may know, I am Chairman of the President's Advisory Council on Executive Organization. In part, my interest in Plan No. 2 is based on our Council's intensive study of the President's Office made last year. For a long time prior to my work on the Council, however, I have been deeply con-

cerned about the increasingly complex management problems of the Executive Branch, especially those in the Executive Office of the President.

The proposals in the President's Plan are not exceedingly novel. Rather, they are a distillation and synthesis of ideas developed over the years by members of both parties in the Congress as well as the Executive Branch. The steps proposed for the President's Office are specifically designed to allow greater delegation and to enhance the effectiveness of the entire Executive Branch.

In brief, the Reorganization Plan sets up a Cabinet Level Domestic Council chaired by the President. The Council with its staff represents a formal mechanism to help the President deal with the proliferating number of domestic programs which frequently involve six or seven agencies or more. We have all recognized the need for a more coherent way of formulating domestic policies and programs—a way to insure that Department and agency heads retain their prime role in the development of program alternatives. I firmly believe the Domestic Council represents an important and necessary mechanism to accomplish these ends.

The President's Plan also establishes an Office of Management and Budget to which he will delegate all the functions of the Bureau of the Budget. As indicated by its name, the Office will focus increased attention and personnel on those management activities needed to put programs into action. No longer can either Congress or the President assume that programs once legislated and funded will automatically produce the desired results. Plan No. 2 indicates the President's desire to use other important management tools in conjunction with the budget to make sure that Federal programs operate effectively.

Sound organization and management are essential if the federal government is to fulfill its missions and this is what the Plan provides for the Presidency. I hope you agree that the President needs better means to formulate integrated programs and achieve in actions, the results that he and the Congress intend.

I urge you to vote against Resolution 960 so that Reorganization Plan No. 2 may take effect.

Sincerely,

ROY L. ASH,
President,
Litton Industries, Inc.

Another member of the Council is John B. Connally, a former Governor of the State of Texas and a former Secretary of the Navy under the Kennedy administration. He very vehemently urges the House of Representatives to support Reorganization Plan No. 2, and he urges that the President be given these new tools for the purpose of improving the efficiency and effectiveness of the executive branch and particularly his own office.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: Sometime this week, Congress will be considering Reorganization Plan No. 2. I am writing to you to voice my strong support for the Plan.

The President's Advisory Council for Executive Organization was in large measure responsible for formulating the Plan now

before you. As a member of the Council, I was particularly interested in insuring that organizational changes were recommended to correct the serious problems of managing Federal programs on the state level. The Division of Program Coordination—proposed by the Plan—would establish a Washington-based staff, active in the field, to identify and help remedy interagency program bottlenecks.

The Reorganization Plan sets up a Cabinet Level Domestic Council chaired by the President. From my experience, the President faces almost insurmountable problems in managing domestic programs. In the past, a small White House staff has dealt with these matters on an ad-hoc, worst-first basis. There has been no systematic way for the President to reach out and formulate solutions to problems before they reach crisis proportions. Reorganization Plan No. 2 establishes a formal body and provides sufficient staff for this purpose. The Domestic Council which is comprised of the domestic agency heads, will address domestic problems through ad hoc task forces, headed by individual Cabinet members.

Reorganization Plan No. 2 also establishes an Office of Management and Budget. This Office will broaden the role of the Bureau of the Budget emphasizing long term program evaluation and other important non-budgetary functions in addition to year-to-year budgeting. The President can no longer assume that programs once legislated and funded will automatically produce the desired results. Plan No. 2 provides the President with the management tools, in addition to the budget, to ensure that federal programs operate effectively.

I urge you to approve Reorganization Plan No. 2.

Sincerely,

JOHN B. CONNALLY,
Partner,
Vinson, Elkins, Searls and Connally.

Another member of the Advisory Council on Executive Organization is Mr. Walter Thayer, president of Whitney Communications Corp. Mr. Thayer's reputation as a businessman I believe is well known to all who are cognizant of top executives in the business community. He, like the others, has urged me, as well as other Members of the House, to support the President's reorganization plan.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,
Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: As you may know, I am a member of the President's Advisory Council whose recommendations have formed the basis for Reorganization Plan No. 2 of 1970. I am writing you, however, to voice individually my strong support for the Plan.

There is a great need to provide the Presidency with an organizational structure to assure that our domestic programs do not remain in an inconsistent patchwork pattern. At the same time we must recognize that each administration must have flexibility in shaping the complicated network of inter-related, interagency domestic programs. I am confident the Domestic Council proposed in the President's Plan will provide these answers. Moreover, such a Council will reverse the trend of policy and program issues moving toward the White House informal staff, since working sub-groups of the Council will permit Department and agency

heads to participate more fully in the policy making process.

Even so, program development and execution must be aided by more attention to the organizational and management implications of program decisions. We must be able to learn quickly whether programs are really achieving the objectives intended by Congress. Such knowledge will come from the better information system contemplated. Also, the Office of Management and Budget, proposed in the Plan, will provide needed emphasis on *managing—not just house-keeping*.

In short, the President needs these management tools to discharge the responsibilities of his Office—he needs the organizational structure that will permit him to delegate more confidently to the agencies the overwhelming tasks of the Executive Branch. I earnestly hope that you and the other members of Congress will help this President—and future Presidents—to avail themselves of the organizational structure which will best serve the cause of government as we think this will.

With kind personal regards,

WALTER N. THAYER,
President,
Whitney Communications Corp.

Then we go to the academic world. Dr. George P. Baker, dean emeritus, Graduate School of Business Administration, Harvard University, also by letter has urged Members of the House to approve the President's Reorganization Plan No. 2.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,
Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: I am writing you to express my strong personal support for Reorganization Plan No. 2 which is currently being considered by the Congress. My interest in the organizational problems of the government is a long standing one and I consider it a rare privilege to be presently serving on the President's Advisory Council on Executive Organization. As you probably know, this Council's recommendations to the President resulted in the Reorganization Plan which is now before you.

The real question is one of making the President's job manageable by providing him with the necessary organizational mechanisms. A President can no longer rely on the informal workings of the White House to deal with the complicated interagency questions of domestic programs. A more rigorous procedure for developing the various program alternatives is needed, and the Department and agency heads must reclaim their rightful role in this process. The Domestic Council proposed in Plan No. 2 will provide the kind of flexible structure needed by the Presidency.

Making the President's job more manageable also demands improvement in the mechanisms that provide him with information and evaluation about the government's programs. He needs a better way to resolve operating problems between agencies in the field. He must cut the "red tape" which inhibits the effectiveness of so many programs. It is these kinds of functions that will be emphasized in the Office of Management and Budget proposed in Plan No. 2.

Every administration must cope with the same overpowering tasks. Reorganization Plan No. 2 is not a Plan for President Nixon alone. It will serve every President, just as it will serve every Congress. Better manage-

ment of the Federal government is everybody's concern. I urge you to support this major step forward in the battle for effective federal programs.

Sincerely,

DR. GEORGE P. BAKER,
Dean Emeritus, Graduate School of
Business Administration, Harvard
University.

Mr. Richard M. Paget, president of Cresap, McCormick & Paget, a member of the Advisory Council on Executive Organization, likewise strongly feels the President's reorganization plan should be approved.

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY
COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: I understand you will soon be considering Reorganization Plan No. 2. As a management consultant I have spent many years working on the management problems of both government and private business. As a result, I have been pleased to have the opportunity of participating as a member of the President's Advisory Council on Executive Organization. I and our Council firmly believe that improving the operation of the President's Office can lead the way to a vast improvement in the management of the whole Executive Branch.

I have become particularly aware that no matter how well conceived a program may be, it can easily fall if inadequate attention is given to its implementation or if it falls victim to government "red tape." The President's Plan recognizes this by proposing to establish an Office of Management and Budget which will not only continue the fine work of the Bureau of the Budget, but will also afford long overdue attention to the important role of good management in making programs work. There will be increased emphasis on program coordination—unsnarling interagency bottlenecks that occur in the field. There will be significant efforts devoted to developing better management information, of use to the Congress as well as to the Executive Branch. There will be on-going attention to ensure that agency organization keeps in tune with program requirements.

In turn, these strengthened management functions along with the present budgeting activity can feed back into the process of policy and program formulation. The Domestic Council proposed by the Plan can work to ensure that full advantage is taken of the creative ideas and knowledge generated in the Office of Management and Budget. Yet since the OMB will report directly to the President, he will retain the benefit of an independent relationship with this organization.

I sincerely hope you will support Reorganization Plan No. 2 by voting against House Resolution No. 960—a resolution that would deny our nation the chance for a significant modernization of governmental management that could serve future administrations as well as this one.

Sincerely,

RICHARD M. PAGET,
President,
Cresap, McCormick & Paget.

There is also a most significant communication from Mr. Frederick R. Kappel, chairman of the executive committee, American Telephone & Telegraph Co., a member of the President's Advisory Council on Executive Organization. Most Americans would agree that

A.T. & T. is a sizable, efficiently organized corporate organization. It has affiliates in most of our States. I believe it does a good job. It has been a leader in moving ahead in the communications field. I believe it has given us good service at a reasonable price, and has been able to do this because of its efficient management.

It seems to me that the views and opinions of Mr. Kappel ought to be given consideration by the House. As I said, he has urged that we act affirmatively on the President's program.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY
COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: I am writing to call your attention to House Resolution 960 which would deny the President the important management improvements he needs to achieve the results we all expect from our Federal Government. As you know, H.R. 960 disapproves of the President's Reorganization Plan No. 2 of 1970 which is based on recommendations from the President's Council on Executive Organization of which I am privileged to be a member.

The Council's thorough study of the Executive Office has convinced me that at long last Plan No. 2 gives us a chance to take a major stride in updating the managerial effectiveness of our Federal government—important steps that will serve as well for many years to come. In the proposed Office of Management and Budget I applaud the emphasis stated in the President's message on such functions as program coordination, attention to management systems and program evaluation.

Personally, I have always felt strongly about the importance of good executives. This should be a prime concern of any top manager. As you know, one of the groups in the Office of Management and Budget would be devoted to the stimulation of career executive development throughout the Executive Branch.

This group would not recruit, evaluate or train any individuals. Rather it would spend its time thinking about the kind of programs needed to attract and retain competent career executives and to ensure that they are used to the full limit of their capabilities. This group would act as an energizer to encourage the activities of the Civil Service Commission and the agencies in all important areas. Frankly, the Commission has done some excellent work on executive development, but it is heavily burdened by the weight of its other regulatory and administrative duties. There is a great need to coordinate the many different personnel systems that exist in addition to the Civil Service System.

Moreover, executive manpower planning is in a primitive state. It desperately needs to be plugged into the other important management activities emphasized in the Office of Management and Budget.

I also heartily endorse the establishment of the Domestic Council proposed by Plan No. 2. It shows great promise of finally bringing some order to the jumbled processes of interagency program development.

I sincerely urge you to take this chance to endorse the President's concern with improving the management of his office and the resulting benefits for the operation of the whole Executive Branch. It would be a tragic commentary if the Congress were to pass House Resolution 960 and forgo the oppor-

tunity for better management in the Federal government afforded by Reorganization Plan No. 2.

Sincerely,

FREDERICK R. KAPPEL,
Chairman, Executive Committee, American Telephone & Telegraph.

The charge has also been made that the Bureau of the Budget is being downgraded, that its role or responsibility will be minimized to some extent. There is a letter which was sent to me, dated May 11, from the present Director of the Bureau of the Budget. He, as others have, urges favorable action on the reorganization plan.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: Your letter of May 7 requests my views on the role of the Bureau of the Budget as conceived under Reorganization Plan No. 2 of 1970.

I reject the allegations that have been made that the reorganization plan somehow downgrades the role and operations of the present Bureau of the Budget. I believe that the plan will pave the way for giving this agency a significant new focus and thrust in major areas of management and for strengthening its role and operations.

Very briefly, the reorganization plan designates the Bureau as the Office of Management and Budget, transfers the Bureau's statutory functions to the President, provides for six new Level V positions in the Office and establishes a Cabinet-level Domestic Council over which the President would preside. The Office and the Council would perform such functions as the President would delegate or assign from time to time.

The basic role of the Office of Management and Budget will be the same as that of the Bureau of the Budget—that is, to provide advice and assistance to the President. The major activities of this agency are, and will remain, in support of responsibilities and authorities, such as the preparation of the budget and insuring effective management, which are vested in the President.

Because its basic role is to assist and advise, I believe it is appropriate that the Bureau's statutory functions—as a constituent part of the Executive Office of the President—be vested in the President himself.

The President has stated specifically in his message transmitting Reorganization Plan No. 2 that the statutory functions of the Bureau which are transferred to him will be delegated to the Office of Management and Budget. Thus, the new Office will start off with the same set of basic activities—with the same role—as the existing Bureau.

But, it is not the intent of the President or of the plan that the Office simply be a continuation of the Bureau. In my view and the President's view the plan provides the basis for a major new thrust by the Office in a number of key management areas. The Office's role and resources will be expanded and strengthened primarily in the following areas: (1) modernizing organization and management systems to eliminate out-of-date procedures and processes and cut down on delays, red-tape and unnecessary administrative requirements in new and old programs; (2) providing for better coordination of programs, particularly in the field, where there is a need to focus on short-range operational problems that trouble systems for the delivery of Federal assistance; (3) establishing the management information systems necessary to support decision-making at all levels both in the

executive and legislative branches; (4) evaluating the effectiveness of program expenditures in meeting national goals; and (5) developing programs for the recruitment, training, motivation, deployment and evaluation of top career executives. That is one of the principal objectives of the plan, better management.

One of the more serious allegations made about the plan is that, by establishing the Domestic Council, it is placing an inaccessible policy-making layer between this agency and the President. I think not. In the first place, the Council will not decide policy; the President will decide policy, as he now does. The Council, like the Office of Management and Budget, will be advisory. It will not, and cannot cut off access of this agency to the President. One of the reasons why I believe the Director of the Office should not be a permanent member of the Council is to preserve the Office's role as an independent source of advice to the President.

In its role of exploring domestic issues and options, I believe the Council can be of real assistance to this agency. It should, for example, provide a means for reaching better and earlier decisions on budget priorities. It should also be able to flag significant management implications of various program choices. At the same time, the Office of Management and Budget should be of invaluable assistance to the Council in providing data and advice on matters before the Council and, in most cases, participating in its work. The two agencies should cooperate very closely in the domestic area.

In sum, I do not agree with the fears expressed regarding the plan. In my view the role of this agency will be enhanced in many areas under the plan and, through interaction with the new Domestic Council, it should be in a better position to advise the President, as his key management agency, in a more timely and more effective manner.

Sincerely,

ROBERT P. MAYO,
Director.

I believe one of the most significant letters is one from the National League of Cities and the U.S. Conference of Mayors. It is signed by Patrick Healy, executive vice president of the National League of Cities, and John J. Gunther, executive director of the U.S. Conference of Mayors:

May 11, 1970.

HON. WILLIAM A. DAWSON,
Chairman, Government Operations Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DAWSON: We write to urge your support and that of the House of Representatives for the proposed Reorganization Plan Number II which would create a Domestic Affairs Council and strengthen the management responsibility of the Bureau of the Budget.

The Plan represents a sound, timely exercise of management responsibility by the President. Never in our governmental history has the press of domestic business so clearly dictated an executive structure adequate to effectively plan, coordinate and evaluate the nation's domestic policy. If anything, the Plan approaches being too late considering the rapid development of sweeping social, economic and environmental problems. Therefore, machinery designed to bring rational order to the Federal Government's participation in domestic programs is absolutely essential to new progress in overcoming these problems.

The cities have a great stake in the principle of this Plan for no level of government

acting singularly, can achieve lasting solutions to the problems of urbanization and other factors which affect our citizens. The cities, especially, must work vigorously with the states and Federal Government to assemble adequate resources for comprehensive attacks on our problems. Yet, at this crucial time, the Federal Government is still without a clearly defined set of domestic priorities and a rational National Urban Policy. And all too often, the Federal Government's administrative machinery seems to creak and grind towards urgently needed responses to our problems often winding up with duplicative, uncoordinated programs.

The evidence is clearly in favor of approval of this Plan. While we respect the recommendations of the Government Operations Committee in this matter, we feel that further delay in execution of the Plan could be fatal to establishing machinery that was needed yesterday.

We, therefore, do urge your support and that of your colleagues for the Plan and ask that the resolution recommending disapproval of the Plan be defeated.

Sincerely,
PATRICK HEALY,
Executive Vice President, National League of Cities.

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

I will put this letter into the Record when we get back into the House, because I think it is a powerful recommendation for the President's proposal.

So, Mr. Chairman, I say to the Members on this side of the aisle I think this is something that should be supported not only by them but hopefully by a majority of the Members of the House as a whole.

I am now glad to yield to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. I thank the gentleman for yielding.

The point I was trying to make, although perhaps I did not make it successfully, is that all of the men whose names you read off are very distinguished men and they led their corporate structures to great heights, although I might expect that some people in New York might take exception to the gentleman's remarks on telephone service. But putting that aside—

Mr. GERALD R. FORD. There may be reasons other than their desire to improve the service that prevented them from doing it.

Mr. ROSENTHAL. It may well be that. All of these men, I think, clearly understood executive responsibility and their experience of dealing with it in terms of the President. None of them understood our responsibility. They have all had great success in unilateral operations, and their only responsibility was to a board of directors. However, we are a constitutional body and have equal prerogatives and responsibilities. While I think they probably did a very good job from their point of view, I do not think any of them understood the nature of the responsibility that Congress has to maintain serious oversight in the executive branch. I think we have done a very good job in this area, and to give away another 58 statutory oversights really distresses me.

Mr. GERALD R. FORD. Let me respond by saying that all of the men that

served on this advisory council are as dedicated to the basic concept of the coordinate relationship between the executive branch and the legislative branch as anyone. They understand it is a basic fundamental concept that makes our system work well. They are not in favor of undermining that relationship.

Second, they were given the job of finding how administratively the President's Office and the executive branch could work on the domestic side. I think they have come up with a good formula.

It has been indicated here by Members who have studied the plan and understand the role of Congress that if we approve this plan we as a legislative body will not be giving up some of our responsibility in our relationship with the executive branch of the Government. The ones that I have listened to and have been impressed by do not think this very important relationship between the executive on the one hand and the legislative on the other hand is being destroyed. Others—obviously the gentleman from New York to some extent—believe that. But there are persuasive arguments as far as I am concerned that convince me that the role of the Congress in the management of our Government will not be hurt at all that the opportunity to improve the administrative side in the White House and in the executive branch will be greatly improved. For that reason I support Reorganization Plan No. 2.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. WYDLER. Mr. Chairman, at a time when the responsiveness of American institutions is under attack more than at any time in recent decades, it is the responsibility of every public official to do everything in his power to make those institutions more responsive. The reorganization plan for the Executive Office of the President is designed to do precisely that. The Congress should not stand in the way of this important reform.

When the committee report on this measure was released recently, the New York Times described the action this way: The committee on Government Operations, it said, has "dealt a blow to President Nixon's plans for increasing efficiency." What a sad comment on the ability of our governmental system to reform itself. What a sad thing for young Americans to read as they wonder about the viability of our system of government. And what a sad situation it would be if the entire House of Representatives now joined in making that blow to efficiency a fatal blow by rejecting the plan of reorganization.

The President's plan has two parts. First, a new Domestic Council would replace the present Rural Affairs and Urban Affairs Councils and the Cabinet Committee on the Environment. It would provide staff support for the President comparable to that which the National Security Council provides in foreign affairs. The new Domestic Council would provide a professional mechanism through which the President could get

the "big picture" on the domestic front—a big picture which is essential if our national priorities are to be structured in any informed and intelligent manner.

The second part of the President's plan calls for a new Office of Management and Budget to replace the present Bureau of the Budget. While the Domestic Council worries about planning new programs, the new Office of Management and Budget would worry about carrying out existing programs. It will provide a professional mechanism through which the President could direct the activities of the executive branch more effectively and more efficiently—so that administrative performance might at long last begin to match legislative promise.

The hallmark of this reorganization plan is that it finally provides executive machinery which is commensurate with the responsibility the President bears in domestic affairs. He, after all, is held responsible if his program is not formulated as well as it might be. And he is held responsible if the executive branch does not administer programs the way it should. The reorganization plan which is now before us will finally make it possible for the President to carry out his responsibilities as fully and completely as possible.

As we act on this plan, we should also remember that it does concern the Executive Office of the President and is, therefore, in something of a special category. For in this plan, the President is telling us how he wants to set up his own Office so that he can carry out the work which the Congress and the Constitution have assigned to him. It would seem to me that within reasonable limits, the President should be allowed to run his own Office the way he wants to run it, and that he should receive the benefit of any doubt concerning the organization of that Office. I would urge the Members of the House of Representatives to act in accordance with this philosophy as they approach this vital question.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. Chairman, I rise at this time because the subcommittee which I chair, the House Committee on Government Operations, has for some time been studying the question of advisory committees in government and the role that these committees play as well as some of the problems that arise from the appointment of such committees and their proliferation as well as the fact that there is an absence of coordination between them. I am referring to commissions in the executive branch. Since the Domestic Council is one such unit I believe that the results of these studies are pertinent and even though I cannot detail them at any length in the time I have available, I have extended my remarks in the hearings and will do so here.

Nevertheless, I would like to simply mention a few highlights that might be of interest.

The subcommittee of the House Government Operations Committee which I am privileged to chair, held 3 days of hearings on March 12, 17, and 19 on the

subject of advisory committees, interdepartmental and public, especially those within the Presidential advisory system, obtaining testimony from Members of Congress, the Comptroller General, Council officials, the executive branch, including officials from the Bureau of the Budget and the Presidential Advisory Council on Executive Organization, academia, and others. The subcommittee plans to complete the initial phase of its study of advisory committees with several days of hearings this month. In our undertaking, we researched and studied much of the Presidential advisory system. As some of our subject matter relates to matters presently before the House, I should like to discuss some of our research data, the use and function of councils, and questions which the reorganization plan raises.

INTERAGENCY—INTERDEPARTMENTAL—AND ADVISORY COMMITTEES

The subcommittee's study discloses that over the years the Presidency has not been strong in policy planning, development, and analysis, its informational and communication network, monitoring the effectiveness of the many agency operations and programs; and controlling or managing governmental entities. To attempt to overcome many of these weaknesses, Presidents have utilized the interagency committee for communication, coordination, and governmental interaction and the advisory committee or task force for communication, information, policy advice, and evaluation.

The use of Presidential interagency and advisory committees is not novel. They have existed throughout the history of our Federal Government. But with each passing year, their number steadily increases. However, little or no attention has been paid to their management, efficiency of operation, use, contribution. The consequences of their use as to Federal policies and operations are largely unknown. I refer not only to how the unit functions but how the result—the potential useful product—is obtained. In a good number of instances, it is lost or ignored; other times it is not even assembled for evaluation. But in any event, very little of the efforts of most of these committees ever reaches the President. There is, at present, no means to gauge, filter, assimilate, and evaluate such advice throughout the executive branch and present it to the President and/or the Cabinet for consideration. It is also difficult for Cabinet members to present their advice or policy decisions to the President.

The subcommittee found that no comprehensive information system exists within the executive branch relating to interagency and advisory committees. There is no place in the Executive Office of the President to provide supervision over the requirements for establishing, operating, reporting, and terminating public advisory committees.

The subcommittee determined from its hearings and questionnaire that the Federal Government has about 900 purely interagency committees. We received reports on 1,519 public advisory committees with an estimated annual

operating cost of about \$65,000,000. We believe this number and amount to be understated by about 15 percent because we were unable to get reports on all existing committees. Taking this into consideration, the annual operating cost of the public advisory committees would be approximately \$75,000,000 and the number of such committees would be in excess of 1,750. Our reported estimated annual cost of operating Presidential advisory committees was about \$50,000,000 or about 75 percent of the overall cost of operating advisory committees.

At best, efforts to provide Federal oversight over committees have been sporadic and recent. But even these efforts usually do not carry over to Presidential-appointed groups or those which advise the President. It is easy to create advisory or coordinating councils. It implies that an administration is naming someone to take charge of a problem and that results will be forthcoming. Each is given a mission, possibly to coordinate, definitely to provide information and obviously to advise. The group may start off well. Today's Federal governmental environment is cluttered with committees that surely never would be missed. It is difficult to abolish atrophied or redundant committees, particularly at the Cabinet or Presidential level as they acquire an aura of inviolability, prestige, and the possibility of untouchability.

Many councils and committees exist throughout the Federal Government, usually with different names, but possessing the same or overlapping functions. The operation of these committees lead to duplication of effort, a waste of money and personnel resources. The subcommittee identified by category a large number of such committees. Such an example, identified by the category, "Status of Women," contains the following committees: Citizens Advisory Council on the Status of Women, Interdepartmental Committee on the Status of Women, President's Study Group on Careers for Women, and Task Force on Women's Rights and Responsibilities. Councils or committees have attempted to dictate and usurp operational functions which Congress has delegated to agencies of the various departments.

Congress should not spend time tracking down obsolete and redundant executive branch committees. Congress should make constructive recommendations, clarify the legislative intent as to executive reorganization law, create administrative guidelines and a workable management structure in order that the President and the departments may execute the law.

INTERDEPARTMENTAL COMMITTEES HAVING TWO OR MORE CABINET MEMBERS

Recognizing the great number of existing committees and the present desire to create a Domestic Council composed of Cabinet members, the subcommittee staff attempted to determine how many committees or councils on which two or more Cabinet officers serve. The information was not available in the Executive Office of the President. Accordingly, the subcommittee questioned all the departments and agencies possessing a designated Cabinet member.

We found that most departments did not know or have adequate records to disclose what committees their top operating official served on and that in many cases, they did not possess the correct name or title of the committee. However, from the data submitted, we have been able to compile a list of 73 interdepartmental committees having two or more Cabinet members serving on them.

There are five units on which two or more Cabinet members serve solely as a trustee; 10 of the 73 are active subpanels of the Urban Affairs Council. These units are more active than many of the committees. As the subpanels of the Rural Affairs Council were not reported, together with our finding that there was a lack of full or effective reporting by the departments, our total could easily be 85 or more interdepartmental councils on which two or more Cabinet members serve.

From submitted incomplete data, we found that the Secretary of Agriculture is a member of at least 43 in interdepartmental committees and chairs six. The Secretary of Commerce is also a member of 43 such committees and chairs seven. The total does not include committees that they chair within their own Departments. Given the departmental operating responsibility, either the Secretary has little or no time for his Department or little time for his committees. The use of high-level groups of Cabinet members to achieve results is overdone and in many areas, the councils are ineffective. Therefore, we must ask ourselves whether the Domestic Council is not just another council or tier in the bureaucracy of the Executive Office of the President, and whether efficiency in the operation of committees will be achieved through the abolition and coordination of existing councils and committees.

DOMESTIC COUNCIL

The Domestic Council of Reorganization Plan No. 2 will be chaired by the President and composed of the Vice President and all the members of the Cabinet except the standing Cabinet members—Secretaries of State and Defense—of the National Security Council. The Council will be supported by an institutional staff under the Executive Director.

The highest current interdepartmental committee is the Cabinet, which is neither statutory nor constitutional. A President may use his Cabinet in any way he pleases. President Eisenhower used his Cabinet as a Domestic Council dealing with domestic executive branch business other than national security matters which were taken up by the National Security Council. Effective use of the Cabinet depends on good staff and advanced staff work. An Eisenhower Cabinet Secretariat was established consisting of two professionals. The Secretariat reviewed proposed items to determine if Presidential action was needed, attended Cabinet committee meetings as observers, prepared agenda, assigned tasks to agencies, monitored the progress of the assignments, assessed quality, at-

tempted to create an information base, insights, perspectives, and alternatives.

Witnesses before our committee who were experienced in the operation of the Eisenhower Cabinet Secretariat and in reviewing and participating in committee operations concluded that the most effective Secretariat is one which is small, modest, and does not itself become involved in policy functions or get in the lines of communication between the President and the members of the Cabinet. An elaborate network of staff, utilizing departmental aides responsible to the secretaries, was designed around the Secretary for Cabinet Affairs to achieve followthrough and maximum departmental involvement. This experience suggests that the present request for a large Secretariat or institutionalized staff to service the Domestic Council could prove to be impractical and that such a staff could create barriers between the President and Cabinet.

One must ask what would be the relationship between the Domestic Council and, first, the Cabinet; second, the departments and agencies; third, the existing Cabinet-level interdepartmental committees functioning in areas of domestic policy such as the President's Committee on Consumer Interests, the President's Council on Physical Fitness and Sports, and others; and, fourth, existing high-level interagency committees or statutory committees functioning in areas of domestic policy such as the Council of Economic Advisors and the Council on Environmental Quality which have a statutory mandate of advising the President directly.

How will the Domestic Council work with existing operating agencies? Will the policy alternatives be made by the Council and then passed to the agencies for implementation? Will the Cabinet members report to minor Presidential assistants rather than the President? Will the real policymakers be responsive to the Congress or be cloaked in executive privilege? The President's message mentions that the Council for Urban Affairs, the Environmental Quality Council and the Council for Rural Affairs will be consolidated into the Domestic Council as subcommittees. This would mean that the many subcommittees of these councils will now be subcommittees of the new Council that another tier has been added to the present structure? The plan should have provided guidelines which would answer such questions.

The message states that much of the Council's work will be done by temporary, ad hoc project committees, such as task forces, planning groups, or advisory bodies. This statement further suggests the possibility of an additional layer of bureaucracy prior to decisionmaking as well as accelerated proliferation of Government by committees. At present, at any given time, there are approximately 200 interagency and public advisory committees, either appointed by or advising the President. Consolidation and suggested realignment of these 200 committees, especially the 70 or more Cabinet-level interdepartmental committees, is a

necessity in order to create efficiency, economy, and order in governmental operations and to carry out the purpose of the Reorganization Act.

I believe the plan should have been more specific in order that considered judgments may be made by the Congress, not only as to what is presently asked for but, also, as to the use of the continued statutory delegation of power under the plan.

In some respects, Reorganization Plan No. 2 will create greater confusion in carrying out its proposed objectives through the proliferation of committees, the creation of a new bureaucratic tier in the decisionmaking process, and conflict in the control and command structure.

Good structure contributes to making the job of a President manageable. However, the Council arrangement called for in Reorganization Plan No. 2 should be clarified so that its guidelines and the intent of its direction are known. It is the function of the Government Operations Committee to evaluate the effect of this law, to make sure that efficiency and economy of operation of Government activities will be achieved, and to assure that the executive branch is responsive to the Congress. I, therefore, support the disapproval resolution and urge my colleagues to join me in voting for the disapproval resolution.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. The figures that the gentleman is putting in the Record are very important. I can testify to an experience that I had recently when the Federal Radiation Council, composed of members of the Cabinet, and who very, very seldom meet—in fact, I do not have any record of them meeting—nevertheless one member of that Council who happened to be a Democrat and head of a department formulated in his own mind some standards with reference to radiation and went around and got the acquiescence of the rest of the Cabinet, a committee composed of Cabinet members, he was unable to get a meeting of that committee on his suggestions.

In the face of the numbers that the gentleman is giving to the House at this time and with all fidelity, this is not said in a derogatory sense, these men just cannot be in that many places in view of the rest of their duties which they have to perform. I am thinking very seriously of bringing up some legislation to change the Federal Radiation Council so we can change some of the incumbent members on that council and so we can have real participation and real influence.

Mr. MONAGAN. I think the point the gentleman has made is very important and raises the question that if the members of the Cabinet cannot serve effectively, they are in effect an impediment to carrying out these functions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 additional minutes to the gentleman from Connecticut.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

The question I have is whether or not the gentleman's study is going into the question of whether the work of the commissions and the councils that have been formed are being done by the members of those councils themselves or, in fact, as the gentleman is pointing out, by the staffs of those councils.

Mr. MONAGAN. That is exactly the point that I would make, and I thank the gentleman for calling it to our attention.

Mr. KYL. Mr. Chairman, will the gentleman yield?

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

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman is it not a fact that in most instances where a Secretary or Cabinet member is a member of some board, as described in the gentleman's statement concerning the Secretary of Agriculture, that he actually appoints someone from his Department to serve in his stead. Is that right?

Mr. MONAGAN. Physically I do not see how he could do otherwise. But the claim is made for the Domestic Council that it would be this great functioning active body, and I suggest that that would not be the case.

Mr. ERLÉNBOEN. Mr. Chairman, I yield to the gentleman from Alabama (Mr. BUCHANAN), such time as he may consume.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the passage of House Resolution 960, which would formally disapprove Reorganization Plan No. 2 of 1970. As a member of the House Committee on Government Operations, which has reported out this resolution of disapproval, I have had considerable opportunity to study the provisions of Reorganization Plan No. 2. Having, as a result of this study, come to the conclusion that these provisions are absolutely essential for the efficient and responsive management of an executive branch which is operating within an organizational structure no longer adequate in meeting its vast responsibilities, I joined in the minority report and fully support this reorganization plan.

To me it would be more than ironic should this body prove willing to throw out such a major effort toward greatly improving and modernizing the functions of the executive branch at the very time when so many Americans—including many of us here in the Congress—are expressing increasing dismay over the inefficiency with which the Federal Government handles its vastly expanded functions. It is ironic, too, that, at a time when there is developing within this country a situation approaching a crisis of confidence because so many perceive a lack of responsiveness on the part of the Government to the needs of the people, the Congress would defeat a major effort toward insuring that the executive branch can be responsive to these needs.

The irony of this situation is revealed even more clearly by the action yesterday of the House Rules Committee, which gave its approval to a comprehensive measure aimed at reforming and updating the operations and procedures of the legislative branch. To my knowledge, there are few in this body who have denied the need for some such congressional reform or who have expressed unwillingness to bring about reform in the legislative branch.

The outcry for reform and improvement has been directed toward all three branches of the Federal Government, and there is widespread agreement that the functions and duties of the Federal Government have in the past several decades far outpaced the organizational structures set up at an earlier time to meet them. The time for action, as proposed in the President's Reorganization Plan No. 2, is, in my judgment, long past due.

This proposal is not the result of some sudden whim on the part of the President or his advisers. It came after exhaustive study by the President's Advisory Council on Executive Organization, a group of distinguished representatives of the business and government communities, who have had many years of experience working with management problems of both government and private business. Nor are the council's thoroughly studied recommendations without precedent. In making its recommendations, the council drew heavily upon the work of similar bodies which preceded it—including the pioneering Brownlow Committee of 1936, the two Hoover Commissions, the Rockefeller Committee and other presidential task forces.

In my considered judgment, the President's proposal goes to the very heart of the problem of government; that is, first, how can a President get the right information at the right time in order to make the right decisions? and, second, once policy is made, how can it best be evaluated?

As Members of that governmental body which performs the function of transforming ideas and programs into law, I am sure that we have all become acutely aware of the fact that no matter how well written a law may be or how well conceived a program may be, it can easily fail if inadequate attention is given to its implementation or if it falls victim to Government redtape.

The President's plan recognizes this by proposing to establish an Office of Management and Budget which will not only continue the work of the Bureau of the Budget, but will also afford a long overdue attention to the important role of good management in making programs work. The plan would transfer all of the existing statutory functions of the Bureau of the Budget to the President. The President would be authorized by this plan to delegate his statutory functions only to agency heads and to officers appointed by the President with the consent of the Senate. The name of the Bureau of the Budget would be changed to the Office of Management and Budget, and the Director of this new Office would be authorized with the approval of the Presi-

dent up to six new Executive Level V officers in that Office.

Through this new office there will be increased emphasis on program coordination, particularly with respect to interagency bottlenecks. There will be significant efforts devoted to developing better management information, of use to the Congress as well as to the executive branch. There will also be on-going attention to insure that agency organization keeps in tune with program requirements.

While the Office of Management and Budget will be concerned primarily with how programs are to be implemented and how well this implementation serves the purposes of the programs, the Domestic Council proposed in Reorganization Plan No. 2 will be primarily concerned with the what of executive branch functions. The Domestic Council proposed in the plan would consist of the President of the United States; the Vice President; the Attorney General; the Secretaries of Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, Interior, Labor, Transportation, and Treasury; and such other officers of the executive branch as the President may from time to time direct.

The Domestic Council would be assisted with a professional staff and, to a considerable degree, would be a domestic counterpart to the National Security Council. This Council would enable the President to assess national needs, collect information, and develop forecasts in order to define national goals and objectives. It would identify alternative ways of achieving the above objectives and recommend consistent, integrated sets of policy choices. The President would be able to provide rapid response to needs for policy advice on crucial domestic issues and to better establish national priorities for the allocation of available resources. Through the Council a continuous review of ongoing programs could also be maintained.

Mr. Chairman, let me reiterate my firm conviction that this reorganization plan goes to the heart of modern and efficient Government management. If we are to demand of one man the almost impossible task of managing the vast and confusing bureaucracy which has grown up within the Federal Government and of meeting the needs of some 200 million people, surely we must enable him to fulfill these functions with the best possible organizational and management tools. I, therefore, urge the defeat of House Resolution 960 and the implementation of Reorganization Plan No. 2.

Mr. ERLÉNBOEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, the effects of Reorganization Plan No. 2 are:

First. Changes the name of the Bureau of the Budget (BOB) to the Office of Management and Budget (OMB) for the purpose of accenting the need for greater stress on management functions.

Second. Authorizes the Director to appoint six additional Level 5 executive

officers in OMB in order to provide added executive management direction.

Third. Assigns to the President the functions of BOB so that the President may delegate them as he believes necessary for most effective operations. The President indicates that he intends to delegate these functions to OMB, but it has been indicated that subsequently some functions may be transferred to other agencies where the President believes the most effective operations can be carried on.

Fourth. In the message accompanying the plan, it is pointed out that, while OMB will continue to assist the President in annual budgetary measures, the purpose of the reorganization is to promote far greater emphasis on fiscal analysis, program evaluation and coordination, improved executive branch organization, expanded information and management systems, and development of executive talent.

Fifth. Establishes a Domestic Council, composed of the President, Vice President, and Cabinet heads responsible for domestic policy.

Sixth. The Domestic Council shall be assisted by an executive director, appointed by the President, who shall head the Council staff.

Seventh. The Domestic Council shall perform such functions as the President shall assign. The President's message indicates that the Council shall become involved in the following specific functions: assessing national needs, collecting information, and developing forecasts for purposes of defining national goals and objectives, identifying alternative ways of achieving such objectives, recommending consistent and integrated sets of policy choices, coordinating the establishment of national priorities for the allocation of available resources, and maintaining a continuous review of the conduct of ongoing programs from a policy standpoint and proposing needed reforms.

I will summarize the merits of the plan as follows:

This is a reorganization of the President's own office. He should have the right to reorganize as he sees fit in order to do the best job possible.

We complain that the organization and operation of the Government are inefficient and uneconomical. Are we going to prevent the President from providing more effective management and administration of the Government?

It is complained that inadequate direction and attention go into policymaking, program evaluation, fiscal analysis, and the solving of domestic crises. How can we deny the President the opportunity to improve the means to cope with these problems?

We place upon the President primary responsibility for solving all our social and economic ills—crime, inflation, inequality, inadequate housing, unemployment, high taxes, and so forth. Yet, here we are seeking to prevent him from performing his responsibilities in the most efficient way possible. Regardless of one's personal feelings toward a President, the Congress in particular should be fair, reasonable, and understanding of a Pres-

ident's needs since Congress can appreciate the burdens of that office.

There are those who maintain that the President is placing an unnecessary additional structure of administration in the White House. To the contrary, he is seeking to remodel, simplify, and make more efficient the White House operations. A number of existing councils and committees are to be merged into the Domestic Council, a professional staff is to be assembled, and the structure is going to be established to make the White House more responsive to Congress, the executive branch agencies, and to the public.

Those who complain of the White House existing lack of responsiveness can reject this plan only at their own risk. Thereafter, let them not complain of management mistakes in the White House.

The Domestic Council will facilitate the Cabinet officers' ability to transmit their views to the President. It will permit a broad coordination, evaluation and analysis of competitive agency policies and programs. It will permit the elimination of duplication and agency bickering. It will enable lesser disputes to be solved more rapidly and amicably.

Creation of the Domestic Council will not downgrade the O.M.B.'s functions, nor those of the Council of Economic Advisers. It is still intended that their views will continue to be submitted directly and independently to the White House. That is why these agencies were not specifically included as members of the Domestic Council. But, their views and assistance will be regularly called upon by the President and staff who would not and could not operate without them.

It is the President's duty to make policy. This reorganization plan will enable him to make it more rapidly and effectively. This plan takes away authority from no one. But, if it did, is that not the President's prerogative since we place upon him the obligation to make policy? Should he not have the right to organize his office in a way which will help him in making the best policy?

Does not this same reasoning apply to authorizing the President to develop the most effective machinery to manage and administer the agencies of the executive branch?

It is said that the President is seeking to somehow downgrade the authority of the Congress through this reorganization. How can this be since this plan is only directed at reorganizing the President's own office which he has a right to organize as he chooses? Moreover, it cannot be stressed too strongly that a reorganization plan cannot create legal authority or functions that do not already exist.

We hear much about executive branch infringement of congressional rights and prerogatives. What could be a greater infringement on the rights of a sister branch than the effort here to deny the President the right to restructure his own office?

Instead of downgrading the role of Congress, the President has demonstrated his desire to work with the Congress by effectuating this reorganization through a formal plan. Most of what

is proposed in the plan could have been carried out by internal reorganization or by Executive order.

It is maintained that the plan will somehow place the OMB in authority over the recruitment and training of career executives—a function that now resides in the Civil Service Commission. If the President is able to do this under the plan, then he could do it now since a reorganization plan can create no new functions or authority. The fact is, however, that the President is not seeking to usurp the authority of the CSC. Rather, he is seeking to enlist the help of the OMB in devising plans to aid him, the CSC, and the other agencies of Government in attracting and developing able career executives. The complicated nature of Government and the demands of the times can require no less.

The OMB will continue to perform its able budgetary role. Something more than this is required, however. Instead of downgrading the OMB, as some charge, the reorganization plan intends to give it greater responsibility. If we are to spend the taxpayer's money wisely, we need to devise modern management tools and to be in a position to evaluate which programs are worth funding. A brief examination of the hodgepodge of government agencies and programs should convince everyone of the need for improved administration. Authority already rests in the BOB to perform this role, but lack of direction and personnel has precluded the required emphasis that needs to be exercised.

Some believe that the executive director of the Domestic Council should be confirmed by the Senate and that the Domestic Council should report annually to the Congress. The confirmation requirement is an unprecedented invasion of the President's constitutional right to be assisted by a personal staff of his own choosing. As for an annual report, does not Congress receive enough reports from the President and others without requiring one more?

A bill is pending before the Government Operations Committee which contains some provisions which are included in the present plan. The bill also contains a number of objectionable features, however. Even if it were perfect, the chances of getting enacted into law this Congress are about nil. Why not permit this plan to go into effect? Then, if Congress is not totally satisfied with the workings of the plan, it can always enact legislation subsequently to make changes.

It is argued that the plan is not legally drafted because section 904(2) of the Reorganization Act has not been complied with regarding the naming of the head of the Domestic Council; to wit, that such head must be either confirmed by the Senate or be holding the position in the competitive civil service. Those who hold this view maintain that the head of the council is the executive director who does not meet either requirement. The fact is, though, that the President—not the executive director—will head the council. Since he already holds his position under the Constitution he need not otherwise have to qualify to

head his own council. Moreover, by the President heading the council, an appointment does not take place since he is merely assigning himself another function. Finally, the establishment of the council does not constitute a new agency under the Reorganization Act—requiring an appointment by confirmation or in the competitive service—but rather merely the creation of a new unit within an existing agency, the White House.

Mr. ERLBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, the question before this body is House Resolution 960 disapproving Reorganization Plan No. 2 of 1970. I strongly support the reorganization plan, and I made this clear at page 15272 of the Record for May 12. At that time, I included a New York Times editorial of May 11 in the Record in support of the plan.

Among other things, the editorial said:

The need to give more form to what has become an administrative sprawl is glaringly apparent. And the recommendations themselves appear to make excellent sense.

During hearings before the Treasury-Post Office Subcommittee of the Appropriations Committee, I talked to the Director of the Bureau of the Budget, Robert Mayo, and others about the proposed reorganization. I am convinced that the proposal is long overdue and that it will go a long way toward making a more efficient Executive Office system.

The plan sets up a Cabinet-level Domestic Council chaired by the President. The Council, with its staff, represents a formal mechanism to help the President deal with the ever-increasing number of domestic programs. Many of these programs involve more than six agencies.

It should be obvious to all my colleagues that a central clearinghouse to coordinate these domestic programs is necessary. I think the new Council would serve that purpose and provide a more coherent way of formulating domestic policies and programs.

The President's plan also establishes an Office of Management and Budget to which he will delegate all the functions of the Bureau of the Budget. This Office will focus increased attention and personnel on those management activities needed to put programs into action. There will be increased emphasis on program coordination—eliminating inter-agency bottlenecks that occur in the field. There will be significant efforts devoted to developing better management information. There will be ongoing attention to insure that agency organization keeps in tune with program requirements.

I urge my colleagues to vote against House Resolution 960. Such a vote would be a vote for more efficient government.

I commend the President and the Ash Council for coming forth with this reorganization plan.

Mr. ERLBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, the gentleman from Alabama (Mr. JONES) made

some reference to a previous time when there were differing views held on a matter of reform, on opposite sides of the aisle. But that, I am happy to say, is certainly not the case here because Reorganization Plan No. 2 has broad bipartisan support. This is in no sense a partisan issue and certainly partisanship has not been injected into this debate by any Member.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. Before yielding to the gentleman, I want to make it clear that I did not suggest in any way that the gentleman from Alabama was injecting any partisanship into this debate. But I believe in referring to some earlier consideration of the Hoover Commission report he made a reference to Members on one side of the aisle taking a different view than the other side.

I yield to my colleague, the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, I think that is an historical fact and I only made mention of it in the debate because the gentleman from Ohio, Mr. Brown's father, served on that commission and I think his observations are noteworthy. The fact is that the gentleman from Ohio is taking a position that his father took in 1949. So I did not hope to gain any partisan favor in my observations of the consideration of the subject matter that we have under discussion.

Mr. MAYNE. I thank the gentleman. I sincerely hope that no Members will be confused and fall into the misapprehension that the kind of reform we are talking of today is congressional reform because I realize there is a deep-seated reluctance on the part of some Members to come to grips with that thorny issue.

This is not congressional reform. This is the President and the executive branch trying to do a better job and to improve their ability to serve the American people.

This House unfortunately has a rather unenviable record on the amount of progress which we have been able to make in recent years toward congressional reform. I, of course, am a relatively new Member here. But I know that in all of the time I have been here—in the 90th and 91st Congress, congressional reform has been on dead center. It has been languishing in the Committee on Rules for more than 3 years, but I am very encouraged to hear it is about to emerge therefrom. So perhaps we will yet reluctantly permit ourselves to be dragged into the 20th century here in the House of Representatives by eliminating some of our archaic and inefficient procedures before the century is completed.

Perhaps a case can be made that Members with great seniority and long experience in the legislative process are especially well qualified to rule on the merits of congressional reform as such.

Perhaps they do have particular knowledge and expertise insofar as our own House is concerned. But it is one thing to say that the old ways, the familiar ways of doing things are the best, when trying to block change in an area with which we are familiar in our own

particular province of responsibility. But it is quite another to use such an argument to block earnest and worthy attempts to change and improve another branch of Government in which we have no actual experience or expertise whatsoever.

My good friend, the gentleman from New York (Mr. ROSENTHAL) expressed his dedication to the principle of the two branches being coequal—I hope that he did not mean he felt it would be unfair for the executive branch to be permitted to progress and modernize and meet the challenges of today, when we by our own inaction have been unwilling to make such progress in the legislative branch.

Now just because we have proved reluctant to set our own house in order does not mean, my colleagues, that we are justified in adopting a dog-in-the-manger attitude and refusing to let improvement be achieved in the executive branch of the Government in the manner provided by Reorganization Plan No. 2.

Many Members of this body—and I am one of them—have inveighed heavily against the inefficiencies of the proliferating bureaucracy in the executive department. Here is an opportunity to do something about it along sound business lines, to make the executive responsive to the needs of the dynamic country of opportunity and challenge which the United States is today.

A very careful study by the President's Advisory Council on Executive Reorganization has produced Reorganization Plan No. 2, which offers an opportunity to make a great step forward in the field of executive reform. The distinguished minority leader has mentioned some of the outstanding business leaders who have worked on this for a long period of time, such men as Fred Kappel, the distinguished former president and board chairman of A.T. & T., former Dean George Baker of Harvard Business School, and Roy L. Ash, president of Litton Industries. It would be a tragic blunder for this House to reject the recommendations on which they have worked so long and hard. The executive branch and the country badly need the proven business techniques and procedures outlined in their report. The time is long past due when the executive department should be run on a businesslike basis rather than a political basis.

Reorganization Plan No. 2 will provide the President with the strong new management tools he needs in his office, and at the same time will permit the reorganization of his own office so as to provide a more responsive and systematic method of establishing domestic policy.

The plan sets up a Cabinet-level Domestic Council chaired by the President. The Council with its staff would provide the President with a formal mechanism for dealing with the proliferating number of domestic programs which frequently involve six or more agencies, in recognition of the need for a more coherent means of domestic policy formulation. It would protect fully the retention of the prime role of respective department and agency heads in developing program alternatives. The President through the Domestic Council would have for the first time a system-

atic way to reach out and formulate solutions to domestic problems before they reach crisis proportions, instead of having White House staffers deal with these matters on an ad hoc, worst-first basis.

The reorganization plan would also establish an Office of Management and Budget which would broaden the present role played by the Bureau of the Budget. In addition to year-to-year budgeting, emphasis would be given important non-housekeeping, management functions including long-term program evaluation and reporting to the President whether Federal programs were being carried out efficiently, economically, and effectively in order to give the taxpayer his money's worth, and the stimulation of career executive development throughout the executive branch.

I intend to vote "no" and respectfully urge my colleagues on both sides of the aisle to approve Reorganization Plan No. 2 by voting down this resolution.

Mr. HOLIFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, as an alumnus of the Bureau of the Budget, Administrative Management Division; as an alumnus of the White House staff, 4 years with President Truman and 4 months with President Eisenhower before I was discovered and fired; as one who has had several conversations with the late President Hoover on executive branch reorganization; and as one who has had the pleasure of teaching the subject of public administration, I have always been fascinated by, and have taken part in, formulating proposals to improve the efficiency of the executive branch of Government. We have been debating this resolution for over 3 hours, but as a matter of priority I regret that 3 years have elapsed since the Joint Committee on the Organization of Congress recommended improvements in the legislative branch which have not yet been acted upon.

The gentleman from Michigan (Mr. GERALD R. FORD) may be correct that the eminent members of the President's Advisory Council on Executive Organization are deeply devoted to the coordinate relationship between the executive and the legislative branches. Basically, I really do not have any quarrel with the sending of these letters under the frank, although I must say that I do rather resent, as a Member of Congress, receiving letters written on the same typewriter, letters that are obviously not written or thought out by the writers. They all arrived at the same time, and I am sure that a man of the stature of Frederick R. Kappel, whose name is attached to a great postal reform proposal, would not knowingly send out junk mail.

But as the gentleman from Illinois (Mr. ERLBORN) stated, every President wants to get his own plan adopted and has a perfect right to lobby.

What really concerns me is that, if this is the type of product that is going to come out of the Domestic Council and the pending reorganization plan, then I would view the plan as a step farther away from individual human liberty and the prerogatives of Congress, more toward a computerized type of efficiency.

I cry out as a lonely voice on behalf of individual human beings and against the type of think-machine in the executive branch which produced these letters. Many years ago Louis Dembitz Brandeis wrote a book entitled "The Curse of Bigness." I think what Brandeis described in that book was only a very, very small percentage of what we are going to get from this 90-member staff of the Domestic Council, with the J. Walter Thompson types working to computerize Congress in their own image.

It really disturbs me that this is a step away from the power of the people as expressed in the legislative branch of the Government. We have seen the tragic erosion of the power of the legislative branch with respect to Cambodia, and the frustration of Congress at the unconstitutional use of the President's power to invade a neutral nation. The President does not need stronger tools to protect his constitutional powers. This reorganization plan moves toward the kind of highly computerized operation which has been practiced by these great corporations, the presidents of whom have signed these letters. The letters have themselves been robotyped and sent out to Members of Congress in franked envelopes—and we are expected to swallow them.

I, therefore, urge that we vote in support of Resolution 960 and disapprove Reorganization Plan No. 2.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I was pleased to hear my colleague on the Post Office and Civil Service Committee, the gentleman from North Carolina (Mr. HENDERSON) mention the wearers of two hats in the past administration and the "teas" that were held at the White House for certain of the supergrades.

I protested many times both of these activities, and I do not want to see a repetition of it in the Nixon administration.

I would say to those who support this reorganization plan, since they have quoted Mr. Califano several times this afternoon, that if memory serves me correctly, he was one of those who had a hand in promoting those "teas" at the White House in the past administration.

Mr. Chairman, I rise in support of House Resolution 960.

My opposition to the President's plan is based on several reasons, some of which are rather well detailed in Government Operations Committee's Report No. 91-1066.

In the first place, I feel that this plan can lead to less congressional control over the merit system. The President in his message to the Congress proposing the reorganization has indicated that the Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and elevate the men and women in the top ranks of the civil service. I saw enough of the recruiting, motivating, and deploying of top personnel people during the previous administration to realize the dangers of more of such personnel actions, much less an extension of the same. The gentleman

from Illinois (Mr. ERLBORN) says the plan provides nothing new in the civil service system, but he must admit the personnel additions will be new and expensive.

I was impressed by a statement made by a former Chairman of the Civil Service Commission, and former Member of this body, the Honorable Robert Ramspeck, who indicated in his testimony last month before the Government Operations Committee that an effective merit system in our Federal Government requires bipartisan operations. I think Mr. Ramspeck was correct and I feel that this reorganization plan might well reduce that bipartisan control.

Another reason why I oppose this plan is the fact that I feel it would give the President a wide delegation of power to restructure the administration in several areas without proper action or review by Congress. For example, I understand the Executive Director of the Domestic Council would not be accountable to Congress. We already have enough attempts for a "rubberstamp Congress" without this additional proposal.

My third objection to the plan is the fact that the reorganization calls for more than 100 additional top jobs—70 more in the Office of Management and Budget and 40 in the Domestic Council—at a time when we are talking about economy. I have been impressed with the fact that President Eisenhower in 1955 had a staff in his Executive Office of 1,191 and that staff has now grown to some 4,116 employees. In fact, this reorganization plan provides that there will be six new positions paying \$36,000 a year, which would be blanketed into the civil service, with tenure rights, making it difficult for this or any succeeding President to replace them. That is not good personnel management.

Mr. Chairman, Reorganization Plan No. 2 has just too many imperfections for me to accept. The plan provides for considerably more top paying jobs and, in turn, reduces congressional control over those positions we already have in the Federal Government.

It is a further delegation of power to the Executive and I urge its defeat.

Mr. HOLIFIELD. Mr. Chairman, does the gentleman from Illinois have other speakers?

Mr. ERLBORN. At this time I do not have another Member who desires to speak.

Mr. HOLIFIELD. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. MOSS) to close the debate.

Mr. MOSS. Mr. Chairman, this is a very simple issue, really. Does the Congress want to permit the erection of a very effective barrier between it and its access to information it must have to perform its legislative duties?

If Members feel that type of additional barrier is appropriate, that it should become more difficult for the Congress to get the basic information it needs to perform its functions, then by all means they should vote to adopt, to approve, Reorganization Plan No. 2. But if they feel, as I do, that what the people are complaining about in this Nation today, what causes their disenchant-

ment, is not that the Congress has done too much but rather it is doing too little, and has given up too much of its authority, has given up too much of its responsibility, has delegated away far too much power, and should start now to recapture that power, they should vote for the resolution of disapproval.

The very process by which this legislation reaches the floor of this House, where we must take it in its entirety or reject it in its entirety is, in my judgment, another example of the dilution of the power and the prestige of the Congress.

The distinguished minority leader discussed the question raised of the inaccessibility of the President, and he stated that by the creation of this Domestic Council somehow or other the accessibility would be increased, because the President theoretically would chair it.

The President, I thought, had a Cabinet. I also understood that if the Cabinet met as it did many years ago, on a regular basis, the President would then have the opportunity for close liaison with the heads of the executive departments and agencies of Government, and that there would be the necessary exchange of views, and it would not require this large layer of additional top positions in Government. No man in this Chamber today can tell us how or where they will be used, the scope of the authority they will exercise. No one can tell us that, because no one knows; not the witnesses who appeared before the committee, nor the Members who have taken this well and advocated the adoption of the reorganization proposal.

Now, granted there was a group of very distinguished Americans, all executives, who studied the executive branch of the Government. I submit that that kind of a study by men who were not well grounded in the fundamentals of government is not too meaningful. Frequently the bulk of the work is done by staff employed by them and they merely ratify proposals. Meaningful reorganization, in my judgment, will come about when this Congress undertakes the responsibility of studying reorganization on its own part and initiating the moves to reorganize the executive agencies of the Government.

There are a great many things I might say about this proposal, but I want to summarize the position of the committee in urging that the plan be disapproved, that is, that the resolution of disapproval be adopted.

In summary, then, Mr. Chairman, we disapprove the reorganization plan for the following reasons: The plan is not a genuine reorganization of the executive branch. Second, the plan is not legally drawn. The plan will give the President a free floating mandate to make further reorganizations without congressional approval. The plan would put the policy reins of Government in the hands of a faceless bureaucracy in the Executive Office and beyond the reach of the Congress. It would blanket six new high-level positions for the Office of Management and Budget into the competitive civil service. The plan would threaten the integrity of the Civil Service Commission by permitting duplicative functions in

the Office of Management and Budget for executive career development.

There has been a bill, H.R. 17376, which the committee has introduced as an alternative to this plan. We have promised to report out on a timely schedule from the committee that legislation. The major objections to this plan will be overcome by that proposal, and the Members of this Congress will be given the right to work their will. There is no transfer of functions directly from the Bureau of the Budget to the President in the legislation. The Domestic Council is provided for, but its Executive Director would be subject to Senate confirmation just as are the heads of the other offices in the Office of the President. The bill also requires that the Executive Director submit an annual report to the Congress and provide the Congress with such other information as may be requested. Finally, the Domestic Council under the bill would have a tenure until June 30, 1973.

I think it might be very interesting to you to point out right here that in the appropriation hearings which were reported to this House on April 6 from the committee chaired by the gentleman from Oklahoma (Mr. STREED) we learned that the very documentation of the Commission which made the study and submitted the recommendation for this reorganization to the Congress is itself fully classified and unavailable to the committees of this Congress be they appropriation or oversight committees. I think we can expect a proliferation of that if this House fails to act with wisdom in defense of the privileges and prerogatives of the Congress and in consonance with the intent of the framers of the Constitution that we have in fact three coequal branches of Government.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to take up much time of the Committee now. I think we have all heard enough argument.

I just want to sum up by saying that the only objections seem to be reiterated time after time as was done by the gentleman who just spoke to the effect that somehow or other the creation of the Domestic Council is supported by a staff that has not been approved by Congress and is going to deny information and knowledge to the Congress. I think that is just so much hogwash.

The question here is not a question of whether information will be denied to the Congress. Not one whit of information is going to be denied that is properly the subject of congressional inquiry. We are talking here about a council composed of Cabinet members who will sort out their various ideas as to what domestic policy should be and which is going to debate this, is going to make recommendations to the President, and then ultimately we will have administration policy.

I do not think that it has ever been the prerogative of the Congress to go into the executive branch and say, "Now, tell us all of the various different proposals that may have been made by your dif-

ferent Cabinet heads before you came up with this as administration policy."

That has not been the practice in the past. It would not be a good practice and I submit it should not be the practice in the future.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes; I yield to the gentleman from California.

Mr. MOSS. The gentleman has stated that my contention that there would be an additional barrier to information was hogwash. For 15 years I have chaired the Subcommittee on Information—

Mr. ERLENBORN. The gentleman is incorrect. I do not yield to him any further. I do not say the gentleman's contention was hogwash. I said that the contention that you should have the information as to what goes into the formulation of policy at the executive level, is hogwash.

Mr. MOSS. I wish the gentleman was equally well informed.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time but I yield myself such time as I may consume.

Mr. Chairman, I may have had a misunderstanding with my colleague on the committee, the gentleman from Illinois (Mr. ERLENBORN), because I asked the gentleman if he had any further speakers to whom he wished to yield and he responded that he did not. It is customary for the majority speaker to close the debate but I see that there must have been some misunderstanding between us on that matter. However, Mr. Chairman, I shall not press the point.

Mr. GRIFFIN. Mr. Chairman, I have given careful study to Reorganization Plan No. 2 submitted by President Nixon. I am in sympathy with his intentions to improve the efficiency of his office by reorganizing it to meet modern day needs.

However, Mr. Chairman, I am disturbed over the possible portent of this reorganization plan as it affects the Corps of Engineers. Reorganization Plan No. 2, if approved, could authorize the transfer of the functions of the Corps of Engineers to the Department of the Interior as recommended by the original Hoover Commission over 20 years ago.

The Mississippi River Commission, Vicksburg Engineer District and the Waterways Experiment Station are all located in the Third Congressional District of Mississippi which I have the honor to represent. While I do not know whether these Corps of Engineer functions will be adversely affected in the event this reorganization plan is approved, I am constrained to vote against it in order to give these functions all the protection within my capability.

As I read the reorganization plan, the President could transfer the functions of any Federal agency to any other agency without review or approval by Congress. This amounts to giving the President unlimited power and further weakens the voice and wishes of the people as expressed through their Representatives and Senators in the Congress.

Mr. Chairman, I favor the creation of an Office of Program Evaluation within

the Office of the President. This would be very helpful to the President in obtaining objective information on federally financed and administered programs. There are other features which I approve, but, on balance, I feel that the best interests of the public would be served by defeating Reorganization Plan No. 2.

The CHAIRMAN. There being no further requests for time, the Clerk will report the resolution.

The Clerk read as follows:

H. RES. 960

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 2 of 1970 transmitted to the Congress by the President on March 13, 1970.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be agreed to.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HUNGATE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 960, expressing the disapproval of the House of Representatives of Reorganization Plan No. 2, had directed him to report the resolution back to the House with the recommendation that the resolution be agreed to.

The Clerk reported the resolution.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker for the information of the Members of the House, is it true a vote of "aye" on the resolution is a vote against Reorganization Plan No. 2 and that a vote of "nay" is a vote to approve the President's reorganization plan?

The SPEAKER. In response to the parliamentary inquiry, the Chair will state that a vote of "aye" on the pending resolution is a vote against Reorganization Plan No. 2 and a vote of "nay" is a vote for the reorganization plan.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were yeas 164, nays 193, not voting 73, as follows:

[Roll No. 118]

YEAS—164

Addabbo	Aspinall	Brasco
Albert	Bennett	Brooks
Alexander	Bevill	Brown, Ohio
Anderson,	Blanton	Burke, Mass.
Calif.	Boggs	Burlison, Mo.
Annunzio	Boland	Burton, Calif.
Ashbrook	Bolling	Byrne, Pa.

Cabell	Hansen, Wash.	Pepper
Caffery	Hathaway	Perkins
Carey	Hawkins	Philbin
Celler	Hechler, W. Va.	Poage
Chappell	Helstoski	Podell
Chisholm	Henderson	Powell
Clark	Hicks	Preyer, N.C.
Clay	Hollifield	Price, Ill.
Corman	Howard	Pryor, Ark.
Daniels, N.J.	Hull	Purcell
Davis, Ga.	Hungate	Randall
Delaney	Ichord	Rarick
Dent	Johnson, Calif.	Reuss
Diggs	Jones, Ala.	Rivers
Dingell	Jones, N.C.	Rodino
Donohue	Jones, Tenn.	Roe
Dorn	Karsh	Rogers, Fla.
Downing	Kastenmeier	Rooney, N.Y.
Dulski	Kazen	Rooney, Pa.
Eckhardt	Kee	Rosenthal
Edwards, Calif.	Kyl	Roybal
Ellberg	Leggett	Ryan
Evin, Tenn.	Lennon	St Germain
Fascell	Long, Md.	Scherle
Felghan	Macdonald,	ShIPLEY
Flood	Mass.	Sikes
Flynt	Madden	Slack
Foley	Mahon	Smith, Iowa
Fountain	Mann	Staggers
Friedel	Matsunaga	Stubblefield
Fulton, Tenn.	Mikva	Sullivan
Fuqua	Miller, Calif.	Symington
Gallagher	Mills	Taylor
Garmatz	Mink	Teague, Tex.
Gaydos	Monagan	Thompson, N.J.
Gettys	Morgan	Tierman
Glaime	Moss	Ullman
Gibbons	Murphy, Ill.	Van Deerlin
Gilbert	Murphy, N.Y.	Vanik
Gonzalez	Natcher	Waldie
Gray	Nichols	Whitten
Green, Pa.	Nix	Wilson,
Griffin	O'Hara	Charles H.
Gross	Olsen	Wolff
Hagan	O'Neal, Ga.	Wright
Hall	O'Neil, Mass.	Yates
Hanley	Patman	Young
Hanna	Patten	Zablocki

NAYS—193

Abbt	Derwinski	Mailliard
Abernethy	Devine	Marsh
Adair	Dowdy	Martin
Adams	Duncan	Mathias
Anderson, Ill.	Dwyer	May
Andrews, Ala.	Edwards, La.	Mayne
Andrews, N. Dak.	Erlenborn	Meeds
Arends	Eshleman	Melcher
Ayres	Findley	Michel
Beall, Md.	Fish	Miller, Ohio
Belcher	Ford, Gerald R.	Minish
Bell, Calif.	Foreman	Minshall
Berry	Frey	Mize
Betts	Fulton, Pa.	Mizell
Bieber	Goldwater	Montgomery
Blackburn	Gooding	Myers
Bow	Grover	Nelsen
Bray	Gude	O'Konski
Brinkley	Haley	Pasman
Brock	Hamilton	Pellly
Broomfield	Hammer-	Pettis
Brotzman	schmidt	Pickie
Brown, Mich.	Hansen, Idaho	Pike
Broyhill, N.C.	Harrington	Pirnie
Broyhill, Va.	Harsha	Poff
Buchanan	Harvey	Pollock
Burke, Fla.	Hastings	Price, Tex.
Burleson, Tex.	Heckler, Mass.	Quie
Burton, Utah	Hogan	Quillen
Bush	Hosmer	Rallsback
Byrnes, Wis.	Hunt	Rees
Camp	Hutchinson	Reid, Ill.
Casey	Jarman	Reifel
Cederberg	Johnson, Pa.	Rhodes
Chamberlain	Jonas	Riegle
Ciancy	Keith	Roberts
Clausen,	Kling	Robson
Don H.	Kleppe	Rogers, Colo.
Clewson, Del.	Koch	Roth
Cleveland	Landgrebe	Roudebush
Collins	Landrum	Ruppe
Colmer	Langen	Ruth
Conable	Latta	Sandman
Conte	Lloyd	Satterfield
Cobertt	Lujan	Schadeberg
Coughlin	Lukens	Schwengel
Cowger	McClary	Scott
Cramer	McCloskey	Sebellius
Daniel, Va.	McClure	Shriver
Davis, Wis.	McClulloch	Skubitz
de la Garza	McDade	Smith, Calif.
Dellenback	McDonald,	Smith, N.Y.
Denney	Mich.	Snyder
Dennis	McEwen	Springer
	McKneally	Stafford

Stanton	Udall	Widnall
Steed	Vander Jagt	Wiggins
Steiger, Ariz.	Vigorito	Williams
Steiger, Wis.	Waggonner	Wold
Stephens	Wampler	Wyatt
Stuckey	Watkins	Wydler
Taft	Watson	Wylie
Talcoff	Watts	Wyman
Teague, Calif.	Weicker	Zion
Thompson, Ga.	White	Zwach
Thomson, Wis.	Whitehurst	

NOT VOTING—73

Anderson,	Fallon	MacGregor
Tenn.	Farbstein	Meskill
Ashley	Fisher	Mollohan
Baring	Flowers	Moorhead
Barrett	Ford,	Morse
Blaggi	William D.	Morton
Bingham	Fraser	Mosher
Blatnik	Frelinghuysen	Nedzi
Brademas	Green, Oreg.	Ottinger
Brown, Calif.	Griffiths	Pucinski
Button	Gubser	Reid, N.Y.
Carter	Halpern	Rostenkowski
Cohelan	Hays	Saylor
Collier	Hébert	Scheuer
Conyers	Horton	Schneebell
Crane	Jacobs	Slack
Culver	Kirwan	Stokes
Cunningham	Kluczynski	Stratton
Daddario	Kuykendall	Tunney
Dawson	Kyros	Whalen
Dickinson	Long, La.	Whalley
Edmondson	Lowenstein	Wilson, Bob
Edwards, Ala.	McCarthy	Winn
Esch	McFall	Yatron
Evans, Colo.	McMillan	

So the resolution was rejected. The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Horton against.

Mr. Blaggi for, with Mr. Frelinghuysen against.

Mr. Pucinski for, with Mr. Button against.

Mr. Saylor for, with Mr. Esch against.

Mr. Barrett for, with Mr. Cunningham against.

Mr. Blatnik for, with Mr. Morse of Massachusetts against.

Mr. Brademas for, with Mr. Bob Wilson against.

Mr. Cohelan for, with Mr. Morton against.

Mr. Daddario for, with Mr. Winn against.

Mr. Fallon for, with Mr. Kuykendall against.

Mr. Kluczynski for, with Mr. Meskill against.

Mr. Farbstein for, with Mr. Reid of New York against.

Mr. McFall for, with Mr. Edwards of Alabama against.

Mr. Moorhead for, with Mr. Mosher against.

Mr. Rostenkowski for, with Mr. Whalen against.

Mr. Ashley for, with Mr. Schneebell against.

Mr. Stokes for, with Mr. Halpern against.

Mr. Edmondson for, with Mr. Gubser against.

Mr. Stratton for, with Mr. Carter against.

Mr. Ottinger for, with Mr. Crane against.

Mr. McCarthy for, with Mr. Whalley against.

Mr. Yatron for, with Mr. Dickinson against.

Mr. Conyers for, with Mr. Collier against.

Mr. Lowenstein for, with Mr. MacGregor against.

Mr. Nedzi with Mr. Mollohan.

Mr. Culver with Mr. Brown of California.

Mr. Kyros with Mr. Bingham.

Mr. Anderson of Tennessee with Mr. Baring.

Mr. Jacobs with Mr. McMillan.

Mr. William D. Ford with Mr. Long of Louisiana.

Mr. Fraser with Mr. Hébert.

Mrs. Griffiths with Mr. Slack.

Mrs. Green of Oregon with Mr. Flowers.

Mr. Evans of Colorado with Mr. Fisher.

Mr. Scheuer with Mr. Dawson.

Mr. Kirwan with Mr. Tunney.

Messrs. MIKVA and TEAGUE of Texas changed their votes from "nay" to "yea."

Messrs. MINSHALL, HALEY, and ROBERTS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE

Mr. HOLFELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just rejected.

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

There was no objection.

THE WARMAKING AUTHORITY

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

Mr. FASCELL. Mr. Speaker, the last 2 weeks have brought us closer to a major constitutional crisis over who has the warmaking authority under our Constitution. Some assert that the power is solely that of the Congress, as set forth under article 1, section 8 of the Constitution which empowers the Congress to declare war, raise and support armies, and make rules for the Government and regulation of the land and naval forces. Others tell us that this power by implication belongs to the President as Commander in Chief as set forth in article 2, section 2. Still others assert that the power is shared.

What is clear, Mr. Speaker, is that in this grave area of war or peace, there is not now any law which generally limits what a President can do with our Armed Forces. Conversely, the President is empowered to veto a bill or resolution of the Congress relating to the Armed Forces.

To begin a discussion of the grave issues involved in who should have the authority to commit the Armed Forces of the United States to battle, I am today introducing a bill which asserts congressional authority over this entire area. I do so not to challenge the President's decision in Southeast Asia, but to begin a dialog which hopefully will result in a clear definition of respective congressional and Presidential authority over issues of war and peace.

In introducing this bill I am aware that, in its present form, it may not be constitutional. But even if full discussion of all aspects of this problem shows that the goals of the bill are not even desirable, the bill will have served a useful purpose. It is discussion and resolution of this issue which is vital, not this particular proposal. To continue with today's confused and conflicting constitutional claims of authority invites a future recurrence of the deep division we face today. If this Nation must ever go to war again, it must do so only when every opportunity for consultation with the Congress has been taken.

Mr. Speaker, my bill is straightforward in its approach. In concept it

limits the authority of the President to send American troops abroad for other than peaceful purposes unless the Congress has specifically consented through a treaty or by law or the United States itself were threatened with imminent attack. Our Armed Forces could be sent overseas only if the United States itself were attacked, a specific treaty obligation invoked, or the Congress declared war. The President would continue to have the authority to send forces abroad for peaceful purposes, whether ceremonial or humanitarian.

The bill reads as follows:

A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall not deploy Armed Forces of the United States outside the United States or any territory subject to its jurisdiction, for other than peaceful purposes, without the advice and consent of the Senate in connection with a treaty, or unless the Congress, by law, specifically authorizes the deployment of such Armed Forces by the President; except that the President is authorized to deploy such Armed Forces at his sole discretion—

(1) when he finds that the territory of the United States is under attack or imminent threat of attack; or

(2) when he finds that deployment of such Armed Forces fulfill a specific treaty obligation of the United States; or

(3) pursuant to a declaration of war by the Congress except that such Armed Forces may be deployed only in committee specifically authorized by such declaration of war unless the President finds that the safety of American or allied Armed Forces requires deployment of American Armed Forces in other countries.

The President shall notify the Congress within twenty-four hours after any such finding of all action he has taken at this sole discretion pursuant to such finding. In the event the Congress is not in session, the President shall convene the Congress in an extraordinary session within twenty-four hours after such finding.

Mr. Speaker, it is not my intention that this bill affect the present situation in Southeast Asia but, in my opinion, it would have prevented many of the major steps of escalation from occurring without specific congressional approval. It would have prevented a major intervention in Vietnam without our approval because we had no "specific treaty obligation" to commit forces to that country. It would have prevented the invasion of Cambodia unless there had been a declaration of war by Congress, and even then it would have required the President to place the issue before Congress.

But, Mr. Speaker, it is not the intention of this bill to affect the war in Southeast Asia. It is aimed at the future—at making certain that any future war will come only after serious deliberation of the issue of war or peace by the Congress.

As I said in the beginning of my remarks this bill is designed to serve as a catalyst for a discussion of war-making power under the Constitution, not as a final recommendation from a lengthy study of this grave issue.

It is obvious, for example, that in a nuclear age the President must have full authority under certain conditions to act at his sole discretion. This bill leaves him with that power unimpaired, but it does require that when there is time, the President use that time to seek broad national agreement in the Congress on what should be done.

Mr. Speaker, there are, in fact, many aspects of this problem which are not touched on directly in this bill but deserve full consideration. The most important of these is how such a law could be enforced. The original draft of this bill had a section enabling the Congress to bring impeachment proceedings for violation, but I am not convinced that this would be the ideal or even a good remedy. There must, however, be some form of enforcement.

Another issue is under what conditions we want to enable the President to intervene abroad to safeguard American lives and property. Is that a peaceful use of American Armed Forces?

Is the sending of American advisers a peaceful use of our forces?

Another issue is whether we want to make the limit on deployment only effective for over a specific number such as 100—as 1,000.

Still another issue is what new rules, if any, would the House and Senate need to insure prompt and full response to a Presidential notification of the commitment of U.S. forces under any of the conditions specified in the bill?

Mr. Speaker, it is the people of this country who must ultimately fight our wars. As their elected representatives we have an obligation to voice their will and exercise our judgments on issues of war and peace. To leave this most serious decision solely to the President, except when absolutely required, would make a mockery of our democratic form of government.

In introducing this bill it is my hope that the Congress will soon undertake an in-depth study of this entire study. Our experience in Asia and our experiences here at home make it essential that we come to grips with this difficult yet vital constitutional issue.

FUNERALS FOR DECEASED WAR VETERANS AND MEMBERS OF THE ARMED FORCES

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

Mr. ADAIR. Mr. Speaker, I was quite surprised recently to learn that the armed services do not, in all cases, provide upon request a ceremonial detail to render final military honors at the burial of veterans whose last service terminated honorably. This assistance, I am informed, is limited by the requirement that service on ceremonial details not interfere with the regular duties of the members of the detail. Unfortunately, there are situations where manpower restrictions prevent the Army from rendering such assistance.

Upon inquiry, the Secretary of the Army has advised me that the Army has

for several years been working closely with veterans organizations and has encouraged local veterans organizations to form their own ceremonial units, and that these units are frequently trained and assisted by personnel from military installations.

I can appreciate the fact, Mr. Speaker, that many military installations do not have adequate personnel to honor all requests for military honors. Therefore, this cooperative effort between the Army and the Nation's veterans' organizations to resolve this problem is most commendable. The American Legion's Department of Indiana, Fourth District, has called to my attention an apparent inequity in existing law which could serve as a deterrent to the full-scale participation by veterans' organizations' ceremonial units in rendering final honors to their deceased comrades-in-arms.

Existing law, I am informed, authorizes Federal employees who are veterans to be excused from duty without loss of pay or reduction in annual leave for a period of not more than 4 hours to participate as a pallbearer or a member of a ceremonial unit in funeral ceremonies for those servicemen whose remains are returned from abroad for final interment in the United States. The law does not permit such excused absence for the funeral of a war veteran or even an active duty serviceman who dies in the United States. Now, Mr. Speaker, it is somewhat incongruous for the Army to cite their dependence upon ceremonial units of veterans organizations in rendering final honors to war veterans, when a Federal statute permits excused absence only in very limited circumstances for Federal employees who are members of such units.

I have worked very closely with the American Legion National Headquarters in exploring this entire subject and at the request of that splendid organization, I am today introducing a bill that will authorize such excused absences for Federal employees who are veterans to participate in funerals for deceased war veterans and members of the Armed Forces.

The text of the bill follows:

A bill to authorize the participation by certain Federal employees in funerals for deceased war veterans and members of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 6321 of Title 5, U.S. Code is amended to read as follows: "An employee in or under an executive agency who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or reduction from annual leave for the time necessary, not to exceed four hours in any one day, to enable him to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the Armed Forces of the United States or for a deceased honorably discharged veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized.

EDA BOONDOGGLE

(Mr. PELLY asked and was given permission to extend his remarks at this point in the Record.)

Mr. PELLY. Mr. Speaker, I wish to call to the attention of the Members of the House an example of where, under Department of Commerce Appropriations, the taxpayers money has been misused. I cite today an Economic Development Administration grant which has been made to the town, Yakutat, Alaska. The community consists of some 300 native people who earn their living chiefly by fishing which they market through a privately owned freezing plant, the Marine Foods Packing Co., in which, as I understand, its owners have invested some \$200,000 of their own money.

Now, the Federal Government is stepping in and has allowed the town \$1,800,000 grant for a new fish freezing plant which will be leased to another concern and operated in competition with the private firm already in business.

Those familiar with the fishery resources of Alaska including the commissioner of Alaska's Fish and Game Department say the area will only support one fish freezing plant and, in short, it means that the privately financed and owned existing plant will not be able to compete and they will be forced out of business.

That, under our free enterprise system, is not fair.

For the record, here are the facts:

On March 2, 1970, I sent a letter to Robert A. Podesta, Assistant Secretary for Economic Development, stating that the plans for this plant had been approved by EDA. I also informed him that I knew that no feasibility study had been made; that there were no surplus fish or crabs in adjacent waters; and that the natives themselves were opposed to the project. I urged reconsideration of EDA's plans for allowing this plant to be constructed.

Four days after my request for reconsideration, the grant was approved. Although even after I repeated my request for a delay, I was not informed of this approval. It was immediately after my protest that the bureaucracy quietly took control and proceeded.

Mr. Speaker, let me say that I am speaking as a representative of all parties concerned. The owners of the present plant in Yakutat have their office in my district, as do not only the lessee of the proposed plant, but also the construction company that will build it. My position is one of criticizing the bureaucracy that would authorize such a project in spite of facts that prove it is unnecessary, unwanted, and harmful to private industry.

I am not pointing my finger at any official although someone at the top should have looked into the economic feasibility. My complaint is that this is a boondoggle and a waste of taxpayers' money. Some bureaucrats at lower level of Government are to blame. The case of the plant at Yakutat is an example of Government disregard for free enterprise and although I realize that this

project may have proceeded beyond the point of no return, I wish to call this absolutely inexcusable case to the attention of my colleagues at a time when we are asked to appropriate operational funds for the Department of Commerce. This is just an example of how \$1,800,000 of the taxpayers' dollars are being put to use; to compete with private enterprise and quite possibly stifle or eliminate a private industry.

The Congress through its appropriate committee should investigate the EDA grant and others because I have heard there are similar plants financed by Federal Government which are in trouble.

I urge a full investigation.

SELECTIVE SERVICE REGULATIONS

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

Mr. ESCH. Mr. Speaker, each year I have the privilege of congratulating hundreds of young men and women from Michigan's Second District on their graduation from high school. I attempt at that time to inform the young men of their responsibilities under the Selective Service Act. I shall include the listing of selective service regulations which I have compiled at this point in the CONGRESSIONAL RECORD.

Every young man has military obligations to the United States under the Selective Service Act. However, the military does not need all the young men who are available and the selective service system has been established to select those who must serve. Under the new lottery system, each man is vulnerable to the draft for only 1 year. The order of induction is determined by a lottery drawing in November or December for the following year. All young men will be eligible for induction either in the year following their attainment of the age 19 or in the year after they leave school or otherwise cease to be deferred.

Under new regulations recently announced by the President, deferments are no longer available for occupational, agricultural or paternity reasons. The President has also asked for authority to abolish student deferments. Congress has not yet considered this proposal. However, I am hopeful that it will be taken up this year. I expect to give it my strong support since I believe that all young men should be on an equal footing with regard to the draft.

The President has also proposed national calls rather than the present quota system. This would assure that all men born on the same day and with the same priority number would be called at the same time, regardless of their local board. Such a system would remove the inequities which sometimes occur under the present system of assigning quotas to local boards. It would assure that no matter where a man is registered, he will face equal vulnerability to the draft with every other man in the Nation.

I strongly support both of these measures as part of the effort to make

the draft as fair as possible. It is difficult to predict at this point, however, just when these proposals might come before the Congress for approval. The information which follows, therefore, outlines selective service regulations as of the present time.

Most selective service troubles arise because of, first the registrant's ignorance of, or carelessness about, his rights—especially the right of appealing any new classification given by the local board; and second the registrant's failure to keep his local board informed of changes in status, qualification, and location.

All contact with the appeals to your local Draft Board should be put in writing. Registrants should keep copies of all correspondence with their local board and should put in writing for inclusion in their file all verbal communication with the local board, including telephone calls and summaries of personal appearances. This reduced the chance of misunderstanding.

The following are the general rules and regulations of the Selective Service System at the present time. If questions arise, you should contact your draft board immediately. My office will also be glad to provide you with assistance and information, although I have absolutely no power to make a determination on your specific case.

GENERAL RULES AND REGULATIONS

1. A Selective Service local board places a registrant in a deferred class when it determines that the national interest would be best served by continuing the individual registrant temporarily in a civilian status.

After the young man registers at the age of 18, his local board mails him a Classification Questionnaire. The information submitted in this and subsequent questionnaires is the foundation for classification; but the registrant, may submit new or supplemental information.

2. A registrant has the right to request a personal appearance before his board within 30 days of the date of mailing of any notice of classification by the local board. Following such personal appearance, he will be given a new classification card, and will have the right to appeal that classification within 30 days. A personal appearance before the local board is not required, and any registrant may bypass this step and make a direct request for appeal. However, he forfeits his right to a personal appearance if he appeals before requesting a personal appearance.

Along with the Classification Notice mailed to registrants classified in Classes I-A, I-A-O and I-O, there will be forwarded information that a Government Appeal Agent is available to them for legal advice on Selective Service matters, particularly in connection with appeals.

A request for a personal appearance or for an appeal should be sent to the local board. Requests for appeal should be accompanied by supporting letters and documents from teachers, employers, dependents, or others to justify the registrant's claim.

A personal appearance can be made only before the registrant's own local board. However, a registrant has the right to request a transfer of his appeal to the appeal board having jurisdiction over his principal place of employment or place of residence, if his local board is in a different state or jurisdictional area. The request for transfer must be made at the same time that the appeal is requested. The local board will forward the

entire file to the appeal board, which may change or sustain the classification given the registrant.

3. Denial of deferment at the state level may be appealed to the President within 30 days if the vote of the appeal board was split. If the vote was unanimous, the registrant, an employer, a school, or a disinterested agency such as the Scientific Manpower Commission, may seek review at State Selective Service Headquarters and following that review, may seek further review at National Selective Service Headquarters in Washington, D.C. The State Director in the local board state, the State Director in the appeal board state, or the National Director of Selective Service may take an appeal to the President following unanimous classification by the appeal board.

4. A registrant cannot be inducted during the time any appeal is pending. No local board may deny an appeal.

5. No deferment is valid for a period longer than one year. However, most deferments may be renewed. The registrant and his employer or his school should apply for a continuation of the deferred classification prior to its expiration. The registrant is responsible for keeping his local board up-to-date on his status. In the case of undergraduate students, the request for continued deferment should be made on Form 104 and must be supported by Form 109, or any revised versions thereof that may be issued.

6. If an induction order has not been issued, the local board may be asked to re-open a classification if new information is supplied by the registrant or others in his behalf. The local board must reopen only when the new information, if true, would require placing the registrant in a new classification (such as I-S), or if ordered to reopen by the State or National Director of Selective Service. They may re-open when the new information would justify a change in classification, and was not considered in previous classification, action. When a classification is re-opened and considered anew by the local board, rights of appeal are reestablished.

7. Registrants who have passed their 26th birthday without fulfilling their military obligation are dropped next to the bottom of the call list. Registrants deferred under authority of regulations issued by the President remain liable for service until they are 35 years old.

STUDENT DEFERMENT

As noted above, the President has asked Congress for the authority to abolish student deferments so that all men will face equal vulnerability to the draft. However, it is now uncertain whether or when the Congress will act on this request. Until such time as the Congress does act, the following regulations will be in effect:

HIGH SCHOOL AND 2 YEAR COLLEGE STUDENTS

8. The full-time, satisfactory high school student who is ordered for induction shall be deferred in Class I-S. This deferment classification ends when he graduates or reaches age 20 or ceases satisfactorily to pursue a full-time course of study. The student seeking this deferment should ask the school principal to write to the local board giving the pertinent information. School principals should notify their students that such deferment is available.

Students in a two year college program not leading to a baccalaureate degree may be deferred in Class II-A.

UNDERGRADUATES

9. Present regulations provide that any undergraduate student who is satisfactorily pursuing a full-time course of instruction at

a college or university shall be deferred at his request until he completes his baccalaureate degree, fails to pursue satisfactorily a full-time course of study, or attains the age of 24, whichever occurs first. The student must request such deferment in order to be placed in Class II-S, and in so doing he forfeits his right to deferment for fatherhood after completing his education, unless his induction would create a hardship for his dependents.

College students under age 19 should not request student deferment, since the student is not currently subject to induction and should not incur the liabilities of II-S classification until he needs the deferment to stay in school, and has successfully completed his freshman year.

The student must provide his local board each year with evidence that he is satisfactorily pursuing his full-time course of study.

10. The undergraduate student who elects not to request student deferment, or who is not found eligible for student deferment, and who is ordered for induction during a school year, shall be placed in Class I-S(C) if he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, provided he has not previously been placed in Class I-S(C). He will be retained in this classification until the end of his academic year, or until he ceases satisfactorily to pursue such course of instruction, whichever is earlier. He is not prohibited from later classification in II-S if he is otherwise eligible.

At the expiration of the I-S(C) classification, a student is subject to induction in the regular order of call unless he is further deferred. If calls are placed by age group, he will be subject to call in the prime age group, but his right to fatherhood deferment is not forfeited.

11. A student's academic year includes the 12-month period following the beginning of his course of study or its anniversary.

A full-time course of instruction requires that the student earn within one calendar year a sufficient number of credits to represent a direct proportion of his total required number of credits. For example, a student in a four-year baccalaureate course should have earned one-fourth of the credits required for his degree at the end of his first academic year, half at the end of his second academic year, and three-fourths at the end of his third academic year.

GRADUATE STUDENTS

12. A student shall be placed in Class II-S if he is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, optometry, osteopathy, or such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon advice of the National Security Council. In February 1968, the NSC found that no other subject areas were essential, at that time. A new appraisal may be made later.

13. The I-S(C) classification is not available for students who have been deferred as undergraduates in Class II-S after June 30th, 1967, and have completed their baccalaureate degree. Students deferred in II-S only as graduate students after June 30, 1967 may be eligible for I-S(C) classification. District Courts have ruled both for and against their eligibility. Students not eligible for deferment who begin a school term and are ordered for induction during that term should request postponement of induction till the end of the quarter or semester.

OCCUPATIONAL DEFERMENTS

14. As of April 23, 1970, occupational deferments are confined to those jobs which are strictly national in scope or effect. Occupational deferments which are already in effect or for which applications have been

made prior to April 23 can be continued. All registrants seeking deferment after this date will be subject to the discretion of the Director of Selective Service and/or the National Security Council. Those occupations previously deferred at the local level by the local draft boards will no longer be considered.

In effect, this order eliminates occupational deferments for all but the very highest jobs of great national importance.

AGRICULTURAL DEFERMENTS

15. The President's Executive Order of April 23 also eliminates the category of agricultural deferments except for those which were already in effect prior to that date. No local board will consider a deferment for agricultural reasons from this point on.

PATERNITY DEFERMENTS

16. Also under Executive order, any registrant who prior to April 23, 1970 submitted to his local draft board information establishing eligibility for deferment on the grounds of fatherhood under those regulations in effect prior to this date, or who is classified III-A prior to this date, and who continues to maintain and support a family relationship with child or children may be classified III-A. All other registrants seeking future classification in Class III-A will be denied such classification unless such denial would bring about extreme hardship to that registrant and his dependents.

ROTC STUDENTS

17. ROTC students are deferred in Class I-D until completion of college work. There is no such thing as permanent deferment or exemption from service for ROTC graduates, except under conditions of extreme personal or community hardship which cannot be alleviated by temporary delay.

RESERVISTS

18. There are two branches of the Reserve—the Ready Reserve and the Standby Reserve. The Ready Reserve may be called up on very short notice. Generally, Standby reservists would be called up only after all Ready Reserve Units were called.

19. Under current screening regulations, reservists who have critical civilian occupations but do not have critical military skills are screened as a matter of regular policy from the Ready Reserve to the Standby Reserve, with the following exceptions. Reservists who have served only their active duty for training—a period of six months or less—and reservists who have signed a Ready Reserve agreement may not be screened into the Standby Reserves.

In all cases, the possession of critical military skills overrides the possession of critical occupational skills as listed by the Department of Commerce.

20. Members of the Standby Reserve are under the jurisdiction of the Director of Selective Service, and are further screened as I-R (available) or II-R (working in a critical occupation).

Any member of the Standby Reserve who has not completed his obligated period of military service in the Ready Reserve may be re-transferred to the Ready Reserve whenever the reason for his transfer to the Standby Reserve no longer exists.

21. Both employers and reservists should make certain that the reservist has been properly screened. Applications for screening should be made prior to the issuance of alert orders or orders to active duty.

Requests for screening should be made as follows: Army Reservists should write to the Commanding Officer, U.S. Army Administrative Center (Attn.: AGAC-RA-X) 9700 Page Blvd., St. Louis, Mo. 63132. In the Navy, application should be made to the Naval District in which the reservist resides. Air Force reservists should apply to the major Air Command of jurisdiction. Marine requests

should be addressed to the Commandant, Marine Corps, Washington, D.C.; and Coast Guard reservists should write to the Commandant, Coast Guard, Washington, D.C. Both Army and Air National Guard should address application for screening to the State Adjutant General.

22. Members of the Ready Reserve may be assigned to an active unit or they may be members of the Ready Reserve pool. Those reservists who are not assigned to an active unit are subject to individual call to active duty.

Reservists assigned to an active unit, but who are not in good standing in that unit and who have from nine to twenty-four months of active duty may be transferred to their draft boards where they can be drafted for two years up to age 35.

23. A registrant may enlist in a Reserve unit at any time prior to the issuance of orders for him to report for induction, or prior to his scheduled date of induction if a determination has been made by the Governor of the state (for the National Guard) or the President (for the Regular Reserve) that the strength of the Ready Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction. A reservist shall be classified in I-D and shall remain eligible for that classification so long as he serves satisfactorily as a member of an organized unit of the Ready Reserve or the National Guard.

REDUCED AIR FARES FOR THE ELDERLY

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

Mr. ROTH. Mr. Speaker, I am today introducing a bill to amend the Federal Aviation Act of 1958 to authorize reduced rates for air transportation by our elderly.

My bill authorizes lower air fares for the broad sector of our population that is 65 years of age or older or on a space available basis.

Our elderly persons appear to have become a forgotten group in providing special air fare levels. Last year, the Members will recall, there was a proposal to terminate special low standby fares for young people and students. There were many bills introduced in Congress which would have required the Civil Aeronautics Board to retain youth fares. Most, if not all of these legislative proposals included provisions for reduced fares for the elderly. However, in August 1969, the Board decided to retain the youth fares, and most of the pressure for legislation was dissipated.

This, unfortunately, left the elderly group high and dry.

Mr. Speaker, if it were proper to propose special low air fares for our older population last year, it is equally so in 1970. And I maintain that it is entirely proper to grant them special consideration for several reasons.

First, bear in mind that they will be accommodated on a space-available basis. If a plane is taking off and has 20 empty seats, those seats are earning nothing to cover the overall expense of the flight. A reduced fare, on a space-available basis, means utilization of some of these unused seats, and a contribution toward overall costs.

In connection with the capacity and load factor element involved, it should be borne in mind that we are entering a period of considerably larger aircraft. It stands to reason that, day in and day out, the increase in the number of seats available on a given flight will result in an increase in the number of unused, non-revenue-producing seats. It is only good economics to create and develop a market to utilize some of this unused capacity.

In 1964, the Board staff established certain criteria to follow in reviewing discount fares. The fundamental points have been described in the following paragraph:

Discount fares are generally offered for a basic service to improve a carrier's net income by filling seats that would not otherwise be occupied. Their economic justification is that when they are not fully self-supporting, they can improve net earnings by reducing costs through a more even distribution of traffic, and/or generating traffic, provided the diversion of revenues from existing basic-fare traffic is more than offset by the cost savings and additional revenues. Thus, discount fares should meet direct costs and make some contribution to overhead expenses, maximize revenues, enhance the carriers' profit position and ultimately afford a basis for reductions in the general fare level.

Second, it is doubtful if there will be any considerable transfer from a higher to a lower fare category. Older people are generally on fixed income, and one which frequently allows for no expenditures for air travel at standard-fare levels. Accordingly, such trips will be forgone, unless special provision is made to make them possible.

Third, it seems to me that there is a special sense of fitness in extending this coverage to our senior citizens. They have worked for many long years and are enjoying an abundance of leisure time, perhaps for the first time. Their children and friends are often located in distant places. How worthwhile it would be to be able to travel to see them occasionally. This is why I feel that there is justifiable propriety reflected in my bill.

Fourth, it is unlikely that any valid claim of unjust discrimination against other fare levels or other classes of passengers would be sustained. In its decision to permit the continuation of youth special standby fares in 1969, the Board determined that such fares are not unjustly discriminatory.

Mr. Speaker, these reasons have motivated me to introduce a bill permitting the Board to allow reduced rates to the older segment of our population. I urge my colleagues to give it their earnest consideration.

The text of the bill follows:

H.R. 17606

A bill to amend the Federal Aviation Act of 1958 to authorize reduced rates transportation for elderly people on a space-available basis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended by inserting "and elderly people" immediately after "ministers of religion".

(b) Such section 403(b) is amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, the term 'elderly people' means individuals aged sixty-five and older."

KENT STATE UNIVERSITY INCIDENT

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

Mr. DEVINE. Mr. Speaker, in order that a balanced story of the Kent State University affair be made available, I am submitting the WMNI commentary, broadcast in Columbus, Ohio, on May 11, 1970.

Some of the news telecasters and so-called "anchormen" were so carried away with emotionalism, they were just unable to tell but one side of the story. I commend the attached for whatever evaluation one may wish to make:

WMNI COMMENTARY, MAY 11, 1970

Somebody has their thinking all mixed up. Ever since that tragedy that befell Kent State University, law enforcement agencies have been taking it on the "chin". This time, it's the National Guard troops who were trying to keep Kent State open for the responsible students of that university. We deplore violence as a means to an end as much as anybody but let's set the record straight and put the blame for those four needless deaths where it belongs.

We submit, those 30 troops who were forced to fire into a mob of about three or four thousand screaming, rock-tossing students are guilty of nothing more than trying to preserve law and order and their own lives. If there is any blame, it must rest with the "pious peaceniks" who ignored repeated warnings and persisted in roaming the campus disrupting the whole college routine and endangering the lives of all 19-thousand K-S-U students.

Sure, it was the National Guard Troops who pulled the triggers of those guns. But what would you have done in a similar situation. These troops reacted as any human, or animal for that matter, would react when life is at stake, they tried to defend themselves. Three thousand to 30 odds are rather awesome, to say the very least.

At Friday's rally on the statehouse grounds, speaker after speaker called the National Guard Troops "murderers" . . . libelous at the most. However, we repeat, the real murderers are those "radical" students and faculty members who continue to incite the crowd to tear down the establishment. They are the ones who should be undergoing an investigation at this time.

They are the ones who know how to whip a disinterested crowd into a raging mob. They are the ones who are teaching open revolution right in our college classrooms. They are the ones who should be held accountable for the deaths, injuries and the millions of dollars of damage to taxpayer property.

Until our great colleges and universities rid themselves of these revolutionaries, there will continue to be trouble and the needless waste of innocent blood. In most cases not the blood of the troublemakers but the so-called curious bystander who has been made a part of the "mob" by these "merchants of violence".

We repeat, they are the real killers of those four students at Kent State University. We rest our case.

FAIR LABOR STANDARDS AMEND- MENTS OF 1970

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

Mr. DENT. Mr. Speaker, I am today introducing a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to provide for an automatic increase in wage rates based on the increases in the price index, and to extend the coverage of the act to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes. In doing so I have had to take into consideration the very serious problem that we are now facing in the fair labor standards of this country in that we have embarked on a so-called family maintenance plan which is a guaranteed yearly wage, in effect. Under present conditions, under the fair labor standards, a worker working as many hours as is allowable, which is very seldom done in any instance, would be earning \$740 less per year than the family maintenance plan would pay him out of the Treasury with any combination of earnings plus the welfare payment. So I have tried to devise a plan for a minimum wage which will be based on the classification of the job performed rather than upon a single minimum wage base. We can no longer adjust our salaries and work schedules in this country to meet the needs of the industrial worker and the needs of the farmworker and the needs of the small business worker at the same time. Therefore, in looking at the past history of our wage economics and job economics in this country, I have come to the conclusion that we must have a classified minimum wage which will be fair to all levels of employers and still give some measure of a guarantee of a wage level to the person who works, which will be a small percentage above the welfare payment.

I doubt if we can ever get people to work for less than they will get under the family maintenance plan, and while we can never reach the magnitude of forcing an employer to pay the amount of money that the family maintenance plan guarantees a family of eight, nine, or 10, we must at least pass legislation that will make a comparison between the earned rates while working to those unearned rates when a person with a family of four qualifies for family maintenance.

I would appreciate it if all of you would pick up a copy of this act as soon as it is printed to give me your views.

Mr. Speaker, the Fair Labor Standards Amendments of 1966 provided increases in the minimum wage rate to \$1.60 an hour. In the case of employees newly covered by those amendments, other than agricultural employees, the presently applicable minimum hourly wage is \$1.45, and will not reach \$1.60 until next February 1. Those agricultural workers covered by the amend-

ments are subject to the applicable minimum hourly wage of \$1.30. In spite of the breadth of those amendments in terms of additional coverage, a great body of workers still remains outside the provisions of the Fair Labor Standards Act.

My bill would provide universal minimum wage coverage to all employees, except those employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman. It would, however, retain exemptions from overtime coverage for those employees presently exempt from such coverage.

My bill would establish four employee wage schedules. Each schedule would encompass a category of employee coverage and require the payment of specified minimum wage rates. The schedule follows:

First. Those employees who were covered before the amendments of 1966 would be subject to a minimum wage rate of \$2 an hour beginning January 1, 1971, and \$2.50 an hour beginning January 1, 1972.

Second. Those employees who were first covered by the Fair Labor Standards Amendments of 1966—except agricultural employees—would be subject to a minimum wage rate of \$1.75 an hour beginning January 1, 1971, and \$2 an hour beginning January 1, 1972.

Third. Those agricultural employees first covered by the Fair Labor Standards Amendments of 1966 would be subject to a minimum wage rate of \$1.50 an hour beginning January 1, 1971, and \$1.75 an hour beginning January 1, 1972.

Fourth. Those employees covered for the first time by the Fair Labor Standards Amendments of 1970 would be subject to a minimum wage rate of \$1 an hour beginning January 1, 1971; \$1.25 an hour beginning January 1, 1972, and \$1.50 an hour beginning January 1, 1973.

Effective January 1, 1971, the minimum wage rate for each schedule may be raised because of an increase in the price index. The mechanical procedure would parallel that used to adjust annuities received by Federal employees, including retired military personnel. The Secretary of Labor is required to monitor increases in the Consumer Price Index and make appropriate adjustments in the various minimum wage rates.

The problem of the impact of imports on employment is dealt with in a proposed new title II of the act. Upon the request of the President or the Congress or upon application of a representative of any employee organization, in a domestic industry, or an interested party, or on his own motion, the Secretary of Labor would be required to make an investigation as to whether any product is being imported into the United States which is causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or the economic welfare of the community in which any such group of workers is employed.

Should the Secretary of Labor find that an imported product is causing such consequences, he will promptly report to the President and publish his findings. Upon receiving the Secretary's report, the President may take such action as he deems appropriate.

After the effective date of the amendments, any Federal contract over \$10,000 for the manufacture or furnishing of materials, supplies, or equipment which is performed outside a State, but is for use within the State shall require: First, that all persons employed by the contractor in carrying out the contract be employed on terms and conditions which are not substantially less favorable to his employees than those which would be required under the act; and second, that the contractor make such reports, as are necessary to enable the contracting agency to insure that the provisions of this title are complied with.

Mr. Speaker, I am realistic enough to know this bill will not be universally heralded in our business and industrial community; nor will organized labor rise up in unified support. It is, in fact, a departure from the theory of "minimum wage"—a single wage below which no employee should be forced to work. But the reality of our economy is such that a small retail or service establishment cannot afford to pay its employees at the same rate as can some of our giant industrial complexes. And, unfortunately, every time we have acted to increase the minimum wage rate, we have generally done so by fixing it to an amount the least able in our economy were able to pay. Consequently, marginal enterprises have managed to dictate what the minimum wage rate would be for all covered employees by their ability to pay. We have also had to sacrifice universal coverage in the process, and I believe that to be at least as essential as any wage increase.

Because of the requirement that minimum wage increases occur by legislative mandate, and because that process is not always immediately responsive to existing or anticipated needs, we are constantly left with a minimum wage rate that bears little resemblance to any notion of economic survival for the worker. Granted, the rates set forth in my bill are subject to the same tests of inadequacy when they become effective. But the mechanism of automatic increases based on the price index will certainly be more responsive to the economic realities of the moment.

Mr. Speaker, I have had this notion of minimum wage rates in my mind for some time. I have discussed it extensively with my colleagues and with interested parties. I can make good arguments in support of it, and good arguments can be made in criticism of it. But I thought this concept should be given public consideration, and it is for this reason I have introduced it. I am not wedded to it or any other proposal at this time. I only believe changes are urgently needed in the Fair Labor Standards Act, and that a dialog on appropriate changes should begin.

I would, therefore, like to announce

that the general Subcommittee on Labor will commence public hearings on amendments to the Fair Labor Standards Act late this month or early in June. We will not hear witnesses outside the administration or the Congress until June. Hopefully, we will hear the views of the administration and Members of Congress beginning about May 21.

The hearings will not be confined to any particular bill, but instead to all legislation presently before the subcommittee which would amend the Fair Labor Standards Act. At this time, I would like to invite anyone wishing to present views on this matter before the subcommittee, to communicate with the staff and arrange for a hearing date.

WASHINGTON METROPOLITAN AIRPORT AUTHORITY

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, today I have introduced a joint resolution which expresses the will of the Congress that the States of Maryland and Virginia enter into a compact along with the District of Columbia to establish a Washington Metropolitan Airport Authority.

It is obvious that large metropolitan areas have created transportation problems which can only be solved by a central, coordinating authority which plans, directs and supervises integrated transportation services upon which the whole area must depend.

The greater Washington area is a case in point.

Recognizing that surface transportation must be coordinated and systematically planned, the District of Columbia has entered into a compact with the States of Maryland and Virginia to create a central authority. I think it is evident that air transportation must also come under a similar concept.

The need for such a central authority was motivated by my concern over the problems related to a controversial airport site in my district at Bowie, Md. This brought home to me the fact that there is a need for a coordinated and well-planned system of airports to serve this vast metropolitan area today and in the future.

The question of jammed airspace, which not only constitutes a flight hazard but also an inconvenience to passengers, is well known. To add to the ever-growing hazard by a willy-nilly and at-random construction of airport sites in this area will not solve but compound the problem.

Therefore, now is the time to establish a central authority which will be able to prevent chaos by careful planning and regulating airports geared to the needs of the communities of metropolitan Washington.

Flight safety requires that ample airspace be set aside to prevent landing or takeoff patterns from being in hazardous conflict.

Ground safety requires that the people who live and work near an airport be protected against distracting and disrupting aircraft noise and that a clear area around an airport be rigidly maintained to reduce these perils to a community.

It is doubtful that local authorities would have sufficient knowledge of aircraft operations to select a suitable site. They may find themselves in conflict with other air installations as the proposed Prince Georges County airport conflicts with Andrews Air Force Base. Or, they may concern themselves with only their own local needs and thus come into a conflict with the area requirements or the plans of other communities in the metropolitan area.

To avoid such conflicts, a central authority would be able to anticipate a particular need and see how it relates to a far broader metropolitan need. This would reduce duplication of effort and prevent a dangerous proliferation of airports which would, eventually, reduce not increase, air operations because of increased hazards.

Recently, the President sent a message to Congress recommending an increase of Federal funds for the expansion and improvement of our airways system including construction and improvement of airports. The message recognizes that a serious problem exists today, to a dangerous degree, and that, unless action is taken now to correct the problems, the future of air transportation might be chaotic. The message stated that the "growth in the next decade must be more orderly—it must be kept safe. And it must not permit congestion and inadequate facilities to defeat the basic purpose of air transportation: to save time."

To maintain orderly growth it is necessary to have a responsible overall plan for metropolitan areas and a central authority to integrate needs not only for the safety of the public but also for the growing demands of private pilots and commercial aviation as well.

My proposed compact for a Metropolitan Airport Authority is intended to accomplish this result.

Often, local communities in their eagerness to meet demands of general aviation and with an eager eye toward scheduled air carriers, will hastily plan an airport site which, when viewed from the standpoint of the larger area in which it is located, will accomplish neither purpose because it is not part of an integrated plan of airports. Situated elsewhere, as part of an overall plan, such a local airport could be of service and be of great benefit to the communities it is intended to serve. Above all, it would be more safe.

Such planning, as my resolution anticipates, can only enhance business and industry served by general aviation.

Along with this philosophy of a metropolitan authority, it would follow that the needed technology and equipment would become part of one system so that all of the airports would be under one system and would benefit equally. As it now stands, some of our surrounding airports serving general aviation do not

have the necessary equipment to adequately regulate flight operations in this day of rapid jet operations and all-weather flying.

Under the proposed compact, the sovereign States of Virginia and Maryland would have representatives appointed by their respective Governors as members of the authority, Commissioner of the District of Columbia, or his representative, would participate on behalf of the District of Columbia, and the Federal Government would participate through its representatives appointed by the President.

Such an authority would include staff experts on engineering, flight safety and equipment, and all others needed to plan and regulate airports and flight operations.

Any further at-random planning for air transportation is foolhardy. Large areas require order and that can be accomplished only by a central authority which can oversee and foresee. It can be more efficient in its forecast of needs and better able to plan effectively to meet them.

The metropolitan area of Greater Washington, the Nation's Capital, should lead the way. Along with improvement in equipment, material and safety devices in airport construction, must come control. And this control will only come from the establishment of the type of authority this compact would create.

Before more air disasters result, I urge speedy consideration of this resolution. I hope the Congress will demonstrate more concern about this problem than the Federal Aviation Agency. I sent a copy of my resolution to the FAA on July 22, 1969, but unfortunately they have not yet responded.

The text of the resolution is set forth hereafter:

H.J. RES. 1231

Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority

Whereas a compact has been entered into between the States of Virginia and Maryland and the District of Columbia, and consented to by the Congress, relating to a coordinated system of ground transportation in the National Capital area; and

Whereas the problems of aviation in the National Capital area are reaching crisis proportions; and

Whereas a comprehensive, coordinated approach is needed to solve this problem on a metropolitan area basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the conditions of section 3 of this Act, the consent of the Congress is hereby given to the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact with respect to the establishment of a Washington Metropolitan Airport Authority with adequate authority to provide for comprehensive and coordinated planning with respect to the location and operation of aviation facilities in the metropolitan area of the District of Columbia.

Sec. 2. The Commissioner of the District of Columbia is authorized, on behalf of the District of Columbia, to negotiate and enter into such compact.

Sec. 3. Such consent is given upon the following conditions:

(1) A representative of the United States, who shall be appointed by the President of the United States, shall participate in such negotiations with authority to act on behalf of the United States with respect to Federal aviation facilities for civil aviation located in the metropolitan area of the District of Columbia and shall make a report to the President and to the Congress of the proceedings and of any compact entered into.

(2) Such compact shall not be binding or obligatory upon the States of Maryland or Virginia or the District of Columbia unless and until it has been ratified by the legislature of each State and consented to by the Congress of the United States.

Sec. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

UNITED STATES STILL TRAINING MILITARY PERSONNEL FROM SIX ARAB COUNTRIES UNFRIENDLY TO US

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. WOLFF) is recognized for 10 minutes.

Mr. WOLFF. Mr. Speaker, at a time when we are supposed to be defusing the crisis in the Middle East I am amazed at the continuation of extensive military training programs conducted by the United States, largely at our expense, for men from six Arab countries several of which are unfriendly toward the United States.

There are hundreds of military personnel, mostly airmen, in these training programs for Jordan, Lebanon, Libya, Morocco, Saudi Arabia, and Tunisia. Most of these men are being trained at U.S. expense under the military assistance program—MAP.

At the same time, as part of the sales agreement for the Phantom jets currently being sold to Israel at the request of Congress, we are training approximately 50 Israel airmen. All of these men are being trained at Israel's expense under the foreign military sales—FMS—program.

Mr. Speaker, I would remind the Members that in 1967 we voted to prohibit training Arab military personnel from countries that had broken relations with the United States. While we do have some formal diplomatic relations with the Arab countries involved in the current training programs there are certain basic questions about our policy that must be asked:

First. What steps are being taken to prevent nationals from the countries prohibited from receiving U.S. military training from penetrating the ranks of those countries who have men here? I have received unconfirmed reports that this sort of infiltration is going on.

Second. How can we possibly justify training men from Libya considering that that country threw us out of our Air Force base in Libya in violation of a legal agreement? Do we reward those who slap us in the face?

Third. Is it really in the best interests of the United States to continue training men from Jordan even though we have been asked to recall our Ambassador to the country?

Fourth. When will we recognize that

we cannot endlessly attempt to "woo" totalitarian Arab regimes that have always alined themselves against the United States?

Fifth. Are not certain of these men receiving their primary training in the United States and their advanced training in the Soviet Union?

Sixth. Are we disrupting the balance of power in the Middle East by requiring a small number of Israelis to pay for their training and giving that same training to a large number of Arabs?

Seventh. What efforts are now underway with France and the Soviet Union to secure an overall arms embargo for the Middle East?

Eighth. Why is there such a lack of frankness in the State Department as evidenced by self-contradictory testimony on the Middle East recently offered to a Subcommittee of the House Foreign Affairs Committee?

Mr. Speaker, these important questions must be answered. I believe we in the Congress should immediately look into this situation with particular attention to the size and cost to the United States of the training programs for military personnel from the six listed Arab countries.

We must not lose sight of the fact that Israel is our only real ally and the only democracy in the Middle East.

Also, Mr. Speaker, I must comment on what I consider a lack of candor on the crisis in the Middle East in the State Department. There is a problem of not clearly defining where American interests really are in this part of the world, and the impact at the Soviet intrusion.

Finally, I have been in contact with the Department of Defense to get complete information on the size, nature, and cost to us of these training programs. We must get the answers and the State Department must implement the procedures that will bring a real and lasting peace.

THE NEW YORK STATE COURT OF APPEALS DECISION ON LAW STUDENTS' EXAMINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I deeply regret the ruling yesterday by the New York State Court of Appeals that law students must complete final examinations to be eligible to take the State bar examination. This decision has implications not only for students attending New York law schools, but for those throughout the country who may wish to practice law in the State of New York. It effectively pulls the rug from under their efforts to use the governmental system to petition for an end to the war in Cambodia and Vietnam, for it would require them to return to their schools.

Our governmental system is on trial, whether it is capable of accommodating those who strongly dissent from a fundamental policy which has torn this Nation almost to its foundations. I fear that if the students are denied the opportunity to see their efforts through to their culmination, it will be a demonstration to

many of our youth of the system's inflexibility to accommodate them, and will cause them to turn away from it.

I have sent a telegram to the Attorney General of New York, the Honorable Louis J. Lefkowitz, urging him to intervene, as the State's chief legal officer, on behalf of the students in request to the court of appeals to reconsider its decision.

We have witnessed a most exciting development in the last week following the President's announcement on Cambodia. Instead of violence and bloodshed, we have seen hundreds of students from campuses across the country attempting to express their opposition constructively by using the system to petition the Congress. No Congressman has escaped these students who have come well dressed and well informed, and most persuasive. I believe their efforts will have a significant effect. I hope it will not be stifled as a result of the court decision, and that the court will reconsider and reverse itself.

The students of the 10 law schools in New York State met last night to assess the impact of the court decision and decided to ask for the court to reconsider its action. I insert at this point in the Record the text of the law students resolution, my telegram to the attorney general, and a New York Times article on the court decision:

RESOLUTION PASSED BY REPRESENTATIVES OF THE 10 LAW SCHOOLS IN NEW YORK, NEW YORK UNIVERSITY LAW SCHOOL, MAY 12, 1970

We the student bodies of the law schools of the State of New York in accordance with the decision of our respective faculties do hereby reaffirm our collective moral stand. We, both students and faculty, have actively participated in what we truly believe to be a moral commitment by engaging in the democratic processes in a manner dictated by the consciousnesses of each individual student.

We therefore ask that those proposals passed by the respective law schools concerning the suspension of "business as usual", at this time, be immediately reappraised by the Court of Appeals with a mind towards respecting those ideals of orderly processes of law in which each of the undersigned concurs.

Moreover, we find that the opinion of the Court of Appeals contravenes both the academic freedom which has always been the backbone of our society and our right to free and orderly dissent as guaranteed by the Constitution of the United States.

What we ask at this point is that the Court immediately reconvene for a hearing in order to both reevaluate its recent decision interpreting the rules of the Court of Appeals and to consider the wishes and desires of the future leaders of the legal community.

We have therefore called for a moratorium on examinations until such time as the Court of Appeals shall reconvene to give this issue a full and adequate hearing.

MAY 13, 1970.

Hon. LOUIS J. LEFKOWITZ,
Attorney General,
State Office Building, New York, N.Y.:

At request of graduating law students at New York's ten schools urge you to request court of appeals to reconsider and reappraise yesterday's decision and permit law schools to waive final examinations for graduating students and permit these students to take bar examination.

LEONARD FARBEINSTEIN,
Member of Congress.

[From the New York Times, May 13, 1970]

COURT RULES THAT LAW STUDENTS MUST COMPLETE CLASSWORK TO TAKE BAR EXAMS; WAR PROTESTS CONTINUE; COLLEGES POORLY ATTENDED

(By Paul L. Montgomery)

The State Court of Appeals in Albany ruled yesterday that law students must complete the specified number of classroom hours and take final examinations to be eligible for the State Bar examinations.

The ruling by the court, which oversees legal education in the state, would force students on strike at New York University law school and elsewhere to return to classes if they wished to take the bar examinations in July.

An N.Y.U. spokesman had said last week that law students who wished to stay away from classes to protest United States incursions in Cambodia could choose to take no final examinations and receive course credits.

The court stated yesterday that students at the state's ten law schools, or out-of-state law students, must establish that they had attended an approved school and "successfully completed its program" to be eligible for the bar examination.

The court said that successful completion required a program of not less than 1,152 classroom periods and final examinations "whenever such examinations are appropriate to test the student's understanding of the content of the course."

STUDENT STRIKES CONTINUE

Elsewhere, at universities in New York, New Jersey and Connecticut, student strikes to protest the war continued with varying force. Attendance was small at many of the larger colleges in the metropolitan area, including New York University, Columbia, City College, Long Island University, Hunter College and Brooklyn College.

Most of the striking students, who were aroused last week by the killing of four Kent State undergraduates by National Guard members, engaged in activities aimed at curbing the war in Vietnam and its excursions.

The activists, in many cases performed in an atmosphere of urgency, ranged from attending "liberation classes" on social and political themes to collecting signatures on petitions supporting the various attempts in Congress to curtail the war.

GUERRILLA THEATER SKITS

On the lawns at Brooklyn College, students put on guerrilla theater skits about the state of the nation. At City College, students talked with construction workers at lunchtime to attempt to bring them into sympathy with the radical cause. At New York University, students and faculty members began a project aimed at correcting what they regard as biased reporting in the media of the plans of youth.

At Cornell University, students laid siege to the headquarters of the R.O.T.C. with a "peace tank" that fired candy and flowers. At the University of Connecticut at Storrs, students occupied the R.O.T.C. building and redecorated it green, blue, yellow, orange and pink psychedelic designs. The students want to make the building a day-care center for children.

At Hunter College, which has been troubled by a variety of issues over the last two months, 150 students from the Third World Coalition closed all the entrances and exits to the building last night to protest Hunter's not having shut down in response to the killing of six blacks in Augusta, Ga., in a riot on Monday. Mrs. Jacqueline G. Wexler, the president of the college, later announced that classes would be canceled today.

Classes at Manhattan Community College were also suspended yesterday because of student protests.

At Livingston College of Rutgers University in New Brunswick, the police were investigating the firebombing early yesterday of the police science building. The building, a wooden structure formerly used as a barracks, was destroyed. A wine bottle half filled with gasoline was found six feet from the building.

In Albany, about 1,000 college students from the area stood six deep around two Federal buildings for most of the day. The buildings house the central post office and military recruiting stations. The human barricade curtailed recruiting and most mail deliveries in the city.

DISTRICT OF COLUMBIA'S PET BOLSHEVIK

Mr. RARICK, Mr. Speaker, Washington's "Cafe-society" Communist, Anatoly Dobrynin, makes his home in our Nation's Capital along with a small army of KGB's and other comrades at the Soviet Embassy, 1225 16th Street NW.

A most flattering account of the pet bolshevik appeared recently in Washington's leading pro-Soviet newspaper, the Washington Post.

The story and several related incidents follow:

[From the Washington Post, May 10, 1970]

THE CAPITAL'S PET BOLSHEVIK

(By Henry Brandon)

There is little doubt that Anatoly F. Dobrynin, the Soviet envoy to the United States, is Washington's most important ambassador. American officials and other foreign envoys bestow this accolade not only because he represents the other superpower (with its almost total reliance on traditional diplomatic channels for communicating with the American government) but also because he has a reputation as a man of sharp intellect with a shrewd understanding of the American scene. American officials are more at ease with him and respect him for being a civilized, intelligent and thoughtful man.

Why, though, is Dobrynin more a man of the world than Malik or Menshikov or Zorin? Averell Harriman, the elder statesman, who has a long memory and greater experience of the Russians than most, says, after a long pause for thought: "Perhaps because Dobrynin knows that it is important for him in order to succeed in his job."

"He always speaks with confidence—maybe he is more secure with the men in the Politburo. Certainly not since the days of Ambassador Maxim Litvinoff has a Soviet ambassador had the standing in Washington Dobrynin enjoys, and Litvinoff's was primarily based on having been part of the Bolshevik Revolution."

Harriman considers him a professional, a technician of great skill, not a politician but a decent, civilized, pleasant man who sincerely believes in better understanding between the United States and the Soviet Union and who conveys his good will without overstepping the position set by his government.

"He is not a petty or malicious or obnoxious man. He does not give anything away he shouldn't, but to have a man in this job who makes a genuine effort to understand this country is already a great plus."

ALL DOORS OPEN

As a consequence, Dobrynin has developed easy access to almost everybody in the American government, unique for a Soviet ambassador and in sharp contrast to the treatment of the American ambassador in Moscow. Not only can he see the highest officials at very short notice, but he can also reach them by telephone whenever necessary. If at rare occasions he requests an audience with the President, he has no difficulty seeing him either.

It speaks for his gift of establishing personal relationships, but it also shows good judgment on the part of American officials. His relations are informal enough that, for instance, when Henry Kissinger visited an exhibition of Soviet photography the other day and could not take his eyes off a blow-up photograph of a perplexed veterinarian with stethoscope around his neck getting his hypodermic needle ready for a petrified-looking boxer pup—an intensely human situation—it arrived in his basement office a few days later with the inscription: "Don't be too serious. Take it easy and relax. (Signed) Anatoly."

Dobrynin is tall, almost towering, and his appearance—soft, sensitive face, high forehead and gold-rimmed spectacles—combines with a shy charm to make him seem more a romantic musician rather than an experienced participant in the roughhouse of superpower diplomacy.

Those who do business with him consider him a diplomat par excellence. They say that he is always in command of whatever subject is under discussion, is easy to talk to when the occasion is right, and, when it is not, he resorts to what has come to be called in the State Department the "squid trick," a protective retreat behind a cloud of impenetrable generalities or flanneled inconsequences.

When a subject is brought up that touches a raw nerve, say Czechoslovakia, then his easy smile dies instantly and his blue eyes become cold and steely, but he will not lose his composure and always remains a gentleman.

The highest officials prefer dealing with him more than with any of his predecessors because he sounds more pragmatic and less ideological than most Russian officials. Some of these who deal with him believe that, just as he presents the Soviet point of view to Americans in a quiet, unprovocative way, so also he explains the American point of view to his superiors in Moscow, intelligently and without necessarily feeling that he has to make it palatable by passing it through some kind of party filter.

He can even be frank at times about some of his own problems in talking to Americans.

"I don't know what Dobrynin really thinks," Harriman says, "but he has tremendous pride in his own country. I don't know, for instance, what he really feels about the invasion of Czechoslovakia or intellectual freedom in the Soviet Union, but I think what matters to him most is that his country attains decent living conditions."

Dobrynin has the reputation of being greatly respected and listened to in Moscow. There is apparently sufficient evidence to think that at times Dobrynin has disagreed with his superiors in his dispatches, and when he later proved to be right, it enhanced his influence.

He has been heard to say that he knows every member of the Politburo and that he has ways of communicating with them directly should the situation require it. When he returns to Moscow for consultations, he says, he is usually given the opportunity of talking informally and individually with various members of the Politburo about the situation in the United States and offering policy recommendations.

He himself is an alternate member of the Central Committee, which gives him the right to participate in debates but not to vote. He holds the Order of Lenin, the highest decoration, to which the Red Banner of Labor was added on his 50th birthday last year.

A PRICKLY SYSTEM

Like all Soviet officials, however, he is subject to the limitations of the Soviet system and Soviet diplomacy. Like most ambassa-

dors, he is the prisoner of his government's policies, and negotiations with him can be spiked with as many frustrations as there are quills on a porcupine.

Some American officials who have had experience with him in negotiating clinches—for instance, in such tough affairs as the Middle East—say that "you don't negotiate with Russians and they don't negotiate with you. Oral persuasiveness does not matter, even with Dobrynin. It is more a cumbersome movement of one piece of paper or another."

It may be that Robert Kennedy's remarks about the removal of the missiles from Turkey made it easier for Khrushchev to make the right decision, but if it did, he did not say so in his message; nor was it assumed in Washington that this was the decisive factor. In fairness, one ought to add that in Dobrynin's view, the most important aspect of the missile crisis was not any part he may have played but the fact that when each of the superpowers feared the other was about to do something very dangerous, each had nerve and courage enough to use reason.

Changing styles of Soviet government affect the operational methods of an ambassador. In those years, according to Dobrynin, Khrushchev would often make decisions without consulting anybody or would simply make certain that his own would prevail. If he could be presented with a good case while winding himself up to a decision, he might be influenced; but once he became emotionally committed to anything, it was exceedingly difficult to have an effect.

Dobrynin says that by contrast, today's regime of collective leadership and majority rule makes its decisions only after wide-ranging discussions, and it is not impossible to contribute to these from the outside, for instance, from where he sits.

Dobrynin was born in Moscow, the only child of a plumber who worked in a metallurgical factory. His parents had never gone to school, but Anatoly was given a complete education. He entered the Institute for Aviation to become an engineer and on graduation got a job in a Moscow aircraft factory where he participated in designing the famous fighter plane the Yakolev, the Russian equivalent of Britain's redoubtable Spitfire. At this factory he met his wife Irena, an expert in aerodynamics.

In 1944, his career was given an unexpected turn. A governmental committee selecting recruits for the diplomatic service included him among 22 aeronautical engineers intended for the loftier reaches of diplomacy. The assumption was that such men had brains, a sense of responsibility and the training to handle people.

A JOB IN WASHINGTON

After a year's training, he joined a Foreign Office department dealing mainly with European and disarmament questions. He remained a sort of backroom boy until 1952, when he was sent on his first foreign assignment—as it happened to the Washington embassy.

From 1955, Dobrynin had another two years back in Moscow before he was again sent overseas, this time to join the staff of Dag Hammarskjöld, the United Nations Secretary General, as Under Secretary of Security Affairs. The experience deepened his understanding of the United States and of diplomacy on a broad international scale.

He was there five years, and then went back to Moscow to become head of the American department. In 1962, he took another ticket to the States, but this time as ambassador.

The guidelines that he has set himself he defines as follows: to have the courage to tell the facts as they are, and report to his superiors as true and fair a picture as possible; to provide them, when necessary, with honest proposals for action, and to warn them,

again courageously if need be, what reactions they must expect to follow certain decisions. He tries, he says, to anticipate questions, for by the time a government asks for advice, it can already be too late.

Nevertheless, they say, Dobrynin tries to avoid the Russian tendency to become contentious and polemical. He admits that if he finds the other side getting stubborn, then he gets stubborn, too, but says he also tries to put himself into the other man's shoes. When things get tense, he says, he likes to ease the acrimony by cracking a joke or telling a good story. He thinks it is extremely important to preserve a sense of humor.

When Dobrynin was asked recently whether he thought the American negotiators' impression that Vasily Kuznetsov, Deputy Foreign Minister, seemed to have more leeway in the Middle East negotiations than the ambassador was a just one, Dobrynin assured the questioner that he and Kuznetsov were working under exactly the same instructions. Then, smiling puckishly, he added: "Maybe, though, Mr. Kuznetsov is a better diplomat than I am."

Still, he has his own ideas on what makes a good diplomat: he must have an ability to listen, to understand and to present his own case. Those who know him well say that he is highly skilled at all three. "I never had to repeat anything twice to him," McGeorge Bundy, the former national security aide to Presidents Kennedy and Johnson, recalls, "and he is also very skilled in presenting his own case in a reasonable way."

ABSOLVED BY KENNEDYS

The most critical period in the nine years of his appointment has been the Cuban missile crisis, of course. Robert Kennedy in "Thirteen Days," his account of that suspenseful period, recalls how Dobrynin reassured him about a week before President Kennedy imposed the ship quarantine that Chairman Khrushchev would not want to embarrass the President and that something like placing ground-to-ground missiles in Cuba "would never happen."

That this proved false did not damage Dobrynin's standing with the Kennedys; they remained in close touch with him, convinced that he had not, in fact, known of the missile plot. They were less hesitant about whether there had been deceit on Gromyko's part. They could not imagine the Foreign Secretary's being kept in ignorance of so bold an initiative.

Dobrynin now thinks that an offer which Robert Kennedy hinted at in his book helped considerably to influence Khrushchev's decisions. Kennedy describes a conversation he had with Dobrynin, who "raised the question of our removing the missiles from Turkey. I said that there could be no quid pro quo or any arrangement made under this kind of threat or pressure, and that in the last analysis this was a decision that would have to be made by NATO. However, I said, President Kennedy had been anxious to remove those missiles from Turkey and Italy for a long period of time. He had ordered their removal some time ago, and it was our judgment that, within a short time after this crisis was over, those missiles would be gone."

Dobrynin confesses that essentially he is an optimist, even if he does not expect any spectacular agreements in the near future. One of the problems that complicate Soviet-American relations, he feels, is that often they concern matters that are not simply bilateral but (as in the case of the Middle East) involve other countries also.

The essential need, he says, is to recognize what is negotiable and what is not and not to confuse them. What matters is to understand which circumstances may make something more or less difficult.

He does not believe in the theory that

capitalism and communism will gradually converge. The two will go their own ways, and, he is, of course, convinced that communism in some form or other will prevail.

THE GOLD OF SILENCE

Dobrynin engages in little public speech-making. There have been periods, he says, when he found it wiser not to talk at all. He delivered about 10 speeches in 1969 and 16 the previous year, but no copies of the texts are available at the embassy's press office.

When Dobrynin was invited to appear earlier this year before the august Council of Foreign Relations in New York, he was expected to deliver an off-the-record speech. He arrived without one, but agreed to answer questions. According to some of those present, the audience felt that nothing was said to augment their knowledge of Soviet affairs, while the speaker may well have felt that he preserved his cool better than some of his questioners did.

The Soviet Union is the United States' most powerful antagonist, and not even Dobrynin's civility will make Americans forget it. But after nine years as ambassador, he has sufficient American friends to sustain his social life, he says, even in the rougher periods of Soviet-American relations.

Dobrynin usually likes to keep his official social engagements to a minimum; he prefers small gatherings in private homes. Here he enjoys proposing a toast, often one reflecting his optimism that Soviet-American relations will stay peaceful even though many basic differences will remain unresolved.

On these occasions, too, his blond, good-looking and vivacious wife, if pressed hard enough, will play the piano and sing Russian songs. She can also be quite combative in political arguments, usually to emphasize a point made by her husband. Their only child, a daughter of 21, is married, lives in Moscow and the first grandchild is on its way.

A HIJACKING PRECAUTION

Averell Harriman calls Dobrynin "my favorite Bolshevik." The Dobrynsins dine there occasionally and last spring they visited the Harrimans' dacha at Florida's Hobe Sound, that exclusive enclave of American capitalism. (Harriman suggested that they fly together so that if the plane was hijacked to Cuba, Dobrynin could introduce him to Castro. Dobrynin readily agreed, but no hijackers obliged.)

Over the years, the Dobrynsins have visited most states, traveling by plane, train and bus coast-to-coast and up and down both the Pacific and the Eastern seaboard. Once they took a bus all the way from Phoenix to New York.

Of all places they have seen, they like New York best for its imposing glass buildings—a style of architecture that appeals to the ambassador—its long avenues, its dynamism and vitality. He finds San Francisco beautiful, but New York more exciting. He rarely has time to visit the city just for pleasure, but when on business trips, he likes to take in a musical if he can. That is for him the most typically American art form. His favorite is "Westside Story"; the most recent he has seen is "Man of La Mancha."

He is fascinated by the militancy and the pressure for change that American youth is exerting, but when you suggest to him that a revolutionary situation may exist in the United States, he smiles a little charitably. He admits that there is a great deal of social turmoil here, but has to confess, not without a burst of passion, that he, a child of the Russian Revolution, finds it impossible to apply the word "revolutionary."

For a Communist, he explains, that means the complete overthrow of the government and the prevailing political system; whereas what is going on in the United States has,

in his view, more of a surface and temporary quality. This observation, coming as it does from so expert an observer, may be of considerable comfort to many Americans.

[From the Washington Post, May 9, 1970]

FOREIGN DIPLOMATS DISCUSS WAR IN CAMBODIA (By Dorothy McCordle)

A majority of foreign diplomats are feeling neglected because only a small minority of their number have been briefed by the State Department on the widening of the war in Vietnam into Cambodia.

Diplomats from Asia, Europe and Africa were not included in a briefing for Latin American diplomats conducted Thursday by Marshall Green, assistant secretary of State for East Asian and Pacific Affairs.

Ambassadors from the bypassed countries compared notes last night at a reception at the Soviet Embassy held to celebrate the 25th anniversary of the defeat of the Nazis.

The Russians could claim to be one up on the majority of the diplomats. They had had a briefing of their own at the Soviet Embassy two nights before when Dr. Henry A. Kissinger, President Nixon's advisor on National Security Affairs, met there with nine academicians from Moscow.

Minister Counselor Yuly M. Vorontsov, acted as host in the continued absence of Soviet Ambassador Anatoly F. Dobrynin, who is in Moscow. Ambassador Dobrynin had been expected home for the VE Day party, and the invitations were sent out in his name.

Some of the diplomats speculated that Dobrynin had been asked to stay on in Moscow as a result of the Cambodian crisis.

Few of the diplomats were willing to comment on the crisis. This went for the British Ambassador John Freeman and the French Ambassador Charles Lucet.

The dean of the diplomatic corps, Nicaragua's Ambassador Guillermo Sevilla-Sacasa, made no comment on Cambodia, either, except to say that the State department briefings for the diplomats from his area had "been very important, indeed."

Polish Ambassador Jerzy Michalowski said he was "sad" about the Cambodia situation, and Yugoslav Ambassador Rogdan Crnobrnja commented that he was "very unhappy."

Ambassador John J. Akar, of Sierra Leone spoke this way of the crisis:

"If President Nixon's calculations succeed, he will be the bravest man of this century. But if they fail, I shudder to think what will happen."

Cleveland businessman Cyrus Eaton, who recently returned from his third trip in a year to the Soviet Union, called the President's Cambodia venture a "fatal mistake."

"The Russians and Communist Chinese are now faced by the largest standing army in the world," he said. "And we faced two bears—the Russian bear and a bear market on the stock exchange."

Top administration guest at the party was Assistant Secretary of State Joseph Sisco, just back from the Middle East.

Former U.S. Ambassador to the Paris Peace talks W. Averell Harriman, expressed the hope that "some day soon", the Russians and Americans will get back to the same kind of understanding and partnership they shared 25 years ago.

[From the Washington Post, May 13, 1970]

JUDGE PUTS ON PROBATION 19 ANTI-SOVIET PROTESTERS

Nineteen students involved in recent protests against alleged anti-Semitism in the Soviet Union were placed on six months unsupervised probation yesterday by Judge Alfred Burka of the D.C. Court of General Sessions.

Seventeen of the students, members of the Philadelphia Committee for Human Rights Now, were arrested here after they had chained themselves to the Soviet Embassy on

April 9. All but one is a student at the University of Pennsylvania.

The remaining two students, from American University and George Washington University, were arrested with three juveniles while pouring blood on the embassy steps on April 21.

The students pleaded no contest, which means that they accepted the facts as presented by the prosecution, but did not plead guilty.

CHANCELLOR OF CITY UNIVERSITY OF NEW YORK DECRIES POINTLESS CLOSING OF UNIVERSITIES

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, over the weekend, Dr. Albert H. Bowker, chancellor of the City University of New York, decried as "pointless" the closing of universities and colleges in protest over the war in Southeast Asia.

In light of the weak-kneed tactics of some university administrators, who would rather shutter the halls of academic freedom in appeasement to anarchists, Dr. Bowker's courageous stand is to be congratulated.

As Dr. Bowker so fittingly declared, pointless closures undermine the institutions irreparably and have no appreciable effect on national policy. He said it would be tragic to close the city's 17 schools because suspension of classes would be a "severe hardship for thousands of students" who want to attend classes.

In effect, Dr. Bowker has emphasized that when the wisdom of leadership is hidden, followers will trample themselves in dark confusion. Genuine student unrest on a campus comes from poor leadership. Universities are vaults of knowledge, and places of wisdom, when they function properly. That depends on leadership. And leadership toward the university purpose is the responsibility of professors, administrators, and trustees.

As the New York Daily News editorialized the other day:

Much of the anti-Vietnam activity centers on the nation's campuses, where students have been told for five years by radical peers and some elders who should have more sense and judgment that the right to protest knows no bounds.

I believe that Dr. Bowker is one of those responsible academic administrators who will not kow-tow to campus extremists posing as educational reformers. He has emphasized that unless there is school, there will be no degrees.

Shortly after issuing his statement, Dr. Bowker met with the board of higher education, which later called on all City University units to open and all faculty members to "meet with and teach their students to pursue the academic mission of their colleges."

THE ROLE OF THE PRESS IN A TROUBLED SOCIETY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, John S. Knight, by any measurement, is an outstanding newspaperman. His several newspapers exemplify the finest traditions of journalism, as well as being eminently successful enterprises.

Recently, he attained recognition of his initiatives and strong sense of public responsibility when he was awarded the Carr Van Anda Award for "enduring contributions to journalism" at Ohio University.

In his remarks accepting this award, John Knight expresses his personal philosophy and his guidelines for the management of, and the purposes of, a newspaper. He speaks fearlessly, candidly, with great reason and perspective.

What he says in his "John S. Knight's Notebook" of May 10, 1970, is extremely vital and timely. It is important not only to the role of the newsman and his newspaper but also to the conduct of our Government, the problems besetting this country, and our individual attitudes and responsibilities.

I feel it is important to include this column in the permanent RECORD and make it available to all Members and other persons interested in a thoughtful, sensitive, forceful, and balanced view:

JOHN S. KNIGHT'S NOTEBOOK: THE ROLE OF THE PRESS IN A TROUBLED SOCIETY

The historians of journalism consider Carr Van Anda "the greatest mangaging editor who ever lived." He—with his perceptive news sense and tremendous talent for organizing a story—and his publisher, the great Adolph Ochs, have been rightly described as the perfect combination of news and business management.

I have been asked about my own publishing philosophy and the future role of journalism.

My late father, the wholly remarkable Charles L. Knight, was best known for his penetrating and oft acedulous editorials. He detested sham and hypocrisy, fought for the underdog and feared no man.

He jarred his community out of complacency by the use of invective, metaphor, parable and reason but invariably gained his objective by making people think.

And that is what vibrant journalism is all about.

BASIC PHILOSOPHY

My philosophy of newspaper publishing centers upon these basic points:

The Knight newspapers strive to meet the highest standards of journalism. We try to keep our news columns factual and unbiased, reserving our opinions for the editorial page where they belong.

We have no entangling alliances. We are not beholden to any political party, faction or special interest.

Our chief executives and policy officers studiously avoid conflicts of interest. They serve on no corporate boards or committees other than appropriate civic organizations or committees in the fields of education and communications.

True, we have our critics who take issue with aggressive editorial performance. But the truly distinguished newspapers in this country are those which have dared to face public wrath and displeasure.

WHICH NEWS MEDIA?

Before discussing the future of journalism, it would seem appropriate to comment on the journalism of today—both print and electronic.

The government, which has long suffered from a credibility gap of its own, is now attempting under the Nixon administration to destroy the credibility of what you read and hear.

Following Mr. Nixon's election, he asked for "constructive criticism" from the press. But as it grew with the unfolding of events, the Vice President began belaboring the "news media" for offering precisely what the President had requested.

Well, what are the news media—The Washington Post or The Columbus Dispatch, the national networks or a rabid segregationist on a 250-watt radio station in Mississippi?

The indiscriminate lumping together of such disparate philosophies and means of dissemination provides an easy mark for the extremists—both right and left—who in their zeal for pet causes lose all sense of proportion.

When I have decried some of Mr. Agnew's fulminations against the press, what is known simplistically as "the silent majority" rises to protest that the Vice President has a right to be heard.

Well, no rational person would deny him that right. But what about the right of reply? Isn't that right quite as precious to the individual who disagrees with Mr. Agnew?

ETERNAL VIGILANCE

The role of the press vis-a-vis the government is essentially that of eternal vigilance.

Today this is a difficult assignment. According to the Associated Press, our government's public relations and information programs represent more than double the combined outlay for newsgathering by the two major U.S. news services, the three major television networks and the 10 largest American newspapers.

Yet it was the press—remember?—which exposed the optimistic and uninformed pronouncements on Vietnam by Gen. Maxwell Taylor, Gen. Paul Harkins, Henry Cabot Lodge, Adm. Harry Felt and former Defense Secretary Robert McNamara.

If you will permit an immodest personal reference, I warned on April 25, 1964, that the United States was headed toward another war through the pattern of gradual involvement.

"Intervention in Indochina," I wrote, "would find us fighting another dead end war with virtually no support from our Allies."

For my pains, I was assailed as an un-American appeaser and a pro-Communist sympathizer for the next 12 years. My believability suffered steady erosion until the Fulbright hearings of 1966-67 when the American people came to the shocking realization that they had been duped.

On Jan. 8, 1961, I said we should be concerned over "the possibility of U.S. intervention in Laos since it contains the same ingredients of future trouble as Vietnam."

NOW, CAMBODIA

We come now to Cambodia, where thousands of American troops are searching for what the President has called "a major Communist staging and communications area."

The military reasons given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Within the past week, Robert S. Boyd of the Knight Newspapers, who is the only U.S. reporter presently in North Vietnam, witnessed U.S. bombing on enemy territory by more than 100 planes.

Yet the public had been told that bombing raids north of the 17th parallel were discontinued in Lyndon Johnson's time.

In an editorial a few days ago, The San Francisco Chronicle said: "We hold the sus-

picious that the massive 120-plane bombings of the weekend would not have been made public had not Robert S. Boyd, who was in North Vietnam, witnessed a 50-minute raid and reported it."

It is now admitted by our government that areas in Cambodia had been bombed months ago. Previously the U.S. Command in Saigon denied such attacks.

For 16 years, the newspapers over which I have the honor to preside as editorial chairman have vigorously opposed every step of our involvement in Southeast Asia.

Yet the great United States Senate—aside from a mere handful of courageous members—has stood mute through the times when Vietnam should have been debated. Had such a debate been conducted, the course of our history might well have been changed and the tremendous loss of life and treasure averted.

As a fervent advocate of free speech and the right to dissent, I confess my utter dismay and perturbation over the lawlessness and breakdown of constituted authority on our college and university campuses.

Undergraduates enjoy the freedom to learn, to inquire, develop independence of thought, to dissent and not be subjected to disciplinary action without due process.

Conversely, the student's freedoms do not convey the right to tyrannize those who may not agree, to disrupt by force, to translate aversion into anarchy.

You may oppose the war—as I do—but what was the price of hurling rocks through merchants' windows and disrupting the downtown business district as was done at Kent State within the last week?

Inability of local law enforcement officers to quiet the rampage brought a call for the National Guard.

A campus confrontation with the students at Kent State became inevitable when they refused to disperse. The Guard, under attack and largely untrained in riot procedures, opened fire with the tragic results that have made headlines throughout the world.

So there will be an investigation. But investigations do not bring back the young people who fell victim to rifle fire, nor will investigations solve the physical and psychological problems of those who were wounded.

BRANDING UNFAIR

No, this is not the way. The imperiousness of the revolutionary cult defiles our democratic system and revolts every freedom loving citizen.

And, ironically, the anarchists who abuse our constitutional liberties would find themselves prisoners of the police state in the authoritarian world to which they give such frenetic devotion.

Yet it is grossly unfair, as so many are doing, to brand today's youth generation as a mass of irresponsibility.

Quite to the contrary, today's youth is not only better educated and more perceptive than their elders but put the graybeard generation to shame in their concern over the stresses and strains of our society.

And even from those who bring about so much turmoil may emerge the strongest and most thoughtful leaders of tomorrow as they acquire a balance of individual freedom and social responsibility.

THE SAFEGUARD

Finally, I see the role of a free press in a democratic society as a commitment to total involvement in and dedication to the problems which beset that society.

As with all of us, a free and responsible press should invest its faith in that greatest of all government documents—the United States Constitution—which provides ample safeguards against tyranny and injustice.

What more can we ask?

THE LATE HERB SHRINER

(Mr. ADAIR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ADAIR. Mr. Speaker, I rise to pay tribute to the memory of a man who did much to immortalize the humor in everyday life. I am referring to Herb Shriner, the homespun Hoosier humorist who, together with his wife, was killed in an auto accident near Delray Beach, Fla., on April 23.

Herb Shriner grew up in Fort Wayne, Ind. At 12 he decided to run away and built himself a raft to float out of town on a stream. "But all the streams run in circles around Fort Wayne, and I just floated right on back," Mr. Shriner said.

He began in show business at 17, playing the harmonica with a group he formed in high school, and later went on a brief vaudeville stint.

Later, the entire Nation was to laugh with this "second Will Rogers" as he became one of television's most popular humorists.

The sentiments of Hoosiers everywhere were well-expressed in a Fort Wayne News-Sentinel editorial and in a column by John A. Scott, editor and publisher of the Lafayette Journal and Courier.

The editorial and column follow:

[From the Fort Wayne (Ind.) News-Sentinel]

LAST OF THE HOOSIER HUMORISTS?

The death of any of Indiana's famous sons, natural or adopted, is a cause of sorrow to Hoosiers. The death of adopted son Herb Shriner in a Florida auto accident last Thursday night is an especially deep and grievous loss. It is so because Shriner quite possibly was the last of a great series of comics and humorists whose product had those particular qualities which distinguished it as "Hoosier humor."

What is "Hoosier humor?" Obviously it is not easy to define. Let's say that it is a kind of simple, direct humor which is, at one and the same time, both pithy and blunt; a humor appropriate to the frontier; a humor which is never self-sparing, and a humor which reflects, even in its sharpest moments, a benign and kindly attitude toward the victim and the world in general. Above all, it was a provincial kind of humor which leaned almost completely upon locale for its effectiveness.

That element of provincialism may well prove to be the fatal flaw of Hoosier humor and the reason there cannot be another great Hoosier humorist or another Herb Shriner. Provincial humor must lose its meaning in a world, a country and a state which are no longer provincial. Provincialism simply cannot continue indefinitely in a world of automobiles and airplanes, and of radio and television—the very mediums by which Shriner came to fame.

It is one of life's paradoxes that his great capacity for humor and for making other people laugh only deepens the sadness of the humorist's friends at his demise.

Our sympathies go to the three Shriner children who have lost their parents in this untimely accident.

[From the Lafayette, Ind., Journal and Courier, May 2, 1970]

INDIANA HAS LOST ITS GENTLE COMEDIAN; STATE, FOLKS HE TOLD ABOUT STILL HERE
(By John A. Scott)

The death last week by automobile of Herb Shriner, the Hoosier humorist, and his wife caused an unusual bereavement for a state.

Governor Whitcomb said so in a cable from Japan. But beyond the collective formal grief there are many hundreds in Indiana who had grown affectionate and possessive about the modest Hoosier who made a career of poking gentle fun at his home state.

Born in Ohio, Shriner moved as a child to Indiana, to a place near Fort Wayne so small that for excitement on Saturday nights he "would go downtown and watch haircuts."

"Harmonica Herb" he was called at first when nobody would listen. He never gave up the harmonica or Indiana, even though he could have opened up some wider territory for his satire. He might have thrown away the harmonica, hired some writers and become a latter-day Will Rogers.

But Herb wrote his own stuff, scribbling his monologues, memorizing them, then tossing them out in a low-key style with little accent unless there is one that is spoken on the Maumee River. He was a material man, depending on his quick wit to come through a slow delivery.

The obituaries had him peaking in the 50's with a national television program named "Two for the Money." But back home in Indiana he was a big star for life. If he didn't love the state, he pretended well because he returned often to pledge allegiance.

Hoosiers, as Westbrook Pegler pointed out in a classic column, put a high value on loyalty to the commonwealth. They are, Pegler wrote, "an entirely distinct breed of cats, and Hoosier is comparable, in a harmless way, to the Germanism of the chosen people of the master race. They migrate freely, far and wide, few of them ever go back to Indiana except to strut their city clothes, in which they still look like Hoosiers, and they guard their racial purity . . . they may take out citizenship in other states . . . but they never become assimilated or naturalized."

Herb Shriner could have been the model for Pegler's essay: "A Hoosier has Hoosier written all over him, but if other signs fall you can always tell him by the way he ties his necktie. The most expensive tie in the world looks like a two-bit necktie on a Hoosier . . . but Hoosier is not an affectation at all. It is something in the blood and bone and spirit of the breed. They speak of people as 'folks' and they never remain strangers long anywhere."

It was this kind of easy friendliness and absence of arrogance or vanity that made his fellow citizens proud of Shriner's fame. But they also recognized that he spoke of ancient, simple virtues that still reside in the state. While Shriner poked fun at the past, the past still is around to see in countless communities where grace is said before meals and the kids honor and obey their parents and the threshers eat pie for breakfast.

There even may be places where haircuts are available on Saturday nights and kids watch them for excitement. For Indiana changes gently and tends to cling to what it thinks are important values. One of them was Herb Shriner.

THE 39TH ANNUAL AMERICANIZATION DAY CELEBRATION IN NEW JERSEY

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, on Sunday, April 26, 1970, I was privileged to take part in the 39th annual Americanization Day celebration in Jersey City, N.J., a great city which I am honored to represent.

The celebration and parade was sponsored by the Capt. Clinton E. Fisk Post 132 of the Veterans of Foreign Wars.

We were honored to have with us, Maj. Gen. James H. Weyhenmeyer, commanding general of the 50th Armored Division and Maj. Gen. John G. Cassidy, former commanding general of New Jersey's 78th Division—Training—U.S. Army Reserves.

Both General Weyhenmeyer and General Cassidy, in their respective speeches to the thousands who gathered at Pershing Field in Jersey City, spoke of the great patriotism demonstrated by the people of New Jersey and emphasized the contribution made by the National Guard to the community.

Because of the high esteem in which my colleagues hold the National Guard and the importance they give to expressions of patriotism today, I have included the remarks of General Weyhenmeyer and General Cassidy in the Record, along with my own. The remarks follow:

REMARKS OF MAJ. GEN. JOHN G. CASSIDY

Reverend clergy, Senator Guarini, Congressman Daniels, honored guests, friends, and loyal Americans here assembled for the review of the 39th Annual Americanization Day Parade, sponsored by the Capt. Clinton E. Fisk Post, VFW and the city of Jersey City. This parade is being dedicated to United States Army Reserve Month and I, as a former Commanding General of the 78th Division (Training) am honored to again take part in this great event.

I would like to detail a few particulars about the Army Reserve and why we, who have served in the Army Reserve, and those who continue to serve as our citizen-soldiers feel proud to be a part of this community and to take part in the daily civic activities, let me at this time relate a few facts about the Army Reserve, what it is and who the members are and what they do for the community.

The United States is a complex country. We are old, yet young; we are inventors and innovators and yet we have traditions stretching back to the years of our birth in revolution. As a nation we prefer "business as usual" and yet we have fought hard wars well.

Our military traditions are based upon this complexity. One of the fundamental military ideals in this country is that of the citizen-soldier—the man who, although a civilian, maintains a military proficiency through active participation in a reserve force so that in time of national emergency he will be ready to serve his Nation as a full time soldier.

We in the Army Reserve fit into this category. Though officially organized in 1908, we continue the 200 year old tradition of the Minutemen of Concord and Lexington.

Five times since 1908, we have left our peaceful pursuits, donned uniforms and picked up the weapons of war . . . during World War I, World War II, the Korean conflict, the 1961 Berlin crisis, and most recently, during the Vietnam mobilization of May 1968. In 1968, 45 Army Reserve units were called to serve. Ten supported our strategic forces in the United States and 35 Army Reserve units went to Vietnam and served with distinction.

Now, all Army Reserve units are home in Army Reserve status in their home towns, ready to serve again if needed, but glad to be home. Their record was impressive. Reservists won one Silver Star, five Legions of Merit, 280 Bronze Star medals, 779 Army Commendation medals, 20 Purple Hearts, six air medals and 272 certificates of achievement while serving in Vietnam.

There are a total of 12 army reserve units in this area with 2,000 citizen-soldiers in their ranks. These men and women are much like you. We have the Hornsteins and Gordanos, all of whom put on army reserve uniforms once a week to train, learn and practice their military skills. The citizen-soldier ideal is the same as at Concord but times have changed—as you've undoubtedly noticed.

No longer it is a matter of a rifle hung over the fireplace and the cry in the night that "the red coats are coming." No longer do we assemble on the village green or in fields ready to fight, as they did at Bennington and at the Brandywine. Our growth as a nation sends our army—and army reservists—overseas today. The musket is in a museum, and its replacement may be a tank, a computer—or a missile capable of reaching an enemy's heartland.

These local units are part of the 3,478 highly trained units that comprise the ready reserve. Approximately 260,000 men and women are members of these units, which vary in mission all the way from combat, combat service and service-support to maneuver-support and training. An additional 903,000 men and women form the individual ready reserve, which, in case of war, would be used to reinforce units of the regular army, the army reserve and army national guard. Some of the officers assigned to this individual ready reserve, have been pre-selected to fill special positions at selected army headquarters because of their civilian specialty or military training. These officers, called mobilization designees, serve a minimum of two weeks each year at the headquarters in the positions they would fill in time of war.

Rounding out the army reserve picture are 231,000 members of the standby reserve and 274,000 members of the retired reserve. These men and women do not serve and train with any unit, but may be called to active duty in time of war or national emergency declared by Congress.

Just as the army reserve has changed, so has the individual in it. Today, we have probably the best educated army reserve in history. In addition, many thousands attend army reserve schools each year to graduate their military skills.

But, like the minutemen, today's reservist takes his obligation as a responsibility of good citizenship.

It's no wonder that the army reservists of this community have once again decided to commemorate April, the army reserve's anniversary month, as community month and will spend the period participating in projects aimed at achieving closer ties in this community.

We celebrate community month here, in Jersey City, for several reasons, the most important is because this is one way we can thank you for your cooperation during the past year, for the time off you have given us, for training and for summer camp we know that you've had to operate short-handed, that family functions have had to go on without us, that business has had to continue "as usual" without us—while we were learning and perfecting our military skills. Community month is one way of letting you know that we appreciate your support, and are grateful.

We also celebrate community month to let you know that we are part of Jersey City and that we are proud to be your neighbors. We want you to know that our patriotism . . . and service . . . and interests are not only aimed in the sphere of national defense but also in the betterment of our own community. That's why we are participating in these community activities.

Some of our community month activities will be aimed at familiarizing you with what we do as reservists. For example, we hope that you will visit us at the army reserve

training center at Kearny so you can see, with your own eyes, who we are, what we do and how we do it. We think you may be surprised and pleased. We also hope you will join with us in the other activities we'll be sponsoring during community month here.

In closing, I would like to thank you on behalf of Army reservists here in Jersey City for your help, your encouragement and your cooperation during the past year. We need your help and when we get it, as you have given it so generously—we are appreciative. To know that our families, our friends, our employers, our business associates and neighbors support us in our task is very gratifying and comforting.

We, who serve in the Army reserve in this community are firmly convinced that by helping to keep our nation strong, we are helping to make this a better world for all of us who share it.

Thank you.

REMARKS OF MAJ. GEN. JAMES H. WEYHENMEYER

We hear a great deal about the need for a return to patriotism these days. But what do we mean by patriotism in the context of our times?

I think we mean a sense of national responsibility which will enable America to remain the master of her power; to walk with it in serenity and wisdom, with self respect and the respect of all mankind; a patriotism which puts country ahead of self; a patriotism which does not consist of sporadic frenzied outbursts of emotion but which is the tranquil steady dedication of a lifetime.

These are of course easy words to utter—but it involves a mighty assignment. For it is so much easier to fight for principles than to live up to them.

Today when we are faced with excessive demands from the extremes in our society we must measure them in terms of their service to or conflict with the public interest which must remain always the paramount interest.

But during my lifetime of service to my country I've come to believe that in 99 cases out of 100 the American people will make the right decision—if and when they are in possession of the essential facts about any given issue.

Certainly, every nation has an instinctive pride in its blood and soil but we in America have something else. We have an ideal of freedom which makes our love of country a more dynamic force than mere instinctive national prejudices.

But to love our country truly, we must also know how to love mankind—and that means mankind throughout this earth—mankind afflicted by war, hunger, poverty and oppression.

We must realize as never before that freedom is not something the government guarantees. It is not something that is either won or lost in the world's capitals or on its battlefields, or that can be preserved by law.

The freedom that counts is what is in the minds and hearts of millions of people.

The test of our values and our ideals today calls out for greatness in ourselves—to speak for freedom and to make a renewed and profound affirmation in the American way of life.

REMARKS OF CONGRESSMAN DOMINICK V. DANIELS

Mr. Chairman, Reverend Wagner, distinguished guests, ladies, and gentlemen: In celebrating this 39th Americanization Day today we also pay great homage to the Army Reserve and to its members, who this month are paying even greater attention than ever to community assistance projects.

I can think of no more worthwhile and fitting group of brave young men who should be so honored this year. The men of the Army Reserve in these last few decades of

crisis have stood as the bulwark of our freedom against those who thought us too weak and disinterested to respond quickly to the defense of freedom.

On January 20, 1953, the great President Dwight David Eisenhower stated in his inaugural address: "Since this century's beginning, a time of tempest has seemed to come upon the continents of the earth." But he went on to say, "In the final choice a soldier's pack is not so heavy as prisoner's chains."

And I say to you today that it is the brave men in America's reserves who in this "Time of Tempest," which has not passed, keep us safe from "Prisoner's Chains."

Last week, President Nixon announced that he would withdraw 150,000 troops from Vietnam over the next year. Our American soldiers over there who fought and are fighting do not fight in vain, nor have those who died, died in vain. They, and you who have also sacrificed, have bought precious time to allow for the creation, development, and now the deployment of a modern Vietnamese army capable of defending their own country against the Communist oppression of North Vietnam.

I want you to know that I support the President in his conclusion that, in the last analysis, we alone cannot win this battle for the Vietnamese people. Rather, we could only provide them with the physical ability and the training to defend their own country with their own energies and their own lives. We have done everything any freedom loving people can possibly do to provide the necessary time and aid for the people of South Vietnam. In the words of Thomas Paine, writing about our American revolution against tyranny: "Those who expect to reap the blessings of freedom must . . . undergo the fatigue of supporting it." So it is with us. So it must be with them.

I want to congratulate the Captain Clinton E. Fisk Post of the V.F.W. for their sponsorship of the Americanization Day programs for the last 39 years. These days, more than ever before, expressions of patriotism are most welcome and most necessary to show the great love and deep loyalty we have for America.

THE LEAD POISONING OF CHILDREN INCREASING

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, recently I introduced a bill, H.R. 17260, to provide Federal financial assistance to help cities and communities in this country to carry out intensive programs to eliminate the cause of lead-based paint poisoning, and to require an effective plan for the elimination of lead-based paint poisoning as a condition of Federal assistance under certain other Federal programs.

Tuesday, May 12, the New York Times contained a shocking story revealing that the lead poisoning of children due to the ingestion of lead-based paints has increased into the highest rate ever. Physicians in New York City have reported 260 cases of lead poisoning in children in New York City. The New York City health officials stated that the higher total represents just a small fraction of the lead poisoning cases. The statistics reveal that 97 percent of lead poisoning occurs in children 1 to 4 years of age.

The high rates of lead poisoning among young children reflect the fact

that they eat the lead paint peeling off the indoor walls of homes built before World War II. Although the walls might be covered with layers of newer paints, the original lead paint remains on the walls in many older homes in poverty areas of our American cities. Since the end of World War II, laws have been passed by our local communities to prohibit the use of lead paint indoors.

Doctors warn that warm summer temperatures contribute to the increase of the number of lead poisoning cases. The body stores the increased lead in the bone marrow for indefinite periods and during the summer months, metabolic changes cause the lead to be deposited in the blood stream creating dangerous and tragic symptoms of physical and mental debilitation. When not treated early, irrefutable damage is done to the central nervous system. If the child develops severe symptoms of lead poisoning, it would cost our health services as much as \$250,000 over the patient's life time to provide adequate care. For less than \$2,000 for the average home, the source of lead paint poisoning can be removed.

Mr. Speaker, when the Subcommittee on Housing meets in June to consider a housing bill, I intend to offer my bill at that time as part of the general housing bill in order to provide assistance to eliminate lead-based paint poisoning.

I include the New York Times article following my statement:

[From the New York Times, May 12, 1970]

LEAD POISON WORST EVER AT 260 CASES

(By Lawrence K. Altman)

Physicians have reported 260 cases of lead poisoning in children to the New York City Health Department during the first four months of this year—more than for any other comparable period.

Health officials attribute the rise in reports to recent increased interest on the part of medical and community leaders in this old medical-social problem. This interest led to a release of city funds allowing the Health Department to test more blood specimens for lead, thereby detecting earlier this preventable disease of the home environment.

Health officials suspect that the higher total represents just a small fraction of the lead-poisoning cases here.

"Our calculations indicate that there are about 8,000 cases here," said Dr. Vincent F. Guinee, head of the city's lead-prevention program. In an interview, Dr. Guinee elaborated as follows on some of the statistics on cases of lead poisoning in recent years:

Ninety-three per cent of the lead poisonings occurred among children 1 to 4 years of age.

Although 86 per cent of the cases were among children from black and Spanish-speaking families, youngsters from these groups made up less than half the city's population for that age range.

The 727 cases in 1969 were the highest recorded in the city's history, but the two deaths were the fewest in the last decade. The most deaths from lead poisoning were the 19 in 1960.

None of the 1970 cases reported thus far were fatal.

High rates among young children reflect the fact that they eat the lead paint peeling off the indoor walls of homes built before World War II. Though covered with newer layers, the original lead paint remains on walls in many older homes in poverty areas of New York and other American cities.

Since World War II, laws here and elsewhere in the country have prohibited the use of lead paint indoors. Some outdoor paints still contain lead.

EVEN THE WELL-FED DO IT

Studies have shown that half of even well-fed children eat things like paint, clay, plaster, dirt, matches, cigarette butts or crayons that are not food. Doctors call this little-understood phenomenon pica. In zoology, the pica is the genus containing the magpies, which are omnivorous.

Though pica usually begins about age 1 and disappears by age 5, the American Academy of Pediatrics says that "as many as 50 per cent of mothers of children with pica also have pica themselves."

Because the intestine can absorb only small amounts of lead at any one time, ingestion of tiny amounts of lead over a long time can be more dangerous than eating a larger amount once. Doctors suspect a child must eat lead chips for about three months before symptoms of plumbism—from the Latin for lead poisoning—develop.

Once absorbed, lead can affect almost every system of the body. Most of the heavy metal is stored in bones, and appears as opaque white lines at the end of the wrist and knee bones on X-rays of children with severe lead poisoning.

Because lead interferes with arm and leg, causing a paralysis called wrist or foot drop.

Doctors want to detect lead poisoning as early as possible to prevent, rather than treat, these symptoms. That is why the Health Department got an infusion of \$1.2-million earlier this year to step up its lead-prevention program.

Action begins when the Health Department receives a report of a case of lead poisoning, either from a practicing physician or from a blood test performed at the department's laboratories.

The most reliable method, Dr. Guinee said, is a laboratory test performed by a process called atomic-absorption spectrophotometry. The Health Department considers abnormal a blood lead level of 60 micrograms or higher. (A microgram is one-thousandth of a gram.)

Some doctors had hoped that the ALA (for delta amino levulinic acid) would be the easiest screening test for lead-poisoning cases.

The ALA urine test, Dr. Guinee said, is unreliable. A Health Department study, supported by results of similar ones done in Chicago and Baltimore, found that the urine test falsely diagnosed lead poisoning in about 30 per cent of children without the disease and failed to detect about one-third of true lead-poisoning cases.

After receiving a report of a positive lead test, a Health Department representative takes samples of wall paint where the youngster lives.

If any of these samples is positive for lead, the Health Department orders the landlord to begin removing the lead source within five days. If the landlord fails to comply, as has happened about half the time, the city's Emergency Repair Program does the work and bills the landlord.

Dr. Guinee said the Health Department was detecting lead in about one-half of the homes of children suffering from lead poisoning. In the other half, Dr. Guinee said, sampling procedures may have missed the hidden lead paint, or the family may have failed to reveal other homes that the child visited. Mothers who work while on welfare are reticent to reveal this information despite the Health Department's guarantees of confidentiality.

Next month, the Health Department plans to begin using a portable model of a new lead-detecting machine that New York University's department of environmental medicine developed with funds from the city's

Health Research Council. It is hoped that this device will enable an inspector to survey an entire housing unit without removing any paint chips and to increase the accuracy of detecting lead paint in homes.

THE LATE WALTER REUTHER

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DINGELL, Mr. Speaker, the American labor movement, the people of the United States—particularly the down-trodden, the unfortunate, the hungry, the suffering—feel a great loss today.

The plane crash that killed Walter Reuther silenced the voice of a man of great courage and unique dedication. A man whose vision contributed much to the people of the United States and the world.

Walter Reuther's great monument will be that long list of accomplishments which he built up within the labor movement and through his efforts on behalf of social reform and social justice.

Walter Reuther was a vigorous democrat and a man of complete personal honesty and dedication to the public interest. Under his able direction the United Automobile Workers gave new meaning to the rights of the American workingman, assuring him of benefits unheard of previously. Through his leadership the UAW was purged of the influence of Communists and racketeers. Under his guidance the UAW not only fulfilled its role as a great labor organization but it also became a great force for the general good. Walter Reuther's vision led the UAW to fight for legislation and governmental action adequate to meet the needs of our time. His goal was to build a just society for all of our people.

Walter Reuther will be sorely missed not only by the members of the United Automobile Workers and the labor movement, but beyond this, Americans in every walk of life will mourn his passing and feel the absence of his dedication to the public interest.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio, Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States has more commercial passenger airplanes than any other country. In 1966 there were 16,277 commercial passenger airplanes in the United States compared to 483 in France, the second ranked nation.

SETTING STRAIGHT THE RHODESIAN STORY

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONER, Mr. Speaker, I have, as you know, addressed the House

on a number of occasions concerning the deplorable part this Nation has played in the sanctions and other actions designed to topple the government of our only real friend in Africa, Rhodesia. It remains a bewilderment to me that, all facts to the contrary, free and independent Rhodesia continues to be the target of this Nation's attack on the basis of discrimination against the native blacks.

I and others have defused these lies, debunked this propaganda, and repeated over and over that there is more freedom for blacks in Rhodesia than in any nation in the world; in some respects, more than can be found here in the United States. But all this has fallen on deaf ears at the State Department and the White House.

I do not intend to give up, in spite of the adamant refusal of some to admit the truth. I intend to continue debunking. To that end, I would like to make a part of today's RECORD this interview conducted by Dean Manion with Mrs. Bernadine Bailey, world traveler, author, and lecturer, author of "The Captive Nations" and a recent traveler in Rhodesia. This is the text of Dean Manion's broadcast of May 3:

DEAN MANION. Back with me here at the microphone today is Mrs. Bernadine Bailey, who was here some months ago talking then about her new book called "The Captive Nations." Mrs. Bailey is the author of 94 published books dealing with practically all of the countries of the world. She has just returned from an extensive visit to Rhodesia, a country that is very much in our news these days and quite properly so.

Mrs. Bailey, welcome back to the Manion Forum.

Mrs. BAILEY. Thank you, Dean Manion. I'm happy to be back.

DEAN MANION. Before we talk about Rhodesia, tell me about your book. How is it going?

Mrs. BAILEY. It's going very well. I was particularly gratified when the publisher told me that he had sold it to Allied News Company who will distribute it throughout the newsstands.

DEAN MANION. Look for it ladies and gentlemen, "The Captive Nations," by Bernadine Bailey on the newsstands.

We want to be alerted about the upcoming Captive Nations Week next July. Usually as friends of the Captive Nations—more than a billion slave people encased behind the Iron and Bamboo curtains around the world—we wait too late to get active about these Captive Nations observances, with the result that sometimes the President isn't prodded into proposing the proper kind of a Captive Nations Resolution. We miss the boat by waiting, so let's all be alerted now to the upcoming Captive Nations Week next July and see how we can use it to get us out of our difficulties with the Communists.

Now, Mrs. Bailey, how did you happen to go to Rhodesia?

Mrs. BAILEY. I went to find out what the real situation was, Mr. Manion. I had a feeling that we were being misinformed, and I found out that we were grossly misinformed.

DEAN MANION. Yes, from my own experience in Rhodesia I know that we have been misinformed. In this country we are told repetitiously that in Rhodesia the white population is oppressing the black population and for that reason we have crossed them off our list as far as diplomatic representation is concerned now and previously with economic sanctions. Did you find that this discrimination is actually taking place?

Mrs. BAILEY. No, nothing could be further from the truth. You see there are five million black people there and only 250,000 whites, but they don't discriminate against the blacks. They have every opportunity to advance and to study, to make a success economically.

DEAN MANION. What about voting?

Mrs. BAILEY. They are absolutely equal in the voting. There is no discrimination. In fact, their own government publication says in large type: "In Rhodesia the franchise and all seats in Parliament are open on an equal basis to everyone."

DEAN MANION. Who can vote in Rhodesia?

Mrs. BAILEY. Everyone who pays an income tax, black or white.

DEAN MANION. What percentage of the black population pays an income tax?

Mrs. BAILEY. About one per cent now. That's about 50,000 people?

DEAN MANION. That means that those blacks who are gainfully employed, so as to get wages, salaries and income, amount to one per cent of the black population. I assume that the rest of the black population is living in the tribal areas under tribal conditions, bartering and exchanging their produce one to another, and apparently not getting on the tax rolls.

Mrs. BAILEY. That's right, and aren't they lucky!

DEAN MANION. And, of course, all of the white people are working for wages, for dollars and cents. So a larger percentage of the white people, naturally, are paying income tax and, consequently voting.

Mrs. BAILEY. Yes, and not only that but they are supporting all these benefits that are given to the black people, like public housing, athletic facilities, hospitals, schools and that sort of thing.

DEAN MANION. You say there are approximately five million blacks in Rhodesia now, how many were in Rhodesia when the English first came there?

Mrs. BAILEY. About four hundred thousand.

DEAN MANION. Then, obviously, tremendously large numbers of blacks have been coming into Rhodesia ever since.

Mrs. BAILEY. Yes, and that is just since 1890, eighty years ago. They have come because they like it there. They like the setup that gives them an opportunity.

DEAN MANION. It seems to me that if discrimination has been practiced against the blacks during all these years the movement would have been in the other direction. They would have been leaving Rhodesia instead of going in. They have been voting with their feet, in other words, whether they have voted at the polls or not. Right?

Mrs. BAILEY. Yes, and that's the most important vote.

DEAN MANION. It's interesting to observe, and from your experience in having visited all the Captive Nations in the world, you know what would happen if the people in the Captive Nations had a chance to move. In which direction would they go?

Mrs. BAILEY. They would go out just as fast as they are able. They are not very often able.

DEAN MANION. No, they are encased, jailed within the confines of the Communist country. But, the best proof of equal conditions or better is the fact that these people go into Rhodesia rather than out of it. And the black people have been coming into Rhodesia by the thousands and are still coming in.

Mrs. BAILEY. That's right, they are.

FREEDOM OF MOVEMENT

DEAN MANION. Aside from the lack of discrimination in the voting privilege, are the blacks able to move about freely and go anywhere, to hotels and to theaters or wherever else they want to go?

Mrs. BAILEY. Just as freely as they do in

this country. They are seen every place—in the theaters and the hotels, the restaurants, the movies, every place.

DEAN MANION. They don't have to live in any separate place?

Mrs. BAILEY. No, they don't have to. Most of them choose to live among their own people. They prefer that, and they live in what are called townships, which are areas that are set up apart for them. But, that is because they can then have their own social life, follow their own customs, live and eat the way they like and they have their own beer halls there which are very popular. I was there on a Saturday afternoon and they were really doing a big business.

DEAN MANION. When I was there, I saw some of these merchants and dealers in these black townships and they told me that they were protected from white competition in these areas; that they had the exclusive market. A white man couldn't go into a black area and set up a store in competition with a black merchant.

Mrs. BAILEY. That's right.

DEAN MANION. Are there any black members of the Rhodesian Parliament?

Mrs. BAILEY. Yes, there are sixteen.

DEAN MANION. They have been elected?

Mrs. BAILEY. Yes.

DEAN MANION. What about the civil service?

Mrs. BAILEY. Oh, there are thousands in the civil service. There are 1,700 who are on the permanent staff and there are 4,000 in the middle grades of civil service and 12,000 in the lower grades. Then there are about 15,000 Africans who have their own private trading enterprises in the rural areas.

DEAN MANION. Well, then what is all the hue and cry about discrimination?

Mrs. BAILEY. I'd like to know I don't see any reason for it.

DEAN MANION. On the face of it, it looks as though we have worked a great disadvantage against Rhodesia by quarantining it and cutting off diplomatic relations with that country, but are there any disadvantages moving in the other direction? Are there any disadvantages to us growing out of this situation?

Mrs. BAILEY. We have cut off our nose to spite our face. For example, we now have to buy chrome from Russia and pay twice as much as when we bought it from Rhodesia. Furthermore, we get a lower grade of chrome and Russia can cut off the supply at any moment.

DEAN MANION. And aside from Rhodesia, I understand, that Russia is the principal source of our chrome which is needed for our national defense today? And by cutting trade with Rhodesia we have made it necessary for us to get our defense materials from Russia, against whom we are trying to build up our defenses.

Mrs. BAILEY. Sounds idiotic, doesn't it?

DEAN MANION. It's certainly ironic, to say the least. I notice you have a letter there from Senator Eastland. What does he say?

Mrs. BAILEY. Well, he says: "Rhodesia has made a valiant fight for its independence and there is a marked resemblance to America's own war of independence back in 1776. Rhodesia is our friend on the vital continent of Africa and our ally in the worldwide struggle against Communism. The American policy is clearly in direct conflict with the best interests in the United States and its citizens."

DEAN MANION. That's interesting, because I have a clipping here with me today in which Senator Eastland says substantially the same thing and announces that he has submitted a "sense of the Senate" resolution, urging recognition of Rhodesia in the face of economic sanctions imposed by the United Nations because of Rhodesia's alleged policy of racial separation.

The resolution which the Senator has in-

roduced raises an interesting legal question because while Congress cannot arrange diplomatic relations of the country, that being an Executive function, Congress can, however, and is obliged under the Constitution to regulate foreign and interstate commerce. I hope the resolution that Senator Eastland is talking about is aimed at that because we could through congressional action, re-establish economic association and relationships with Rhodesia in spite of the State Department.

SANCTIONS SPUR GROWTH

Mrs. BAILEY. It would certainly be to our advantage to do so. But, here is the amazing thing. These sanctions have acted as a spur to economic growth in Rhodesia and the Prime Minister told me that they have really accomplished in three or four years what would normally take twenty years, as far as their economic progress is concerned. They have made a virtue of necessity.

DEAN MANION. Mrs. Bailey, you have been in practically all of the countries of the world. What other African countries have you visited?

Mrs. BAILEY. Quite a few. I spent several weeks in the Congo a few years ago and then I have also been in Kenya, Ghana, Nigeria, Senegal, Ivory Coast and Liberia, as well, of course, as Libya and Morocco and Egypt.

DEAN MANION. Well, Liberia is interesting. We are objecting to Rhodesia because they don't employ the "one-man, one-vote rule," and yet we recognize and deal with and subsidize Liberia where only black people can vote, in spite of the fact that loads of white people live there, the Firestones and others, and pay huge taxes. Nevertheless a white man cannot vote in Liberia, and Liberia is consequently violating the one-man, one-vote principle but the United Nations doesn't impose any sanctions on Liberia.

Mrs. BAILEY. Also in Liberia there is serious unemployment and a great deal of corruption and maladministration. President Tubman had the Constitution changed so that he could succeed himself in office and more or less perpetuate his dictatorship. Also, in those black countries our foreign aid instead of going to help the people or the country as a whole usually goes in the pockets of the head of the country and to build a palatial home for him. I saw those all over Africa. It's common for them to spend five to ten million dollars in building a Presidential palace.

DEAN MANION. Well, those palaces are built by the man who has been elected by the one-man, one-vote principle.

Mrs. BAILEY. Yes. One-man, one-vote, once only.

DEAN MANION. Oh yes, "once only." Once elected he stays elected. Thereafter he becomes a dictator.

Mrs. BAILEY. That's right, until the military has a coup and topples him and puts another dictator in.

DEAN MANION. Mrs. Bailey, what about tourism and immigration? Does Rhodesia ask for them and are we still free to go there and travel and live there if we choose to do so?

Mrs. BAILEY. We are quite free to go there and they are very happy to have Americans visit there. They are most hospitable and gracious. I was entertained by people I'd never even heard of before, and as for immigrants, that is almost a necessity. You see with such a small white population they want people with training and experience and ability. Such people are very much in demand and the advertisements in the paper show that. And, they make special inducement for immigration. For example, after you have been there six months, your cost of coming will be refunded, and then during the first two years most of your taxes are refunded, too. They want to make it attractive for immigrants.

DEAN MANION. Mrs. Bailey, I notice that in a letter you wrote to the paper since you got home you said this: "Nowhere in the world, not even in the United States, does the black man have it so good as in Rhodesia." Now, that surprises me. What does the black man have in Rhodesia that he doesn't have in the United States?

Mrs. BAILEY. He doesn't have any hostile white population—none of that hostility that you find over here. And there is no hostility on the part of the blacks against the whites over there either. That's why the country is so prosperous and successful and why law and order is the order of the day there. You don't need to be afraid of walking around any place at anytime, day or night. In fact, it's one of the few places in the world where that can be said now.

DEAN MANION. I noticed that the police didn't carry pistols. Do they still go around unarmed?

Mrs. BAILEY. That's right, they still do.

DEAN MANION. Thank you very much, Mrs. Bailey, for coming back to the Manion Forum with this interesting account of Rhodesia.

Ladies and gentlemen, watch for Mrs. Bailey's new book, "The Captive Nations" on the newsstands. She knows all of these nations from firsthand visitation and experience.

Now, a final word about Rhodesia. Our discriminatory sanctions against Rhodesia started back in 1967 with a proclamation by the U.N. to quarantine Rhodesia. Why the quarantine? The U.N. maintained that Rhodesia was threatening the peace and provoking military aggression in Africa. But Rhodesia was and is threatening nobody. What the U.N. meant, but didn't say, was that Rhodesia's progress and prosperity was making its African neighboring nations jealous and because of that jealousy these neighboring African nations might attack Rhodesia and thus start a war on the continent.

In other words, because Rhodesia was succeeding, she would have to be starved back to the point where she would no longer be envied by her black neighbors. This, believe it or not, is what our quarrel with friendly Rhodesia is all about.

TRAGIC CASE OF KENT STATE

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I was greatly shocked by the tragic events at Kent State College in Ohio, which stunned and saddened the Nation, and I am deeply sympathetic with the parents and families of the stricken victims.

The right of dissent is a constitutionally protected right, which we all enjoy under our form of government.

Every person has the right to dissent and to express his views, when he dissents in a lawful manner. Violence, threats or injury to persons and human life, damage to property and illegal disturbance of order and stability, and urging the overthrow of the Government, are not protected by the Constitution.

Where organized violence occurs in connection with dissent, it is truly regrettable. It arouses bitter feelings and retaliation, and cannot be legally tolerated, if we are to avoid serious dangers of the breakdown of law in this country.

When violence gets beyond the control of local authorities, first, the State, and then, the National Government, may be called upon to assist in restoring order and enforcement of the law.

But this procedure, designed to maintain security and safety, and provide respect for law, cannot and must not be pursued in ways that are illegal, and result in needless injury and sacrifice of human life.

I am certainly not satisfied with the explanations that I have read in the press and heard over communications media about the shooting of innocent student protest participants at Kent State, who were not shown to have committed any illegal act, and I urge that the Federal Government make a thorough investigation to take every necessary action to get to the bottom of this terrible occurrence, and make sure that such tragic measures are not repeated.

Lawful dissent must be protected, and violence and disorder must be checked. But this Nation cannot tolerate the shooting down of innocent, helpless people.

I extend my deepest sympathy to the parents and families of the victims and the officials and students of Kent State.

SENIOR CITIZENS MONTH

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, May marks Senior Citizens Month. We, in Congress, can pause and reflect with pride on the extensive legislation and the many programs that have been enacted to meet the needs of this constantly growing group. But we must, at the same time, reflect on those needs that remain neglected.

We are aware of many of the needs and unique problems of income, health, and housing which beset the elderly, and, despite the great strides made by Congress, much remains to be done.

There is another area of acute need—the need for nourishing, well-balanced meals in a social setting—and today I have introduced legislation that would, for the first time, institute a program to meet those needs on a nationwide basis.

The elderly person who finds himself robbed of friends, close relatives, and neighbors by death, time, and change, has been the subject of intensive research in this area. Mrs. Sandra Howell, project director for the Gerontological Society, described the results of inadequate diet in testimony before the Select Committee on Nutrition and Human Needs last fall:

When poor nutrition exists and persists in the older adult, it serves to intensify the severity of other conditions which accompany the processes of aging. By not specifically dealing with the problems of adequate diet in the elderly (we encourage) the spiral of chronic disease, physical and psychic disability, and ultimate institutionalization.

The hearings of this committee resulted in a strong recommendation for legislation that would provide a comprehensive nutrition program in a social setting. Among the programs discussed in the hearings were the demonstrational projects conducted by the Administration on Aging under title IV—research and development grants, which evidenced

not only their desirability, but their feasibility. Twenty-seven projects were carried out during a 3-year period in 17 States and were concluded in the fall of 1969.

The bill I have introduced today will implement this recommendation and will meet the acute need for a national policy aimed at providing the elderly with low-cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact, ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

This bill provides for Federal, State, and local funding on a matching basis, including the utilization of surplus commodity programs for the preparation of at least one hot meal per day at a reasonable low cost to the participant.

I urge earnest consideration of my bill and welcome all who wish to join with me as cosponsors. Today's senior citizens, after a lifetime of hard work, a career interrupted by the Great Depression and war, faces a future of existing on a sum which is only 20 to 40 percent of his former earnings. Even with the medicare legislation, the older American sees medical costs looming large in their budget. For many persons living on a fixed income, the only flexible portion of their budget is food. Rent and taxes must be paid; medical costs are given high priority and consequently money must come from the already skimpy food budget. Not all are aware that medicine does little good to a body consistently deprived of the proper nourishment, and those who do know this often are in no position to do anything about it. My bill, which I now submit for the Record, offers Congress an opportunity to do something about it:

H.R. 17612

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

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

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

Sec. 2. Section 102(1) of the Older Americans Act of 1965 is amended by deleting the (,) and inserting a (,) and inserting immediately thereafter the words "except for the purposes of title VII where the term 'Secretary' shall mean the Secretary of Agriculture."

Sec. 3. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY"

"FINDINGS AND PURPOSE

"Sec. 701. (a) The Congress finds that the Research and Development Grants, Title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems, and old age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

"ADMINISTRATION

"Sec. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) create a new division within the Food and Nutrition Service of the Department of Agriculture, under the Assistant Secretary for Marketing and Consumer Services, for the administration of the program;

"(2) make full utilization of the existing services within the Department including but not limited to the Federal Extension Service under the Director of Science and Education; and

"(3) Consult with the Administration on Aging, Department of Health, Education, and Welfare.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect,

prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"Sec. 703. (a) (1) From the sum appropriated for a fiscal year under section 708(A) the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall be allotted an amount equal to one-fourth of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged 65 or over in all of the States, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(3) A State's allotment for a fiscal year under this title shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be available for reallocation, from time to time and on such dates during such years as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such estimates such State needs and will be able to use for such year; and State's whose proportionate amounts were not so reduced, such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any state under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 705 and approved by such State in accordance with its State plan approved under section 705. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum or more, as the case may be, from funds within the State.

"(d) If, in any State, the State agency is not permitted by law to disburse the funds paid to it under this title in the State, or is not permitted by law to match Federal funds made available for use by such public or private nonprofit institution or organization, agency, or political subdivision of a State, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State in accordance with the provisions of this title, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds from sources within the State.

"PAYMENTS TO STATES

"Sec. 704. (a) Funds allotted to any State pursuant to section 703 during a fiscal year shall be available for payment to such State for disbursement by the State agency in accordance with such agreements not inconsistent with the provisions of this title as may be entered into by the Secretary and such State agency, for the purposes of carrying out the provisions of this title, during such fiscal year in supplying—

"(1) agriculture commodities and other foods for consumption by persons aged sixty-five or over, and

"(2) nonfood assistance in furtherance of the programs authorized under this title.

"(b) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE PLANS

"Sec. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which—

"(1) establishes or designates a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this title;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"A. to make grants in cash or in kind to any public or private nonprofit institution or organization, agency or political subdivision of a State (hereinafter referred to 'recipient of a grant or contract')—

"(i) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty-five or over. Recipients of grants or contracts may charge participating individuals for meals furnished but such charge shall not exceed a per meal limit to be established by each state agency, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipient of a grant or a contract.

"(iii) to provide such supporting services as may be absolutely necessary such as the costs of social services and local public transportation to and from the residences of participating individuals which costs are not provided by grants for these services from the Administration on Aging, Department of Transportation, Office of Economic Opportunity, or other Federal agency.

"B. to provide for the proper and efficient administration of the State plan; provided, that the amount expended for such administration and planning shall not exceed a sum which shall be agreed upon between the Secretary and the State agency.

"(i) in making report, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of the objective measurements required by section 706, and keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) in providing satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and

compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be).

"(d) (1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The Court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"Sec. 706. Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a program (hereinafter referred to as a 'nutrition program') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences—National Research Council.

"(2) to provide such nutrition program for individuals aged sixty-five or over (hereinafter referred to as 'eligible individuals').

"(3) to furnish a site for such nutrition program in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance.

"(4) to utilize methods of administration including outreach which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition program.

"(5) to provide a setting conducive to expanding the nutritional program to include recreational activities, informational, health and welfare counseling and referral services.

"(6) to include such training as may be necessary to enable the personnel to carry out the provisions of this title.

"(7) to establish and administer the nutritional program with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons.

"(8) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such program.

"(9) to give preference to persons aged sixty-five or over for any staff positions, full or part-time, for which such persons qualify.

"SURPLUS COMMODITIES

"Sec. 707. Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the local area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"APPROPRIATIONS AUTHORIZED

"Sec. 708. (a) The Secretary may utilize the programs authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774; 7 U.S.C. 614c).

"(b) In addition to any other funds which may be available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"PROGRAM EXPENDITURES

"Sec. 709. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 708 of this title, not to exceed \$50,000,000 shall be made available for the fiscal year ending June 30, 1972, not to exceed \$100,000,000 for the fiscal year ending June 30, 1973, not to exceed \$150,000,000 for the fiscal year ending June 30, 1974, for grants-in-aid pursuant to the provisions of this title, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this title;

"(2) direct expenditures by the Secretary for agricultural commodities and other foods to be distributed among the States and such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State, participating in the nutrition program under this title.

"RELATIONSHIP TO OTHER LAWS

"Sec. 710. No part of the cost of any program under this title may be treated as income or benefits to any eligible individual

for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"Sec. 711. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement with a profitmaking organization to carry out the provisions and purposes of this title."

REMARKS OF CONGRESSMAN FRED SCHWENDEL REGARDING CERTAIN PROPOSED LEGISLATIVE ACTIONS INVOLVING CONSERVATION WORK AND POLLUTION ABATEMENT

(Mr. SCHWENDEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHWENDEL. Mr. Speaker, President Nixon has called the agricultural sector one of the principal areas in which effective pollution controls must be adopted in order to restore the quality of the Nation's environment.

This Congress has established in the National Environmental Policy Act of 1969 certain policy and procedural standards and guidelines for all public programs which have or should have environmental impacts.

I can testify before this body that the farmers, ranchers, and woodland owners of America have long been concerned with and doing much to prevent or alleviate the problems of environmental deterioration, of which all of us have rightfully become so concerned. They have, with the help of our great public conservation programs, held countless tons of polluting sediments and associated chemicals and organisms on the land where they belong, and out of our road ditches, streams, reservoirs, and harbors. They have created conservation patterns which have beautified our landscapes. They have enhanced wildlife habitat and outdoor recreational opportunities on rural lands and waters for the benefit and enjoyment of all of us.

These reassuring facts were again brought home to me some weeks ago when I met in the First District of Iowa with the locally elected farmer committeemen of the area. They were planning how they could even more effectively direct agricultural program resources—which the Congress has wisely committed to their administration—and encourage more of their farmer neighbors toward the safest farming methods and the most effective old and new conservation and pollution abating practices. They were eagerly seeking new research results and new conservation technology for the good of their communities, as well as of the farms upon which their communities and most of our economy so much depend.

I know, too, that many of the best pollution control and abatement measures that farmers install cost a lot of money and repay little, if any, returns to the farmer who installs them. When pollution control measures are installed by an industrial concern, the costs are

passed on to the users through traditional "cost plus" charges for its products and services. But farmers and their families have—almost as traditionally, unfortunately—had to expend the extra labor, mine their lands, and get little or none of the price rewards that simple justice would require.

The public, through the Congress, has not been totally unmindful of this situation. It has provided two programs which are, fortunately, available on eligible lands and projects throughout the Nation. These two—the tested and proved agricultural conservation program—or ACP—and watershed protection and flood prevention—or Public Law 566—program—have particular potentials for economical, partnership investments between farmers and their Government. The resources of these programs plus the farmers' matching contributions quite effectively accomplish conservation and other environmental quality goals that the public interest requires.

On the basis of new authority provided by this Congress last fall—in line with the request of this administration—the agricultural conservation program has added in 1970 a battery of new direct pollution abatement practices.

These are already beginning to help participating farmers install additional water, air, and soil pollution abating measures. Some of these practices help deal with one of the problems common to most sections of the Nation, and especially to the Midwest: utilizing or disposing of farm feedlot wastes. These feedlots are essential in the production and distribution of the red meats on which the nutrition and health standards of modern America largely depend. The waste produced by 1,000 cattle in a farm feedlot is equivalent to that of the people of a city of 15,000 to 20,000. These animal wastes must be managed so that they will not pollute our air and water and thereby jeopardize our health and well-being.

Yet, consumer costs of these red meats are high enough. And there is an effective, economical way to help those costs in check, especially in the interest of those citizens least able to pay. A continuation of the investment by the public in the agricultural conservation program—actually only about \$1 per person per year—can assure the continuation of the many past public benefits of this program, plus a good share of the various pollution abatement benefits to which I have alluded.

Two simple amendments to legislation authorizing procedures regarding the agricultural conservation program and others to that authorizing Public Law 566 watershed projects are needed, though, to help those programs continue to serve their public-benefit purposes more efficiently. I intend, Mr. Speaker, to introduce those amendments at an early date, along with a related concurrent resolution.

The bill that I shall introduce will, upon enactment, amend:

First. Public Law 83-566 with respect to equitable assistance for works of im-

provement for water quality management and related benefits and for acquiring needed sites under Public Law 566 small watershed projects. I believe the needs for these amendments are self-evident.

Second. The Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to enter into term agreements with farmers—in addition to the usual annual approvals.

Third. The Agricultural Adjustment Act of 1938 to permit paying cost shares throughout the year when the practices are performed.

The Secretary could share costs under these term agreements with farmers who in accordance with farm plans and technical specifications, carry out a series of approved conservation and pollution abating practices which have community as well as on-site benefits. This would be especially helpful in special conservation project areas; for example, Public Law 566 watersheds.

The concurrent resolution will reiterate and reemphasize the sense of this Congress with respect to some of the priorities for the operation of important conservation and pollution abatement programs, as they relate to our rural lands and waters.

It is significant that the National Association of Conservation Districts has adopted resolutions essentially in line with most of these needed actions. Also, some of our important farm and other natural resource-oriented groups have endorsed parallel or comparable goals. I am convinced, Mr. Speaker, that the time has come for this House to act and the Congress to authorize these forward steps. This will insure another urgently needed advance toward maintaining and enhancing the quality of our ailing environment.

FLORIDA STATE SENATE RESOLUTION REQUESTING NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO DESIGNATE CAPE KENNEDY AS OPERATIONAL BASE FOR SHUTTLE SYSTEM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Cape Kennedy, Fla., which has been the launching site for all of our space vehicles and which has so magnificently conducted all these momentous operations, is, I think, all should agree, the natural operational base for the space shuttle system which is in prospect as a part of our space program.

I am very much pleased, therefore, to present to the House, and to the Congress, in connection with my remarks, Senate Concurrent Resolution No. 503 adopted by the Florida State Senate, requesting the National Aeronautics and Space Administration to designate Cape Kennedy as operational base for the shuttle system and I ask that this concurrent resolution appear in full following my remarks:

FLORIDA STATE SENATE CONCURRENT
RESOLUTION No. 503

A concurrent resolution requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the space shuttle system

Whereas, the space shuttle—a reusable low-cost rocket for ferrying men and materials back and forth between earth and space stations—is the next big essential piece of hardware for the U.S. space exploration program; and

Whereas, the Kennedy Space Center is the most modern and complete space port in the world; and

Whereas, over 2½ billion dollars is already invested in the extensive facilities at the Kennedy Space Center and down range facilities; and

Whereas, these facilities include extensive assembly, pre-launch checkout, cryogenic hydrogen and oxygen storage, launch and support capabilities; and

Whereas, a down range tracking capability exists at the nearby Eastern Test Range facility; and

Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence; and

Whereas, a high skilled team of 18,000 operations, maintenance and assembly personnel are at the Cape; and

Whereas, the launch of space shuttles over the water add immeasurably to the safety of development flights of the system; and

Whereas, advantage can be taken of existing facilities for assembly of vehicles after delivery and refurbishment of vehicles after each flight; and

Whereas, Cape Kennedy is easily accessible by all modes of transportation; and

Whereas, construction costs in the area are cheaper than other areas of the country which might be possibly considered; and

Whereas, there are 88,000 acres of government land available for expansion if needed; and

Whereas, Florida Industry received over 422 million dollars in income from the sale of goods and services to the Kennedy Space Center last year; and

Whereas, the educational support and opportunities provided by higher educational institutions in the immediate area and throughout Florida have and will continue to contribute significantly to the success of NASA and industry; and

Whereas, the Kennedy Space Center offers a unique aggregate of facilities which are not available at any other possible site for development and operational flights of the space shuttle system at minimum cost to the U.S. taxpayer; and

Whereas, the Science and Astronautics Committee of the United States House of Representatives in its report on the Fiscal 1970 budget states that "maximum use should be made of existing facilities to support the space shuttle program" and that "the extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration": Now therefore,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the National Aeronautics and Space Administration is hereby requested to designate Cape Kennedy as the operational base for the space shuttle system.

Be It Further Resolved that copies of this resolution be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, President of the United States Senate, Speaker of the United States House of Representatives and to each member of the Ap-

propriations and Aeronautical and Space Sciences Committees of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives.

Attest:

E. S. FRASER,
Secretary of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL, for May 14 and 15, on account of official business in Seventh Congressional District of Missouri.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for from 4 o'clock p.m. today through May 14, on account of official business as a member of the House Select Committee on Small Business.

Mr. BUTTON (at the request of Mr. GERALD R. FORD), for from 4 o'clock p.m. today through May 14, on account of official business as a member of the House Select Committee on Small Business.

Mr. KYROS (at the request of Mr. McCORMACK), for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOGAN (at the request of Mr. HAMMERSCHMIDT), for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PREYER of North Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. WOLFF, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARSTEIN, for 30 minutes, today.

Mr. RARICK, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT in two instances and to include extraneous matter.

Mr. ROSENTHAL and to include extraneous matter during general debate on House Resolution 960.

Mr. HOLIFIELD during his remarks in general debate on House Resolution 960.

Mr. GERALD R. FORD and to include extraneous material in the Committee of the Whole today.

(The following Members (at the request of Mr. HAMMERSCHMIDT) and to include extraneous matter:)

Mr. BROCK.

Mr. ZWACH in three instances.

Mr. PELLY.

Mr. ADAIR.

Mr. GUDE.

Mr. WYMAN in two instances.

Mr. SCHERLE.

Mr. RAILSBACK in two instances.

Mr. ROTH.

Mr. BETTS.

Mr. HUNT in two instances.

Mr. COLLINS in five instances.

Mr. ANDERSON of Illinois.

Mr. BROTZMAN.

Mr. GOLDWATER in two instances.

Mr. SCOTT.

Mr. PRICE of Texas in two instances.

Mr. BOW in two instances.

Mr. CRANE.

Mr. RUPPE.

Mr. HALPERN.

Mr. FULTON of Pennsylvania in five instances.

Mr. FISH.

Mr. BUSH.

Mrs. HECKLER of Massachusetts.

Mr. SCHWENGL.

Mr. ARENDS.

Mr. REIFEL.

Mr. McCLOSKEY.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. FRASER in eight instances.

Mr. FALLON in two instances.

Mr. OTTINGER in two instances.

Mr. HAMILTON in 10 instances.

Mr. MATSUNAGA in two instances.

Mr. WOLFF.

Mr. CELLER.

Mr. ROONEY of New York.

Mr. THOMPSON of New Jersey in two instances.

Mr. GARMATZ.

Mr. GILBERT in two instances.

Mr. MIKVA in six instances.

Mr. FRYOR of Arkansas.

Mr. ROE.

Mr. ANDERSON of California in four instances.

Mr. REUSS in six instances.

Mr. HAYS in two instances.

Mr. MOORHEAD.

Mr. DINGELL in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. HAGAN in two instances.

Mr. GONZALEZ in two instances.

Mr. CLARK in two instances.

Mr. O'HARA.

Mr. DIGGS in two instances.

Mr. WILLIAM D. FORD.

Mr. RARICK in two instances.

Mr. FRIEDEL in two instances.

Mr. GRIFFIN.

Mr. EVINS of Tennessee.

Mr. BURKE of Massachusetts.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3778. An act to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at (6 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, May 14, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2054. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notification of the intention of the Department of the Navy to transfer the submarine *Cavalla* to the U.S. Submarine Veterans World War II—Texas, Inc., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

2055. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the intention of the Department of the Navy to transfer the submarine *Cobia* to the Manitowoc Submarine Memorial Association, Inc., Manitowoc, Wis., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

2056. A letter from the Assistant Secretary of State (Congressional Relations), transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Affairs.

2057. A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Civil Service Retirement laws to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 1304. Resolution for consideration of H.R. 17575, a bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1075). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 8512. A bill to suspend for a temporary period the import duty on L-Dopa; with an amendment (Rept. No. 91-1076). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 14720. A bill to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products (Rept. No. 91-1077). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 16199. A bill to establish a working capital fund for the Department of the Treasury (Rept. No. 91-1078). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 16940. A bill to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum (Rept. No. 91-1079). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 17241. A bill to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper (Rept. No. 91-1080). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government

Operations. The Environmental Decade (Action Proposals For the 1970's) (Rept. No. 91-1082). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Company's high voltage line (Rept. No. 91-1083). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS of New Jersey: Committee on Post Office and Civil Service. H.R. 16968. A bill to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes (Rept. No. 91-1084). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Statistical activities of the Federal Government, 1969 (Rept. No. 91-1085). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 6854. A bill to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass. (Rept. No. 91-1081). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 17591. A bill to authorize the participation by certain Federal employees in funerals for deceased war veterans and members of the Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 17592. A bill to amend chapter 31 of title 38, United States Code, to authorize additional training or education for certain veterans who are no longer eligible for training, in order to restore employability lost due to technological changes; to the Committee on Veterans' Affairs.

H.R. 17593. A bill to amend chapter 34 of title 38, United States Code, in order to restore entitlement to educational benefits to veterans of World War II and the Korean conflict, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17594. A bill to amend chapter 35 of title 38, United States Code, to permit eligible persons to receive educational assistance while pursuing secondary school training; to the Committee on Veterans' Affairs.

By Mr. CELLER:

H.R. 17595. A bill to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 17596. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to provide for an automatic increase in such wage rate based on increases in the price index to extend the coverage of such act, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 17597. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups

in the Nation; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 17598. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

By Mr. FEIGHAN:

H.R. 17599. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLOWERS:

H.R. 17600. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. HOGAN (for himself, Mr. FUGUA, and Mr. BROYNILL of Virginia):

H.R. 17601. A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MESKILL:

H.R. 17602. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself and Mr. CASEY):

H.R. 17603. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged lands areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RIVERS:

H.R. 17604. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania (for himself, Mr. DENT, Mr. KING, Mr. DUNCAN, Mr. FULTON of Pennsylvania, and Mr. FISH):

H.R. 17605. A bill to amend the Anti-dumping Act, 1921, as amended; to the Committee on Ways and Means.

By Mr. ROTH:

H.R. 17606. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STUBBLEFIELD:

H.R. 17607. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide financial assistance to States for the construction of correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 17608. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. CEDERBERG (for himself, Mr. ANDREWS of North Dakota, Mr. HARVEY, Mr. KLEPPE, Mr. LANGEN, and Mr. LATTA):

H.R. 17609. A bill to provide for orderly trade in sugar beet molasses, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 17610. A bill to authorize the Secretary of the Interior to defer construction charges

to become due on certain lands in the Greater Wenatchee irrigation district, Greater Wenatchee division, Chief Joseph Dam project, Wash.; to the Committee on Interior and Insular Affairs.

By Mr. OLSEN:

H.R. 17611. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 17612. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 17613. A bill to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN (by request):

H.R. 17614. A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama; to the Committee on Merchant Marine and Fisheries.

By Mr. ROBERTS (for himself and Mr. ALBERT):

H.R. 17615. A bill to require the Secretary of the Army to permit the use of recreational areas at Lake Texoma for nontransient mobile homes; to the Committee on Public Works.

By Mr. ANDERSON of Illinois:

H.J. Res. 1229. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 1230. Joint resolution designating May 25 of each year as "African Liberation Day"; to the Committee on the Judiciary.

By Mr. HOGAN (for himself and Mr. BROYHILL of Virginia):

H.J. Res. 1231. Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority; to the Committee on the District of Columbia.

By Mr. ANDERSON of Illinois (for himself, Mr. ANDREWS of North Dakota, Mr. FRELINGHUYSEN, Mr. FULTON of Pennsylvania, Mr. GROVER, Mr. KING, Mr. LEGGETT, Mr. MCKNEALLY, Mr. FREYER of North Carolina, Mr. RUPPE, Mr. SMITH of New York, Mr. STANTON, Mr. WYDLER, Mr. YATRON, Mr. HARRINGTON, and Mr. McDADD):

H. Con. Res. 610. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. PIRNIE:

H. Con. Res. 611. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. SKUBITZ (for himself, Mr. CARTER, Mr. MIZE, and Mr. SHRIVER):

H. Con. Res. 612. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of peace and war; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 613. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 1005. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. ICHORD:

H. Res. 1006. Resolution authorizing the printing of additional copies of hearings entitled "Investigation of Students for a Democratic Society, part 7-A (Return of Prisoners of War, and Data Concerning Camera News, Inc., "Newsreel"); to the Committee on House Administration.

By Mr. MONTGOMERY (for himself, Mr. CAFFERY, Mr. GOLDWATER, Mr. ROGERS of Florida, Mr. LENNON, Mr. JONES of North Carolina, Mr. McMILLAN, and Mr. PICKLE):

H. Res. 1007. Resolution to establish a select committee to study U.S. involvement in Southeast Asia and then report its findings to the House of Representatives of its adoption; to the Committee on Rules.

By Mr. RIEGLE (for himself, Mr. McCLOSKEY, Mr. BLATNIK, Mr. BURTON of California, Mr. DULSKI, Mr. GILBERT, Mr. GREEN of Pennsylvania, Mrs. MINK, and Mr. MOSS):

H. Res. 1008. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Res. 1009. Resolution to express the sense of the House of Representatives with respect to travel at Government expense by Members of the House who have been defeated, resigned, or retired; to the Committee on House Administration.

By Mr. ZWACH:

H. Res. 1009. Resolution to express the sense of the House of Representatives with respect to travel at Government expense by Members of the House who have been defeated, resigned, or retired; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17616. A bill for the relief of Rolando Ferrer Landon; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 17617. A bill for the relief of Lee T. Sellers; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 17618. A bill for the relief of Michael Burton; to the Committee on the Judiciary.

SENATE—Wednesday, May 13, 1970

The Senate met at 12 o'clock noon and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

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

O Eternal Father, who watches over men and nations, may the soul of this Nation and all people in it heed the ancient summons, "if my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." Draw together in united repentance, cleansing and renewal, those who serve Thee in government and those served by the Government, that we may become day by day a worthier instrument for justice and righteousness in our troubled world. Guide Thy servants here through the daily stresses and strains that their actions may be for the welfare of all the people and for the advancement of Thy kingdom on earth.

In the name of Him who is King of Kings and Lord of Lords. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 13, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT

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

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following message from the President of the United States, which, with the accompanying report was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by law, I transmit to the Congress the Seventh Annual Report on Special International Exhibitions conducted during Fiscal Year 1969 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) laid before the Senate a message from the President of the United States submitting the nomination of Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission, which was referred to the Committee on Banking and Currency.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 12, 1970, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

ACCOMMODATION TO SENATORS WHO WISH TO SPEAK FOR A LONGER PERIOD THAN 3 MINUTES

Mr. MANSFIELD. Mr. President, if Senators wish to speak at any length beyond the 3-minute limitation, I would suggest that they kindly contact the joint leadership, because we are always willing to have the Senate meet earlier than the usual convening hour to accommodate them by giving them the time they desire.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT UNTIL 10:30 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 10:30 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR HUGHES OF IOWA TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the prayer, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed one-half hour.

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

ORDER FOR RECOGNITION OF SENATOR PERCY OF ILLINOIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech by the distinguished Senator from Iowa (Mr. HUGHES) tomorrow, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 45 minutes.

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

ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech by the distinguished Senator from Illinois (Mr. PERCY) tomorrow, the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 30 minutes.

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

DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 855 and 858.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The first measure will be stated.

The LEGISLATIVE CLERK. S. 3011, to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with amendments, on page 4, line 6, after the word "Columbia", strike out "Disposition of"; in line 13, after the word "Columbia", strike out "Disposition of"; in line 16, after the word "the", strike out "Disposition of" and insert "District of Columbia"; and on page 8, line 23, after the word "deposit," strike out "or presented the pass book or other similar evidence of the deposit for the crediting of interest;" so as to make the bill read:

TITLE I—DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT

Sec. 101. This title may be cited as the "District of Columbia Housing Revolving Fund Act".

DEFINITIONS

Sec. 102. As used in this title, the term—

(a) "Commissioner" means the Commissioner of the District of Columbia, or his delegate.

(b) "Preconstruction costs" means the costs approved by the Commissioner for the necessary expenses, prior to construction, in planning, and obtaining financing for, the rehabilitation or construction of housing for low-income or moderate-income persons, including but not limited to: (1) expenses for surveys as to need and for market analysis; (2) fees for preliminary feasi-

bility studies, and advances for planning, engineering, and architectural work; (3) site acquisition costs; (4) necessary application and other fees to Federal and District agencies; and (5) such other expenses incurred by the nonprofit sponsor as the Commissioner may deem appropriate to effectuate the purposes of this title.

(c) "District" means the District of Columbia.

(d) "Federally aided mortgage" means any mortgage with respect to which financial assistance of any kind is provided under one or more of the several Federal programs for housing for families of individuals of low or moderate income.

(e) "Fund" means the District of Columbia housing revolving fund created by this title.

(f) "Housing project" means a specific work or improvement financed by a federally aided mortgage or privately financed and undertaken by a nonprofit sponsor to provide dwelling accommodations for low-income or moderate-income persons in the District of Columbia, including the acquisition, construction, or rehabilitation of lands, buildings, and improvements, and such social, recreational, community, or other nonhousing facilities as may be incidental or appurtenant thereto.

(g) "Low-income or moderate-income persons" means those persons and families having an annual income in such an amount as to make them eligible, by reason of regulations promulgated by the Secretary of Housing and Urban Development, or his delegate, for occupancy of dwelling units within any housing project assisted by a federally aided mortgage. Such term shall also mean those persons and families made eligible, by reason of regulations promulgated by the District of Columbia Council, for occupancy of dwellings in any housing project assisted by private financing.

(h) "Nonprofit sponsor" means any nonprofit corporation, association, cooperative, or other organization.

HOUSING REVOLVING FUND

Sec. 103. (a) There is hereby created and established in the Treasury a revolving fund to be known as the District of Columbia housing revolving fund.

(b) There shall be paid into the fund (1) any moneys appropriated pursuant to the authorization contained in this title; (2) any moneys which the Commissioner may receive in repayment of advances made by him pursuant to this title; and (3) any other moneys which may be made available to the Commissioner from any other source or sources for the purpose of the fund.

(c) Notwithstanding any other provision of law, the Commissioner is authorized to deposit in the fund moneys received by him pursuant to the District of Columbia Unclaimed Property Act other than the moneys deposited into the separate trust fund established pursuant to such Act. The Commissioner is further authorized from time to time to transfer to such trust fund moneys held in the housing revolving fund whenever the trust fund contains insufficient moneys to satisfy any claim or claims duly allowed pursuant to the District of Columbia Unclaimed Property Act. If from time to time the amount in the housing revolving fund or in the trust fund established pursuant to the District of Columbia Unclaimed Property Act is insufficient to satisfy such claim or claims, then in such event there is hereby authorized to be appropriated for deposit in the latter fund such amount as may be necessary to meet any such deficiency.

ADVANCES FOR HOUSING

Sec. 104. (a) The Commissioner is hereby authorized to use the moneys held in the fund to make non-interest-bearing short-term advances, in accordance with the provisions of this title, to nonprofit sponsors for

housing projects owned or to be owned by such sponsors.

(b) No such advance shall be made unless the Commissioner determines that there is need for the housing project and that the development of the housing project for low-income or moderate-income persons is feasible.

(c) Moneys of the funds advanced by the Commissioner to a nonprofit sponsor shall be used only to defray the preconstruction costs of the housing project. Each advance shall be repaid in full to the Commissioner by the nonprofit sponsor under such terms and conditions as may be required by regulations promulgated by the District of Columbia Council. Such repayment shall be made upon completion of the housing project or sooner. The Commissioner may cancel any part or all of a loan as he may determine cannot be recovered from the proceeds of any permanent loan made to finance the rehabilitation or construction of the housing project.

DELEGATIONS OF AUTHORITY

Sec. 105. (a) The District of Columbia Council is hereby authorized to make such rules, regulations, and orders as it may deem necessary to effectuate the purposes of this title. Such rules and regulations may require any nonprofit sponsor, as a condition precedent to receiving an advance from the fund, to enter into an agreement with the Commissioner regulating the operation of the housing project with respect to (1) the maximum rental charges, (2) the eligibility of tenants, (3) the disposal of any property or accumulated profits of the nonprofit sponsor, (4) the dissolution of the nonprofit sponsor, (5) the examination of the records and accounts of the nonprofit sponsor or of any housing project owned by the nonprofit sponsor, and (6) any other matter relating to the operation, maintenance, or function of the housing project or the nonprofit sponsor.

(b) The Commissioner is hereby authorized to delegate to any officer, employee, or agency of the District government, except the courts thereof, any function authorized by this title.

APPROPRIATIONS AUTHORIZED

Sec. 106. Appropriations are hereby authorized to carry out the purposes of this title.

TITLE II—DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

Sec. 201. This title may be cited as the "District of Columbia Unclaimed Property Act".

DEFINITIONS

Sec. 202. As used in this title, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, saving banks, or a private banker engaged in business in the District of Columbia.

(b) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Commissioner" means the Commissioner of the District or his delegate.

(d) "District" means the District of Columbia.

(e) "Financial organization" means any savings and loan association, building and loan association, credit union, or investment company, engaged in business in the District.

(f) "Holder" means any person in possession of property subject to this title belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this title.

(g) "Life insurance corporation" means any association or corporation transacting within the District the business of insurance on the

lives of persons or insurance appertaining thereto, including, without limitation, endowments and annuities.

(h) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this legal representative.

(i) "Person" means any individual, business association, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(j) "Utility" means any person who owns or operates within the District, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS OR BY BUSINESS ASSOCIATIONS

Sec. 203. The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in the District with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within seven years:

(1) Increased or decreased the amount of the deposit; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid in the District toward the purchase of shares or other interest in a financial organization or any deposit made therewith in the District, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on checks certified in the District or on written instruments issued in the District on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders, and travelers checks, that, with the exception of travelers checks, has been outstanding for more than seven years from the date it was payable or from the date of its issuance if payable on demand, or, in the case of travelers checks, that has been outstanding for more than fifteen years from the date of its issuance, unless the owner has within seven years, or within fifteen years in the case of travelers checks, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit or any other safekeeping repository in the District on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed

by the owner for more than seven years from the date on which the lease or rental period expired.

UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORATIONS

Sec. 204. (a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation, shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within the District. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds", as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or any annuitant contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys, otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

DEPOSITS AND REFUNDS HELD BY UTILITIES

Sec. 205. The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in the District, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advanced payment was made.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in the District, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS

Sec. 206. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponding in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if—

(a) it is held or owing by a business association organized under the laws of or created in the District; or

(b) It is held or owing by a business association doing business in the District, but not organized under the laws of or created in the District, and the records of the business association indicate that the last known address of the person entitled thereto is in the District.

PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION

SEC. 207. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in the District, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

PROPERTY HELD BY FIDUCIARIES

SEC. 208. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in the District; or

(b) If it is held by a business association, doing business in the District, but not organized under the laws of or created in the District, and the records of the business association indicate that the last known address of the person entitled thereto is in the District; or

(c) If it is held in the District by any other person.

PROPERTY HELD BY THE COURTS AND PUBLIC OFFICERS AND AGENCIES

SEC. 209. All intangible personal property held for the owner by any court, public corporation, public authority, or public officer of the District, that has remained unclaimed by the owner for more than seven years is presumed abandoned.

MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER PERSON

SEC. 210. All intangible personal property, not otherwise covered by this title, including any income or increment thereon and deducting any lawful charges, that is held or owing in the District in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

RECIPROCITY FOR PROPERTY PRESUMED ABANDONED OR ESCHEATED UNDER THE LAWS OF A STATE

SEC. 211. If specific property which is subject to the provisions of sections 203, 206, 207, 208, and 210 is held for or owed or distributed to an owner whose last known address is in a State by a holder who is subject to the jurisdiction of that State, the specific property is not presumed abandoned in the District and subject to this title if:

(a) It may be claimed as abandoned or escheated under the laws of such State; and
(b) the laws of such State make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such State when held for or owned or distributable to an owner whose last known address is within the District by a holder who is subject to the jurisdiction of the District.

REPORT OF ABANDONED PROPERTY

SEC. 212. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this title shall report to the Commissioner with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of such value as the District of Columbia Council shall by rule prescribe, or more, presumed abandoned under this title;

(2) in case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under \$3 each may be reported in aggregate;

(4) the date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) other information which the District of Columbia Council may prescribe by rule as necessary for the administration of this title.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. The Commissioner may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this Act knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this title shall include all items of property that would have been presumed abandoned if this title had been in effect during the ten-year period preceding its effective date.

NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY

SEC. 213. (a) Within one hundred and twenty days from the filing of the report required by section 212, the Commissioner shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the District.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing To Be Owners of Abandoned Property", and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the Commissioner.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the

second published notice, the abandoned property will be placed not later than eighty-five days after such publication date in the custody of the Commissioner to whom all further claims must thereafter be directed.

(c) The Commissioner is not required to publish in such notice any item of less than \$25 unless he deems such publication to be in the public interest.

(d) Within one hundred and twenty days from the receipt of the report required by section 212, the Commissioner shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of \$25 or more presumed abandoned under this title.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the Commissioner, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the Commissioner to whom all further claims must be directed.

(f) This section is not applicable to sums payable on travelers checks or money orders presumed abandoned under section 103.

PAYMENT OR DELIVERY OF ABANDONED PROPERTY

SEC. 214. Every person who has filed a report under section 212, within twenty days after the time specified in section 213 for claiming the property from the holder, or in the case of sums payable on travelers checks or money orders presumed abandoned under section 203 within twenty days after the filing of the report, shall pay or deliver to the Commissioner all abandoned property specified in the report, except that if the owner within the time specified in section 213 establishes his right to receive the abandoned property to the satisfaction of the holder, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the Commissioner, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY

SEC. 215. Upon the payment or delivery of abandoned property to the Commissioner, the District shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the Commissioner under this title is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid moneys to the Commissioner pursuant to this title may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the Commissioner shall forthwith reimburse the holder for the payment.

INCOME ACCRUING AFTER PAYMENT OR DELIVERY

SEC. 216. When property is paid or delivered to the Commissioner under this title, the owner is not entitled to receive income or other increments accruing thereafter.

PERIODS OF LIMITATION NOT A BAR

SEC. 217. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim of money or recovery of property,

shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this title or to pay or deliver abandoned property to the Commissioner.

SALE OF ABANDONED PROPERTY

SEC. 218. (a) All abandoned property other than money delivered to the Commissioner under this title shall within one year after the delivery be sold by him to the highest bidder at public sale. The Commissioner may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by at least a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the District.

(c) The purchaser at any sale conducted by the Commissioner pursuant to this title shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Commissioner shall execute all documents necessary to complete the transfer of title.

DEPOSIT OF FUNDS

SEC. 219. (a) All funds received under this title, including the proceeds from the sale of abandoned property under section 218, shall forthwith be deposited by the Commissioner in the general fund of the District, except that the Commissioner shall retain in a separate trust fund an amount not exceeding \$25,000 from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit the Commissioner shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

(b) Before making any deposit to the credit of the general fund of the District, the Commissioner may deduct: (1) any costs in connection with the sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) reasonable service charges.

CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED

SEC. 220. Any person claiming an interest in any property delivered to the District under this title may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the Commissioner.

DETERMINATION OF CLAIMS

SEC. 221. (a) The Commissioner shall consider any claim filed under this title and may hold a hearing and receive evidence concerning it. If a hearing is held, the Commissioner shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

(b) If the claim is allowed, the Commissioner shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

JUDICIAL ACTION UPON DETERMINATION

SEC. 222. Any person aggrieved by a decision of the Commissioner or as to whose claim the Commissioner has failed to act within ninety days after the filing of the claim, may commence an action in the District of Columbia Court of General Sessions to establish his claim. The proceeding shall be brought within ninety days after the de-

cision of the Commissioner or within one hundred and eighty days from the filing of the claim if the Commissioner fails to act. The action shall be tried de novo without a jury.

ELECTION TO TAKE PAYMENT OR DELIVERY

SEC. 223. The Commissioner, after receiving reports of property deemed abandoned pursuant to this title, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within one hundred and twenty days after filing the report required under section 212, the Commissioner shall be deemed to have elected to receive the custody of the property.

EXAMINATION OF RECORDS

SEC. 224. The Commissioner may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this title.

PROCEEDING TO COMPEL DELIVERY OF ABANDONED PROPERTY

SEC. 225. If any person refuses to deliver property to the Commissioner as required under this title, he may bring an action in the District of Columbia Court of General Sessions to enforce such delivery.

PENALTIES

SEC. 226. (a) Any person who willfully fails to render any report or perform any other duty required under this title shall be punished by a fine of not more than \$100 for each day such report is withheld or for each day he refuses to perform the required duty, but not more than \$1,000.

(b) Any person who willfully refuses to pay or deliver abandoned property to the Commissioner as required under this title shall be punished by a fine of not more than \$300 or imprisonment for not more than ninety days, or both.

(c) All prosecutions for violations of this title, or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

RULES AND REGULATIONS

SEC. 227. The District of Columbia Council is authorized to make such rules, regulations, and orders as may be necessary in order to effectuate the purposes of this title. Such rules, regulations, and orders may specify, without limitation, the kinds and character of property which may be excluded from the coverage of this title, and may authorize the Commissioner to join with the appropriate official of a State in equitably apportioning, between the District and such State, all amounts which are presumed, under this title, to be abandoned in the District and subject to this title and also are presumed, under a corresponding law of such State, to be abandoned in such State and subject to its said law.

DELEGATION OF AUTHORITY

SEC. 228. (a) The Council is hereby authorized to delegate to the Commissioner or, subject to the concurrence of the Commissioner, to any officer, employee, or agency of the District government except the courts thereof any function authorized by this title.

(b) The Commissioner is hereby authorized to delegate to any officer, employee, or agency of the District government except the courts thereof any function authorized by this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 229. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

EFFECT OF LAWS OF ANY STATE

SEC. 230. This title shall not apply to any property that has been presumed abandoned or escheated under the laws of any State prior to the effective date of this title.

SEVERABILITY

SEC. 231. If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-854), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of S. 3011 is to establish in the District of Columbia a revolving fund for planning housing for low- and moderate-income families to help the critical housing shortage in the Nation's Capital.

Title I, to be cited as the District of Columbia Housing Revolving Fund Act, establishes a fund within the District government consisting of appropriated moneys and sums from any other source, including the unclaimed intangible property in the custody of the District of Columbia government. From this fund, noninterest bearing short-term advances could be made to nonprofit housing developers for planning purposes only. No money from this fund could be loaned for actual housing construction.

Title II, to be cited as the District of Columbia Unclaimed Property Act, would make the government of the District of Columbia custodian of unclaimed intangible property in the District. The provisions of this title are consistent with those adopted by the National Conference of Commissioners on Uniform State Laws in 1966, and enacted in 18 States.

COMMITTEE AMENDMENTS

Committee amendments on page 4 are technical in nature to conform certain language on that page to the context of the language in the rest of the bill.

The amendment on page 8 was recommended by the District of Columbia Bankers' Association, which suggested that passbooks are falling into increasing disuse and hence the language deleted might soon be obsolete.

NEED FOR LEGISLATION

District of Columbia Housing Revolving Fund Act

One of the most pressing problems now facing the District of Columbia is the need for decent, safe, and sanitary housing for persons of low or moderate income. An approach to providing such housing showing significant promise for alleviating the housing shortage for those most in need is through existing federally aided mortgage programs which enable nonprofit organizations to enter the housing development field. To some extent there has been encouraging activity in the District of Columbia on the part of nonprofit groups which indicates that through private initiative much can be accomplished in meeting these needs. Nevertheless, there is clearly an urgent demand for many additional housing units to be developed under the sponsorship of nonprofit organizations.

It has been estimated that approximately 51,600 households in the District consists of

low- or moderate-income families that would qualify for housing constructed under existing federally aided programs. However, the difficulty that has been encountered in attempts to develop additional housing units for low- or moderate-income families, under the existing Federal mortgage programs, has been the inability of potential nonprofit sponsors of such housing to obtain needed funds prior to construction so that such organizations can move forward with worthwhile housing plans. This inability to obtain so-called seed money frequently frustrates attempts to develop this vitally needed housing.

The housing crisis in the District cannot be overstated, and the development of new housing nonprofit sponsors under existing federally aided mortgage programs could make a large contribution toward alleviating the distressing conditions of low- and moderate-income persons and families. By establishing the proposed revolving fund to provide the preconstruction capital for such sponsors, a major step would be achieved in the direction of meeting these urgent needs.

DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

Enactment for the District of Columbia, as proposed by this bill, of the 1966 revision of the Uniform Disposition of Unclaimed Property Act approved in 1955 by the National Conference of Commissioners on Uniform State Laws, and by the American Bar Association, already in effect in 18 States, would provide a fair and adequate basis for dealing with the problem of unclaimed intangible property.

Under provisions of this title intangible property would include dormant bank accounts, unclaimed funds held by life insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business associations, property of business associations and banking or financial organizations held in the course of dissolution, property held by fiduciaries, property held by the courts and by public officers and agencies, and miscellaneous personal property held for another person. This title also deals with the matter of multiple liability on the part of a holder of unclaimed property over which two or more jurisdictions seek to assert a claim. Finally, the title makes it possible for those persons who have unclaimed property in their possession to close out the account relating to it, thereby relieving themselves from maintaining a current record of the property.

The owner of any such property would be deprived of his rights in it. The Uniform Disposition of Unclaimed Property Act is custodial in its nature, and its operation does not result in the loss of the property rights of the owner of the unclaimed property which is made subject to the provisions of the act. Under title II, the District of Columbia would, after a specified period of time, take custody of the property and remain the custodian in perpetuity. This means, of course, that the District would have to keep a record of the property on a permanent basis, so that if the owner of the unclaimed property should present a claim for it, his claim would be honored. In this respect, the proposed legislation differs from the escheat type of statute, under which the right of the owner of the property is foreclosed.

The District of Columbia Unclaimed Property Act, if enacted, will serve to protect the interest of owners; relieve the holders of such property from annoyance, expense, and liability; preclude multiple liability on the part of the holders of such property; and give the District the use of considerable sums of money that otherwise will remain dormant and unproductive.

HISTORY OF THE LEGISLATION

S. 3011 was introduced on January 20, 1970, at the request of the District of Columbia government. During public hearings held February 12, 1970, by the full committee, the bill was endorsed by the Deputy Mayor-Commissioner of the District, the Vice Chairman of the District of Columbia City Council, the Mayor's special assistant for housing, the Washington Board of Realtors, the Mortgage Bankers Association of the District of Columbia, the Washington Real Estate Brokers Association, the District of Columbia Chamber of Commerce, and the United Planning Organization.

The bill was ordered favorably reported by the committee March 18, 1970.

FEASIBILITY AND DESIRABILITY OF A NATIONAL LAKESHORE ON LAKE TAHOE, STATE OF NEVADA

The Senate proceeded to consider the bill, S. 2208, to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the State of Nevada, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 3, after the word "preserving", strike out "all or"; in line 5, after the word "waters", strike out "in Nevada"; on page 2, line 2, after the word "the", insert "Tahoe Regional Planning Agency and other"; in line 7, after the word "Basin," insert "Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study."; and in line 13, after the word "within", strike out "2 years" and insert "one year"; so as to make the bill read:

S. 2208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving appropriate segments of the lakeshore of Lake Tahoe and adjoining lands and waters in their natural condition for public outdoor recreation, the Secretary of the Interior (hereafter referred to as the "Secretary") shall study, investigate and formulate recommendations on the feasibility and desirability of establishing such areas as a national lakeshore. The Secretary shall consult with the Secretary of Agriculture; the Chief of Engineers, Department of the Army; and any other interested Federal agencies, as well as the Tahoe Regional Planning Agency and other State and local bodies and officials involved; and shall coordinate the study with applicable outdoor recreation plans, pollution control plans, highway plans, and other planning activities relating to the Lake Tahoe Basin. Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study.

Sec. 2. The Secretary shall submit to the Congress, within one year after the date of this Act, a report of his findings and recommendations. The report of the Secretary shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and natural values of the water, lakeshore, and related upland resources involved, including their use for driving for

pleasure, walking, hiking, riding, bicycling, boating, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water, lakeshore, and related upland resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services;

(c) the type of Federal, State, and local programs that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values identified; and

(d) the relationship of any recommended national lakeshore to existing or proposed Federal, State, and local programs to manage in the public interest the natural resources of the entire Lake Tahoe Basin.

Sec. 3. Pending submission of the report of the Secretary to the Congress, the heads of Federal agencies having administrative jurisdiction over the Federal lands within the area referred to in section 1 of this Act shall, consistent with the purposes for which the lands were acquired or set aside by the United States and to the extent authorized by law, encourage and provide maximum opportunities for the types of recreation use of such lands referred to in section 2(a) of this Act.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. BIBLE. Mr. President, Lake Tahoe, the subject of the bill before us, is synonymous with scenic beauty. The pristine clarity of its waters is legendary. The majesty of its mountain setting high in the Sierra is unsurpassed in North America. But this priceless—and fragile—scenic treasure is threatened by massive urban development that has sprung up in recent years. There is a very real and very urgent need for decisive action to preserve and protect this resource now—before it is too late.

The States of California and Nevada which share the Lake Tahoe Basin, recognized the value of this resource and the urgency of the need to protect it by adopting the Tahoe regional planning compact. This compact, granted the consent of Congress last year, provides coordinated regional authority for controlling land and water use and for conserving the basin's resources. My bill to authorize a Federal study into the feasibility of establishing a national lakeshore or similar program for public recreation and conservation is the logical second step toward the goal of saving Lake Tahoe's remaining unspoiled scenic reaches. Senators may recall that a third step—providing broader Federal land acquisition authority at the lake—has already been approved by this body and now awaits action in the House of Representatives. It has been my honor and my privilege to introduce the legislation to implement these three important steps, and I urge the Senate to act promptly on the bill before us so that this entire program can become a reality before the year is out.

Considerable planning is already underway at Lake Tahoe. The Tahoe Regional Planning Agency created by the California-Nevada compact is scheduled to adopt within 18 months a basinwide plan for land use controls, transporta-

tion, public services, and recreation facilities. The U.S. Forest Service, which supervises three national forests in the basin, is designating a team of specialists to assist in environmental planning and resource management. The study proposed in my bill would be conducted by the Secretary of the Interior and would be developed in close cooperation with concerned State, regional, and the Federal agencies. It would be directed primarily at determining which lands and resources should be converted to public ownership and how these lands should be managed. The State of Nevada, which has already acquired nearly 6,000 acres for a State park, has pledged to cooperating closely in this effort.

Clearly, the job is too big for the States of California and Nevada to handle alone. Whether recreation and resource management becomes a Federal-State responsibility or is administered by a Federal agency is a question the study should answer. The study should also tell us whether it is best to establish a national lakeshore under the Park Service or a national recreation area under the Forest Service.

I will not attempt here to detail the history and geological-environmental features of Lake Tahoe. The report of the Interior Committee covers these aspects well, and I recommend it for thorough reading.

It should be noted, however, that the original bill I introduced has been changed in some respects. Acting on my proposals, the committee adopted amendments that would broaden the scope of the study to embrace California as well as Nevada regions of the basin. This has the support of the Secretary of Interior and the Senator from California (Mr. CRANSTON), who, along with my colleague from Nevada (Mr. CANNON), is cosponsoring this measure. It is felt, rightly, I think, that the recreation and resource management needs of the entire basin should be covered by, and benefit from, the study authorization.

Language has also been inserted that is designed to promote full cooperation among Federal agencies consulting in the study and to require completion of the study in 1 year instead of 2. Other minor changes I recommended and the committee adopted are perfecting in nature and are explained fully in the report.

Mr. President, both State and Federal Governments are already moving forward in the areas covered by this bill. The State of Nevada, as I noted, has acquired extensive holdings with the assistance of Land and Water Conservation Fund allocations. The U.S. Forest Service is expanding its holdings in the Toiyabe National Forest within existing boundaries with appropriations from the same fund. And extensive planning is underway at several levels. The feasibility study authorized by this bill is badly needed now to provide the public policy and the Federal-State coordination required to insure that the scenic grandeur of Lake Tahoe is carefully and effectively protected for generations of Americans to come.

I urge the passage of this bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-855), explaining the purposes of the measure.

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

BACKGROUND

In recent years a series of studies have been prepared offering recommendations for the preservation of this superlative lake and the adjoining basin. Currently, a number of planning groups are working on the completion of up-to-date articles on the region. Public law 91-148 provided the consent of Congress to the Tahoe regional planning compact, with the condition for Federal representation and authorization, for the Secretaries of Agriculture and Interior to cooperate with said Tahoe Regional Planning Agency. This Agency is to adopt, within 18 months, a regional plan for the Lake Tahoe Basin consisting of, at least, the following: plans for land use, transportation, conservation, and public service and recreational facilities.

The U.S. Forest Service is designating a team of specialists to complete intensive environmental planning for the management of national forest lands in the basin. This group—to consist of men skilled in ecology, hydrology, geology, forestry, and landscape and regional planning—will cooperate with the Tahoe Regional Planning Agency to assure that the projects and plans for management meet the requirements of the basin as a whole.

In view of the foregoing, it is obvious that any study authorized by S. 2208 must be fully coordinated with the activities of the Tahoe Regional Planning Agency and other Federal or State groups who can contribute to the project.

About one-half of the total land area of the basin (23,500 acres) is in Nevada and within the boundaries of the Toiyabe National Forest. This includes about 5,200 acres which are owned by the United States and administered as a national forest. An additional 800 acres are under option to purchase by the Forest Service. The State of Nevada owns about 5,800 acres within the basin, which are administered as a State park. Expanded public landownership is vital in protecting natural conditions and preserving environmental quality within the basin.

Lake Tahoe is a "young lake," a scooped-out granite bowl, unproductive as yet, of plant and animal organisms that markedly impair its purity and if human and chemical pollutants could be kept from it, its continued purity as a water source probably would be assured. But a small amount of raw sewage is still leaking into the lake, an increasing summer season usage of the lake for visitor viewing, swimming, boating, picnicking, camping, home occupancy, and commercial enterprises spells more pollution. With local streams and wells furnishing only a small percentage of the water used in the basin, the continued purity of Lake Tahoe water for domestic uses becomes even more essential.

Tahoe's geology is the basic determinant of its past, present, and future. We transgress that geology in what we do at our peril, for the very continued existence of the lake depends on it and gives the area the unique character it possesses. The spectacular mountains surrounding Lake Tahoe are living today, and their proof of life shows up as they change shape, create water-holding ponds and new water-courses, combine with changing climatic seasons to perform miracles of snow and ice, falling waters, and floods. Mountains are the setting of such changes, and in their own altered shapes, sizes, and composition are exerting both a shortrun

and long-effect upon all that lives and has its being, plant, animal and man, within the basin itself. It is these geologically formed masses that must be listened to, taken into account, and served by people, as we seek to make reasonable uses of the basin which they form and maintain.

Water is the most precious commodity in Tahoe Basin. Despite the vast amount of it in Lake Tahoe and the tremendous gallons produced by each year's snow and rain falling on the mountains and carried by more than 60 streams and rivulets into the lake, the threat of too little water for domestic uses is a growing one and could become a major determinant of how many people the basin can allow to visit or live there.

The water of Lake Tahoe is dedicated by law to several uses. There is the need to maintain a certain level of water in the lake even in the height of the greatest use and driest period of the year. The Federal water master releases lake water down the Truckee River outlet on a legally scheduled volume basis for the uses of communities, cities, and farms. Finally, by very old treaty arrangements with the Indians holding tribal rights to the water's ultimate destination in Nevada's Pyramid Lake, an up-to-now inviolate first right to a major volume of Lake Tahoe water rests with them. A California-Nevada-U.S. Government compact is now being considered to fix these various volumes and destination in law. The outcome is very much in doubt, but in this process the Tahoe planning agencies have no jurisdiction and must deal with whatever amount of water the compact determines can be used in Lake Tahoe Basin. The rate of increase of uses there prompts the chairman of the California planning agency to tell me that in the near foreseeable future there will be insufficient water to meet the domestic needs of the basin's people.

THE NEED

The great beauty and other attractions of Lake Tahoe and the basin continue to attract an ever increasing number of people. National forest beaches, campsites, picnic areas, lake fishing, boating, swimming, and general enjoyment of the out-of-doors provide for a major segment of the recreational activities available to the expanding mass of visitors.

There is a generally accepted conservative figure of 313,000 people that will be using the Tahoe lakeshore seasonally during the next 10 years. So rapid is the growth that, within 20 years, the projections estimate of over half a million people "living" at the lake during the summer period. Approximately one-third of these will be permanent residents.

The population pressure on the Tahoe Basin is seasonal, the resident population being swollen up to triple its number by those who come to visit or stay an average vacation of 2 weeks some time during the 3 months of John Muir's "perfect Sierra days" from mid-June to Labor Day, when schools convene again. With two interstate highways leading into the basin, No. 50 directly and No. 80 by a 12-mile drive along the Truckee River, both year-round roads, Tahoe also experiences a considerable and growing stop-over visit of travelers.

Winter sports are interesting more people in the lake area. Squaw Valley on the Truckee Roadway was considered good enough to become the site of the 1960 World Winter Olympics. There are presently three commercially operated ski lifts right on the lakeside, some of which have multiple runs, and two more just outside the lake area. Their users are mostly weekenders from the more populated communities of California and Nevada, and they must have heated accommodations, which they find available for the off-season demand is much less than the capacity of motels and hotels geared to meet summer's peak needs.

AMENDMENTS

In order to broaden the scope of the proposed feasibility study (Lake Tahoe National Lakeshore) the following amendments were submitted to and approved by the Senate Interior and Insular Affairs Committee:

On Page 1, delete from the title of the bill the words "State of Nevada" and substitute the words "States of California and Nevada"; and in line 5, delete the words "in Nevada."

This amendment makes clear that the study will include the California portion of Lake Tahoe as well as the Nevada side. In order to explore fully the range of possibilities for providing public access and use of the outdoor recreation facilities of Lake Tahoe and adjoining areas, it is recommended that the study should include the entire Lake Tahoe Basin as contemplated in section 2d of the bill.

In line 3, delete the words "all or" because they are not needed. Use of *all* of the shoreline would not be possible. Page 2, line 2, before the word "State"; insert the following: "Tahoe Regional Planning Agency".

In conducting the study it will be necessary to work with said planning agency and other groups who are in the process, or have completed, important studies of the Lake Tahoe region.

Page 2, line 6, the following new sentence is added to insure a coordinated, cooperative study: "Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports and other materials as the Secretary may deem necessary for purposes of the study."

The study period is reduced from 2 years to 1. Contact with principals of the Bureau of Outdoor Recreation revealed that 12 months was definitely enough time. In fact, the more rigid time limitation would probably be helpful in the study priority area. Also they intended to take full advantage of the many reports and examinations available on the area.

COST

The Bureau of Outdoor Recreation, which has conducted a number of feasibility studies on both national parks and recreational projects, estimates that the cost of conducting an in-depth feasibility study of the Lake Tahoe National Lakeshore project, to be \$50,000. Again, this undertaking would be effectively coordinated with the Tahoe planning group and appropriate Federal and State agencies.

COMMITTEE RECOMMENDATIONS

The Senate Interior and Insular Affairs Committee favorably reports S. 2208 and urges early approval of the bill.

The amendments were agreed to.

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

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes."

ATOMIC ENERGY AUTHORIZATIONS,
1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business, Calendar No. 857, S. 3818, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, be laid

before the Senate and made the pending business.

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

The LEGISLATIVE CLERK. S. 3818, to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection the Senator's request is agreed to.

Mr. MANSFIELD. Mr. President, that will be the pending business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

MURDER AT KENT STATE
UNIVERSITY

Mr. YOUNG of Ohio. Mr. President, it is stated that there are 40 or more FBI agents in Kent and on the campus of Kent State University and, in addition, Adj. Gen. S. T. Del Corso, who holds his office as a political appointee of Governor Rhodes, is spearheading a group giving out unconfirmed rumors, and with the assistance of other militia officers including his so-called administrative aide, Lieutenant Colonel McCann, now comes forward with the claim that the militia opened fire after a sniper began shooting. As the first concoction of the imagination and result of frantic efforts, following guardsmen shooting to kill, it was reported by Maj. Gen. Winston Wilson that he had an unconfirmed rumor of a girl dashing out of a dormitory door and firing four shots from a rifle at the National Guardsmen. Then Lieutenant Colonel McCann, so-called administrative aide to the adjutant general, yesterday reading from a prepared statement, reported that two handguns and two rifles had been taken from persons arrested in Kent the day of the killing of four students and wounding others by rifle fire from Ohio National Guardsmen or militiamen.

Officers of the State highway patrol, who flew helicopters above the Kent University area on May 6, 7, and 8 have previously reported that they saw no sniper on the roof of any building and that there were no shots fired from any sniper on Monday, May 4. Now one of Del Corso's handymen comes forth with a statement that some nun engaged in graduate work at the university reported a bullet crashed through a window in her room early Monday afternoon. That could certainly have occurred. Some of the militia ordered by their lieutenant to fire on the milling crowd of girls and boys without a doubt fired their guns into the air. Unfortunately, too few fired into the air. Of course, then Del Corso's man makes a statement that the bullet crashed at an angle indicating it came from a rooftop or other elevated position. As a trial lawyer I know that it would require an expert following a scientific investigation to make a determination regarding from whence that rifle was probably fired. All this just goes to show the fanstatic efforts being made under Del Corso's direction follow-

ing a time militia under his command committed murder.

How insignificant and meaningless are all these efforts when the facts are that not one guardsman of the 107th Armored Cavalry Regiment, 2d Squadron, and the 1st Battalion, 145th Infantry was a casualty on Monday, May 4. Not one even received first-aid treatment. Without a doubt within the next day or so some claim will be made that some of the militiamen were in fact bruised by being struck with a tear gas canister hurled back at them from boys in the crowd on the campus or injured by stones thrown. Many eyewitnesses who were students and also guardsmen on active duty at that time and place have given statements to me that the distance separating the guard outfit and the students confronting them was such that they saw no stones strike any guardsman and no partially filled tear gas canisters first hurled by the guardsmen and then rolled along the ground into the front group of students and immediately thrown back hit any guardsman. The distance was too great. They would roll close to the guardsmen spewing out some tear gas which had remained in the canisters. Only one spectator said he believed he saw one of these canisters strike a guardsman. Of the platoon that fired a volley from their guns on the students not one was injured on that Monday. Not one required first-aid treatment. One fainted and another dropped down due to a heart attack. Can it be claimed even by Del Corso that students who riot and throw stones should be shot at and killed?

Governor Rhodes expressed his sorrow about the killing of four students and serious wounding of others, one of whom is in critical condition and paralyzed from the waist down. The Governor said that Monday, May 4, was the saddest day of his life. However, not one word of sorrow nor of sympathy for the fathers and mothers and loved ones of those students who were killed and wounded has been made by Adjutant General Del Corso or Major General Wilson, Chief of the National Guard Bureau.

In Life of May 15, "Tragedy at Kent" is featured. The picture shows clearly an officer of the National Guard apparently firing his handgun and it clearly portrays approximately 40 guardsmen aiming and firing their weapons. Underneath the picture is the statement, "Retreating to a knoll, the guardsmen leveled their guns and aimed and fired into the crowd of students. At the fore was a soldier with a .45-caliber service automatic. Witnesses said the shooting stopped when a man in a fatigue cap—under umbrella at rear—ran out and yelled, 'Cease-fire!' The guard's commanding officer estimated later that, in all, about 36 shots were fired by his men." Then in the rear the officer who shouted "cease-fire" is said to be Brigadier General Canterbury, deputy adjutant general.

No matter whether spent bullets or other articles such as spikes may be planted on the university common, or allegedly found in dormitory rooms and no matter what further fantastic actions

are taken under Del Corso's direction, it is crystal clear just as Vice President Agnew stated that the National Guard overreacted and that there is probable cause to charge the officer who gave the order to fire with murder. Vice President Agnew stated that would not be murder in the first degree. That is true. I fully agree with the Vice President's statement.

According to the laws of my State of Ohio there is a probable cause that the lieutenant commanding this platoon is guilty of murder in the second degree. The soldiers who obeyed orders could not be chargeable. They obeyed orders.

On the preceding Saturday night in Kent some students in downtown streets fought with some of our National Guardsmen. Some guardsmen sustained bruises and required first-aid treatment and some students were injured by the guard. Undoubtedly, due to incidents in Kent Saturday and Sunday ill feeling was engendered on the part of guardsmen against students. Also these same outfits had been on riot duty shortly before at another college. I have the statement of a student whose arm and elbow were severely injured when a guardsman broke a club over his elbow. I saw the swelling and black and blue marks corroborating this. No claim is made even by Del Corso that a guardsman sustained an injury at any time Monday, May 4. If such a claim should now be made, it would mean nothing. It is a well-known rule of criminal law that any person assaulted may use only such force as is required to defend himself. Is Del Corso so cruel and stupid as to claim that if guardsmen were struck by stones thrown at them that justifies killing four students, two of whom were girls?

Adjutant General Del Corso should resign. If he is so insensitive and in event Governor Rhodes does not ask his resignation, I report with pleasure that he will be out of his political-military job early next January.

In my opinion the U.S. attorney for the northern district of Ohio, Hon. Robert Krupansky, will direct in the very near future a Federal grand jury investigation of the Kent State University tragedy. He will have available to him all information collected by the FBI agents. Also, Mr. President, I shall gladly turn over to U.S. Attorney Krupansky all of the many statements I have taken from Kent students and guardsmen who were eye witnesses on that sad day Monday, May 4, and shall give him the names and addresses of others I interviewed but from whom I did not obtain signed statements.

Mr. President, this morning I received a letter from Ohio. Accompanying this letter was a foreword from a lawyer who is my personal friend. He wrote, "Senator, I know the young man who wrote this letter. He is wise beyond his years. I think this letter should be helpful." Naturally, he and I agreed he should not sign his name but if later he were subpoenaed as a witness, he would, of course, respond. I read this young man's letter:

HON. STEPHEN M. YOUNG,
U.S. Senator:

Having been in the National Guard for the past four and one half years, I am not surprised at the results of Monday's confrontation at Kent State University. The problem is a result of the structure and composition within the leadership of the National Guard. The leadership positions, sergeant and above, are literally given to men who have spent more than six years in the guard. The men who stay more than six years usually will do so to supplement income. Typically they resent the fact that many of their troops are college graduates, believe more in the power of peace than in war, and think the national guard is a political tool. They oppose change in the status quo and label dissent from the students as communist inspired.

It is my contention that these men should by no means be in command of any civil military force. The only way to face the campus problem and the race relations problem is by communication. Attempt to understand what the students and minorities believe. From the Governor, to the Adjutant General, to the Company Commanders, to the Sergeant there has been no attempt to listen, only repress.

I hope it is obvious why I can not sign this letter. The axe would surely fall. I assure you that there are many of us within the National Guard who are disgusted. There is no better time than now, in the election year, for change and recognition of inadequate solutions.

It is tragic that the Kent State episode is being used to solicit your attention in this letter. But I am afraid that if we do nothing, many more lives will be wasted.

The problems within the National Guard have been pointed out before by several of this nation's larger magazines. Concerned citizens should demand congressional investigation and require the newly elected candidates to propose revision. Money has been wasted on the National Guard for years. Money is one thing, human life is another.

A CONCERNED CITIZEN,
A Member of Ohio National Guard.

AUTHORIZATION, IN THE DISTRICT OF COLUMBIA, FOR THE GIFT OF ALL OR PART OF A HUMAN BODY AFTER DEATH FOR SPECIFIED PURPOSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2999.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the amendment of the House of Representatives to the bill (S. 2999) to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, which was on page 12, line 6, strike out "(e)" and insert "(f)".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House. I understand it is very technical in substance. It changes the letter "(e)" to "(f)".

The motion was agreed to.

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

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

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

**THE DISAPPEARANCE OF
1,500 AMERICANS**

Mr. MILLER. Mr. President, once again I address myself to the question of American servicemen held prisoner by the North Vietnamese. There are approximately 1,500 such Americans, who, as a result of deliberate violations of the Geneva Convention by North Vietnam, has disappeared. Nothing has been heard about them or from them since their capture.

These Americans were captured individually or in small groups over a protracted period of time. Thus, the impact of their disappearance has not been as dramatic as the *Pueblo* incident, for example.

But let us remember that the majority of small towns and villages in the United States have fewer than 1,500 people in them. Suppose a small town simply disappeared?

Can you imagine the furor this would create, the stories in the papers? Has anyone forgotten Lidice? About 160 people died there.

Suppose an entire American unit of 1,500 men was captured at one time, and disappeared into North Vietnamese prison compounds without a word.

That, too, would cause enormous reactions, and strong denunciations of the cruel and illegal policies toward POW's adopted by the North Vietnamese.

Let us then try to think of these unfortunate American servicemen in such terms, and resolve to continue to press their case on every front. In this way we may force their captors to give the required information as to the fate and condition and whereabouts of these 1,500 brave men.

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 bill (H.R. 17548) 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, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged by a nonprofit corporation or association;

S. 3778. An act to change the name of the

Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; and
S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

HOUSE BILL REFERRED

The bill (H.R. 17548) 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, was read twice by its title and referred to the Committee on Appropriations.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following communication and letter, which were referred as indicated:
PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE DEPARTMENT OF THE INTERIOR (S. Doc. No. 91-81)

A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1971, in the amount of \$194,100,000 in new budget authority and a proposed transfer of \$37,000, which will not increase budget authority, for the Department of the Interior, Bureau of Indian Affairs (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

CORRECTION OF DEPARTMENT OF THE INTERIOR COMMUNICATIONS

A letter from the Legislative Counsel, Office of the Solicitor, Department of the Interior, transmitting with reference to Department letters under date of April 20 and April 30, the information that an error occurred in both letters pertaining to clearance obtained from the Bureau of the Budget. The last paragraph of both letters should read "The Bureau of the Budget has advised that there is no objection to submission of this legislative proposal from the standpoint of the administration's program"; to the Committee on Interior and Insular Affairs.

PETITIONS AND A MEMORIAL

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by International Good Neighbor Council, of Monterey, Mexico, expressing concern regarding any legislation that may be introduced that would adversely affect the United States-Mexico border industrialization program; to the Committee on Finance.

A resolution adopted by the board of supervisors, county of Los Angeles, Calif., remonstrating against the action of the President in ordering American troops into Cambodia; to the Committee on Foreign Relations.

A resolution adopted by the Council of Polish Societies and Clubs in the State of Delaware, Wilmington, Del., praying for action to be taken by the General Assembly of the United Nations to seek action before the International World Court of Justice against the Union of Soviet Socialist Republics for committing a crime at Katyn Forest, U.S.S.R.; to the Committee on Foreign Relations.

AMENDMENT OF FEDERAL YOUTH CORRECTIONS ACT—REPORT OF A COMMITTEE (S. REPT. NO. 91-866)

Mr. HRUSKA. Mr. President, from the Committee on the Judiciary, I report favorably, without amendment, the bill (S. 3564) to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders, and I submit a report thereon. The bill seeks to amend the Youth Corrections Act by authorizing the use of examiners to conduct interviews of youthful offenders who have been committed to Federal institutions.

The Youth Corrections Act provided for the establishment of a special division of the Board of Parole to deal with problems peculiar to youthful offenders. This Youth Corrections Division, composed of members of the Board of Parole, makes recommendations concerning the treatment and corrections policies for committed young offenders; it orders the release of offenders on parole; it orders the return to custody of offenders when appropriate; and it orders the unconditional release of those who have successfully completed 1 year on parole.

It also provides that the members of the Division will conduct interviews of young offenders after initial commitment and upon return to custody. Since the Division is located in Washington, D.C., it is unavailable to conduct these interviews in many cases until long after a particular offender has been taken into custody. Examiners have been used to conduct these interviews, as they do for adult offenders, but only when the offender waives his right to be interviewed by a member. If, however, the young offender refuses to sign a waiver, the interview must wait until a member of the Division is available. This often results in substantial delays, which may minimize the value of these interviews. The amendment remedies this problem by allowing examiners to conduct the interviews while members of the Division remain in Washington.

This amendment was recommended by the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice, and is designed to make the operation of the Board of Parole and the Youth Corrections Division much more effective and efficient.

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

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents;

Lutrelle F. Parker, of Virginia, to be an examiner in chief, U.S. Patent Office; and

Donald D. Hill, of California, to be U.S. marshal for the southern district of California.

TAX CONVENTION WITH THE REPUBLIC OF FINLAND, AND SUPPLEMENTARY CONVENTION ON EXTRADITION WITH FRANCE—REMOVAL OF INJUNCTION OF SECRECY

Mr. FULBRIGHT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive E, 91st Congress, second session, a tax convention with the Republic of Finland, and Executive F, 91st Congress, second session, a supplementary convention on extradition with France, transmitted to the Senate today by the President of the United States, and that the conventions, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

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

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Republic of Finland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property, signed at Washington on March 6, 1970.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The existing income-tax convention of March 3, 1952 with Finland would be terminated and replaced by the new convention upon the coming into effect of the latter. Provisions of the 1952 convention would cease to have effect from the date on which the corresponding provisions of the new convention shall for the first time have effect according to its stipulations.

A revision of the existing convention has been considered desirable because of developments since 1952 in relations between the two countries and changes in the tax laws of both countries and in tax treaty policy. The new convention follows in general the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries. In particular, it reflects tax treaty policies established in recent revisions of conventions with France, the Federal Republic of Germany, the Netherlands, and the United Kingdom. It also reflects to some extent the 1963 model income-tax convention of the Organization for Economic Cooperation and Development.

The convention has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a supplementary

convention on extradition between the United States and France, together with two related exchanges of letters, signed at Paris on February 12, 1970.

The convention, the second of a new series of extradition treaties being negotiated by the United States, significantly updates the present extradition relations between the United States and France by adding the offense of aircraft hijacking and by clarifying and expanding the offense relating to narcotics, adding hallucinogenic drugs.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

I recommend that the Senate give early and favorable consideration to the convention, together with the two exchanges of letters, submitted herewith and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

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. JAVITS:

S. 3830. A bill to amend the Public Health Service Act by establishing a new title X to such act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. MILLER:

S. 3831. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Finance.

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

By Mr. SPARKMAN:

S. 3832. A bill to prohibit false statements on loan and credit applications to institutions insured by the Federal Deposit Insurance Corporation and by the Federal Savings and Loan Insurance Corporation; and

S. 3833. A bill to amend the Federal bank robbery statute to prohibit the destruction of banks or savings and loan associations; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3834. A bill for the relief of Milenka Vuksanovich; to the Committee on the Judiciary.

By Mr. MOSS:

S. J. Res. 200. Joint resolution to provide for a study by the Federal Trade Commission of the relationship between advertising and drug abuse in the United States; to the Committee on Commerce.

(The remarks of Mr. Moss when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3830—INTRODUCTION OF LOCAL COMPREHENSIVE HEALTH SERVICES SYSTEMS ACT OF 1970

Mr. JAVITS. Mr. President, I send to the desk a bill called the Local Comprehensive Health Services Systems Act of 1970, dealing with the reform of local health care delivery systems. This bill is essential if we are to head toward a national health insurance scheme. I have

introduced a bill with that purpose. Other bills have been introduced in the other body implementing the ideas of the AFL-CIO and the distinguished work done in this field by the late, lamented Walter Reuther, heading a major citizens committee for the same purpose.

In order to have prepaid health care for all our citizens, we have to transfer the debate from the university lecture halls to the congressional hearing rooms. There, the first question should be, If we want to rationalize medical care and service and facilities, do we have the systems, the means, with which to do it? Obviously the answer is "No."

Question: What can we do to begin to establish those systems even as we prepare for some plan, even if it is the plan of the American Medical Association—which has a plan being considered—which will give a higher level of care, with greater equity and without discrimination because of economic status or physical location, to our people?

Mr. President, to assure all Americans—whatever their economic status—accessible, quality health care and to provide form and direction to change the dangerously haphazard organization of health care in America, I recently introduced the National Health Insurance and Health Services Improvement Act of 1970, S. 3711.

This legislation, I believe, will mark the beginning of an extensive examination of mandatory prepaid health care for all our citizens—an idea whose time has been too long in coming—and will transfer the national health insurance debate from university lecture halls to congressional hearing rooms.

To implement a national health insurance system, it is vital to proceed immediately with the rationalization of medical-care services and facilities.

The bill I introduce today, the Local Comprehensive Health Service Systems Act of 1970, is designed to accomplish that end by putting into motion initiatives that ultimately will reshape the inequities and hardships of our presently anachronistic national health-care system—a system aggravated by duplication, waste, overlap and poor coordination. Health manpower and resources are now in short supply, often resulting in priority care to patients on the basis of ability to pay rather than the most pressing need for services.

We must begin a process of revolutionary change in medical care systems and stimulate the delivery of comprehensive quality health care to every American in need. Although we spend more money than any other country in the world on health care, the quality of care remains uneven—and for many—particularly the poor—it is abysmally low, if not nonexistent.

Although the United States leads the world in many branches of medical service, there is a national disparity in health services between the rich and the poor, between black and white.

In the disadvantaged areas we find the following tragic statistics and unchallenged facts:

First. The poor suffer six times as many deaths from pregnancy complica-

tions, 3½ times more deaths from diseases in early infancy, four times more deaths from TB, five times more deaths from syphilis, 1½ times more deaths from cervical cancer, three times as much heart disease, seven times as many eye defects, and five times as much mental retardation.

Second. The life expectancy of a nonwhite American is 7 years less than his white counterpart, infant mortality rates are twice as great for nonwhites as for whites, and nonwhite maternal mortality is four times as great as the rate for whites.

Third. According to an estimate made by the department of health, there is one doctor in private practice per 740 persons in New York State. Yet, in Harlem, with a population of 185,000 persons, there are a mere 30 physicians in private practice relating to the local population.

I believe the enactment of this legislation would be most important in developing comprehensive health care centers in disadvantaged areas and an excellent mechanism for meeting the ghetto's needs and combating the tragic statistics I have just cited. Also I would emphasize that my bill provides for community involvement and participation—significant factors in developing programs for satellite health centers.

What is needed is an innovative medical care delivery system, and toward this end, my bill would:

First, authorize the Secretary of Health, Education, and Welfare to make loans and grants and provide technical assistance to enable comprehensive health service systems to plan and develop comprehensive health care programs and assist them to become self-supporting.

Second, establish the criteria for systems seeking financial and technical assistance from the Government for the purposes of developing comprehensive health-service systems. Such systems would be required, among other things, to enter into an agreement with the Secretary to provide or arrange to provide services authorized by medicare. In addition to certain requirements concerning enrollment of beneficiaries in such systems, comprehensive health-service systems would have to develop preventive health-care programs, train and employ allied health personnel, be organized in a manner consistent with the State's overall comprehensive health-care plan, and emphasize local consumer and community involvement in its planning, development, and operation.

Third, authorize the Secretary of Health, Education, and Welfare to make grants to public or nonprofit hospitals, medical schools, any insurance carriers or nonprofit prepayment plans or nonprofit community group to pay 80 percent of the cost of planning and development of comprehensive health-service systems. Applications for assistance under this title would have to be approved by a State health planning agency.

Fourth, authorize the Secretary to contract with an approved comprehensive health-service system to pay as much of administrative, operating, and maintenance costs of such system as exceed its

income for the first 5 years after approval. The contract would require the system to make efforts to enroll members, control costs and utilization of services, and otherwise maximize income and minimize costs. The Secretary may see fit to terminate a contract after giving 6 months' notice. The Secretary would be authorized to make grants to a system for programs of capital development in an amount not to exceed 80 percent of non-Federal contributions otherwise required for construction and modernization of hospital, and so forth, under title 6 of the Public Health Service Act. The awarding of such a grant would depend upon approval of the proposed project by the responsible State health planning agency.

Fifth, identify a comprehensive health service system as one providing health care to an identified population group in a primary service area on the basis of contractual arrangements which embody group practice, established by a medical school, hospital medical staff, or medical center or other entity among the participating providers of services.

Sixth, define comprehensive health service systems as those which provide at least all services specified in title 18, Social Security Act—hospital and physician benefits—and include annual physical checkups, provision of maintenance prescription drugs, and dental services for children under 8 years of age. Other appropriate preventive and comprehensive health care would be required by the Secretary.

Seventh, authorize "such sums as may be necessary" to carry out the purposes of this act.

If we in the Congress are to soothe, not stir the angry feelings of frustration about health care in America, let us not depend upon an already overburdened health-care system to provide medical services. Let us begin now to make positive efforts to improve and preserve quality health care; develop the capacity in the health-care system to provide medical services; and reorganize health-care systems to benefit all Americans.

Therefore, Mr. President, I send the bill to the desk for appropriate reference, and ask unanimous consent that the bill may be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3830) to amend the Public Health Service Act by establishing a new title X to such act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes, introduced by Mr. JAVRS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3830

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

SHORT TITLE

SECTION 1. This act may be cited as the "Local Comprehensive Health Services Systems Act of 1970".

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Sec. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE X—FEDERAL AID TO ESTABLISH LOCAL COMPREHENSIVE HEALTH SERVICE SYSTEMS

FINDINGS AND DECLARATION OF PURPOSE

"Sec. 1001. (a) (1) The Congress hereby finds and declares that improving the provision and the delivery of health care is of critical importance and of the highest national priority and that present programs of health services do not provide for continuing, efficient and comprehensive health care, and lead to an unnecessary duplication of facilities, equipment, and personnel.

"(2) The Congress further finds and declares that the establishment of a system of health insurance for every American must not only increase purchasing power and equalize access to quality health care but must also bring about significant change in the health care system.

"(b) It is the purpose of this title to provide financial and technical assistance through loans, grants, supplementary financing and otherwise to health service institutions and organizations which will stimulate and enable such institutions and organizations to plan, develop and implement comprehensive systems for the delivery and provision of health care.

"BASIC AUTHORITY

"Sec. 1002. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the 'Secretary,') is authorized to make loans and grants and to provide technical assistance, as provided by this title, to enable comprehensive health service systems (as defined in section 1007) to plan and develop comprehensive health care programs in accordance with the purpose of this title, and to assist them to become self-supporting.

"ELIGIBILITY FOR ASSISTANCE

"Sec. 1003. (a) A comprehensive health service system (as defined in section 1007 of this title) is eligible for assistance under section 1005 of this title if—

"(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts entered into by one or more providers of services (as defined in section 1861(u) of the Social Security Act) and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

"(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in the specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

"(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad as practicable a range of income and social groups;

"(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to title XVIII of the Social Security Act for the respective services;

"(5) such system encourages increased health education of its members and the development and use of preventive health serv-

ices, and provides for a group of physicians (such as a committee of medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, consulting periodically with representatives of the membership, to fix the professional policies of the system, to oversee the professional aspects of the delivery of services, and to review the utilization of all health services, drugs and supplies;

"(6) such system shall, to the extent practicable and consistent with good medical practice, train and employ allied health personnel and subprofessional and lay persons in the rendering of services;

"(7) any participating extended care facility is affiliated with a hospital or with a group practice or similar organization and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

"(8) premiums charged by such system for services not paid for under title XVIII of the Social Security Act are reasonable; and

"(9) the establishment of such system shall be consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and shall be approved by the State planning agency designated or established pursuant to that section, and, where appropriate, shall be in accord with area-wide health planning carried out pursuant to section 314(b) of that Act;

"(b) In administering this title, the Secretary shall emphasize local initiative and consumer and community involvement of the planning, development and operation of such comprehensive health service systems, and shall seek to insure prompt response to local initiative, and maximum flexibility in the planning, development and operation of such systems. Appropriate Federal departments and agencies shall provide maximum coordination of other Federal assistance with the operation of this title.

"FINANCIAL AND TECHNICAL ASSISTANCE FOR PLANNING COMPREHENSIVE HEALTH SERVICE SYSTEMS

"Sec. 1004. (a) The Secretary is authorized to make grants to, and to contract with, any public or nonprofit hospital, or any medical school or other institution of higher education, or any insurance carrier or nonprofit prepayment plan providing health coverage, or any nonprofit community organization, or any community group organized for this purpose in a geographically defined primary service area and representing a broad range of income and social groups, or any combination of two or more such entities, to pay 80 percent of the cost of planning and developing a plan for a comprehensive health service system (as defined in section 1007) which will meet the requirements of section 1003. The Secretary is also authorized to undertake such activities as he determines to be desirable to provide, either directly or by contracts or other arrangements, technical assistance to such entities for the development of plans for such comprehensive health service systems.

"(b) Financial and technical assistance for planning such a system will be provided under this section only if the application for such assistance has been approved by the State health planning agency designated or established pursuant to section 314(a) of the Public Health Service Act, as amended.

"FINANCIAL AND TECHNICAL ASSISTANCE FOR THE OPERATION OF APPROVED COMPREHENSIVE HEALTH SERVICE SYSTEMS

"Sec. 1005. (a) The Secretary is authorized to approve a plan for a comprehensive health service system (as defined in section 407) if, after review of the plan, he determines that such plan satisfies the criteria set forth in section 1003.

"(b) The Secretary is authorized to contract, in accordance with section 1003(a) (1), with a comprehensive health service system, if he has approved the plan for such system, to pay so much of the administrative, operating, and maintenance costs of such system as exceed its income for the first five years of operation after approval under this section. Any such contract shall require the system to make all reasonable efforts to enroll members, to control costs and the utilization of services, facilities, and supplies, and otherwise to maximize its income and minimize its costs. If at any time the Secretary finds that the system is not making reasonable progress toward becoming self-supporting, he may, after hearing, terminate the contract on not less than six months' notice.

"(c) To assist a comprehensive health service system to carry out programs of capital development which the Secretary finds necessary for the purposes of this title, the Secretary is authorized to make a grant to such system of not to exceed 80 percent of the amount of non-Federal contribution otherwise required for the construction or modernization of hospitals and other medical facilities assisted under title VI of the Public Health Service Act, as amended: *Provided*, That such project has been approved by the State agency under that title and is consistent with the approved State plan, other than the provisions thereof respecting priorities.

"(d) In connection with any project of an approved comprehensive health service system for the modernization, rehabilitation, or construction of ambulatory care facilities which the Secretary finds necessary for the purposes of this title, the Secretary is authorized, in lieu of assistance under any other Federal program or under subsection (c) of this section, to make a grant for up to 50 percent of the cost of such project and to make a loan, on such terms as he shall prescribe, except that the rate shall not exceed 3 percent per annum, for the remaining cost of the project.

"(e) The Secretary is authorized to contract to make periodic interest reduction payments on behalf of any group practice or other ambulatory care facility, nonprofit hospital or nursing home which is operated or to be operated as part of an approved comprehensive health service system, such interest reduction to be accomplished through payments to the holder of a mortgage insured under Title XI, or Section 232, or Section 242, of the National Housing Act. Interest reduction payments with respect to a facility shall be made during such time as the facility is operated as part of the approved comprehensive health service system. The interest reduction payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the owner of the facility is obliged to pay under the mortgage, and the monthly payment for such purposes which the owner would be obliged to pay if the mortgage bore interest at the rate of 1 percent per annum.

"(f) Of the sums appropriated pursuant to section 406 for any fiscal year, 2 percent shall be available for grants by the Secretary to pay 100 percent of the costs (but in no case to exceed \$100,000) of projects, in areas designated by the Secretary as urban or rural poverty areas, for assessing local needs for comprehensive health service systems, obtaining local financial and professional assistance and support for local comprehensive health service systems, or for comprehensive health service system projects which, in his judgment, are of national significance because they will assist in meeting the needs of the disadvantaged for comprehensive health services systems or demonstrate new or particularly effective or efficient methods of delivery of health care through comprehensive health service systems.

"APPROPRIATIONS

"Sec. 1006. There are authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four fiscal years thereafter, such sums as may be necessary to carry out the purposes of this title.

DEFINITIONS

"Sec. 1007. As used in this title, the term "comprehensive service system" means a system providing health care to an identified population group in a primary service area and its environs enrolled as members, on the basis of contractual arrangements (which embody group practice, are established by a medical school, a hospital medical staff or a medical center, or similar arrangements) among participating providers of service and other persons organized so as to—

"(1) assure continuity of care and the ready referral and transfer of patients where medically appropriate;

"(2) provide comprehensive health services, which shall include dental services for children under 8 years of age, annual physical checkups, maintenance prescription drugs and at least all services specified in title XVIII of the Social Security Act (such services to be provided except as authorized by the Secretary, without deductibles, co-insurance, or copayment), drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunization, and may include other health services which are approved by the Secretary as appropriate to the particular comprehensive health service system."

(b) Section 1 of the Public Health Service Act is amended to read as follows:

"Section 1, Titles I to X, inclusive, of this Act may be cited as the 'Public Health Service Act.'"

(c) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

S. 3831—INTRODUCTION OF A BILL TO REVISE THE QUOTA-CONTROL SYSTEM ON THE IMPORTATION OF CERTAIN MEAT AND MEAT PRODUCTS

Mr. MILLER. Mr. President, I introduce, for printing and appropriate reference, a bill to revise the quota control system on the importation of certain meat and meat products. I do not intend to make a detailed explanation of this bill other than to say that it is the same as the meat quota bill introduced by the senior Senator from Nebraska (Mr. HRUSKA) on June 12, 1969—S. 2400—except that my bill also includes fresh, chilled, or frozen pork and prepared or preserved pork products except sausage. Since Iowa is the No. 1 pork producing State in the Nation, I believe it is appropriate that I introduce a bill to include pork and pork products, including canned items, in the meat quota law—especially since Midwest hog prices recently sank to the lowest point since their May 1969 level.

Mr. President, a serious situation is developing in the case of imports covered by the meat quota law. Under the 1964 law, the present quota for 1970 is 998.8 million pounds. This quota is not triggered, however, unless actual meat imports subject to the law exceed the quota

by 10 percent; in other words, reach 1,098 million pounds. Each of the major supplying countries has agreed to voluntary limits which, for 1970, amount to 1,061 million pounds. If the limits were adhered to for this year, imports would not exceed the quota by 10 percent and, therefore, the quota would not be triggered.

However, for the period of January through March this year, the U.S. imports of meat subject to the meat quota law totaled 337 million pounds—47 percent more than the same period in 1969. It is my understanding that the estimate for April is about 100 million pounds for a total through April of this year of about 437 million pounds. This is an annual rate of around 1,300 to 1,350 million pounds—far in excess of the trigger point of 1,098 million pounds.

On March 10, 1970, 16 other Senators and I signed a letter to President Nixon urging him to issue an Executive order, which he presently has under consideration, to prohibit the entry of meat except on through bills of lading which act as meat import certificates. This would put a stop to the practice of shipping meat from Australia and New Zealand to Canada and then transshipping it across the border for the purpose of evading our quota system. Although the amount involved is not large, it is significant. I once again urge the President to issue this Executive order. Such action will make it clear that evasion of the intent of Congress will not be permitted.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 3831) to revise the quota-control system on the importation of certain meat and meat products, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Finance.

SENATE JOINT RESOLUTION 200—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE FOR A STUDY OF THE RELATIONSHIP BETWEEN ADVERTISING AND DRUG ABUSE

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a joint resolution directing the Federal Trade Commission, together with the National Institute of Mental Health and in cooperation with the advertising industry, to undertake a comprehensive study and investigation of the relationship between advertising and drug abuse in the United States. Under the terms of the resolution the FTC would be directed to formulate guidelines designed to help advertisers avoid themes and techniques which contribute to or promote drug abuse. The Commission would also be directed to make such recommendations to Congress and the President as it deems appropriate.

To most of us, until very recently—drug abuse was perceived, as a remote concern—a problem of the racial ghettos, an aspect of the criminal subculture or an aberration of alien societies.

Then drug abuse burst upon the American consciousness. Suddenly, it was the children of the suburbs, not the children

of the ghettos—"our children" not "their children" who had become trapped in the descending spiral of alienation, despair, and death which are the grim by-products of drug addiction.

There are model schools in which marijuana passes freely in the seventh grade. In New York City the death rate stemming from heroin abuse now approaches the homicide rate. A psychiatrist warns suburban school boards that heroin strikes susceptible high school populations "like an epidemic" spreading with infestious speed throughout the school.

To most of us this revelation provokes surprise and shock.

Yet, if we had been alert, we could have seen all around us signs of the phenomenal growth of what has come to be known as America's "drug culture."

We could have seen that parents, who now react in shock and horror to the discovery that their son or daughter has become an addict, have themselves fallen prey to lesser, but related, addictions—sleeping tablets to ease the burdens of the night; two cups of coffee "to get started in the morning"; Benzedrine tablets "to get through the day"; tranquilizers to "ease the tension"; and, of course, at the end of the day, a couple of cocktails to "wind down."

But the drug culture finds its fullest flowering in the portrait of American society which can be pieced together out of hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria; solve problems, dispel doubt.

Not just pills; cigarette and cigar ads; soft drink, coffee, tea, and beer ads—all portray the key to happiness as things to swallow, inhale, chew, drink, and eat.

Does advertising merely reflect the growth of a drug culture initiated and stimulated by other economic and social forces? Or is advertising itself a cause, a promoter of the drug culture?

I do not think we know now. But many Americans, including many professionals who are responsible for seeking paths out of the drug culture, are deeply concerned about the role of advertising.

For example, a distinguished Miami pediatrician, Dr. Richard C. Adler, has called for an end to drug advertising:

There is no reason to advertise drugs. People can shop for them in drug stores or ask their doctors.

The advertising industry itself is clearly troubled by the growing concern with potential antisocial byproducts of its advertising and its techniques. Advertisers, like their audiences, have never before adequately considered the social consequences of advertising campaigns designed with the singleminded objective of selling goods and services.

Today they are alerted. The distinguished member of the House Public Health and Welfare Subcommittee, Congressman ROGERS of Florida, in a recent letter to broadcasters urged them "to consider restricting mood drug advertising in television."

The news account of a recent gathering of broadcasters meeting to consider the

implications of advertising's role in drug abuse was headlined by Advertising Age "Why don't FTC, FDA help us? Ads pushing pills that stimulate, tranquilize worry broadcasters".

Before we in public life and those in the advertising industry itself can come to grips with this problem and begin to prescribe remedies, we must acquire knowledge and understanding of the precise role of advertising in drug abuse.

Congress and the country was not able adequately to respond to the growing concern over the hazards of smoking until we had the insight gained through the study by the Surgeon General's Advisory Committee on Smoking and Health and the intensive scrutiny and analysis of cigarette advertising practices performed by the Federal Trade Commission.

Similarly, the time is now ripe for exhaustive study and comprehensive analysis of the impact of specific advertising themes and techniques upon the attitudes and behavior of the potential victims of drug abuse. Among other studies, we need content analyses and the utilization of sophisticated marketing techniques to reveal the implicit as well as the explicit messages of those advertisements which trouble us. We need to know the differing susceptibilities of varying age groups to the impact of advertising themes and techniques. We are told that between the ages of 0 and 5 the child learns most of what he is going to learn throughout his life. What is the impact of hundreds and hundreds of advertising messages which the infant receives from a TV set that may be a more constant companion to him than his mother?

We need to learn how to differentiate between the necessary freedom to utilize the techniques of communication to attract customers and exploitation of so-called "crutch advertising" that sells, not the virtues of the product, but escape from reality.

Mr. President, there is no doubt in my mind that Congress should proceed with extreme caution when tampering with market mechanisms. This resolution does not contemplate that it will be necessary to impose any additional regulatory burdens upon advertising content. It is based, instead, upon the belief that the advertising industry, as much as families and communities afflicted by the spread of drugs, need and will welcome a clear understanding of the dangerous, though unintended, byproducts of certain forms of advertising, and will welcome guidelines which will enable them to avoid these tragic effects.

I ask unanimous consent that an editorial for Advertising Age of May 11, 1970, be printed at this point and that full text of the joint resolution also be printed in the RECORD.

The PRESIDING OFFICER (Mr. STENNIS). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and editorial will be printed in the RECORD.

The joint resolution (S.J. Res. 200) to provide for a study by the Federal Trade Commission of the relationship between advertising and drug abuse in the United

States, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S.J. RES. 200

Whereas recent action by the Congress, banning cigarette advertising from the broadcast media, reflects its concern with the potential antisocial impact of certain advertising practices on American society;

Whereas there is mounting concern over increasing drug abuse by young people;

Whereas certain advertising themes and techniques employed in the promotion of drugs and other products appear unintentionally to promote or stimulate drug abuse among the young; and

Whereas the Congress and the President need accurate information and an informed judgment regarding the impact of advertising on the initiation of drug abuse: Now therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Federal Trade Commission, in cooperation with the National Institute of Mental Health and the advertising industry, is authorized and directed to undertake a thorough study and investigation of the relationship between advertising and drug abuse in the United States;

(2) the Federal Trade Commission, at the conclusion of such study, shall publish guidelines for advertisers designed to avoid advertising themes and techniques which contribute to or promote the abuse of drugs; and

(3) the Federal Trade Commission shall report to the Congress and the President its findings, including the guidelines published pursuant to this joint resolution, conclusions, and recommendations, not later than January 1, 1972.

SEC. 2. In conducting such study and investigation the Federal Trade Commission shall have all powers conferred upon it by section 6 of the Federal Trade Commission Act (15 U.S.C. 46), and shall be subject to the limitations imposed upon it by subsection (f) of that section. The provisions of sections 9 and 10 of that Act (15 U.S.C. 49, 50) shall apply with respect to studies made by the Federal Trade Commission under this joint resolution.

SEC. 3. There are authorized to be appropriated not to exceed \$1,000,000 to carry out the provisions of this joint resolution.

The editorial, presented by Mr. Moss, is as follows:

[From Advertising Age, May 11, 1970]

DRUGS, PILLS AND PROBLEMS

There is a steadily mounting concern over the increased use of drugs—both the legal and illegal varieties—in our society, and not the least concerned by any means are the pharmaceutical manufacturers, the television networks and stations, and the National Assn. of Broadcasters.

In a story in last week's issue of Advertising Age it was noted that some people have written to television stations and networks complaining that advertising for such over-the-counter stimulants as Vivarin and Viv and No Doz makes it increasingly difficult for parents today to keep their children from experimenting with some of the not-so-easily-obtainable drugs which can eventually lead to drug addiction.

With an estimated \$289,000,000 being spent annually on TV advertising of medicines, this serious question is being raised: Is the flood of advertising for such medicine so pervasive that it is convincing viewers that there is a medical panacea for any and all their problems, medical and otherwise? Are we being so consistently bombarded with pills for this

and pills for that and pills for the other thing that we have developed a sort of Pavlovian reaction which makes us reach for a pill every time we are faced with an anxious moment, be it of physical or psychic origin?

In a recent letter to Vincent Wasilewski, president of the NAB, and to pharmaceutical companies and TV networks, Rep. Paul O. Rogers (R., Fla.) said he felt that the growing tendency to promote drugs in TV commercials as mood changers "has given young viewers a sense of acceptability to taking pills." Television, understandably, comes in for the brunt of the criticism as the carrier of these pill commercials because it is the primary medium for this type of advertising, and also, more importantly, because it reaches vast numbers of young people who are not exposed to anywhere near as much print advertising. But ads for these products are evident in radio and in newspapers and magazines, as well as in other media.

Leaving aside for the moment, however, the impact on TV and all other mass media on people of all ages, we wonder if we haven't all grown up in a terribly medically conscious era. From the time a baby is born in our society he is subjected to all kinds of inoculations, vaccinations, external medical applications, pill, powder and liquid ingestions, until it becomes second nature for a person to engage in all forms of "self medication," if that is the proper term, to alleviate any and all problems that arise, whatever their nature.

Partly because of this great preoccupation we have with the use of various drugs, both legal and illegal, we think the pharmaceutical industry and the television industry are facing one of their most crucial problems: What to do about future drug advertising on television. In replying to Rep. Rogers' letter, Mr. Wasilewski said that the NAB TV code board meeting in Washington May 26-27 will be reviewing the entire issue of proprietary advertising in general. And in New York last week both the TV network censors and the NAB code authority officials talked about possibly setting up new or revised copy clearance.

ADDITIONAL COSPONSORS OF BILLS

S. 3

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of S. 3, to authorize the Attorney General to provide a group life insurance program for State and local government law-enforcement officers.

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

S. 2293

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 2293, to amend the National Sea Grant College and Program Act of 1966 in order to extend the authorizations for the purposes of such act.

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

S. 3215

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. MONDALE),

and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 3215, to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for a permanent authorization for programs under such act.

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

S. 3739

Mr. MILLER. Mr. President, at the request of the Senator from Kansas (Mr. DOLE), I ask unanimous consent that, at the next printing, the names of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of S. 3739, to amend the Small Business Act to increase the availability of management counseling to small business concerns.

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

S. 3758

Mr. MILLER. Mr. President, at the request of the Senator from New York (Mr. GOODELL), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 3758, a bill to require the heads of the respective executive agencies to provide Congress with advance notice of certain planned organization and other changes or actions which would affect Federal civilian employment, and for other purposes.

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

S. 3822

Mr. MILLER. Mr. President, at the request of the Senator from Utah (Mr. BENNETT), I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. ANDERSON) be added as a cosponsor of S. 3822, to provide insurance for member accounts in State and federally chartered credit unions, and for other purposes.

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

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 187

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of Senate Joint Resolution 187, the resolution to authorize the President to designate the third Sunday in June of each year as Father's Day.

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

SENATE RESOLUTION 408—REPORTED RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res.

408); which was referred to the Committee on Rules and Administration:

S. Res. 408

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend, from the contingent fund of the Senate, \$20,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 309, Ninety-first Congress, agreed to February 16, 1970.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 13, 1970, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged by a nonprofit corporation or association; and S. J. Res. 199, Joint resolution to further amend the Elementary and Secondary Education Act.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary: Jose A. Lopez, of Puerto Rico, to be U.S. marshal for the District of Puerto Rico for the term of 4 years, vice Santos Buxo, Jr., term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, May 20, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

POSTPONEMENT OF HEARING ON INTERIOR DEPARTMENT PLANS TO DEVELOP OIL SHALE RESERVES

Mr. MOSS. Mr. President, a public hearing on Department of Interior plans to develop oil shale reserves in the Western United States was set for 10 a.m. tomorrow, May 14, 1970, before the Minerals, Materials, and Fuels Subcommittee of the Interior Committee. Most unfortunately, I was advised this morning that the Secretary of the Interior, the Under Secretary of the Interior, and both Assistant Secretaries with knowledge of the subject matter of the hearing would be out of Washington and could not appear. Moreover, no person at the Department of Interior is available who is authorized to discuss the oil shale development program.

Therefore, I announce that the hearing has been postponed for 1 week—until May 21, 1970, at 10 a.m. in room 3120 of the New Senate Office Building.

It is expected that the Secretary of the Interior will appear and testify at that time.

It is personally frustrating to me to

have this matter postponed. For several years, I have tried to gain authorization of a development program for oil shale to add to our country's energy reserve. Secretary Udall announced a leasing proposal to stimulate development, but it did not succeed.

In January of this year, I received a letter from the then Under Secretary of the Interior Russell Train in response to an inquiry I had initiated the previous October. Under Secretary Train wrote me under date of January 5, 1970:

Various alternatives are under active discussion and consideration, but because of the many complex interrelationships between the technical, economic, and policy alternatives, no date can be as yet set for further Departmental action.

I ask unanimous consent, Mr. President, that the full text of the letter from the Under Secretary of the Interior to me be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 5, 1970.
Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: This is in further reply to your letter of October 25, in which you requested a comprehensive report on the oil shale situation.

There is enclosed a new publication by the Bureau of Mines, RI 7303, which presents the results of tests run during the period 1964 to 1966 at the Anvil Points facilities near Rifle, Colorado. However, the report dated May 1968, also enclosed, still represents this Department's technical judgment with respect to the "state-of-the-art" and the costs associated with the various processes that have been proposed for shale oil production. No new data have been published which would significantly alter the technical and economic conclusions reached in Chapter 4 of this report.

Numerous factors other than technology have affected the timing of the development of an oil shale industry. A copy of a paper is attached which was presented at the AIME in February of this year. This paper assesses some of the many factors which will be important in determining the initiation of an oil shale industry.

The oil shale leases offered in December 1968 did not result in bids sufficiently high to warrant issuing the leases. Among the many factors that might have caused such low bids were the lease terms and conditions. However, so many other important factors, such as those outlined in the AIME paper were involved that a good estimate cannot be made on the effect on the bids of the lease terms.

The Department has been working diligently to clear the clouds on the title of the Federal oil shale deposits. A task force of 19 employees located in Denver are engaged in this program. The state of title clearance is shown in detail in Attachment A.

Consideration is now being given as to the alternative actions that might be considered with respect to the oil shale lands during the period when ownership is still being contested.

Other than title clearance activities, the Department continues to be active in developing new geologic knowledge of the oil shale deposits in research and development of basic mining techniques which will be valuable when oil shale deposits are mined, an increasing knowledge of both in-situ and above-ground retorting. Other activities in-

volve surveying of environmental aspects that would be associated with either surface developments or underground nuclear stimulation. The River Salinity Management Program for the Colorado River include studies of leaching of shale by surface and ground waters under conditions of a developing oil shale industry. Studies of the impact of a new oil shale industry on wildlife and recreational areas, and other resource uses has also been undertaken.

Some preliminary discussions have been held of whether changes in the Minerals Leasing Act are desirable or necessary to encourage the development of an oil shale industry, but no conclusions have yet been reached.

The oil shale study of 1968, the offer of leases and the lack of response by industry to these offers have made it necessary for the Department to reconsider what policies and programs it should follow with respect to oil shale. The various alternatives are under active discussion and consideration but because of the many complex interrelationships between the technical, economic and policy alternatives, no date can be set for further Departmental action.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

ATTACHMENT: TITLE CLEARANCE

The Supreme Court, in *Ickes v. Virginia-Colorado Development Co.*, 295 U.S. 639 (1935) held that the Department could not cancel claims for failure to perform assessment work, as it had attempted to do.

In the late 1950's and early 1960's applications were made for patents to claims cancelled in decisions rendered in the above-mentioned earlier contests which were not thereafter appealed. The Department refused to consider the applications and, while it acknowledged that the earlier decisions may have been based upon an erroneous legal theory, held, in *Union Oil Company of California, et al.*, 71 I.D. 169 (1964), that after 30 odd years the application would be denied because of the long passage of time, on grounds of finality of administrative action, estoppel by adjudication, and *res judicata*.

In an action for judicial review of the Department's decision, the United States District Court for the District of Colorado disagreed with the Department and held that the Department may not rely on the old cancellation in disposing of pending applications involving mining claims so cancelled. The District Court's decision was affirmed by the United States Court of Appeals for the 10th Circuit in *Udall v. The Oil Shale Corporation, et al.*, 406 F.2d 759 (1969). The Government has filed a petition for a writ of certiorari to the Supreme Court to review the judgment of the United States Court of Appeals for the 10th Circuit, and the Supreme Court has agreed to hear the case.

Should the Court affirm the judgment of the lower courts, the Government's present title clearance program for the oil shale lands of Colorado, Utah and Wyoming will be made more difficult. The project to clear the public lands of long dormant, unpatented mining claims will involve thousands of claims, with many more thousands of locators, many of whose identity and locations, because of the passage of time, are now unknown, covering millions of acres of public lands. The Government still would have the right to challenge the claims on the grounds there was no discovery of a valuable mineral. It is estimated that it will cost the Government many millions of dollars to search out present owners of such claims, examine the lands covered by each claim for possible mineral outcrops and conduct administrative hearings.

As a consequence of administrative proceedings commenced against oil shale mining claims, one firm within the last few weeks

relinquished 31 oil shale claims. In contest Nos. 359 and 360 (Colorado), the Government is seeking to establish the invalidity of certain oil shale claims on the basis that oil shale never was, and still is not, a valuable mineral within the purview of the United States mining laws. Extensive hearings were held and briefs have been submitted by the parties. The case is under consideration by a hearing examiner of the Bureau of Land Management. Should the final administrative decision of the Department be adverse to the claimants it is likely that they will seek judicial review. Should the ultimate decision on this issue be that oil shale was not, and is not, a valuable mineral within the ambit of the United States mining laws, such a determination, if judicially fixed, would probably be dispositive of all existing unpatented oil shale mining claims. However, it is unlikely that the issue will be resolved other than by a decision of the Supreme Court of the United States. In Colorado contest No. 260, the issues involved include the question of whether oil shale was and is a valuable mineral within the purview of the United States mining laws, whether the claims have been abandoned, and whether there is sufficient evidence of discovery of the mineral on the claims.

In addition, the Department has initiated administrative proceedings by way of contest against 2911 dawsonite claims on the basis that dawsonite is not a locatable mineral.

Mr. MOSS. Although the Interior Department had stated to me that it was not in a position to take action, reports were rife on the Hill and in the oil industry that a program had in fact been pretty well worked out. As indicative of this fact, I ask unanimous consent that the text of a memorandum to me from a member of the professional staff of the Interior Committee who has been working with me on mineral resource development appear in the RECORD at this point.

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

MEMORANDUM ON OIL SHALE
JANUARY 19, 1970.

To: Senator Moss, Chairman, Subcommittee on Minerals, Materials, and Fuels.
From: Stewart French.
Subject: Oil Shale Program.

A new oil shale leasing program is being developed in the Interior Department, and announcement is expected within the next week or so.

Basically, the program adapts procedures from the Outer Continental Shelf leasing act in that interested parties may make nominations of tracts to be put up for leasing by competitive bidding. A three-stage procedure is planned.

1. Bona fide potential developers may obtain exploration permits and do core drilling and other prospecting. Results of the exploration must be made available to the Department on a "commercial confidential" basis.

2. The second stage will be a period of evaluation, for Interior as well as for the potential industry, of the data, and, based on it, a determination as to lease terms.

3. The actual leasing itself, based on the information and evaluation.

Patents for processes and inventions will be the exclusive property of the inventor and developer for a period of five years, after which they must be made available for licensing.

Thus, the new proposal appears to meet some of the valid objections to previous proposals, both on the part of those against development by private enterprise and those who felt the previous lease terms far too

stringent to live with. That is, both the government and the private entrepreneur will be able to have a pretty good idea of the potential value of a tract, and the problems connected with development before rights accrue and huge investments are made. Royalty and other terms can be realistic. Efficiency and good luck will not be penalized, as in the Udall proposals. And inventive genius will have some opportunity to attain some rewards.

Also, and highly important, the leases will require careful control over all types of pollution and any other threats to environmental quality.

Mr. MOSS. Mr. President, the need for development of new sources of energy within our country is a very pressing one. The oil shale deposits on the public lands in Utah, Colorado, and Wyoming, are a very great potential source of this needed energy.

It is the subcommittee's earnest hope that the administration will be able to discuss with it the situation with respect to oil shale development next week, so that we can have the facts as a basis for action.

ADDITIONAL STATEMENTS OF SENATORS

HOLLIS ENGINEERING IS HONORED

Mr. McINTYRE. Mr. President, the Hollis Engineering Corp. of Nashua, N.H., has been honored by the President's "E" award. I wish to take this occasion to pay personal tribute to the corporation and its founder, Howard Wegener, for exemplifying the best in our Nation.

As chairman of the Small Business Subcommittee of the Committee on Banking and Currency, and as a member of the Select Subcommittee on Small Business, I follow the development of small business with keen interest. Rarely have I come across a small business success story so classically American as the story of Hollis Engineering.

Ten years ago Howard Wegener began manufacturing automatic wave soldering systems in his garage.

In the short span of a single decade, his corporation has become the undisputed leader in sales of automatic wave soldering systems, doubling its sales every single year.

By now Hollis has installed no less than 3,000 such systems in locations throughout the world, and numbers among its clients such giants as IBM, Motorola, Control Data, Sanders, and many others.

Until 1966 Hollis confined its sales network to the continental United States. Indeed, no representative of the firm had so much as taken a trip outside this country.

But realizing the value of the export market, Hollis began working with the Department of Commerce and in the fall of 1967 sent representatives to the Department's show in Milan, Italy. Encouraged by the success of the show, Hollis representatives made a month-long trip through Europe to establish a sales and distribution network there. Since then a sales and service office has been established in Switzerland to support continental distributors and representatives.

In 1968 Hollis duplicated its European effort in Japan, Hong Kong, and Taiwan, and in the past year and a half sales representatives have been established in Mexico and in every country in South America.

Now the export program is producing no less than 40 percent of Hollis' total annual sales, and last year overseas sales totaled more than a million dollars.

Hollis now advertises in local trade publications in every nation, has its manuals printed in many foreign languages, and this year will participate in more than 20 trade shows outside this country.

Mr. President, the success of Hollis Engineering is truly remarkable, considering its humble beginnings, but it demonstrates once again how dedication, perseverance, initiative and ingenuity will not be denied in our free enterprise system.

Best of all, Mr. President, the company's growing success has meant more and more jobs for the people of New Hampshire.

BIASED REPORTING BY NETWORK TELEVISION

Mr. DOLE. Mr. President, it is a never-ending task to keep up with the irresponsible and biased reporting by network television.

A column by Henry J. Taylor, in which he discusses recent CBS coverage of Abbie Hoffman and Jerry Rubin, has been brought to my attention.

If what Mr. Taylor says is true, it makes pale, by comparison, CBS' attempt to distort the resignation of a holdover Democrat in a fifth-level HEW civil service position as a setback of major proportions to the Nixon administration.

I refer, of course, to Toby Moffett, an \$11,200-a-year aide to Education Commissioner Allen, whom the networks have attempted to bill as a consultant to the President. This kind of distorted reporting serves only to make heroes out of malcontents, loudmouths, and rabble-rousers. Such reporting will eventually destroy public faith in the news media if it does not destroy our country first.

I ask unanimous consent that Mr. Taylor's column be printed in the RECORD.

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

THE PIGS ON TV (By Henry J. Taylor)

The pigs are in the pasture on TV, weakening America around the clock, and if we don't see thru this vicious and deliberate push we need our heads examined.

CBS, NBC and ABC are obviously infiltrated. Haven't these fast-buck money machines, getting a free ride on the public's airwaves, any responsibility at all?

A full hour that CBS handed over to convicted "Chicago Seven" riot instigator Abbie Hoffman on the Merv Griffin show was hardly off the air when CBS unabashedly pushed another convicted criminal's venomous propaganda into the nation's homes. This time it was infamous Jerry Rubin on the Joseph Benti program—three days in a row during a single week.

Under the subterfuge, as usual, of "news," CBS aired Rubin's all-out pitch for revolution, murder, city burning, the destruction

of the police, and violence of every kind. "Thank you for coming," said Joseph Benti—three days in a row.

Benti deliberately injected the subject of LSD into the Rubin propaganda and shares with CBS the responsibility for Rubin's praise of this destructive drug as a joyful, harmless source of euphoria. "It'll give you kicks, baby, and you'll like it." Rubin told the listening millions. Can the CBS moguls contend they are not accessories to promoting a dangerous drug by the oldest device known to snake-oil medicine men—the personal testimonial?

Why doesn't infiltrated CBS just sell advertising time to an LSD pusher and pick up the money, besides?

The neanderthal standards of the networks are so low and so resented that we were told we should create the National Educational Television (NET) network to raise them.

Well, NET started right out with an inexcusable thing called "Day of Absence." The entire cast consisted of about 100 Negroes demanding violence, topped off by a vicious adolescent shouting, "I'm for violence, because we've pled with 'whitey' too long." OR did you see that network's "Report on Iron Mountain?"

This atrocious blasphemy contrived a fictional war and then anonymously ridiculed the United States and our fighting men in Vietnam in scathing criticism, helped to do so by a grant from the Ford Foundation.

The National Educational Television network gives us impeccable offsets like "The Forsythe Saga" and then pushes three attempts to whitewash Castro's Red dictatorship in Cuba: "Report from Cuba," "Three Faces of Cuba" and "Fidel!"

With the cards stacked as they are, your only effective influence on CBS, NBC and ABC is to hit them where it hurts—their pocketbooks.

A roaring shout should go out—by pen and paper—from across our victimized country. Write the sponsors of every program you see that teaches or stimulates destruction, whether it is violence in our streets or against America's institutions.

The pen is a mighty weapon. Get busy!

THE CAMBODIAN FORAYS

Mr. EAGLETON. Mr. President, we are asked to believe that our Cambodian forays are for a limited objective, using limited force for a specific time period; but all the evidence suggests that in reality the President's policy is to assure the survival of a non-Communist Cambodia, whether under Lon Nol or someone else.

The domino theory came through loud and clear between the lines of President Nixon's April 30 speech—this time to explain why we are militarily involved in Cambodia.

Cambodia, so it goes, is the domino whose fall will bring South Vietnam down, too. Noting increased enemy activity, President Nixon concluded:

If the enemy succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops will return from combat without fear of retaliation. . . North Vietnamese men and supplies could then be poured into the country, jeopardizing not only the lives of our own men but the people of South Vietnam as well.

Temporarily eliminating border sanctuaries will not solve that problem.

On Cambodia, the new Nixon sounds tragically like the old Johnson, who on July 28, 1965, raised the American ante

in Vietnam from 75,000 to 120,000 troops stating that this step, "like our actions in the past, is carefully measured to do what must be done to bring about an end to aggression and a peaceful settlement."

It is an all-too-familiar story. Limited involvement grows. Commitments spring up where none existed. Original rationales disappear, and new ones sprout. More U.S. forces are needed, first as advisers to South Vietnamese invading the Parrot's Beak section, then as combat troops in the Fish Hook area, now 20,000 U.S. soldiers are in Cambodia.

The U.S. Navy forces are needed to go up the Mekong River, and South Vietnam's forces go to Phnom Penh and beyond for the ostensible and tragically ironic purpose of rescuing Cambodian citizens of Vietnamese descent from calculated persecution by our incipient minion, the Lon Nol government. And now we hear of a blockade on the Cambodian coast—of whose shipping?—by what right?

The American people are being led, blindly, into another open-ended commitment. Before we undertake such a commitment, the issue and its implications should be laid before the American people and debated in Congress.

I have supported President Nixon as he withdrew troops. I did not ask that the United States unilaterally withdraw from Vietnam. On July 2, 1969, in a colloquy with the Senator from South Dakota (Mr. McGovern), I stated:

I would have to say that I am not prepared at this juncture to adopt the ultimate recommendation of the Senator from South Dakota: Namely, that the United States should unilaterally withdraw its forces from South Vietnam. Before we reach that decision, I should like to exhaust such other remedies as a steadfast ceasefire. I should like to exert more muscle on the Thieu-Ky regime to have it broaden its base considerably so as to include neutralists. I should like to have an opportunity to exhaust remedies such as these and have them shown to be fruitless before adopting the ultimate conclusion.

I am now ready to accept that ultimate conclusion.

As long as we are embroiled militarily in Southeast Asia, I fear the logic of military escalation will prevail, as it obviously has in Cambodia.

American involvement in Southeast Asia was and is a mistake—a disastrous one. It should be terminated as rapidly as possible consistent with the safety of American troops.

Enoch Powell, a right-wing figure in the Conservative Party of Britain, an unsentimental man, a man utterly opposed to communism, recently stated of the American involvement in Southeast Asia:

American military power cannot secure any specific political result in Southeast Asia. This is a war in which the United States can win, if it wishes, every battle; but it is a war which the United States is bound to lose.

I have no doubt that the United States forces can eliminate the Vietcong base which has so long flourished—of course it has—in Cambodia. But when the operation is over, the underlying facts of the situation reassert themselves like the tide washing out footmarks in the sand.

The ultimate fact reasserts itself: The Americans do not live there; everyone knows that their presence is destined to be temporary; everyone knows the realities which will prevail over them.

It is past time to recognize those realities in Southeast Asia.

It is time we let the Southeast Asians decide their own destiny, free of American interference.

I am, therefore, joining the Senator from South Dakota (Mr. McGovern), the Senator from Oregon (Mr. Hatfield), and other Senators in cosponsoring their amendment to end the war.

Mr. President, I ask unanimous consent that a speech on this same subject, which I delivered at Washington University, St. Louis, Mo., on May 9, 1970, be printed in the RECORD.

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

SPEECH OF SENATOR EAGLETON

The political course of this nation, since its inception almost 200 years ago, has been one of moderation in politics and social change. With some noteworthy exceptions, we have not been beset by the violent wrenchings which have been part of the 19th and 20th century history in other nations.

There are many reasons—economic, social, educational, political—for this gradual evolution. Our general affluence has tended to insure continuity. Our political processes, especially the two-party system, have helped channel philosophical diversity toward widely accepted consensus. Pragmatism and idealism have tempered each other in our public life.

On occasion, however, this tenuous mix has been disrupted. The Civil War wrenched the nation violently, and placed this country irrevocably on a different course. The Great Depression of the 1930s permanently altered the role of government on the domestic scene as profoundly as if we had thrown out our old Constitution and drawn up another. In both cases, the lives and expectations of individuals were as severely disrupted as the structure of society itself.

The emergence of the United States as a world power through two world wars was another of these epochal changes. After World War I, President Wilson attempted to utilize our new-found power through the League of Nations; but we were not ready to accept our new and necessary role, and instead reverted to isolationism.

World War II once again thrust us upon the global scene. This time, in an age of atomic weapons, we could no longer leave the fate of the world to others. No longer could we remain aloof, smugly satisfied by the protection of the Atlantic and Pacific Oceans.

Erstwhile isolationists like Arthur Vandenberg became avid internationalists. We embarked on the Acheson-Dulles era of foreign policy—a totally new game in an unfamiliar arena . . . a game with few rules except the law of the jungle . . . a game fraught with new fears and uncertainties.

But just as we had blindly underreacted after World War I, we zealously overreacted after World War II. In response to our fears—some well grounded, some not—of Soviet intentions, the United States set itself up as the conservator of the non-communist world. We felt we had to guide, control . . . indeed, if we could, to remake . . . the world in our image.

The success in Europe of the Marshall Plan and the Truman Doctrine spawned a gospel of protective intervention to be applied around the world, wherever opportunity beckoned. We became "treaty happy" and

intervention prone. No area of the world was too small or too remote for us to protect by our advice, by our dollars and, if called upon, by our armies.

Perhaps it can be argued that our motivation was noble. Many of our actions in Europe and elsewhere were surely necessary. But in Southeast Asia we have gone too far—far beyond the demands of our own security . . . far beyond what the prudent concern for world peace permits.

As the French were expelled, we intruded. As the North Vietnamese expanded their operations, we escalated. As the Laotian government weakened, we bombed. As the new Cambodian government faltered we invaded.

The consequence is the Second War in Indochina (for that is what it is now), a bitter, bloody travesty of American internationalism.

A seemingly innocuous venture in 1954 has brought America to another great watershed. The customary and historical evolutionary political process of our nation has once again been wrenched. The results may well equal the Civil War, the Depression or the World Wars in their impact on the lives of all of us. We might have absorbed the countable costs of the war in Southeast Asia—fifty thousand dead . . . 400 thousand wounded . . . 110 billion dollars for health care and education diverted to war.

But this war has been far more insidiously destructive to us than that. After years of honest hopes and false promises . . . of public pleas for support for decisions secretly made . . . it has weakened the faith of all Americans in our political processes and institutions. Most of all, it has petrified the idealism which has given this government its purpose.

The credibility of the Presidency has been weakened . . . and the electoral process by which we choose our leadership has failed to change an outmoded policy. It is tragic to recall the words of President Lyndon B. Johnson as he spoke in New York during his campaign for the Presidency on August 12, 1964:

"Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job 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 actions would offer no solution at all to the real problem of Vietnam."

Nor is it difficult to remember the words of Richard M. Nixon, when he told this country four years later as he ran for the Presidency, "I have a plan for peace" . . . and the hopes of those who voted for "a change."

The credibility of the military has also grossly deteriorated. Can it be retrieved?

Congress, itself, as a partner in the governmental process, has been found wanting . . . has failed to stop a runaway foreign policy . . . has failed to restore the humane priorities this nation was created to serve. Can Congress act?

Many of the people—young and old—have lost faith in our system. How and when can confidence be regained?

The measure of a people—the measure of the American people—is not its aggregate wealth of its military hardware.

The measure of a people—the measure of the American people—is its ability to meet adversity, to recognize it, to surmount it.

The measure of a people—the measure of the American people—is to recognize the blunders of the past and to shed their crippling burden . . . not to press on like a blind and helpless giant crushing villages and crippling ourselves in a futile, meaningless quest to "save face."

Our repeated pledge to support "the de-

fense of freedom and self-determination for the peoples of Vietnam," in addition to being grandiose, was the result of an emotional reaction to fear of "communism"—a fear which caused the United States to assist the French in their struggle to re-establish colonialism in Indo-China and then to provide money, materiel, and men to a series of unrepresentative and unresponsive governments which ruled through military strength and with United States support.

For over 14 years, the United States has fought for the governments of Diem, Minh, Tho, Khanh, Huong, Oanh, Quat, Ky and Thieu, in order to assure a non-communist regime in South Vietnam. Must Americans now learn a still longer litany of unfamiliar names as we struggle vainly to support regime after regime in Cambodia?

Vietnam was and is a mistake. Some of us have tried to sanitize it by pleading for the reform of the Thieu-Ky regime. Some of us have pleaded for a stand-fast ceasefire. Some of us have asked for a graduated, but firm, timetable of withdrawal. Our pleas have not been heeded.

Since January 20, 1969 when President Nixon took office, over 13,000 Americans have died. We still continue to blunder ahead . . . now into Cambodia, tomorrow perhaps beyond. On the one hand, the President announces a policy of "Vietnamization," a policy of gradual—ever so gradual—withdrawal. On the other hand, he escalates our involvement in Laos. He expects to find peace through negotiation, but renews a fruitless policy of bombing in North Vietnam.

How much longer, how many more American lives, how much more divisiveness will it take before we recognize that Vietnam is a problem that only the Vietnamese can settle?

The situation in Indo-China is hopeless as far as the U.S. is concerned. It is an endless nightmare. No conceivable outcome can possibly justify the risks of deeper involvement. No longer is there even a realistic possibility that we can "save face."

The face we must now save is not the face of past foreign policy blunders. The face we must save is the face of a nation facing the future. It is time for the President to stop talking about saving face and start talking about saving lives.

The future is heavily upon us. It is an uncertain, turbulent future.

We must move into it swiftly and convincingly, unshackled from the Vietnamese cancer.

Therefore, I urge that we withdraw immediately from Cambodia, discontinue our sorties in Laos, and withdraw our forces from Vietnam on a fixed and urgent schedule commensurate with the safety of our troops.

INCREASED AUTO SAFETY IS EVERYBODY'S CONCERN

Mr. HRUSKA. Mr. President, in 1960 there were 38,137 traffic deaths. Within 10 years the annual total has reached 56,400. This comes to more than 1,000 each week. Hence, all of us must be relieved when official statistics reveal that certain States and cities have shown a remarkable and significant decrease in motor vehicle deaths for the recent months of January and February, 1970.

South Dakota, Oklahoma, Nebraska, and Kansas, a consecutive block of States in the great breadbasket of America, showed in this period a significant drop in fatal accidents of 55 percent, 37 percent, 29 percent, and 5 percent, respectively. Sixteen other States in all parts of this Nation also experienced decreases ranging all the way up to 36 percent. Naturally, we hope that all forms of

traffic accidents will be reduced materially and that each of the 50 States will continue its efforts to do so.

But hope alone is not sufficient. What is required is greater coordinated efforts to develop safer streets and highways, safer and properly repaired motor vehicles, and safer and self-disciplined drivers.

These three all-important aspects of traffic safety can be improved only if a united effort is made by government, civic, and religious organizations, business, labor, agriculture and other segments of our economy, and by the general public. Everyone must get into the act.

The Federal, State, and local governments, including legislative, executive, judicial, and law enforcement branches, have a most important role in achieving safer highways, safer automobiles, and safer drivers. Space does not permit a detailed explanation of the methods necessary to fulfill these objectives, but they are well known.

Mr. President, the role of the community and the general public is just as important. Recently, I received an important letter from Leslie Weber, writing on behalf of the entire senior class of Friend High School in Friend, Nebr. He stated:

I am writing on behalf of a very concerned group of Seniors from Friend High School. As of late, there has been a mounting concern over car safety in our class. They asked me to write and urge you to help make our highways safer by introducing or supporting bills that would help cut down on highway accidents. There are some areas which we feel need to be examined carefully. One such area is drunk drivers. We feel that there should be stiffer penalties when driving under the influence of alcohol, especially when drivers are involved in an accident. We would appreciate it very much if you would do all you could in helping to reduce traffic fatalities. Thank you.

This letter expresses the community concern for this problem. I hope it will act as a catalyst arousing the interest of every senior high school and college, as well as other groups of citizens, so that grassroots efforts will help us drastically reduce traffic accidents in every town, city, county, and State.

Each area may have a special problem to solve. It may be the unsafe highways, undetected unsafe automobiles, unsafe and undisciplined drivers, or a combination of these factors.

Community action can correct these traffic difficulties just as community action has corrected other serious problems affecting the safety and health of the public. I congratulated my young friends at Friend High School for their community spirit. I sent them a CONGRESSIONAL RECORD reprint of my pre-Christmas traffic safety appeal which included excerpts from the report of our mutual friend, Gov. Howard Pyle, president of the National Safety Council. The report contained specific data in the fight to curb traffic accidents. I also sent them the late Senator Dirksen's CONGRESSIONAL RECORD reprint of a traffic safety project which was inaugurated by the minority as a result of the data received in the automobile insurance hearings conducted by the Subcommittee on Anti-

trust and Monopoly, on which I now serve as the ranking Republican.

But as I reflected more on the thoughts in this letter sent by my constituents from Friend, Nebr., I knew that more could be done by Members of Congress and other public officials and that more also could be done by an inspired and dedicated citizenry.

Mr. President, let me itemize a few of the benefits of more dedicated efforts by all of us:

First, reduction of the 56,400 auto deaths annually;

Second, reduction of the millions of auto-related injuries to citizens;

Third, reduction of the economic loss of \$13 billion each year;

Fourth, reduction of automobile insurance premiums which have been increased because of the increasing number of accidents occurring each year;

Fifth, reduction of heartaches and personal or family suffering caused by these auto-related deaths, injuries, and economic losses;

Sixth, last but not least, citizen action, by young and old, could do much to reduce the startling statistics which show that 50 percent of the motor-vehicle-related deaths are in the age group of our young people under 30 years of age; that 42 percent of fatal traffic accidents involve only one automobile; 33 percent of accidents on high-speed roads are due to sleepy drivers; and 50 percent of the annual auto fatalities are due to or connected with alcohol use.

Hence, parents and youth have an added incentive to crusade for traffic safety. The parents must make their 16- to 25-year-olds understand that automobile accidents are the No. 1 cause of death for that age group. Further, the family auto insurance premium is almost doubled because of the driving habits of a segment of our youth, which automatically places all young drivers in the high insurance premium classification.

The youth have their important responsibility. Millions have watched Father Keller's Christopher television program exemplifying what one person can do. We then can project what an inspired youth group can do in the area of traffic safety, especially when statistics show that youth has the most to gain; the under-30 age group comprises 50 percent of the automobile accident fatalities. That adds up to 28,000 annually, or over 280,000 in 10 years, and represents a great tragedy.

How our young people go about such projects will depend upon the traffic accident problems of the community involved. However, one approach is universal—our young must convince each other of the importance of careful, alert and safe driving for their own safety and preservation.

The adults, who should participate in traffic safety projects of their own, certainly will respond to any call upon them from the youth of America to support youth programs to curb auto accidents. This should be especially true of adults who serve as directors of the driver training classes in the schools.

Mr. President, I close my remarks with some encouraging statistics which would

indicate that aggressive programs to curb automobile accidents may prove very successful and reduce the projected 60,000 automobile deaths in 1970. Auto fatalities for the 1963-1967 period showed approximately a 3,000 annual increase. The increase from 1968 to 1969 was 1,200 auto fatalities which is a great drop in the annual upward curve. This is good to note.

These factors may be responsible: the use of seat belts, which it is believed can save 10,000 auto deaths annually; safer highways and safer automobiles as a result of the 1966 Federal statutes; and greater government and general public efforts to convince the drivers that automobile accidents on our highways can be avoided by careful and self-disciplined driving habits. More can be done and should be done by all segments of our society, including each individual driver.

AMENDMENT NO. 609—AMENDMENT TO END THE WAR

Mr. GOODELL. Mr. President, a bipartisan group of Senators purchased prime television time to explain the amendment to end the war—amendment No. 609 to H.R. 17123—to the American public and to seek support for it.

The half-hour broadcast marks the first time that a congressional group has produced such a nationwide program.

The program—"The Amendment to End the War"—was broadcast on Tuesday, May 12, at 7:30 p.m. over the NBC television network.

Senators GEORGE MCGOVERN, MARK HATFIELD, HAROLD HUGHES, FRANK CHURCH, and I participated in the program.

The amendment to end the war was drafted by Senators MCGOVERN, HATFIELD, HUGHES, and me and was introduced on May 5, 1970. It states that unless Congress shall have declared war, no moneys appropriated under the act to which it is attached, or under any other law, shall be used in Vietnam after December 30, 1970, except for the withdrawal of all American forces. It requires that the withdrawal of American forces from Vietnam be completed—that all American military personnel be pulled out—by June 1971, unless the President of the United States requests and Congress passes a joint resolution extending that deadline.

The amendment provides that no money shall be used for military operations in Laos after December 1970. And it provides that no moneys shall be authorized for any military operations in Cambodia or for military aid for that country 30 days following the adoption of the amendment.

I ask unanimous consent that the transcript of the program be printed in the RECORD.

Mr. President, last week the St. Louis Post-Dispatch carried an excellent editorial commenting upon the Cambodian invasion and the amendment to end the war.

I ask unanimous consent that the editorial and the text of the amendment be printed in the RECORD.

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

THE AMENDMENT TO END THE WAR: A NETWORK TELEVISION BROADCAST, MAY 12, 1970, NBC

(Participants: Senator George McGovern, Senator Mark O. Hatfield, Senator Charles E. Goodell, Senator Harold E. Hughes, Senator Frank Church)

NARRATION. Today, in the bright springtime of 1970, the United States of America has been ripped apart. Citizens bludgeon each other in the streets of New York. Students die in a campus eruption. Buildings explode. Banks burn. The Nation's colleges are shut down. The population is polarized, and there are parades of protest everywhere. Not since the days of the Civil War have Americans treated each other like this.

At the heart of the trouble lies the war in Vietnam. It is a strange war—a war that we have to keep explaining to ourselves year after year after year. And it is a difficult war to explain—particularly to the people who have to go and fight on its inconclusive battlefields.

But today all the talk goes on, the war goes on, too. It continues tonight, as it has continued for a decade. Tonight, Americans will die in Vietnam. Tonight, Americans will die in Cambodia.

What can we do?

Last week, amendment No. 609 was introduced on the floor of the United States Senate. It was co-sponsored by a bi-partisan coalition of twenty Senators. These Republicans and Democrats call it *the amendment to end the war*. They regard it as a realistic new thrust for peace. The Senate debate on it will begin in just a few days.

In the next half hour, five of these Senators will make a case for this amendment. If the American people can effectively urge its passage upon the Members of the House and Senate, if "the amendment to end the war" is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest . . . petition . . . and an act of law, we shall have at last ended the Vietnam war.

And now, Senator George McGovern of South Dakota.

Senator MCGOVERN. There is no way under the Constitution by which the Congress of the United States can act either to continue this war or to end it, except by a decision on whether we will appropriate funds to finance the war.

Article I, Section 8 of the Constitution reads as follows: "The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

Senator HATFIELD. Our amendment to end the war fulfills the obligations that we have under the Constitution. The amendment clearly states that unless the Congress shall have declared war, that no monies appropriated on the act to which we attach the amendment, or any other law, shall be used in Vietnam after December the 30th, 1970, except for the withdrawal of American troops and other provisions.

It provides that no money shall be used for military operations in the country of Laos after December of 1970. It provides that no monies shall be authorized for the use of any military operations in Cambodia, thirty days following the adoption of the Amendment; and that all troops shall be withdrawn from Vietnam, all American troops, by June 1971 unless the President of the United States shall deem that it is important enough to extend that time by requesting the Congress to pass a Joint Resolution authorizing such extension time.

Senator HUGHES. The Amendment to End the War provides continuing funding for full protection of American troops during the total period of our withdrawal. It also provides adequate funding to provide political asylum for all those South Vietnamese and other civilians for which there may be great concern about a bloodbath; and there are adequate provisions that these civilians may be placed in other places for their own protection.

It also provides for a continuing negotiation of exchange of prisoners.

Senator CHURCH. Very soon the Senate will be acting on another Amendment offered by Senator Cooper and myself, which is addressed to the Cambodian situation and sets the limits on that adventure to those declared by the President.

But this End the War Amendment takes the full step, and provides an orderly method for the extrication of the United States from the war in Vietnam, itself.

Senator MCGOVERN. And so what we're looking for is a reasonable way to accomplish that withdrawal, and I think that the principal stumbling block now is that we're somehow worried about losing face. We're worried about embarrassing the policy makers that sent us in there. We're worried about admitting that perhaps we made a mistake.

Actually, I think it would contribute to the greatness of the United States if, as a free people, we could just admit that we're capable of making a mistake; and then do the best we can to put an early end to it.

Senator HUGHES. Vietnamization is not a change in policy at all. It's a continuation of the old, old policy. It is dedicated to war, not to peace. It means that the war will go on and continue to go on for years to come. It means that there has been no one speaking, in this Administration or the last, of an end to our support commitment in Vietnam.

It means that we can look into the future for at least a decade, in all probability, to a quarter of a million men involved in Vietnam. I think every mother and father in America who has a son right now that's five, or six, or seven years old, or anywhere up to 15 or 16, should well realize that that boy is going to be involved in our future commitment in Vietnam under existing policy.

Senator GOODELL. We have come to the point where we realize, and I think the President realized when he went into Cambodia, that Vietnamization will not work; and it was an admission of the failure of Vietnamization.

I think it's time that the American people recognize that the President doesn't have the power to declare war or make war, alone. He can ask Congress to declare that power; and I think that's why what we are discussing here, and urging support from the American people for, is so important.

Congress can do this, and it's not an irresponsible action; and with the walls all falling down around American prestige and power in the world if we decide we're going to get out. Congress would simply be saying, "Okay, we've fought for seven years, we've bled and died, and we've spent our resources on this; and now the time has come to say to the South Vietnamese, 'take it over. We'll give you time. Over a period of time we're going to be withdrawing and you can go on getting aid if you fight for yourself in your own civil war. We're not going to stay there and fight and bleed and die for you any longer.'"

Senator HATFIELD. But the point is simply this: It's no longer the opinion of Presidents, and no longer the opinion of Senators; it's the evidence of history, of over 40,000 deaths, and this amount of resource expended that has proven each one of those escalations to be wrong. And I say, how

many more American men have to be heaped upon that funeral pyre of war to disapprove a theory or a doctrine of military action that has been proven wrong each time that it's been acted upon.

Senator CHURCH. After all, the United States is not going to impose any permanent solution in Asia to settle Asian problems among Asian people on the Asian mainland. Now, the idea that we are going to do that is—runs against the whole current of history.

Now, what's happening in Asia is that the western powers are moving out, and that the Asians are taking over for themselves; and Vietnamization, as it's been pointed out here, is not the method for extricating us from this morass. It will merely perpetuate our involvement in this war. Half of the troops may come home; the other half will stay indefinitely; and it does not serve the interests of the United States to maintain a permanent military base in Southeast Asia.

Senator GOODELL. The President reiterated the other night that he was going to continue to bring back these 150,000 men in the next 12 months. Now, many Americans may feel that that means they're all going to be coming back, and nobody's going to be going.

Under a policy of bringing back 150,000 men in the next 12 months, we will send to South Vietnam 276,000 men who are not there now, who are now in the military or about to go into the military; and we'll bring back more, 150,000 more than we send, but in the rotation process there will be this 276,000 men go over there to fight, and perhaps die.

Senator MCGOVERN. And what would we have accomplished, or what evidence is there based on past history, to lead us to believe that we would be in any better position, or that South Vietnam would be in any better position, 1 year or 5 years or 10 years hence, after tens of thousands of additional Americans have been killed, than we are now? What would we have gained?

Senator CHURCH. We have created a "crisis of confidence," and a deep disillusionment and an alienation that doesn't just affect a narrow fringe of radicals on campus. Anyone who goes to the campuses knows that this feeling extends to millions of young Americans.

Now, if they grow up without a belief in this system, that, it seems to me, has far greater bearing upon the future of the United States than anything we have now, or have ever had at stake out in Indochina.

Senator HUGHES. I think one of the great, tragic byproducts of all of this has been the spiritual scarring of our own people. The questioning in our own minds of why we're involved in a body-count war with total military supremacy, with indiscriminate bombing and far-ranging effects on the ecology of those nations by spraying chemicals and driving the people off of the land into the cities, completely changing the complex of that little nation involving sixteen to eighteen million people.

And we ask ourselves, can we be happy about the fact that we've killed 10,000 Vietnamese and suffered 300 deaths ourselves and in the process that this complete psychology that we have of destroying life, you know, at any expense, and what the results of it are—

Senator CHURCH. It's brutalizing our own society.

Senator HUGHES. It's brutalizing us internally, and we find our young people turning away from it, fleeing to Canada to avoid a war they consider immoral and attitudes that they consider unrealistic in a time, in an age when we really are questioning ourselves to find national purpose again.

Senator MCGOVERN. What we need to understand is that there is no way to separate the cost of this war in Asia, from the cost of our own society. Now, there were

stories in the press recently that some of our poor people, some of the black citizens and other minority groups, have shied away from participating in protests against the war on the ground that their concerns are with hunger and with racism and with poverty.

But what I think all of our fellow Americans need to understand is that the answer to these other problems will not come until we put this war behind us, and the enormous drain that it's taking here in our society. The person who's worried about inflation ought to realize that war is a principal cause of it. The man who's worried about the stock market skidding ought to realize that the stock market jitters are associated, to a great extent, with the war.

And as you've said so many times, the Governors and the city councilmen and the others who are worried about where the money is going to come from for those new schools or new sewage projects or other things, they have to understand that the war is robbing them of those possibilities.

Senator HUGHES. We're talking about 12 to 18 million people in South Vietnam. There are 23 million blacks in America who have not been able to find justice in this great country. Untold thousands of American Indians who have never been brought to their fulfillment. You who have worked so long and so energetically in the field of hunger in America, and poverty, with some 35 million people living in poverty, with the very foundations shaking of every major city in the Nation, with the great, basic, undergirding of this Nation that has always kept it stable, with those minorities is now being drained off and siphoned off in the name of somehow saving face in Southeast Asia, you know.

So when we talk, I think you would agree that there seems to be a great paradox in this.

Senator GOODELL. The cost of the war last year was \$23 billion, so you can say in just about specific terms that 1 year's cost of this war would clean up all our waters in the United States.

Senator HATFIELD. The half hour that this program is being telecast to the American people, to reduce that or to translate that into terms of the cost of the war; the Federal Government will be spending \$1 million just in this one-half hour period.

Senator GOODELL. In Vietnam.

Senator HATFIELD. In Vietnam. Just in Vietnam.

Senator CHURCH. Mark, you know the argument is made that the world will think we're weak if we withdraw from Vietnam. I think that of all the arguments that are made, that is the least impressive. Actually, the world knows that we have the power to exterminate every living inhabitant of Vietnam. If we unleashed that power we could salt it over the way Rome salted over Carthage.

It's not our power that's in question out there. It's the wisdom of our policy; and the world sees the biggest, richest, strongest nation dropping more bombs on North Vietnam than we dropped on all Europe in the Second World War. They see this tremendous disproportion of strength and wealth, and that puts us in a very bad light in the world.

In fact, this war has done more to undermine America's moral leadership in the world than anything that's ever happened to us, and the faster we put the matter right in Southeast Asia and end this war, the sooner we will begin to win back again the respect that this country ought to have throughout the world.

Senator HUGHES. What do you say to people who are really concerned, and I know they're concerned, about the fact that we'll lose face in the world, you know, that we'll really not be a first rate power, as has been

implied by our Chief Executives in the past and in the present? And the concern of honest Americans who want to get out of the war, who want to stop the killing and the dying, and yet they say this is America's place in the world, that unless we accept this challenge we're somehow failing in world leadership.

I think this is the question in the minds of millions of Americans today.

Senator HATFIELD. What constitutes leadership. Not just power of armament, but power of ideals. And I say that we are losing in the world today by continuing to be in Vietnam.

It's not a matter of national price. It's a matter of whether we're practicing what we preach. It's a matter of whether our ideals that were embodied in the Constitution, in the hearts of the American people, are really at the center of our policy, or whether we're out here with some peripheral object of face-saving, and so forth. I say, if it's to be humiliated to admit we're wrong and to save lives, then the sooner we do this, the better it's going to be for our nation. But I don't consider it humiliation. I consider it greatness, because only the powerful can take the chance of admitting error, and we're that powerful today.

Senator GOODELL. And most civilizations that have died, have died from within; and that is happening now in the United States of America if we don't get out of this war.

Senator CHURCH. We clothe this war in the sacred words of "justice" and "freedom" and "peace." But justice and freedom and peace aren't at stake out there. You know, the Government that we're supporting is not a democratic government, it's an incompetent and corrupt military dictatorship; and it's involved in a war with another dictatorship. This is a war between two dictatorships for control of Vietnam.

So I think we make a grave mistake when we try to clothe such a war in terms of the ideals for which this country should stand. Freedom is not at issue for the people of Vietnam. One way or the other, the kind of freedom that we know is not going to be the gift of this war out there.

Senator HUGHES. I think the gut question, though, Frank, and particularly George, when we're talking about this Amendment to End the War, to most Americans is, how can I support this Amendment and at the same time support my country in an involvement we've had over the last 15 years. And I think if people could resolve this in their own minds, you know, they'd very willingly bring this war to an end through this Amendment.

Senator MCGOVERN. Now, the President said the other night that if we leave Vietnam now, we're going to be through, or I think he said we're going to be finished as a peacemaker in Asia. Well now, I think we ought to quit trying to be the policeman for Asia. Let's quit trying to be a solo policeman and banker and pacifier in Asia alone. How ironic it would be if at long last we succeeded in pacifying Southeast Asia and couldn't pacify our own society.

Senator HUGHES. The invasion of Cambodia, I think, was truly the straw that broke the camel's back. They're writing to me at about 8 to 10 to one against the President's posture right now in Southeast Asia; and in the belief and the hope that the Senate of the United States will offer the leadership, you know, to alter this posture.

Senator GOODELL. Everything we have said here tonight is completely unpartisan. I think we have all been as critical of the Democratic Presidents as we have of Republican Presidents, and we should not be considering this in terms of political or partisan advantage one way or the other. This war transcends partisanship, and I know a great many Republicans as well as Democrats who think our policy now is wrong, and we ought

to get out. I think the overwhelming number of all Americans, whatever their political party, believe this.

Senator McGOVERN. I think what we're trying to do with our Amendment to End the War, is to say that that is too important a decision to place on the shoulders of one man. It's too big a risk to ask one man to decide alone. The President ought not to have to make that judgment alone, and under the Constitution, he's not supposed to make that decision alone.

What we're proposing to do is to share that responsibility, and whatever political risk, whatever opportunity, whatever hazard is involved in making the decision to end this war, we're prepared, as elected officials, to stand up on that question and answer yes or no, and then take whatever blame or whatever credit is involved.

Senator GOODELL. In effect, we're providing a situation where the President can withdraw faster, where he can make a determination the war is going to end by a fixed date, and he will not bear the whole onus, himself. We recognize that when you've made such a tragic mistake, there's no painless way to get out of that mistake. We're saying, "We'll share that pain, we'll share that responsibility. But let's recognize the mistake and get out of it."

Senator HUGHES. What do we say to the American parents who have sons fighting in Vietnam? Is this a patriotic move that we are taking in this Amendment to End the War? Is this support of their sons and of our fighting men in Vietnam?

Senator GOODELL. There is no better way to protect the young men who are fighting over there than to bring them home; and I don't know of any military person in any responsible position, who doubts that if we made our declaration, "we're coming out," that they would be brought home safely then.

As long as we stay there, the casualties are going to go up, and if President Nixon's program works, over the next three years, we are talking about a minimum of 5,000 more American dead, and probably closer to 20,000. Four or five times that many casualties, and four or five times that many Vietnamese deaths in the process. Not to mention the billions of dollars involved.

Senator McGOVERN. But now what we're proposing is not a disorganized and uncoordinated outcry. We're proposing a specific legislative Act that will have the full force of law, and it will say in effect, no more money for Southeast Asia for any purpose other than arranging for the systematic and safe withdrawal of our forces, for the exchange of prisoners, for asylum for those people that might be threatened by our withdrawal. It's an orderly, Constitutional procedure for bringing about an end to this war.

Senator CHURCH. Now, this brings the Congress back to the role that it should have been playing all along. It asks the Congress to assume its responsibility to the American people, and it brings our democratic system back to life again in a balanced, Constitutional manner; and that in itself is as important in the long run to the life of this Republic as ending the war in Vietnam.

Senator HATFIELD. What do we say to the American people who have been watching, and who would say, "Well, we agree with you, but our voice is not very loud. I'm only one person, I'm just a little person, so-called little person." You hear that many times. Does that voice have a place in this whole great issue of war and peace?

They say, "We're tired of speeches. We want some action." A lot of the young people say this to us. A lot of the older people say, "All right, turn it off. We agree with you,

but what have you done about it? What can you do about it, what can we do?"

Senator CHURCH. We're asking people to make their views known responsibly to their Congressmen, and we are asking the Congress and the Senate of the United States particularly, to begin to assume its responsibility under the Constitution. For years and years now we've abdicated. We've given all the power to the President when it came to war. We've sat on our hands and done nothing, and hoped that the people would look the other way.

Well, the time has come to reassert our responsibility and to stand up and vote on the question of war or peace.

Senator HATFIELD. You know, we've sort of enshrined silence as the virtue of patriotism in the last year or so; and actually, I think the highest patriotic duty that any citizen has is to speak up, to speak his convictions and his mind. That's the hope that we've got to give to all American people. That there is this method, there is this channel open to them, and that we, and others like us on this end of the power structure, so to speak, are receptive. We're not only receptive, but we're inviting them to participate in this Amendment to end the War.

Senator HUGHES. This is what we must do. We need their help. Even if we had 40 Senators presently on this Amendment, we need the help of the people of the United States. There's no other way that we can succeed; and the voice of the people counts in the final analysis. If I'm to exercise my judgment and to follow my conscience in a position of responsibility, I must tell the people when I think we're right, and I must tell them when I think we're wrong; and expect them to support those positions, or to oppose them. But for Lord's sake, don't be quiet. Write, support or oppose, but do something in this critical time.

Senator HATFIELD. If you want to cast your vote to end the war in Indochina, there is something you must do in the next few days. Write to your Congressman or your Senator, just the simple words, "I vote for the Amendment to End the War in Southeast Asia."

Senator GOODELL. And there's something else you can do. Take a sheet of paper and write on the top, "We, the undersigned, favor the Amendment to End the War." Leave room for names and addresses; and then go out to work, to the church, to the supermarket, where ever you can collect signatures, and get people to sign who agree with you. Send those petitions to your Congressman and to your Senators.

Senator HUGHES. The President of the United States rightfully can command all media to bring a message to the people of the United States any time he deems he has a message of importance. For those of us who have differing viewpoints, and wish to express those to you, the American people, it requires that we seek your assistance.

Senator CHURCH. Remember that 66 cents out of every tax dollar now goes for war. A dollar for peace could go a long way. So send your contribution, whatever it may be, in order that we can continue to speak out. Make your checks out to "Amendment to End the War," post office Box 1A, Ben Franklin Station, Washington, D.C. 20044.

Senator McGOVERN. Let me close this broadcast on a very concrete and specific point. What we are proposing here is that for the first time in the long history of this war, the Senate of the United States stand up and be counted yes or no, on the question of whether we wish the war to continue, or to be ended. We propose to do that in a vote that will come in a very short time. We pledge you that that vote will be held. This is not a sense of the Congress Resolu-

tion, it is not a debator's point; it is an act of law, which if carried, will put an end to this war in a systematic way. We ask earnestly tonight for your support in that effort.

President NIXON. Strive in every area of the world—

General WESTMORELAND. In 1968, a new phase is now starting.

President JOHNSON. General Westmoreland's strategy is producing results.

General WESTMORELAND. The enemy's hopes are dim.

President NIXON. If, when the chips are down, the world's most powerful nation acts like a pitiful, helpless giant—

Closing NARRATION. In just a few days, debate on the amendment to end the war will begin on the floor of the United States Senate.

If the American people can effectively urge its passage upon the Members of the House and Senate, if the amendment to end the war is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest, petition, and an act of law, we shall have at last ended the Vietnam war.

AMENDMENT No. 609 TO THE MILITARY PROCUREMENT AUTHORIZATION BILL (H.R. 17123)

Sec. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: Provided, That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces: And provided further, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

[From the St. Louis Post-Dispatch, May 3, 1970]

A CUT-OFF DATE FOR WAR FUNDS

President Nixon now has his own Indochina war and his own credibility gap. Neither one is inherited any longer. In asking the American people to support the resolu-

pansion of the Vietnam war to Cambodia, as he has already expanded it to Laos, he asks them to believe the same false promises which have repeatedly betrayed them against their will into ever deeper involvement on the mainland of Asia.

They are asked to seek peace by making war; to seek withdrawal of our troops by enlarging the arena of combat; to diminish American casualties by sending more young men to their death; to save the lives of 450,000 American troops by one more round of escalation. And all this Mr. Nixon asks in the name of preserving the credibility of America as a great power!

Such an exercise in double-think and double-talk would be unbelievable if the whole nation had not seen an uneasy President floundering in illogic and misrepresentation before its very eyes. It is still hard to understand how a President who saw his predecessor destroyed by manipulating the people into an unwanted war would now attempt to manipulate them into enlarging the war he promised to end.

When all of Mr. Nixon's patchwork rationalizations are stripped away, it is quite clear what has happened. His policy of Vietnamization is a failure. It always was a fatuous assumption that as American troops withdrew the South Vietnamese would become stronger and Hanoi would be intimidated into accepting defeat. Now that the assumption has been exposed as false—now that the Communists refuse to give up fighting on Mr. Nixon's command—the Pentagon has sold him the bill of goods that escalation will rescue a bankrupt policy.

It is the same bill of goods, slightly worn, that the generals sold Lyndon Johnson. First they promised that a merciless air war would bring Hanoi to its knees; and it didn't. Then, 500,000 ground troops would cow the Viet Cong; and they didn't. Now, "cleaning out" the bases on the Cambodian border, which our forces have lived with for five years, will suddenly win the war—and who can believe, honestly, that it will?

Nor can rational men honestly believe that sending American troops into Cambodia is necessary to save the lives of our garrison in Vietnam. The 450,000 men there, equipped and armed to the hilt, are perfectly able to protect themselves and Mr. Nixon knows it. So he fizzes up the argument by saying that the object is to protect the lives of those Americans who will be left in Vietnam after mid-1971, when the current withdrawal schedule has been fulfilled.

This adds up to an interesting confession that Mr. Nixon intends to leave some 300,000 troops in Vietnam after his third year in office, but it is no more persuasive than the other. The plain truth is that Vietnamization has failed, the withdrawal schedule is threatened, Mr. Nixon because of his marriage to the Thieu-Ky regime refuses to negotiate a compromise political settlement, and so he buys the old, battered nostrum of escalation.

Until now many Americans have been disposed to give the President every benefit of the doubt, to support his withdrawal schedule and Vietnamization policy as sincere efforts to end the war. Now increasing numbers of them must feel like Republican Senator Aiken of Vermont, who after pleading with Senators for months to back the President on faith is compelled to acknowledge the "greatest disappointment in my life."

It is no wonder that moderate and thoughtful men like Republican Senator Mark Hatfield of Oregon are coming to the conclusion that the only way left to carry out the public will is to exercise the constitutional powers of Congress in a way that guarantees an end to the war. Like Republican Senator Goodell of New York, Senator

Hatfield is proposing that Congress stipulate a cut-off date after which no more funds will be appropriated for military operations in Indochina.

We favor such a measure. The cut-off date could be set far enough ahead to avoid any perils of precipitate withdrawal. It would not interfere with, but would reinforce, an orderly and secure disengagement. It would do no more than to write into law what Mr. Nixon claims to be his policy of ending the war. Its most immediate effect, we imagine, would be to compel Mr. Nixon to negotiate a reasonable political settlement based on a coalition government, to be followed by elections in which the Vietnamese people determine their own future. And what is wrong with that?

CREDIBILITY GAP IN TELEVISION BROADCASTING BUSINESS

Mr. DOLE. Mr. President, a column written by Richard Wilson and published in the Washington Evening Star of May 11, 1970, points out the growing credibility gap in the television broadcasting business.

Mr. Wilson, himself a member of our much criticized news media, discusses the refusal of the Columbia Broadcasting System to supply the Department of Defense with information which might help to determine whether war crimes have been committed in Vietnam.

The columnist mentions three CBS news segments filmed in Vietnam which have been under investigation for allegedly being "faked."

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

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

CBS STAND IN WAR NEWS PROBE IS QUESTIONED (By Richard Wilson)

The Columbia Broadcasting System has been under investigation for allegedly faking horror scenes from Vietnam but is standing its ground in refusing to supply the Defense Department with requested information which might help to determine if war crimes were committed.

There are some fine points here but CBS's judgment can be questioned in not cooperating, both as a matter of self-examination and in the interest of punishing American officers for any complicity in war crimes.

Freedom of press and speech is not so much involved as the integrity of television broadcasting which is already suffering from a credibility gap. The view inside the Nixon administration is somewhat more drastic. CBS is considered to be totally irresponsible, indefensibly hiding behind a freedom-of-the-press screen, a bald fraud on the public.

That view need not be adopted in order to see the weakness in CBS's position in not in itself wishing to get to the bottom, or at least letting the public get to the bottom, of how much fakery there is on TV and where showmanship ends and falsification begins.

Three incidents in particular have been under recent investigation. In one, CBS Evening News on Feb. 17, 1970, showed South Vietnamese soldiers covering the face of a prisoner with a towel and pouring water on it to bring the victim to the verge of suffocation and thus persuade him to talk. A U.S. adviser was pictured watching.

CBS Evening News on Oct. 9, 1967, reported an incident in which a soldier attempted to cut off the ear of a dead enemy soldier. Two

CBS people, Don Webster and John Smith, were involved in reporting the incident. They were subpoenaed at the trial of Spec. 4 George A. Pawlasky but neither appeared, both being absent from the Republic of Vietnam at the time of the trial.

Pawlasky was found guilty in the ear-cutting incident. At the request of the American Embassy, no further action was taken against Smith, who was listed as a principal in the case for having supplied the knife for the ear cutting.

The third incident appeared on CBS Evening News on Nov. 3, 1969, and was narrated by the same Don Webster who reported the ear-cutting matter. The third incident involved the stabbing of a captured Viet Cong by a South Vietnamese in the presence of U.S. personnel. Its authenticity was challenged in a report from the American Embassy in Vietnam on Nov. 13 as a "cut and paste" job involving different locales and personnel and including an Australian helicopter as well as some U.S. training film.

In all these instances efforts were made by the directorate of defense information to get from CBS information or unused film (called "outtakes") other than had appeared in any of the broadcasts. The president of CBS News, Richard S. Salant, advised the Defense Department that it would not risk compromising its news sources and its news personnel in Saigon by revealing more information than was broadcast.

Salant was asked to reconsider but he refused. "Outtakes," like a reporter's notebook, are sacrosanct, Salant contended. And he observed that the Defense Department, with its widespread facilities, does not have to rely on CBS News in order to carry out its investigation of a war incident.

The latter may be quite true but it does not adequately explain why CBS, like any newspaper, would not support the authenticity of its own reports by more than merely asserting that they were true.

There undoubtedly will be some kind of a judicial determination, growing out of other cases, on whether or not reporters can refuse to supply their raw notes which might or might not support evidence of the commission of a crime.

And, of course, this question becomes sharper when reporters or photographers, as in the case of the Vietnam incidents, may be called upon to supply information against people who might have cooperated with them in production of a television feature. These people might conceivably be their friends, while reporters turning over their notes on demonstrators and protesters might not know the persons involved.

There are really two separate questions, the integrity of television broadcasting and the matter of the inviolability of a reporter's news sources. The courts can decide the latter. But the public wishes to know if what it is seeing on TV is authentic, exaggerated showmanship or just plain fakery, and it is much in the long-range interest of CBS to reassure the public on this point, either by proof of the authenticity of its reporting or corrective action against fakery.

WALTER REUTHER

Mr. HUGHES. Mr. President, in remembering Walter Reuther, I would rather speak of the great gains that came to our society because such a man lived, rather than to dwell on the immeasurable tragedy to America of his sudden loss. Walter was too vital a man to lend himself to obituaries.

My personal impression of Walter Reuther was one of sudden sunlight and

quick lightning. Within him were the contrasts of greatness. He was the toughest of fighters against injustice, and at the same time a compassionate and prophetic planner for human betterment.

His passionate commitment to the great causes of this democratic society and of all humanity kept him youthful, looking into his early sixties.

It was my privilege to have a long visit with him by telephone on the Friday afternoon before his untimely death.

Out of this conversation, I received the same sparks of vision and leadership I have always gathered from my contacts with this great American. I would not presume to guess how many individuals in public life have gained strength and encouragement from Walter Reuther to sustain them in the never-ending job of building a just and better society. He was always the builder, never the iconoclast.

He was a brilliant leader among the brilliant men of his times. More than this, he had passion and faith. Equipped with them, man can move mountains. Walter Reuther did.

It was of no consequence to him that a cause might be unpopular, if he believed it was right.

He was one of the early crusaders for peace, despite the extensive involvement of his union in war industries. In recent months, he was an outspoken opponent of the ABM and of the extension of our Asian involvement into Cambodia.

He was the fearless advocate of the open society—open unions, open political parties, the unified American society in which there would be no exclusions or polarizations for reasons of age, ethnic origin, creed or economic status.

He was a pioneer among labor leaders for equal opportunity and the elimination of racial prejudice.

He entered the lists for these broad human goals with the same unquenchable zeal that he had brought to winning equitable wages and working conditions for the 1.3 million members of his union.

No one who knew Walter Reuther could doubt the memorial that he would want—the continuation by organized labor of his unique campaign, beyond the traditional bread and butter issues rightly prized by the workers, to the broader goals of building a stronger democratic nation and a peaceful world community.

I, for one, believe that the leadership of the United Auto Workers and other great units of organized labor will keep faith with Walter Reuther and build him the kind of living memorial he would have wanted.

ISRAEL INDEPENDENCE DAY

Mr. HRUSKA. Mr. President, this week the Nation of Israel celebrates the 22d anniversary of its Proclamation of Statehood. On May 14, 1948, Mr. David Ben-Gurion read the proclamation to a group of tearful but happy Jews gathered in Tel Aviv, and a few hours later, at midnight, the State of Israel came into existence. It was a paradox of history that this Nation, one of the oldest

on the earth with a history of almost 4,000 years, should be welcomed into the family of nations in 1948 as a new member. In the intervening 22 years, the Israelis have demonstrated that they are a young and dynamic nation, worthy inheritors of the wisdom and industry of their forefathers.

Because of Israel's long and close relationship with the United States, it is fitting that we should note the anniversary of its statehood and take the occasion to reflect upon the growth and achievements of this young and vital nation.

In the few short years of its existence, Israel has successfully absorbed countless thousands of immigrants from lands as diverse as Yemen and the Soviet Union. Under conditions of extreme physical hardship, a State has been built that rivals any in the world for its industry, its creativity, and the dedication of its people.

In every field of endeavor, the Israelis have shown an uncommon capability to provide new insights, to seek new approaches, to devise new methods. It is perhaps this innovative spirit which has made the State of Israel so prominent in so many enterprises. But unfortunately, for all the initiative invention of the Israeli people, they have not been able to find the formula for peace in their land.

It is regrettable and tragic that the constant threat of escalating conflict continues to hang heavy over the Middle East. It is difficult to replace bitter enmity and rancor with candor and conversation, but peace and prosperity are worth pursuing and must be pursued despite the difficulty of the task.

It is my belief that the nations of the Middle East must mutually recognize the right of each other to live in peace as sovereign nations with secure boundaries. The United States does not propose that Israel withdraw from occupied Arab territory except in the context of a mutually accepted peace and measure to insure the security of both sides. While the President has said it would be a "grave mistake" for Israel to take final and formal possession of the occupied territories, he has also stated "it is not realistic to expect Israel to surrender vital bargaining counters in the absence of a genuine peace and effective guarantees." I am certainly in agreement with him on this point. What virtually the entire world is saying to both sides is that peace and withdrawal are inseparable. There will be no peace without withdrawal; there should be no withdrawal without peace. This has been the constant position of the United States since 1967 and is the essence of the November 1967 Security Council Resolution.

The most recent developments and their relation to the arms balance do, however, serve as a serious reminder of the depth of the Soviet commitment to the Arab countries. It is in this context that President Nixon observed that

When one gets an enormous advantage over another, or a significant advantage, the danger of war coming escalates. That is why our

policy has to be to try to maintain a balance so that neither is encouraged to embark on an aggressive course.

In a recent speech the President reaffirmed the commitment which he made to Israel last year in a speech to the B'nai B'rith convention. Senators may recall these words:

Israel must possess sufficient military power to deter an attack. As long as the threat of Arab attack remains direct and imminent, sufficient power means the balance must be tipped in Israel's favor. . . . For that reason—to provide Israel a valid self-defense—I support a policy that would give Israel a technological military margin to more than offset her hostile neighbors' numerical superiority. . . .

The President recently emphasized:

The United States is prepared to supply military equipment necessary to the efforts of friendly governments like Israel's to defend the safety of their people. We would prefer restraint in the shipment of arms to this area. But we are maintaining a careful watch on the relative strength of the forces there, and we will not hesitate to provide arms to friendly states as the need arises.

As the conflict continues, the world is becoming increasingly aware of the trials faced by the State of Israel. The wars between the Israelis and their Arab neighbors in the past two decades, have drained vital energy, wealth, and time from the Israeli people. It is important to note, however, that the pride of Israel has never been lost. The pride they have in their young people who have been sent off to battle, retarding the process of nation building, should be an example to us all. In spite of the burdens which have faced this young nation, the Israelis have amassed one of the most astonishing records of growth and development of any nation in the history of the world. The Israeli triumph over adversity is truly one of the miracles of our time.

On the occasion of the anniversary of Israel's independence, we join the many friends of Israel around the world in offering our heartiest congratulations and expressing the hope that the next celebration in Israel shall be for a permanent and meaningful peace.

THE 22D ANNIVERSARY OF ISRAEL

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the Record a statement prepared by the Senator from New Jersey (Mr. WILLIAMS).

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

ISRAEL AT 22

Mr. WILLIAMS of New Jersey. Mr. President, this week the State of Israel is celebrating the twenty-second anniversary of its independence. On Independence Day, one would expect a national leader to recite, in prepared speeches, all the right nationalistic slogans, raising the Nation to the highest peaks of patriotism. This especially would appear to be the case for a country at war. One would expect that, in a country like Israel, the entire day would be devoted to glamorizing Israel's heroic victory in the Six-Day War of June, 1967.

Instead, we cannot help but notice the sober tones and mature international attitude of this young nation, as reflected by the Independence Day speech of that remarkable woman, Golda Meir, the Prime Minister of Israel. Instead of reflecting the attitude of a victorious warrior, Mrs. Meir assured the world that Israel would negotiate a peace "without preconditions" and with "full consideration for Arab dignity and legitimate rights."

This generous statement comes from the leader of a nation created by the survivors of history's worst example of the refusal to recognize the dignity of man and his legitimate rights. Out of the holocaust of World War II, a nation was reborn. All it claimed for itself was a tiny and physically not very desirable piece of the earth's surface. Few objective viewers would have given that handful of people much chance in their fight against the sun-baked wasteland. Fewer would have believed that they could protect that land and their own lives against the armed invasion of an Arab world outnumbering her 40 to 1 in population, and even more so in weaponry.

Twenty-two years and three wars later, Israel still lives and thrives. She lives on her strength of character, on her will to survive, on her dedication to a fruitful and productive life in the Jewish homeland.

But today, Israel faces a new threat. Indeed, the entire free world faces a new threat in the escalating Middle East crisis.

As I have stated previously, the recent escalation by the Soviet Union strikingly demonstrates the error made by the Administration two months ago in refusing to sell Israel American aircraft. Although we all abhor further arms escalation, in these circumstances we cannot delay for even one more day agreeing to sell Israel the aircraft she desperately needs in order to survive.

LUTHERAN MEDICAL CENTER AND REVITALIZATION OF SUNSET PARK IN BROOKLYN, N.Y.

Mr. GOODELL. Mr. President, last December 19 my distinguished colleague from New York (Mr. JAVITS) spoke eloquently of the Lutheran Medical Center in Brooklyn, N.Y., and its pioneering efforts to improve a seriously blighted urban area. I should like today to bring Members of Congress up to date on the progress that has been made by that hospital in the community of Sunset Park.

During the last 12 months, what was a diverse and fragmented neighborhood has united on the common ground of the hospital and in the hope of possibly revitalizing their neighborhood. In essence, the Lutheran Medical Center is attempting to create a bridge between its neighbors and their local, State, and Federal governments. It is trying to articulate for those who can help, the needs and hopes of the people in Sunset Park. It is working at bringing together the diverse groups to encourage a unified neighborhood. It is acting as an instrument to bring about change in their area.

The Lutheran Medical Center is seeking to be the focal point for other community forces to gather and create a strong neighborhood voice. It means to give support to existing community or-

ganizations by providing the talents of its staff, the use of its physical facilities, and the prestige of its institutions. It will help them with their functions, or operate neighborhood services in partnership with them, or design health services with their advice. In short, the Lutheran Medical Center is endeavoring to draw the attention of all to the plight of Sunset Park, and to weld the power of government and the power of the people into a positive force to improve the quality of life in their neighborhood.

There is evidence that this program of community advocacy is beginning to work. The following examples would give one hope that a community institution—serving the people and intimately involved with them, a major employer of neighborhood residents—can effectively serve as a community advocate.

The Lutheran Medical Center runs an Office of Economic Opportunity-sponsored neighborhood family health center, in its third year of operation.

The Lutheran Medical Center, in partnership with its community, runs a food distribution center.

As a result of interest generated in the community in support of using the hospital as the instrument for change, and in partnership with the city of New York, the Sunset Park redevelopment committee, a group of 16 community residents, representatives of the various ethnic, political, social points of view, was formed to work together to develop a broad plan for the redevelopment of their neighborhood. The result of this committee is a 120-page document that addresses itself to the needs and desires of a community, with community, hospital and city input—a far-reaching cooperative effort that has the kind of power necessary to bring it all to fruition. However, the Lutheran Medical Center is absolutely essential to the success of the urban plan.

The hospital has therefore applied to the New York State Department of Health for a loan under the State's loan program for voluntary hospitals. In this regard I was gratified that the Lutheran Medical Center—particularly through the efforts of Mrs. Bonnie Kraig, assistant to the president of the center—was able to steer through to enactment by the New York State Legislature a bill that is vital to the whole redevelopment program.

I think what is particularly exciting and innovative about the story of the Lutheran Medical Center is the effort being made by an indigenous institution to look beyond its own self interests, and see its role as concerning itself with the total health needs of its community. In a day when most institutions are fleeing the city, this one chooses to remain and create a momentum of positive action.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ATOMIC ENERGY AUTHORIZATIONS, 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3818) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Senate proceeded to consider the bill.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. PASTORE. Mr. President, the reason for my asking for the quorum call was to alert Senators to the fact that new business is pending, it being Calendar No. 857, S. 3818, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Mr. President, I wish to point out that the authorization bill we are presenting today to the Senate is the result of 9 days of hearings by the Joint Committee on Atomic Energy, and additional probing questions by our committee and its staff regarding the authorization bill and the details of the atomic energy program as approved for inclusion in the President's budget for fiscal year 1971.

The bill reported out by the Joint Committee is the result of several months of careful consideration and the resolution of all differences among the members of our committee. The Joint Committee unanimously supports S. 3818.

S. 3818 would authorize appropriations to the Atomic Energy Commission totaling \$2,290,907,000. This amount covers both "Operating expenses" and "Plant and capital equipment." This total amount is less than last year's authorization for the AEC by over \$150 million, or over 6 percent less. If escalation is taken into account the actual effort for fiscal year 1971 is reduced over 11 percent.

Section 101(a) of S. 3818 would authorize appropriations of \$2,013,307,000 for "Operating expenses" of the Atomic Energy Commission. A table summarizing the operating expenses for the AEC's major programs is set forth in the Joint Committee's report accompanying the bill.

I ask unanimous consent that that 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:

AUTHORIZATION OF OPERATING EXPENSES¹
[In thousands of dollars]

Program	AEC authorization request	Committee recommendations	Change	Page No.	Program	AEC authorization request	Committee recommendations	Change	Page No.
Raw materials.....	18,016	18,016	-----	9	Mathematics and computer.....	5,410	5,410	-----	37
Special nuclear materials.....	348,518	348,518	-----	10	Chemistry.....	51,980	51,980	-----	37
Weapons.....	841,760	833,260	-8,500	14	Metallurgy and materials.....	26,980	26,980	-----	38
					Controlled thermonuclear.....	29,610	28,610	-1,000	38
Reactor development:					Total, physical research.....	274,430	273,430	-1,000	
Civilian power reactors.....	130,000	130,600	+600	16	Biology and medicine.....	88,300	88,440	+140	39
Cooperative power.....	43,000	43,000	-----	23	Training, education, and information.....	12,780	12,780	-----	41
General reactor technology.....	42,000	42,000	-----	27	Isotopes development.....	6,000	6,920	+920	42
Nuclear safety.....	35,940	37,300	+1,360	27	Civilian applications of nuclear explosives.....	8,000	7,500	-500	43
Operational services.....	1,890	1,890	-----	28	Community.....	7,844	7,844	-----	45
Subtotal, civilian power-related.....	252,830	254,790	+1,960		Regulation.....	12,672	13,572	+900	46
Space nuclear propulsion.....	43,000	43,000	-----	28	Program direction and administration.....	111,128	110,828	-300	47
Space electric power development.....	33,395	33,055	-340	30	Security investigations.....	8,370	8,370	-----	49
Terrestrial electric power development.....	2,200	900	-1,300	31	Cost of work for others.....	24,246	24,246	-----	49
Naval propulsion.....	132,000	136,800	+4,800	32	Revenues applied.....	-227,357	-227,357	-----	50
Total, reactor development.....	463,425	468,545	+5,120		Changes in selected resources.....	19,768	18,495	-1,273	51
Physical research:					Unobligated balance brought forward.....				51
High-energy physics.....	119,450	119,450	-----	35	Total.....	2,017,900	2,013,407	-4,493	
Medium-energy physics.....	13,140	13,140	-----	36	Less reduction for foreign travel.....		-100	-100	
Low-energy physics.....	27,860	27,860	-----	37	Net authorization.....	2,017,900	2,013,307	-4,593	

¹ A table showing the Atomic Energy Commission's appropriations request for operating expenses for fiscal year 1971 and the effects of the authorization recommendations of the Joint Committee on this appropriations request, is set forth as an appendix to this report on p. 65.

Mr. PASTORE. The table also shows the Joint Committee's recommended changes in the amounts requested; these reflect the committee's judgment respecting the funding necessary to maintain AEC's higher priority programs at an appropriate level.

The Joint Committee has recommended a reduction of \$8,500,000 in the weapons program to adjust an imbalance it considered to exist among the AEC's 14 program areas. The committee has recommended utilizing this amount in AEC's civilian programs.

Several other reductions were made by the committee, including \$1.3 million in the program for terrestrial electric power development, and \$1 million in the controlled thermonuclear research program.

In the high-energy-physics program, the committee left unchanged the administration's request for \$119,450,000 for operating expenses. As is generally known, the AEC serves as executive agent on behalf of the entire Federal Establishment for high-energy physics. As such, the Commission provides more than 90 percent of the funding from all sources for this program.

In talking about the high-energy-physics program, I am talking about the accelerators at Cambridge, at Princeton, at Argonne, and at Brookhaven, the 200-Bev. accelerator under construction at Batavia, Ill., the Stanford linear accelerator, and also the Berkeley bevatron.

The committee has added \$4.8 million to the \$132 million requested of the Congress by the administration for operating expenses for Admiral Rickover's naval propulsion program. The \$4.8 million is a partial restoration of the \$6.2 million reduction effected during the administration's budget review process. The total amount recommended by the Joint Committee will enable the Commission to proceed with its development program for advanced submarine nuclear propulsion reactors. The committee is deeply concerned about the budgetary actions taken to reduce the advanced development program for submarine naval pro-

pulsion reactors, particularly in view of the massive resources that the Soviet Union is continuing to apply toward the design, construction, and operation of its nuclear submarines.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the language in the committee report beginning under the heading "Naval propulsion" on page 32, to the conclusion of the dissertation on that subject; that is, down to the heading "Physical research" on page 34.

There being no objection, the excerpt from the committee report (No. 91-852) was ordered to be printed in the RECORD, as follows:

(9) NAVAL PROPULSION
A. AEC REQUEST

The AEC requested \$132 million in operating funds for the naval propulsion reactors program for fiscal year 1971. This represents an increase of \$11,145,000 over the estimated costs for fiscal year 1970. This increase is primarily due to continued effort on the development and testing of a high-powered, long-fuel-life reactor for propulsion of two-reactor nuclear-powered aircraft carriers and on the development of advanced reactors and cores for higher performance nuclear attack submarines.

In addition, the AEC requested authorization of \$18,550,000 for plant and capital equipment. Of this amount, \$1,800,000 is for general plant projects and \$16,750,000 for capital equipment not related to construction. The latter amount includes \$12,750,000 to complete the procurement of advanced computer systems for naval reactor development work.

B. COMMITTEE ACTION

The Joint Committee recommends authorization of \$136,800,000 for the operating costs of this program in fiscal year 1971, an increase of \$4,800,000 over the funds included in the President's budget request. The \$4.8 million increase partially restores the reduction of \$6.2 million made during the administration's budget review process for development work on improved nuclear submarine propulsion plants. These additional funds will enable the Commission to proceed with its development program for advanced submarine nuclear propulsion reactors. The committee also recommends the full amount requested for plant and capital equipment

in order to provide the tools and facilities to support the research and development work.

The Joint Committee in hearings earlier this year reviewed the status of the naval nuclear propulsion program with particular regard to the advancements made by the Soviets in their nuclear submarine program. On the basis of this review, the committee believes that the U.S. naval reactors program, considered in its entirety, has achieved remarkable results in the field of submarines and surface warships. It continues to provide effective and reliable power reactors for both defense and peaceful uses of atomic energy all of which directly benefit our national well-being. However, the committee is deeply concerned about the budgetary actions taken against the advanced development program for submarine naval propulsion reactors. A reduction of \$4 million was made in last year's budget which delayed the same development projects as those affected by this year's \$6.2 million budget cut. The restoration of \$4.8 million will help alleviate some of the delay in reaching the vitally important goal of maintaining superiority or at least parity with the Soviets in this field so critical to our national security. To continue to delay such work will, in the committee's opinion, jeopardize our future technological advantage in the field of nuclear submarine propulsion. Nothing is of greater importance than to maintain this advantage, particularly in light of the unprecedented challenge we face from Soviet nuclear submarines.

The classified testimony received by this committee confirms that tremendous resources continue to be applied by the Soviet Union to submarine design, construction, and operation. According to unclassified data, the Soviets now have a force of about 350 submarines, all of which were built since World War II. More than 70 of these are nuclear powered. The United States has 146 operational submarines, 87 of which are nuclear powered and the remainder diesel powered. Most of the diesel units are of pre-World War II vintage. In total numbers the Soviets have an advantage of 350 to 146. What is even more disturbing is that the numerical lead, so long enjoyed by the United States, in nuclear submarines is likely to vanish by the end of 1970. Considering the large-scale construction program underway in the Soviet Union, the United States will experience a growing nuclear submarine deficit in the years to come.

In the case of ballistic missile submarines, the Soviets have assigned top priority to surpassing our U.S. Polaris fleet. They are building nuclear-powered submarines similar to our Polaris types at a rate which will equal our fleet by 1973 or 1974. We can assume that already these submarines are patrolling the ocean—each with its 16 ballistic missiles targeted on U.S. cities.

The Soviets have also introduced a number of new design nuclear submarines having a wide variety of capabilities. They have made large-scale commitments to submarine design, development, and construction that far surpass our efforts in the United States. Unless we continue to move ahead in submarine propulsion plant development, the United States may well find that in future years it will be as far behind in quality of submarines as it is today in numbers.

In light of these considerations, the Joint Committee strongly supports the advanced development work for submarine nuclear propulsion plants and recommends that the Congress authorize an additional \$4.8 million for this purpose. The committee also strongly supports a continuing nuclear submarine construction program which should include as a minimum this fiscal year, authorization of funds necessary to complete four high-speed SSN 688 class nuclear attack submarines and advance funding for two more. In this regard the committee wishes to express its deep concern over the continued delay by the Department of Defense in assigning to the SSN 688 class the highest industrial priority. The Congress has consistently supported a vigorous submarine construction program because of the vital part it plays in countering the Soviet submarine threat. The urgency of this program has not diminished and the Department of Defense should take prompt action to assign to the SSN 688 class the high priority it clearly deserves.

The Joint Committee, in addition to urging the support of a vigorous nuclear submarine development and construction program, wishes to commend to the Congress a strong nuclear surface warship development and construction program. As the United States continues to reduce its overseas bases and to lay up over-age ships, and as the Soviet capabilities at sea continue to accelerate, the need for nuclear-powered warships in our fleet is of increasing importance. The nuclear-powered attack carrier and nuclear frigate programs are of vital importance to provide the mobility and tactical flexibility needed in our naval striking forces. Secretary of Defense Laird summarized the importance of nuclear-powered surface striking forces at the keel laying of the nuclear frigate *California* on January 23, 1970, as follows:

"What we are doing here today is to begin a vitally needed and continuing program of ship construction to improve the Navy of the United States. We are building nuclear-powered frigates for the Navy of the 1970's, the 1980's, and the 1990's * * *"

"The *California* will be equipped with antisubmarine, anti-air and antisurface weapons. These will enable her to operate, either independently or in concert with other units, and in any or all of these important roles.

"As an escort to nuclear aircraft carriers of the present and future, the *California* and her successors which have been authorized by the Congress will greatly extend the range of attack carrier striking forces throughout the world.

"The additional radius of action which the *California* and her successors will provide to naval forces will be of great value to the defense of our country and the defense of our allies. This is particularly important as we face the inescapable reality of what the Soviet Navy is doing in expand-

ing seapower throughout the world. The Soviet Navy is now second in power only to our own."

Mr. PASTORE. Mr. President, one of the difficulties of a member of the Joint Committee on Atomic Energy is the fact that he sits, hour by hour, day by day, listening to these very sensitive classified briefings, which are very compelling. Then, of course, I am put in the position that, when I come to the floor, because it is restricted information, because it is classified information, I cannot reveal it. I am inhibited from telling the American people just what is happening. For that reason, I lose all the dramatization of the points that should be made in order to explain the actions of the committee.

I have been in contact with the offices downtown, to see if I could not be given the authority to reveal some of this information so as to dramatize exactly what is happening, that is, as to our development in the submarine naval fleet as against what the Russians are doing, and the kind of new designs that they are developing, and the kind of maneuverability and performance that they are developing, and that, unless we meet our challenge, we could turn out to be second best.

We have always said that our Polaris nuclear submarines constitute our first line of defense. I hope we will never lose that position.

In response to my inquiry, this is what they authorized me to say. It is rather innocuous, but this is all I can say:

For years, the Soviets have concentrated on developing high speed nuclear submarines. We know that several new classes of Soviet nuclear powered submarines are of an improved design, incorporating high speed and high performance capability.

All I can do is ask my colleagues to please infer from this what we are talking about. I sometimes think that is a shameful situation, because we just cannot make the American people understand what we are up against unless we give them the facts; but everytime we try to give them the facts, we are told by the Defense Department, by the State Department, and by others that it is classified information and we cannot reveal it.

So I hope that Senators will read very carefully all these words that are inserted here, and reach their own conclusions. If they have any doubts, they can come and ask me, and I will whisper it in their ears.

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

Mr. PASTORE. I yield.

Mr. MILLER. I commend the Senator from Rhode Island for what he has just said. I do think this raises a question as to whether he has any indication, or any information of any indication, on the part of the Soviets that they have any intention of possibly slowing down this submarine program of theirs, which he refers to in the report as an unprecedented challenge, and especially whether or not this might be within the area of negotiation during the SALT talks.

Mr. PASTORE. Well, it could be part of the negotiations during the SALT

talks, but from my experience, the Russians are not fools. Since I became a member of the Committee on Atomic Energy in 1952, I have made a study of the whole history of progress in this area.

We started out in 1946 by trying to internationalize control over the atomic bomb. That is when we had it alone. The Soviets told us, "Nyet."

In 1949, they had their own explosion. They had a nuclear device, and then in 1953 they had a hydrogen bomb.

Then, of course, we were trying for the longest time to bring about a nuclear test ban treaty. We did not achieve a partial nuclear test ban treaty until 1963. I was one of those who were sent by President Kennedy to Moscow to witness the signing of this agreement.

What am I trying to say? When we agreed, in 1963, the Russians had already developed an antiballistic missile.

Now we have more nuclear submarines than they have. We have 41 Polaris and 46 attack nuclear submarines. We know, do not ask me how I found out, because I cannot tell you, I can whisper it in your ear, but I cannot tell you publicly on the floor, but we know that they have now developed their own construction capability in such a way that if we stand still and they keep going, in a few years they are going to catch up with us in all types of nuclear submarines, and maybe even pass us. Perhaps after they have caught up with us and passed us, then they will agree at the SALT talks. That has always been the history. But if you ask me at the moment, I would say "No." They will agree, on anything we are ahead on, that we stop.

But in anything in which they are ahead on, they will never agree to stop. They never agree to stop when they are behind, only when they have caught up or are ahead. That is what we are up against. Fundamentally, I can understand that. After all, you do not expect anybody to agree to something where they are going to be the underdog. They are not going to agree to that. No one ever is going to agree to that, and we would be foolish to think so.

But to answer the Senator's question as to whether they will stop their submarine construction, design, and development at this point, when we have more than they have, I doubt it very, very much.

As to the information I have, I received briefings from the CIA, from the intelligence community, and from the Defense Department; and, frankly, I have no place else to go. If I cannot believe them, then God help us.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. MILLER. I appreciate very much the Senator's response. May I say that his information is the same information I have received from the same sources.

I wanted to get the Senator's reaction to the possibility of the Soviets slowing down this program, the possibility that they might be in the area of negotiations.

Mr. PASTORE. I hope so.

Mr. MILLER. I know the Senator

hopes so. I recognize that he is being realistic and tough minded in his answer.

The next question that comes up, the argument we all hear, is this: If we continue to move ahead on our own nuclear submarine fleet, this is just going to cause further escalation on the part of the Soviet Union. I would like to know what the Senator from Rhode Island has to say in response to that argument.

Mr. PASTORE. I am not asking at this time that we build more subs, although I think we should. It has been recommended by Admiral Rickover.

What I am asking for today is a small increase in the amount of money for our research in developing a nuclear reactor for a submarine that the enemy cannot catch. Do I make that clear? That the enemy cannot catch. That is what I am talking about. Because if they can catch us, then our submarine is absolutely obsolete as a weapon.

The idea here is that you have to outdistance them. If they are faster than you are, as in anything else, they win the race. And they are going to blow up our subs if they can catch us. Yet, if we can go faster than they can, we make them No. 2 and we remain No. 1. That is the challenge. One may go along with that concept or not. But I think the Senator goes along with it. I know pretty much how he feels about these things, and I know his concern.

I am not trying to minimize the concern of other Members of the Senate. But it must be realized that we are in a very sensitive area here. The bear has not fallen asleep yet.

I am hopeful that we can reach an agreement at the SALT talks. The only answer to the madness in the world today is a disarmament agreement that can be enforced. That is the only answer. But until that day comes, let us not be fooled by any Trojan horse.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. MILLER. The Senator, in effect, has said, if I understand him correctly, that our strategy or our policy should be to try to develop something that will be so advanced that the Soviets cannot catch up, and that they will recognize this; and, having recognized it, then they may be amenable to negotiations or some kind of disarmament arrangement.

Mr. PASTORE. That is correct. That is my opinion. What we are talking about here is maneuverability, not quantity.

Mr. MILLER. We are talking about being in a position in which the Soviets will recognize that they cannot catch up—at least, without perhaps an inordinate amount of use of their resources—and that when they do recognize that they cannot catch up, they will then be more amenable to negotiations and to disarmament agreements than they are now.

Mr. PASTORE. That is correct.

I do not want our nuclear fleet or submarines to become sitting ducks. I think everybody understands that.

Mr. MILLER. The Senator recognizes this, I am sure—and I hope he will understand that I am perhaps taking the

part of the devil's advocate in this—but I think it is important to bring out the fact that there are some who will then say we are sort of begging the question when we say they will never catch up and that the Soviet mind will react by saying, "We will indeed catch up," and that this will provide a further escalation of the arms race.

Mr. PASTORE. There is certain validity to that argument. There is no question about that.

As I said earlier, this thing can escalate and escalate and escalate, and I am not for it. I look at the present picture. I am not talking about the future. I am talking about the present picture. We know enough about the nuclear submarine development of the Soviet Union to know that unless we get going on an advanced design, as to increased maneuverability of our submarines, we could become second-rate insofar as quality and maneuverability are concerned. That is all I am saying.

As to the speculation regarding how this will affect the SALT talks, how the Soviet Union might look at it with respect to reaching a disarmament agreement, I cannot answer that question. I can speculate, and I quite agree with some of the theses that have been developed by the Senator. I would hope that in this particular case we would not get into that matter, because the Senator will find that just as many people disagree with him on that subject.

Mr. MILLER. The point the Senator makes, however, is that we do not know what the Soviet mind is going to do, what its reaction is going to be. We may hope that it will have a certain reaction, but we had better not take a chance on America's security.

Mr. PASTORE. That is correct. In the meantime, keep your powder dry. But, truly, "Don't shoot until you see the whites of their eyes."

Mr. MILLER. I appreciate the Senator's response. I know that he has had a vast amount of experience on a very key and sensitive committee, and I think his opinion is worth a great deal of weight.

Mr. PASTORE. I thank the Senator.

The following appears on page 33 of the report:

What is even more disturbing is that the numerical lead, so long enjoyed by the United States, in nuclear submarines is likely to vanish by the end of 1970.

Imagine that: The end of 1970.

Considering the large-scale construction program underway in the Soviet Union, the United States will experience a growing nuclear submarine deficit in the years to come.

That has reference to numbers. I am now talking about maneuverability and performance. We have learned that every time we made a new nuclear submarine, it was better than the one before; and the one who makes the last one always makes the best one.

I now continue with my statement, Mr. President.

The Joint Committee has also recommended additional funds for four programs in biology and medicine and isotopes development fields. In the biology

and medicine field, the committee's recommended increase of \$140,000 would apply to the Commission's food irradiation activities. These efforts will enhance the vigor of the food irradiation program and will materially contribute to its potential for success.

Under the biology and medicine program, the committee has strongly recommended the addition of \$2 million in plant and capital equipment funds under section 101(b) of the bill to construct an addition to the physics building at Argonne National Laboratory to house a newly created Center for Human Radiobiology. During the Joint Committee's extensive hearings in the fall of 1969 and in January and February of this year on the environmental effects of producing electric power, there was repeated emphasis on the desirability of acquiring increased knowledge concerning the effects of chronic low-level irradiation on humans.

It is very important that, wherever possible, study and research programs learn as much as possible from actual exposures. The unfortunate experience of the radium dial watch painters, whose exposures occurred during the first third of this century, has provided considerable scientific data, but much more can be learned from examinations of affected individuals. The Joint Committee believes it is important that everything possible be done to assure that as many of the victims as possible participate in the study and research program, that the medical teams engaged in this important endeavor receive appropriate support, and that suitable facilities be provided to permit the study and research efforts to proceed systematically. The \$2 million authorization added by the Joint Committee for the "Plant and capital equipment" category will make this possible.

To the isotopes development programs, the Joint Committee added \$120,000 for work on radiation preservation of foods, and \$800,000—and this is quite important, Mr. President—to begin the development of a power converter for an isotopic heart pump. The artificial heart program is being worked on cooperatively by the AEC and the National Heart and Lung Institute of the National Institutes of Health. This, I think, is an admirable program.

Included in "Operating expenses" is \$254,790,000 for the civilian reactor development program of the AEC. For the nuclear safety category, the joint committee has recommended an increase of \$1.3 million. The major fraction of the increase recommended by the committee would be utilized in reactor safety work pertinent to the liquid metal fast breeder reactor program. This breeder program is the highest priority civilian nuclear reactor program of this Nation. In the judgment of the Joint Committee, it is of major importance to the general welfare of this country, and it may well be essential to satisfy the need for adequate, safe, reliable, and economical energy. It will also assist in reducing environmental pollution.

There is a total of \$71 million in

this budget for the conduct of research and development on the effects of radiation on man and his environment, and related matters. It is with great pride that I point to the fact that the Joint Committee on Atomic Energy and the Congress have continued from the inception of the Atomic Energy Act in 1946 to date to see to it that radiation is controlled, regulated, and understood as completely and comprehensively as the human mind and human resources reasonably permit.

The Joint Committee has added \$16.1 million to the \$5 million requested by the administration for the cascade improvement program required for our uranium enrichment facilities. It is well to point out that the AEC originally requested \$170 million for this program. Our Nation's enrichment facilities represent a vital national asset for all the people. It is extremely important that the capacity of these facilities be kept fully improved and augmented to fulfill our great need for special nuclear material in this country and to permit us to meet our commitments abroad.

Here, again, I am talking about peaceful use of atomic energy. I want the United States of America to be the merchants of these great new developments in atomic energy.

Section 106 of the bill before you would provide the authorization requested by the administration for the Commission to enter into a definitive cooperative arrangement for a liquid metal fast breeder reactor powerplant demonstration project. The demonstration project would entail research and development, design, construction, and operation of an LMFBR powerplant in cooperation with a reactor manufacturer-utility team. The opening phase of this demonstration program was authorized in fiscal year 1970 by section 106 of Public Law 91-44, AEC's authorization act for fiscal year 1970.

The Joint Committee firmly believes that LMFBR demonstration plants will be a major and indispensable building block in the successful accomplishment of the breeder program—which program may well be essential if the needs of this country for an adequate supply of safe, reliable, economical energy are to be met.

The amounts of Government assistance authorized in section 106 of the bill are precisely those requested of the Congress. They are, essentially, \$43 million, plus commitments of up to \$20 million for Commission-furnished services, facilities, or equipment which the Commission has available or is planning to have available to it under its civilian base program, plus a total of up to \$10 million in the form of waiver of the Commission's use charges for special materials.

Now, Mr. President, in conclusion, I have discussed some of the highlights of the principal provisions of the bill. The Joint Committee's report accompanying the bill discusses the features of the bill in considerable detail. Unless my colleagues have any questions, I shall dispense with further explanation of the provisions of the bill. I ask unanimous consent to have printed in the Record

excerpts from the committee report No. 91-852 showing the section-by-section analysis of the bill.

There being no objection, the section-by-section analysis was ordered to be printed in the Record, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 281 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1971, adjusted in total to the obligations to be incurred during the fiscal year.

The Joint Committee is recommending authorization of \$2,013,307,000 for "Operating expenses," not to exceed \$119,450,000 in operating costs for the high-energy physics program category. It is the Joint Committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provisions for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence between the Atomic Energy Commission and the committee, have operated efficiently. It is the Joint Committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprogramming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1971.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1971 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the change in a prior-year project authorization provided for in section 106, comprise the total authorization for plant and capital equipment provided in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (7) of section 101(b) of the bill total \$95 million.

It is intended that the projects under this authorization be related, as in previous years, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b)(8), appropriations are authorized for capital equipment not related to construction in the amount of \$173,050,000. This equipment is necessary to replace obsolete or worn-out equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools,

computers, and office equipment. The Joint Committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

SECTION 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subsections of section 101 only if the currently estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides similar limitations for projects in other subsections of section 101, except that the increase may not exceed 10 percent of the estimated cost shown in the bill.

Subsection (c) provides limitations on general plant projects authorized by subsection 101(b)(7), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed \$500,000 and the maximum currently estimated cost of any building included in such project does not exceed \$100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy. Additionally, section 102(c) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b)(7) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the Joint Committee, the Commission shall report to the Joint Committee and the Appropriations Committees after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authority has been utilized.

SECTION 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the project have been approved.

SECTION 104

Section 104 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriations as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropriation could be increased by more than 5 percent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

SECTION 105

Section 105 of the bill amends prior AEC authorization acts as follows:

(a) Subsection 110(f) of Public Law 86-50, as amended, is further amended by adding at the end thereof the following: "And provided further, that waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(b) Subsection 101(b) of Public Law 89-32, as amended, is further amended by adding to paragraph (4) for project 68-4-a, sodium pump test facility, the qualifying words "for design and Phase I construction."

(c) Subsection 101(b) of Public Law 91-44 is amended by increasing the authorization

for project 70-1-c, waste encapsulation storage facilities, Richland, Washington, by \$9,550,000, to \$10,750,000 and by removing the restriction to architect and engineering services only.

SECTION 106

Section 106 of the bill authorizes the Commission to continue the project definition phase (authorized by section 106 of Public Law 91-44) and to enter into a definitive cooperative arrangement for the research and development, design, construction, and operation of a demonstration liquid metal fast breeder reactor (LMFBR) powerplant. The bill increases the previous authorization (for the project definition phase only) from \$7 million to \$50 million, which increase is included in section 101. In addition the Commission is granted the discretionary authority to provide up to \$20 million in the form of Commission-furnished items and, further, to waive fuel use charges up to a total of \$10 million. The participation by the Commission is authorized without regard to sections 53 and 169 of the Atomic Energy Act. Any cooperative arrangement agreed upon must be submitted to and lie before the Joint Committee on Atomic Energy for a period of forty-five days.

Mr. PASTORE. Mr. President, the Joint Committee on Atomic Energy unanimously urges enactment of S. 3818 in its present form.

Mr. AIKEN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the distinguished Senator from Rhode Island has done such an excellent job of explaining the pending bill that he does not leave much of anything for me to say.

The Senator from Rhode Island is one of the best chairmen we have ever had on the Joint Committee on Atomic Energy. He is conscientious in his work and accurate in his descriptions.

I do not know that I can say anything more than that. As I have already said, he has given us a thorough explanation of the bill.

Mr. President, in case other members of the committee have something to say on the pending bill, I suggest the absence of a quorum, in order to alert them.

The PRESIDING OFFICER (Mr. STENNIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CURTIS. Mr. President, I associate myself with the remarks of the distinguished Senator from Rhode Island (Mr. Pastore), particularly with what he has had to say about the defense of our country, especially with reference to nuclear powered naval vessels.

We must keep in mind the long lead time that is necessary in a program of this kind. It takes many years at the best. We would be derelict in our duty today in failing to provide for the defense of the country, and the ill effects of that course of action would perhaps not show up for many years—at a time when perhaps some of us would be no longer serving in the Senate.

It calls for conscientious and sometimes courageous action to support de-

fense measures. Congress is charged with the responsibility of providing for the national defense. We should not be tempted to neglect that responsibility for any reason whatsoever.

Strength in the hands of a peace-loving country such as the United States is strength built up and exerted to prevent war rather than to invite it.

Mr. President, there were a couple of other items in the authorization bill upon which I should like to comment. I am very much interested in the food irradiation program. The program of food irradiation is a means of preserving food.

A great portion of the population of the world is not only hungry but also without refrigeration. In order that those people might be reached and provided with a proper diet, including protein, anything that advances the preservation of food is a humanitarian enterprise. In addition, it will greatly expand the markets of the United States.

We know from what has already been accomplished in the way of food irradiation that fresh fruit, such as berries, can be treated with irradiation and instead of spoiling within 1 or 2 days, perhaps their life will be extended for 10 days or so.

That means that the producers of that product have a greater market and a wider market area. That is also true in reference to the market for red meat.

The total amount requested by the Bureau of the Budget for the food irradiation program was only enough to barely keep it alive but not enough to insure a significant contribution to the world effort in this field. The Joint Committee has recommended additional authorization for the two phases of the AEC's program— isotopes development and biology and medicine studies—which essentially double the level of effort for the coming year over that requested. At that, the total amount involved is still only \$540,000. That is a minimum the committee deems essential for a meaningful program in low-level radiation of food products which is now approaching fruition. This program, together with the Army's high-level radiation sterilization program, will provide a balanced effort to help the United States retain its position of world leadership in this field.

That position is in jeopardy even now. Our country has approved only two products—wheat and potatoes—for consumption after radiation treatment. Israel has also approved two, but Canada has three and Russia has nine products on the approved list. Many other countries—The Netherlands, France, Denmark, West Germany, Spain, Hungary, England—all have programs to develop this technology which is going to be the food preservation method of the future. They look to us for guidance and leadership both in technology and commitment. The amounts recommended by the committee should be adequate for us to continue in a worthwhile fashion.

Mr. President, my State of Nebraska is vitally interested in this program.

The State of Nebraska, including the industrial resources division of the State government and the University of Nebraska and many other agencies, have

made contributions to the program of food irradiation.

We do this for two reasons. First, we are convinced that it will be a means of helping to feed the people of the world. Second, and very frankly, it will widen the markets available to the farmers of America.

Some day the turmoil in the country will subside. We will always have problems, but we will not always be in an emotional crisis such as now.

When that time comes, this program will aid rural America by adding to its income. It will help to build a stronger rural America. Any program that offers better and wider markets for the products of our farms will be welcome.

Such a program will serve two great purposes. It will add to the greater potential of rural America and make a contribution in the feeding of the whole world.

There is another item in the bill that I should like to mention. I refer to the subject the distinguished Senator from Rhode Island spoke of—the artificial heart research program. This is very important. It is one avenue that promises great hope in connection with saving lives that are now lost because of heart failure.

We have had some miraculous things happen in the way of heart transplants. Actually, however, there are not enough timely donors to scratch the surface. Furthermore, it has not been demonstrated as yet that the transplant of a human heart is a lifesaving process for very long. The procedure is limited by the length of time that the benefits accrue to the recipients of the heart transplants. The recipient is assured of living for a while, but not for too long. There are many problems yet to be overcome. So, we must turn our attention to other methods.

Several studies made by the National Heart and Lung Institute and others indicate that of the some three-quarters of a million people who have died annually from heart disease, about 100,000 might have been saved had a circulatory support system been available.

The Atomic Energy Commission and the National Heart and Lung Institute have divided the research efforts on a radioisotopic powered artificial heart program.

The present program entails current and proposed research on an isotopic heat source, a power converter, a power transmission system, and the heart pump. The AEC's fiscal year 1971 budget contains \$500,000 for continuation of the program of fuels—medical grade plutonium-238—and radiation measurements research. I consider that this sum \$500,000, constitutes a minimum level of effort to obtain meaningful progress in the development of the heat source.

In fiscal year 1970, the joint committee recommended authorization of, and the Congress appropriated, \$800,000 to start research on the second item of the system—the power converter. Those funds were lost to the AEC during an administration application of an unallocated congressional reduction of \$22 million in the fiscal year 1970 budget.

I strongly recommend that \$800,000 be authorized for fiscal year 1971 so that the AEC can begin research on this extremely vital project, the power converter.

Successful development of an isotopic powered artificial heart will result in a longer and better life for thousands of Americans.

Mr. President, in yielding the floor, I wish again to commend the distinguished Senator from Rhode Island for the service he rendered and the leadership he provided in this very important program that is represented in this authorization bill.

GASEOUS DIFFUSION PLANTS

Mr. GORE, Mr. President, in the entire Atomic Energy budget, the decision of the Joint Committee which has the most significant impact is that relative to the Government-owned gaseous diffusion plants which are the sole source of enriched uranium for fuel to power nuclear reactors. Enriched uranium is also used in nuclear weapons. The committee is recommending the addition of \$16.1 million in construction funds to initiate the so-called Cascade improvement program known as the CIP.

As many Senators know, uranium is enriched, that is, the percentage of fissionable material is increased, by means of a gaseous diffusion process which remains highly classified. Developments in the technology associated with this process have provided us with the ability to increase the production capacity of the three existing plants by improving the Cascades—the actual diffusion machinery—without increasing the electric power level at which they are operated.

The CIP is the first of several steps which must be taken to increase our capacity to meet the rapidly growing demand for enriched uranium. It is a large-scale project which will take many years to complete, but it will provide additional capacity at the lowest cost of any means presently available.

Our gaseous diffusion plants provide a source of material for our nuclear weapons, but such uses draw on only a very small percentage of the plant capacity. By far—and I mean well over 95 percent—of the enriched uranium is used as fuel in domestic and foreign nuclear powerplants. The capacity of the diffusion plants has a finite limit and estimates of the demands upon that capacity, both foreign and domestic, indicate that such capacity will be exceeded by demand by the mid-1970's. In fact, the greatest proportion of the capacity will be committed by the end of this year. The AEC has estimated that, by the end of 1978, the demand will outstrip AEC's ability to supply all customers from both current production and preproduced inventory.

Notwithstanding these facts, the administration has for the second consecutive year refused the request of the Atomic Energy Commission to seek authorization of funds to initiate the Cascade improvement program. Last year the Commission asked for \$138 million, but the administration rejected it. This year the AEC asked that \$170 million be authorized and \$61 million appropriated.

Instead, the budget submitted contained only \$5 million for architect-engineering work. This small amount for A-E work would provide no assurance that the administration will eventually get on with the job of increasing the capacity of these plants. Certainly installation of the CIP would be delayed for at least 1 more year.

It is the considered judgment of the Joint Committee that we cannot afford this continued procrastination and delay.

This decision was reached unanimously by the committee.

I pause in this discourse to thank the distinguished and able senior Senator from Rhode Island for his leadership and his support in this field, and to the chairman of the Joint Committee, Representative HOLIFIELD, and to each member thereof. It is clearly recognized by everyone knowledgeable in this field, including the administration, that the existing facilities must be improved, and that notwithstanding such improvement there will be a need for a new enrichment facility by the end of this decade. In the judgment of the Joint Committee the time to commence the improvement of these plants is now. Ideally, it should have been started last year.

It should have been started last year because, unless we do proceed with the improvement of this source of nuclear fuel this country faces a crisis in energy both at home and with respect to the demands upon our country from abroad.

The effect of the recommended addition of \$16.1 million is to permit not only the necessary planning but also the initial construction and long leadtime procurement for the production support facilities necessary to effectuate improvement of these plans and, further, to permit the design and procurement necessary for actual installation of improvements to the first 80 stages by December 1974. Authorization of such activity this year advances by about 6 months the completion of the CIP. More important, this initial commitment will provide the necessary assurance that the U.S. gaseous diffusion plants would continue to have sufficient capacity to meet the needs of all qualified customers, both domestic and foreign. It will enhance the prospects for continued sale of U.S.-type reactors abroad with the attendant trade and balance-of-payments advantages. Moreover, it will assist in minimizing the risk of further proliferation of nuclear weapons.

Mr. President, I noticed with interest and approval today the testimony of Secretary of State Rogers that the administration was vigorously seeking a voluntary agreement with Japan and other nations with respect to textile imports into the United States. This has become an acute problem. I have watched with interest the bill introduced by the distinguished chairman of the Ways and Means Committee, Representative MILLS, and I hope that the administration will proceed with vigor and that its efforts will succeed in the conclusion of a voluntary agreement.

Unless this is done, I wish to call to the attention of the nations exporting to the United States the necessity for the

Congress to consider their refusal to enter into a reasonable voluntary agreement, should they so refuse. But here is an opportunity to sell reactors abroad, to export reactor parts, to export fuel to be used in those power reactors. This is a field in which the United States has no competitors. Indeed, it is a demand which we have agreed to supply in consequence of the adherence to the Non-proliferation Treaty by many nations that are in political affinity with the United States.

In order to meet those demands abroad and in order to reap the rewards of the added trade, the benefits to our balance of payments, jobs to Americans, it is necessary to start now an expansion of the plants necessary to produce the fuel.

Let me reiterate, there is no dispute that this work must be done. The administration is seeking again to put off the inevitable. The Joint Committee has exhaustively studied this program in extensive hearings over the past 2 years and is of the firm belief that we must go forward now. Let me remind my colleagues of earlier occasions when the Joint Committee stood before the Congress urging that the legislative branch provide the necessary leadership to accomplish significant national objectives. The most outstanding example was in the development of the H-bomb. Perhaps of equal significance was the development of the nuclear submarine which today provides one of our most effective deterrents against war.

Indeed, as we consider the whole question of deployment of deterrent nuclear weapons, the most secure weapon we have now, the weapon in which we can place most confidence, the weapon about which a potential enemy would be most concerned, is the nuclear submarine.

The improvement of the Nation's only uranium enrichment facilities stands with these two examples in its import to the national well-being.

I need not remind the members of this body of the crisis our Nation faces in providing an adequate supply of low-cost electric energy.

The distinguished senior Senator from Vermont, the beloved Senator ARKEN, has spoken many times in this vital field. He has shown the way by pointing to the need by our country of sources of reasonably priced electrical energy.

Nuclear powerplants will play a major role in solving that crisis—but not without the enriched uranium they need as fuel. Without the timely improvement of the gaseous diffusion plants, there will not be adequate nuclear fuel for those electric powerplants. Already we have had to reduce the scope of our guarantee to supply fuel to foreign countries for their reactors. The United States has had to limit from 5 years to 3 years the period within which construction must begin on foreign reactors in order to qualify them for inclusion in a fuel commitment. Our continued capacity to supply low-cost nuclear fuel is an important economic factor in deterring other nations from development of their own enrichment capability. With such capability comes the attendant increases in

the potential proliferation of nuclear weapons. In addition, our inability to supply the fuel for foreign reactors will represent the loss of a very substantial foreign market. A commitment to the CIP must be made now to avoid these problems in the near, and I emphasize near, future. I urge support of the Joint Committee's recommendation to move forward with this program before it is too late.

Not only do I urge approval of the authorization, but I beseech the Appropriations Committee to make available the full appropriation herein authorized.

Mr. MILLER. Mr. President, the distinguished Senator from Rhode Island indicated that he would be pleased to answer questions. I have a few questions I would like to ask him. If perchance some of them get into classified answers, I shall be pleased to consult him without having any of that information made public.

I would like to refer to the committee report, copies of which are on our desks. On page 35, at the bottom of the page, there is a reference to the plan of the Atomic Energy Commission to phase out the Princeton-Pennsylvania accelerator during the latter part of fiscal year 1971. The report indicates that that is most disturbing to the Joint Committee. The report indicates that that facility cost the taxpayers of this country approximately \$40 million, and that it has only been in full operation during the past 5 years.

I wonder if the Senator would be good enough to tell us what that plan is and why there is such a plan, because the committee is obviously concerned about it. May I say that the Senator from Iowa is concerned about it.

Mr. PASTORE. It is the old story—budgetary stringencies. I do not quite go along with it. We have invested so much money in it that I think it is next to folly to cut it out. Of course, other facilities are being built at Batavia, Ill. We were critical of the witnesses who appeared before the committee, not of their personality or character, but of their judgment in phasing out this particular facility. It has to do with high energy physics. It has to do with basic knowledge in science. It is regrettable that, after we put in the amount of money that we have put into it, it is said that it must be cut off a bit here and a bit there. May I say that it is a case of biting off your nose to spite your face.

That is the best answer I can give the Senator.

Mr. MILLER. The report states that the committee strongly recommends that steps toward termination be deferred to see whether or not sufficient funds can be obtained to permit continued use of the facility. What did the committee have in mind as to the source of "sufficient funds"?

Mr. PASTORE. We have made money available for fiscal year 1971. We requested \$2 million to allow orderly phaseout during fiscal year 1971. I think we ought to keep it up in years subsequent to fiscal year 1971.

Mr. MILLER. The Senator, in effect, is saying that these "sufficient funds" could come from the Atomic Energy

Commission, but the report refers to efforts by Princeton University and the University of Pennsylvania also. Is there some possibility of funds being raised by the universities to move into this?

Mr. PASTORE. I would hope they would not stop operation. As a matter of fact, Princeton is quite an area of scientific activity, as the Senator knows. I do not think they want to lose it.

Mr. MILLER. If this is phased out, what will happen to it?

Mr. PASTORE. It will not be used; it will just be there. It would be like putting a ship in mothballs. It would be there, but it would be in mothballs. That is about the size of it.

Mr. MILLER. There would not be any opportunity to sell it to a private organization, to realize some return?

Mr. PASTORE. I do not think so. This has to do with basic research.

The private people who go there are scientists and professors who use the facility to conduct their experiments. Many times, of course, industry is interested as well; but if this takes a commitment, I doubt very much if any one industry would undertake the expense.

Mr. MILLER. How much does it cost to operate this a year?

Mr. PASTORE. I will have to put that in the RECORD later. I have no off-hand figure.

Mr. MILLER. One thing that I would wonder is, if the Atomic Energy Commission simply phases out its costing of the program, it would seem that possibly the universities concerned might just go ahead and operate it themselves. There are 15 universities, as I see in the report, which make use of this facility.

Mr. PASTORE. That is right. There has just been handed to me the information that the cost to operate the Princeton-Pennsylvania accelerator is projected at about \$4 million for fiscal year 1970. It can be operated for as little as \$2 million per year.

Mr. MILLER. I thank the Senator for his answer.

I refer to page 37 of the committee report, under the item "Chemistry research." The report says:

The Joint Committee notes that this total research effort will be reduced \$1,990,000 below the estimated costs of \$53,970,000 for fiscal year 1970. Also, many offsite (university) contracts will be canceled during fiscal years 1970 and 1971.

Does the Senator have any information readily available to him, either from his own files or from the files of the committee staff, which suggest what this is going to mean as far as university contracts are concerned, what universities will be affected and what amounts?

Mr. PASTORE. I do not have much information. I would assume they would be cut, but I think we should put the available information in the RECORD later.

Mr. MILLER. If the Senator could have the committee staff get that information and supply it for the RECORD, I would appreciate it.

Mr. PASTORE. All right.

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

OVERALL EFFECTS OF BUDGET RESTRICTIONS ON AEC CHEMISTRY RESEARCH PROGRAM

At the national laboratories, the primary impact of budget restrictions has been in the area of employment. At Argonne, a total of 55 staff and support personnel have been terminated in 1969 and 1970. At Lawrence Radiation Laboratory, reductions will result in the loss of about 10 scientific personnel and an equal number of supporting staff. The pattern is similar for Oak Ridge (39 lost since 1969) and Brookhaven (30 lost since 1967).

In other cases, budget restrictions have resulted in the Chemistry program assuming an increased share of facility operating costs. For example, at Brookhaven the reduction in support of the cyclotron provided by the Physics Department will impose 90% of the costs on chemistry in FY 1971, compared to 40% in FY 1969 and 75% in FY 1970.

At Notre Dame, all of the programs in physical and inorganic chemistry, including spectroscopy and spectrometry, will be terminated and activities will be confined to needs of the radiation chemistry program.

In the off-site program, it will be necessary to terminate approximately 26 contracts totalling roughly \$550,000 during FY 1970 and FY 1971. Although every effort is being made to minimize the impact of these actions, the net effect will be a reduction in the level of chemistry research at off-site locations.

DISTRIBUTION OF BUDGET REDUCTIONS

The overall philosophy in distributing budget reductions has been to continue to work in each area that is considered of highest relevance to AEC programs and to use the major facilities available for this work. Within the areas of research, i.e., Nuclear, Structural and Inorganic, Radiation, Isotope and Physical Chemistry, and Systems and Materials Chemistry, the reductions have been roughly proportional to the program and it is within the fields in an area that the increases and decreases are to be taken. In the special projects area, efforts will be made to insure the expeditious analysis of samples and to reduce the R&D efforts. In the area of preparation and purification of special isotopes for research, the major cost is the operation of the high Flux Isotope Reactor and the Transuranium Processing Plant to prepare transplutonium elements. This must be continued at a level which insures the continued operation of the reactor to get maximum production of transplutonium isotopes which decay during any shutdown of the reactor. Increases in the cost of this operation will be offset by a reduction in R&D for target preparation and other special isotopes.

In the areas of Nuclear, Structural and Inorganic Chemistry, the nuclear and heavy element program will be kept as near to current levels as possible, and reduction will be made in inorganic, high temperature, and structural and theoretical chemistry. In the field of structural and theoretical, the emphasis will be on structural (neutron diffraction) with greater reduction in the theoretical work.

In the area of Radiation, Isotope and Physical Chemistry, the radiation and hot atom chemistry reduction will be kept at a minimum, which means that the effort in isotopic effects, physical and analytical chemistry will be cut back.

In the area of Systems and Materials Chemistry, the balance between fields will be maintained at approximately the current program.

The off-site program will be reduced proportionately more than the on-site. The distribution of reductions between off-site and on-site is to a great extent determined by such factors as the need at the national laboratories to maintain balanced chemistry programs with expertise in many fields in order to insure the vitality of the laboratory. Each laboratory chemistry division has its special character determined by the staff, the

overall laboratory programs and the unique facilities of the laboratory. Some examples are: Lawrence Radiation Laboratory in 1971 will have the Improved Heavy Ion Linear Accelerator and is a prominent center for heavy ion research. Argonne has a new pulsed electron accelerator for radiation chemistry, Oak Ridge has a program of heavy element chemistry, and Brookhaven specializes in hot atom chemistry.

In the off-site program the individual projects are usually carried out in chemistry departments at universities where other research is going on without AEC support. Therefore, the selection of work does not have the consideration of overall balance of the program of the department and each project can be considered on the basis of its importance to the AEC. In the case of nuclear chemistry and radiation chemistry, the AEC is the principal source of support for such work.

LIST OF PROGRAMS SEVERELY CURTAILED

High-temperature and molten salt studies will be reduced at Ames and Argonne, and inorganic chemistry and analytical chemistry research will be severely curtailed at all of the laboratories and in the off-site program. A reduction will be effected in physical chemistry support in the off-site program by the termination of a number of contracts where the relevance to AEC interests exists but is less pronounced than in other areas. The Notre Dame Radiation Laboratory will completely eliminate all physical and inorganic chemistry research in favor of radiation chemistry studies. All of the National Laboratories will cut back on the support of postdoctoral research associates and Argonne will eliminate its summer research participation program.

Since the major facilities available to the Chemistry Programs are not numerous and almost exclusively on-site, and since programs and the use of such facilities are emphasized, no shutdown of major facilities is being contemplated.

Mr. MILLER. On page 39 of the committee report, under "Biology and medicine," in the middle of the page, there is a statement that:

The Joint Committee recommends that the increase in operating expenses of \$140,000 be applied to the food irradiation program. The committee believes that these additional funds are necessary in order to carry out the work required to assure approval of planned petitions to the Food and Drug Administration (FDA) on irradiation preserved foods.

I am interested in this subject, because a year or two ago I had considerable correspondence with the Defense Department on the use of irradiated foods for the armed services. I take it what this relates to, however, is the use of such foods in a commercial sense rather than an armed services sense; is that correct?

Mr. PASTORE. That is correct.

Mr. MILLER. I ask the Senator whether or not the work done by the Defense Department could not have been utilized as a basis for FDA approval.

Mr. PASTORE. I think they participate now.

Mr. MILLER. I would hope that they participate.

Mr. PASTORE. They have a tremendous interest in this.

Mr. MILLER. But I wonder what this work is that is supposed to be done with this money, to assure approval of planned petitions.

Mr. PASTORE. Say that again, please.

Mr. MILLER. The committee report says:

The committee believes that these additional funds are necessary in order to carry out the work required to assure approval of planned petitions.

I must say I am not at all clear on what kind of work that would be.

Mr. PASTORE. Well, it runs the whole gamut, feeding studies and radiation studies, things of that kind. It goes to the acceptability of the product.

Mr. MILLER. In other words, this is work done by the Atomic Energy Commission?

Mr. PASTORE. Under the auspices of the Atomic Energy Commission, that is right.

Mr. MILLER. Either directly or through contract?

Mr. PASTORE. That is right. It is done under contract.

Mr. MILLER. Then the results of this work are turned over to FDA, for FDA to use in evaluating products?

Mr. PASTORE. That is right, in determining whether or not they will accept it. Many products—such as, the Senator will remember, the fishmeal we have talked about here in the Senate many times—are acceptable in many countries of the world, but it is hard to get them accepted here in the United States through the Food and Drug Administration.

I will say this: I do not think the American eating public is ready for irradiated food. Not today. I think the time will come when it will be acceptable, but, as the Senator from Nebraska brought out, there are a lot of people throughout the world who are on the edge of starvation. They are hungry, and while there is a remote possibility that this may not meet the acceptability standards of the American palate, it certainly would go a long way for people who have not eaten for days; and that is where you get your first acceptability.

The food is absolutely pure and absolutely safe, but sometimes, of course, there may be a little bit of a change that comes about in the taste of food, and you have to get used to it. It is like one cigarette against another cigarette. I do not smoke, but they have so many brands to satisfy so many people that there must be a difference among them, and it is the same way with food.

For example, you eat bacon, and bacon has a certain taste for you. If you irradiate bacon, it may change the taste a little bit. It is just as good and just as nourishing, yet you may have to get used to the new taste.

Mr. MILLER. The Senator from Iowa appreciates that, and he is very much in favor of it.

Mr. PASTORE. Yes, I know that.

Mr. MILLER. But I do not know, for example, why this money is not authorized and being expended by the Food and Drug Administration, if this is something that is supposed to enable FDA to give approval of petitions filed with FDA.

Mr. PASTORE. Well, because they do not do that sort of thing. They do not perform the research and then pass judgment on their own work. I think that is what we are up against.

The Senator must realize, here, that much of the impetus on these programs

comes chiefly from the Joint Committee—I can say that with due pride, and yet in full modesty—even more so, sometimes, than the Atomic Energy Commission itself. Many times they come up here with a weakened position until we fortify it for them. I will tell the Senator frankly, I have never met a group of 18 Members of Congress who were more energetic, more devoted, more dedicated, or more hard working than the 18 members of that committee. Sometimes, because of our multitudinous responsibilities in the Senate, we do not attend as many of the meetings as some of the Members of the House of Representatives, although we try to go as often as we can.

The fact still remains that I have never seen anything quite like it. There is no ballyhoo about the committee; no fanfare about the committee. Most of its work is done behind closed doors. But this is the committee which got for America its first nuclear submarine. This is the committee which gave America the first hydrogen bomb. This is the committee that has always been on the alert. Time and time again—we could write a book on this subject.

So when the Senator asks me, "Why do you not give it to the Food and Drug?" I reply, "because it may die on the vine. Leave it where it is now, and something will come of it."

Mr. MILLER. The Senator from Iowa appreciates the great work of this committee, and I think it can be said that a considerable amount of it is attributable to the leadership the committee has had.

However, I take it that the Senator from Rhode Island is saying that there is no problem as far as the relationship and the cooperation between the Atomic Energy Commission and FDA is concerned.

Mr. PASTORE. Absolutely none. Absolutely none.

Mr. MILLER. On page 41 of the committee report, the committee notes that:

The field of ecology has recently become a topic of great popular interest. The Commission's research program in this area pre-dates this recent upsurge of interest. The overall funding for ecological studies in the fiscal year 1971 AEC budget is in excess of \$18 million for the biology and medicine program.

I take it that this interest of the Commission in ecology has gone back, probably, a number of years. Are there any reports that the Commission has issued on the problem of pollution from atomic devices?

Mr. PASTORE. We have had extensive hearings. We have volumes of hearings testimony before our committee, and reports.

Mr. MILLER. But has there been anything beyond the hearings?

Mr. PASTORE. We have issued reports.

Mr. MILLER. The committee itself has issued reports?

Mr. PASTORE. We ourselves.

Mr. MILLER. May I ask how recently one might have been issued?

Mr. PASTORE. I am told about 3 months ago. I will see that the Senator gets a copy.

Mr. MILLER. I would appreciate it. I

think, Mr. President, that it would be well for the work of the Atomic Energy Commission on this subject to be popularized a little more, because there are a great many people who are not familiar with the fact that the Commission, and no doubt the committee, too, have been on top of this thing for quite some time.

Mr. PASTORE. The Senator comes from a State that has an acquaintanceship with the entire development of atomic energy. I can say to him that insofar as the record of safety of the atomic energy activity of this Nation is concerned, there is no record quite like it, particularly when we realize the the vastness of our participation, the types of weapons we have developed, the number of bombs we have produced, and the number of reactors we have throughout the country—research, experimental, and actual power producing reactors, in various parts of the country. When one realizes that more people were affected through painting the watch dials with radium in the 1920's than through the development of the whole atomic energy program, he says to himself what a marvelous record that is. We have always been on top of safety. That is our primary concern.

I do not know whether the Senator has ever visited one of these places where you have to put covers on your shoes and they give you coveralls to put on, and when you come out they give you a thorough check with the Geiger counter. You say to yourself, "We can't afford to ever become careless or negligent." We have always been exceedingly careful.

I am gratified that we have maintained such a fine record of safety in this industry. It is a primary concern, because we are dealing here with radiation. There is no question about it. If man becomes complacent, one can imagine how serious it can become.

The Senator ask me whether or not we have been interested in pollution in this connection. This dates back to the beginning of our atomic energy program. We have to be interested in it. There is no question about it. We have to be interested in what comes out of that stack, what comes out of that reactor, and what gets into the water. Otherwise, the whole program could be jeopardized.

Mr. MILLER. I think the Senator appreciates the fact that there are some who talk about the ecology program as though certain committees in Congress have never heard of such a thing. While I realize that the Public Works Committee, of which I was a member at the time, got into the Water Pollution Control Act back in 1962, the Atomic Energy Commission has been working on this for a much longer period of time.

Mr. PASTORE. Yes.

Mr. MILLER. I think it would be very useful for many people to obtain copies of the reports to which the Senator has referred.

I would like to drop down to the next section, "Training, Education, and Information," on page 41. The statement is made:

Program efforts are directed toward assistance to colleges and universities in establishing nuclear curricula.

Could the Senator tell us how much of this authorization is proposed to go to this type of activity?

Mr. PASTORE. \$12,780,000 was requested for training, education, and information operating funds.

Mr. MILLER. That is correct. But I take it that the program efforts for provision of assistance to colleges and universities would be only a portion of that.

Mr. PASTORE. A portion of it, about \$6.8 million out of the total of \$12.8 million, would go for the purpose stated by the Senator.

Mr. MILLER. Would it be feasible for the Senator to put a breakdown in the RECORD, not only showing how much is going for this particular aspect, but also how many colleges and perhaps what their names are?

Mr. PASTORE. We will do that. We will put it in the RECORD when we get the information.

Mr. MILLER. I will appreciate that very much.

Mr. President, I would like to go over to page 44. Here, as I said earlier, if I am getting into a sensitive area, I hope the Senator will so indicate.

A great many of us who are not privileged to serve on this committee were rather hopeful at the time the Senate ratified the Nuclear Nonproliferation Treaty that there would be prompt action to implement some of its provisions. The committee is very much aware of this, obviously, and it states:

It seems reasonable that the policy of our Government should be clearly stated on this interrelated matter as soon as possible. The Joint Committee recommends that the AEC accelerate its work with the Department of State and other responsible agencies to develop such a policy.

May I ask what the Atomic Energy Commission has done already, since the time we ratified the Nonproliferation Treaty? The committee talks about its work and it wants to accelerate its work, but I want to know what its work has been.

Mr. PASTORE. We have proceeded with the exploration for natural gas and oil and things of that kind utilizing nuclear explosives as mentioned in article V of the Nonproliferation Treaty.

Mr. MILLER. The Senator is talking about peaceful uses.

Mr. PASTORE. The peaceful uses of atomic energy for what AEC calls underground engineering.

Mr. MILLER. What about inspection?

Mr. PASTORE. Inspection of what?

Mr. MILLER. Inspection of atomic installations, which is one of the areas—

Mr. PASTORE. Does the Senator mean throughout the world?

Mr. MILLER. Yes. In other nations.

Mr. PASTORE. We have essentially delegated that to the International Atomic Energy Agency which has its headquarters in Vienna, Austria. We do that on a cooperative basis. We started out with bilateral agreements, but we have been turning inspection activities under the bilaterals over to the Agency for independent inspection. We feel that that is the better way to do it. We have been very careful about this, to make sure that any of the material that is given

and any of the assistance that is given is not diverted to weaponry.

Mr. MILLER. Of course, that was called for by the treaty.

Mr. PASTORE. That is correct. And we make sure. We follow through.

Mr. MILLER. I am wondering just what the Atomic Energy Commission's work has been, for example, with the international agency to which the Senator has referred.

Mr. PASTORE. They develop standards. They develop methods of inspection. They—

Mr. MILLER. Has there been real momentum on this?

Mr. PASTORE. Of course there has been.

The civilian nuclear power program has been slightly slowed down in America. As the Senator knows, up until recently the United States was going along very speedily. We have many, many reactors on order now. But there has been slight resistance in some localities because of the siting situation. That has not been with respect to atomic energy alone. It has even been so with respect to conventional plants. That is one of the problems we are wrestling with now.

Everybody knows we have to have enough electricity to meet our demands. Everybody wants to turn on that light, to make sure it burns when he hits the switch. Everybody wants to put in a plug and make sure the electricity is there. When they turn on their air conditioner, they want to make sure the electricity is there. On the other hand, we do have blackouts and brownouts, and sometimes we have a paucity of electricity.

As a matter of fact, our study shows that every 7 to 10 years, our demand for electricity doubles. Our big question will be how we are going to meet this big demand.

One of the big subjects we have today is the matter of siting. Some people want island siting, where a plant of, let us say, 1,000 megawatts would be built, a big one, and then convey the electricity ashore. Many suggestions are being made. The remarkable thing about it is that there has been some resistance on the part of some citizenry as to the construction of these atomic plants in certain parts of the country. We have received resistance. It never existed before, but it has developed, and I suppose this has developed in other countries as well. This more or less has slowed down the whole operation.

It grieves me, because I think the future of a second source of energy lies in atomic energy, and we need a second source of energy. We are told that by the end of this century, there is a serious question as to whether or not we will have any oil left. We have a tremendous amount of coal, but I understand that the coal they burn in Illinois comes from Montana. These problems are becoming serious.

There is only so much coal and so much oil in the ground. We cannot manufacture more of it. It is just there. Once we exhaust it, it is gone, never to come back again, as the song would go.

What we have to do is to develop another source of energy. We are an industrial Nation. We are the most indus-

trialized nation in the world. We consume 50 percent of the goods and the natural resources of the world. We control 40 percent of the wealth of the world. We represent only 6 percent of the population of the world and 7 percent of its land mass. Yet, here we are, superior and supreme. Why? Because we have the oil. We have the gas. We have the coal. We have the methods to use them. We have the means of industrial production. If all energy goes, then we will lose our industrial superiority.

The United States has pioneered in the field of atomic energy. We were the first to utilize the energy of the atom. We were also the first to get into the business of peaceful uses of atomic energy.

I therefore hope that we would pursue our development of a second source of energy. I know that there are risks involved as well as many problems connected with it.

I do not want to mention a cliché this afternoon, but any nation that can put a man on the moon, any nation that can return three men to earth, who possibly, because of an accident, did not get to the moon as we did the last time, certainly such a nation can solve some of these problems.

Mr. MILLER. The Senator has very well expressed the thought I have on this, but I would like to get into something in which I am interested by asking this question of the Senator.

In the Nonproliferation Treaty, one of the highlights of it was that it laid down the framework for the "have" nations to pass on to the "have not" nations some of our nuclear resources so that they could develop them for peaceful uses.

Does the Senator from Rhode Island know whether, since the Proliferation Treaty was ratified, the United States, or any other "have" nation, has transferred nuclear equipment or resources to any of the "have not" nations?

Mr. PASTORE. As a matter of policy, there is no nation in the world in the nuclear club which has shared its nuclear largess with the people of the world more than the United States of America. I mean it has been the policy of this country, so much so that it has been, sometimes, criticized by some Members of Congress.

Mr. AIKEN. If the Senator would yield, let me say that we are one of the three signatories who already possess nuclear weapons and we do not have to submit to inspection. However, we voluntarily do submit to it.

Mr. MILLER. Of our plants?

Mr. PASTORE. We have then come to places like the Yankee Atomic Power Plant in Massachusetts. We do not want them to go to places where sensitive, military activities are in progress. We have entered into bilateral agreements with other nations. We were responsible for the installation of the reactor in India. That is an American reactor. We have also cooperated with Israel. We have bilateral agreements with many nations in the world, but up to now it has been on power and research reactors.

Mr. MILLER. I am talking about the type of equipment or materiel that was

referred to in the Nonproliferation Treaty. If the Senator could provide for the Record within the framework—

Mr. PASTORE. An actual electrical generating nuclear reactor?

Mr. MILLER. An explosive device for peaceful purposes.

Mr. PASTORE. Oh, no; we have not done that.

Mr. MILLER. My question was whether the Senator knew whether the United States or any other of the "have" nations have, within the ambit of the Nonproliferation Treaty, supplied the "have not" nations with any nuclear device which was covered by the treaty.

Mr. PASTORE. No, no. We have not done that, for the simple reason that we have not even done it in this country on a commercial basis.

What we have to do with one of these devices is to explode it without getting it into the atmosphere within the limits of the NPT. We hope to be ready to provide the service when the time comes. We have done it only on an experimental basis. It has not been perfected and there has not been a call for it.

Mr. MILLER. I wish I had a copy of the treaty with me—

Mr. PASTORE. I know what the Senator means.

Mr. MILLER. As it is covered by the treaty. I am interested in knowing whether any of the nuclear nations have transferred any of the devices to non-nuclear nations which are covered by the treaty and which, in turn, are subject to an international inspection team. That is another aspect of the treaty.

Mr. PASTORE. When the Senator says "nuclear devices," he is talking about something different, which is a nuclear device, a bomb.

Mr. MILLER. I am talking about peaceful uses.

Mr. PASTORE. It is a bomb with a peaceful use. But it is a bomb. When we talk about creating a harbor, we are essentially talking about a bomb which is exploded. In this case, it blows up sand and water. However, we have to be careful that we do not blow up people at the same time, and that we do not contaminate the atmosphere. We have not done that, but we have developed reactors to generate electricity.

Mr. MILLER. Is that subject to an international inspection team as covered by the treaty?

Mr. PASTORE. Yes; but not yet by the Nonproliferation Treaty. That is now covered by a bilateral or trilateral treaty to make sure that the fuel they get to support the reactor is not used to make a bomb.

Mr. MILLER. Now the Senator is on the same wavelength that I am. The next question I have is to what extent have the inspection teams been developed which were covered by the treaty?

Mr. PASTORE. The authority for these teams exists in the International Atomic Energy Agency for the peaceful uses of atomic energy. That is its job.

Mr. MILLER. All right now—

Mr. PASTORE. That is the Agency's job. It has developed standards as to the disposal of waste and things of that kind.

It has developed techniques of inspection. As a matter of fact, the last time I was in Vienna, some time back, we were briefed on the subject of what they were doing. That was several years ago.

Mr. MILLER. I am particularly interested in what has been developed since the Nonproliferation Treaty.

Mr. PASTORE. What we should do is to have the staff communicate with the AEC on this and find out specifically whether there has been a request for any of these devices. I doubt it, because we have not used the devices in our own country except for underground testing, and for experimental projects, that is all.

Mr. MILLER. Really, what I am asking of my colleague from Rhode Island is to give us some indication as to what the work of the AEC has been on—

Mr. PASTORE. All right. Fine.

Mr. MILLER. If we do not want the AEC to accelerate this work, I want to know what its work has been.

Mr. PASTORE. We will research that and place it in the Record. There is no fast answer to that this afternoon.

Mr. MILLER. That would be fine.

Mr. PASTORE. All right, sir.

Mr. MILLER. I have one or two more questions. On page 45, on the authorization for community spending, the Senator from Rhode Island, I am sure, is aware of the bind that some of the military airbases got into over Federal aid to schools—impacted aid. Has there been any similar development of any of these atomic energy sites with respect to the impacted aid program, or something analogous to the problem, like the one at Bellevue, Nebr., where they were going to close down the schools because they were not getting adequate funds for the schools?

Mr. PASTORE. These are communities which the AEC owns. We have been careful about that. We have not been unfair. Many times, of course, they find out in their own Government, and things of that kind, that there should be a separation. We do provide for a termination period; but, frankly, I think the AEC has been much more generous than we have been on our other Federal impacted area programs.

Mr. MILLER. I thank my colleague. Now, my last question relates to the security investigations portion of the report on page 49. Is the Senator able to tell us how many security investigations were made by the AEC during fiscal year 1970?

Mr. PASTORE. I will have to put that in the Record.

Mr. MILLER. And how many they expect to make for fiscal year 1971.

Mr. PASTORE. We will have to put that in the Record.

Mr. MILLER. Would the Senator provide for the Record how many security investigations resulted in turn-downs of the applications?

Mr. PASTORE. Yes, if possible we will put that in the Record.

Mr. MILLER. I think that would be helpful, if the Senator could do that, subject, of course, to its not being classified information.

Mr. PASTORE. Of course.

Mr. MILLER. I thank my colleague for his indulgence.

Mr. PASTORE. I thank the Senator very much.

Mr. BAKER. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. BAKER. Would my distinguished colleague give me the benefit of his knowledge and information, as I am not a member of the Joint Committee, on the prospect for the development of the liquid metal fast breeder reactor or an alternate breeder reactor, as he judges that situation?

Mr. PASTORE. That is of first priority, as the Senator well knows. We have slowed down—in fact, we have brought to a halt AEC assistance with reference to boiling water and pressurized water reactors, because we feel that we have done enough. That is essentially a commercialized thing today.

On the breeder reactor, of course, we are engaged in research and development there for the simple reason that we think that is the complete answer to the future atomic energy for the generation of electricity. And we are going along as fast as we can.

I would hope that the Senator would be on the floor when the appropriation bill comes up, because I think we will have a little trouble in having the Appropriations Committee go along with the full amount of the authorization. I would hope the Senator would give us a hand on that.

Mr. BAKER. Mr. President, I commend my colleague from Rhode Island for his participation in the project and his support of the program in general.

I will indeed make an effort to be on the floor to support that bill when it is before the Senate.

I agree that the breeder program is of the highest priority.

I agree that the liquid metal fast breeder reactor is the first logical choice.

I am concerned over the breeder reactor concept on page 24 of the report, paragraph 4. There is a reference there to the liquid metal fast breeder reactor as an alternate. There are perhaps references to other concepts. But there is no reference to the molten salt breeder project that I have spoken of.

Mr. PASTORE. Please look at page 22. It states:

The Joint Committee continues to support this important program and recommends the full funding requested in the President's budget.

The committee also continues to endorse the ongoing effort in the development of molten salt breeder reactor technology which is directed toward an evaluation of the industrial potential of this system for economic central station power production. However, the committee is dissatisfied that the austere budget does not permit further development of the molten salt breeder and other promising reactor concepts.

Mr. BAKER. Mr. President, I agree with my colleague that the statement is accurate. And I agree with the intent for whatever it is worth. I have tried to see if the Bureau of the Budget would make a request to permit us to go ahead with the molten salt breeder project—that

would be the construction of the next phase—and ultimately the MSBR.

I think it is a most promising breeder concept. At the very least, it is a most promising converter. I think that the Joint Committee, which so often takes the lead in this field, even to a greater extent at times than the Commission itself, would do well to consider the additional funding and additional emphasis on this molten salt breeder program.

I would hasten to say that I have more knowledge of this program than any of the other breeder concepts because most, if not all, of the work in that program is going on in my State, at Oak Ridge. But I disclaim any parochial concern, because I do believe that the program will stand on its own.

Mr. PASTORE. Mr. President, has the Senator talked to any members of the Commission with respect to the financing of this molten salt breeder program? Did they give him any promising reaction, or did they act the way they acted with us when they said, "We don't have the money, and we have to concentrate on other things?"

Mr. BAKER. Mr. President, I have talked with some members of the Commission, and with some people in the Bureau of the Budget. I must say that the stringency of the budget was the argument used. The argument is also used that the importance of the breeder program is so great that even in the most austere budget, I would hope, we would find adequate funding and even more than adequate funding to go ahead with the primary breeder program, the liquid metal fast breeder reactor, as well as the full range of alternatives, including the molten salt program.

I have one additional question to ask the distinguished Senator from Rhode Island, and that concerns the funding level of research on controlled nuclear fusion.

I note that the report indicates that there is a recommendation by the committee that there be a reevaluation of several techniques now being studied, especially in view of the stated claims of the Soviet Union with their Tokamak machines, and similar efforts demonstrated in the United States with the Tokamak machines.

I would say, as I have said before on the floor, that our urgent pursuit of controlled nuclear fusion has been rather leisurely. That is not meant as a criticism of the joint committee, but rather because of the stark reality that the Soviet Union is spending many times the amount of our present investment in demonstrating the feasibility of the contained, sustained fusion reactors. And they have the first demonstrable quantum in their Tokamak machine. The United States is now in the business of imitating the results produced at Novosibirsk, Russia.

Mr. PASTORE. Mr. President, I agree. It is disturbing to me that we have to reduce items such as this in the budget. I heard a very influential member of the House Appropriations Committee, who is no longer a member of the House committee—as a matter of fact, he has passed on to his eternal rest—say that

we ought to knock everything out of the budget on cancer because we have not yet found its cure. That is the attitude of some people. They fail to realize that nuclear fusion is a very, very exotic and very complex problem.

Mr. BAKER. But it is one that holds infinite promise.

Mr. PASTORE. When we got that infinite power for a fraction of a second, we are amazed that we were able to get it. We do not yet get the duration that we need. But unless we try it and keep at it, we may lose out on something that ultimately may be the answer to our future power needs.

Mr. BAKER. Mr. President, I agree. There is no validity to the argument that because we have not harnessed the controlled fusion process we should not try to develop it.

I really believe that we ought to consider a very substantial increase in the spending level for our controlled thermonuclear program.

I would point out, first, that the Russians with their Tokamak experiment have produced the densities and temperature and confinement times that are theoretically necessary to sustain fusion reaction.

I point out also that these are barely in the range of sustained fusion reactions. But they are verified by an independent team of researchers from the United Kingdom. They are not just Russian claims.

I would point out as well that we of the United States, the leaders in the field, are rapidly building our own versions of the Russian Tokamak. We call them the Ormak, and also there is a range of other devices.

We are now playing catch-up ball in this field. The advantages of controlled nuclear fusion are such that not only will we produce, in effect, limitless power from limitless resources at a very attractive price, but it also eliminates the risk of nuclear accident.

Mr. PASTORE. And eliminates pollution.

Mr. BAKER. The Senator is correct. And pollution and thermal problems and sizes.

The indications are that the requirements for the building of a reactor of this type will be at least as low or possibly much lower in cost than that of the breeder reactors. I do not say that as an argument against the development of the breeder reactors or the liquid metal fast breeder reactors.

I say it because I think there is a tendency to lose sight of the enormous importance of developing controlled nuclear fusion.

Mr. PASTORE. Mr. President, I could not agree more. As a matter of fact, I see more importance in putting money in the development of thermonuclear fusion and the promise of unlimited power that it would give us, tremendous power, the most potent power of nature, than in putting money in another flight to the moon, because I think after you have gone to the moon the second, third, and fourth time how much have you done for mankind? Maybe a few more rocks will be picked up to bring back so that scien-

tists can chisel on them. But controlled thermonuclear fusion will give power and we need power. I would rather put my money there than on another flight to the moon, but flights to the moon are dramatic and you do not have any trouble in the Senate on them.

Mr. BAKER. Mr. President, I agree with the Senator from Rhode Island. But if we examine the verities of our basic thinking we will conclude that the richness of this Nation or of any nation depends not on its gold reserves or its gross national product but on the energy it produces.

Mr. PASTORE. I absolutely agree with the Senator from Tennessee.

Mr. BAKER. I am not one of those who feels that to solve the worries of the world we have to reduce our gross national product. We do not. We need to increase it but at the same time increase the quality of our life, and the way we have the greatest possibility for eliminating abject poverty from the earth and drastically increasing the quality of life on this planet is not by any of the half measures we are compelled to take now, such as in pollution and so forth, but by abundant energy from nuclear fission.

Mr. PASTORE. I agree with the Senator.

Mr. BAKER. Mr. President, I will join the committee and the Senator from Rhode Island in an effort to see that we have substantial increases in the funding in this field. I believe that in years to come historians will record that our progress or our lack of progress in this specific area of research perhaps had more to do with the life of this Nation than any other single piece of legislation we are likely to undertake.

Mr. PASTORE. I thank the Senator. He will have a good strong supporter in the Senator from Rhode Island.

NATIONAL NUCLEAR SCIENCE INFORMATION CENTER, OAK RIDGE, TENN.

Mr. GORE. Mr. President, the pending bill authorizes an important facility which will accomplish three objectives: it will house the American Museum of Atomic Energy; it will provide a National Conference Center; and it will establish a National Library for Physics and Atomic Energy.

It is eminently reasonable that such a center be located at Oak Ridge, Tenn. The present atomic museum is inadequate to perform this important educational function. The structure was erected in 1943 as a "temporary" cafeteria and resembles a wartime barracks building rather than an appropriate repository for some of man's most significant achievements in science, medicine, and technology.

The potential contribution of the National Conference Center to the exchange of valuable information and ideas among top scientists from throughout the world is difficult to delineate. Unquestionably, the Oak Ridge community represents a considerable cadre of this Nation's top-flight nuclear scientists and their access to a means of free, open, and convenient communication with their counterparts from other nations must rate as a significant factor in furthering peaceful utilization of nuclear technology. This

center, with its auditoriums, seminar rooms, and simultaneous translation facilities, should substantially accommodate this exchange of information so important to furthering the cause of mutually beneficial scientific activity.

The National Library for Physics and Atomic Energy will fill a void long apparent among the scientific community by providing a central repository for key scientific data and papers in the field of nuclear physics and engineering. Such facilities have existed for some time in the fields of medicine and the agricultural sciences. Consolidation with the AEC's computerized documentation center will provide a central location for efficient application of scientific research endeavors.

THE ATOM: ITS DANGEROUS AFTERMATH, PART V—JOINT COMMITTEE STRESSES IMPORTANCE OF THE ENVIRONMENT IN ATOMIC POWER DEVELOPMENT

Mr. CHURCH. Mr. President, today we have under consideration the authorization legislation of the Atomic Energy Commission for the coming fiscal year. As many in this Chamber know, I have stressed for some time now the importance to our Nation of a viable and safe atomic power industry. It is essential to provide for our power needs in the decade ahead. I have also expressed concern that perhaps, in our rush toward the development of atomic power, we have not given enough concern to the environmental problems which attend the production of atomic power. That is why I am especially pleased to note that the Joint Committee on Atomic Energy has authorized the expenditure of \$1,360,000 above the original AEC request in the area of atomic reactor safety programs. This is a step in the right direction on the long road before us which can lead to safe and salable atomic power in the future.

I am also pleased to note that the Joint Committee has stressed in their report the extreme importance of environmental considerations in the atomic power industry.

The report quotes Dr. Lee A. DuBridge, the President's Science Advisor and Director of the Office of Science and Technology, on the subject of nuclear power safety. Dr. DuBridge makes clear that we can solve the environmental problems associated with nuclear power production if we choose to do so. He says:

Nuclear power plants, to my mind, pose no environmental threat which is beyond our technical competence. There are technical solutions to minimizing these (atomic waste disposal) problems. However, these technical solutions will cost money, increasing the cost of electricity or taxes, or both.

We all know that solutions to these perplexing technical problems will not be either easy or inexpensive but it is a price we must pay if we are not to repeat the same mistakes with regard to nuclear fuels that we have made with conventional fuels. We must, as the Joint Committee suggests, embark upon a coordinated and ongoing research program to solve the problems which, Dr. DuBridge so properly points out, may be solved with a commitment of purpose and funding to do so.

The Joint Committee states in the clearest terms:

This country has the dual need to safeguard the quality of our environment and to provide sufficient energy to meet the requirements of our industrialized civilization.

At page 18 of the report, the committee further comments:

Research and development and related efforts on a comprehensive and systematic basis must be carefully mounted and brought to bear against all environmental problems.

As one who has repeatedly called for such a research effort, I am pleased to see the recognition given to this concept by the Joint Committee on Atomic Energy in its report. However, although the committee points out the AEC is expending \$18 million this year on research programs in this area, I respectfully submit that when compared with the overall AEC budget this is a small amount to devote to such an effort. It totals less than 1 percent of the total AEC budget for 1971. I strongly feel that more funding is necessary in this vital matter.

In terms of specifics contained in the report, I am glad to see that the AEC has requested and the Joint Committee approved \$1,400,000 for work related to radioactive contamination control improvements at the National Reactor Testing Station in Idaho. In the past, I have called upon the AEC to initiate programs to improve atomic waste disposal methods at NRTS. This additional funding authority to conduct such work in Idaho is welcome. I stress again, however, that much more needs to be done. Such programs are in the long-range interest of our people, our Government, the nuclear power industry and the AEC itself.

I am gratified that the Joint Committee has indicated its interest in the type of long-range research program of environmental problems of atomic power which I suggested in February of this year. I am hopeful that the AEC will lend every effort toward making such a program a reality.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Mississippi (Mr.

STENNIS). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote, "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from New York (Mr. GOODELL) and the Senator from Texas (Mr. TOWER), are detained on official business.

I further announce that, if present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 83, nays 1, as follows:

[No. 144 Leg.]		
YEAS—83		
Aiken	Fong	Mondale
Allen	Gore	Montoya
Allott	Gravel	Moss
Anderson	Griffin	Murphy
Baker	Gurney	Muskie
Bellmon	Hansen	Packwood
Bennett	Hart	Pastore
Bible	Hartke	Pearson
Boggs	Hatfield	Pell
Brooke	Holland	Percy
Burdick	Hollings	Prouty
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Hughes	Randolph
Cannon	Inouye	Schweiker
Case	Jackson	Scott
Church	Javits	Smith, Maine
Cook	Jordan, N.C.	Smith, Ill.
Cooper	Jordan, Idaho	Sparkman
Cotton	Kennedy	Spong
Cranston	Long	Stevens
Curtis	Magnuson	Symington
Dole	Mathias	Talmadge
Dominick	McClellan	Thurmond
Eagleton	McGee	Williams, Del.
Eastland	McGovern	Yarborough
Ellender	McIntyre	Young, N. Dak.
Ervin	Metcalf	Young, Ohio
Fannin	Miller	

NAYS—1

Fulbright

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—15

Bayh	McCarthy	Saxbe
Dodd	Mundt	Stennis
Goldwater	Nelson	Tower
Goodeil	Ribicoff	Tydings
Harris	Russell	Williams, N.J.

So the bill (S. 3818) was passed, as follows:

S. 3818

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

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

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,013,307,000, not to exceed \$119,450,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 71-1-a, contaminated storm water runoff control facilities, Savannah River, South Carolina, \$900,000.

Project 71-1-b, in-tank waste solidification systems, Richland, Washington, \$8,300,000.

Project 71-1-c, storage and waste transfer facilities, Richland, Washington, \$1,700,000.

Project 71-1-d, radioactive contamination control improvements, National Reactor Testing Station, Idaho, \$1,400,000.

Project 71-1-e, gaseous diffusion production support facilities, \$14,700,000.

Project 71-1-f, process equipment modifications, gaseous diffusion plants, \$6,400,000.

(2) ATOMIC WEAPONS.—

Project 71-2-a, weapons production, development and test installations, \$10,000,000.

(3) REACTOR DEVELOPMENT.—

Project 71-3-a, modifications to reactors, \$2,000,000.

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 71-3-c, modifications to EBR-II and related facilities, National Reactor Testing Station, Idaho, \$2,000,000.

(4) PHYSICAL RESEARCH.—

Project 71-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$900,000.

Project 71-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$925,000.

Project 71-4-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$925,000.

Project 71-4-d, accelerator improvements, Stanford Linear Accelerator Center, California, \$950,000.

Project 71-4-e, accelerator improvements, medium and low energy physics, \$400,000.

(5) BIOLOGY AND MEDICINE.—

Project 71-5-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, \$2,000,000.

(6) TRAINING, EDUCATION AND INFORMATION.—

Project 71-6-a, National Nuclear Science Information Center (AE only), Oak Ridge, Tennessee, \$600,000.

(7) GENERAL PLANT PROJECTS.—\$42,000,000.

(8) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$173,050,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (5) and (6) only if the currently estimated

cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—

(a) Section 110 of Public Law 86-50, as amended, is further amended by adding the following at the end of the present text of subsection (f) of said section: "And Provided further, That waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(b) Section 101 of Public Law 89-32, as amended, is further amended by adding to subsection (b) (4) for project 66-4-a, a sodium pump test facility, the words "for design and Phase I construction."

(c) Section 101 of Public Law 91-44 is amended by striking from subsection (b) (1), project 70-1-c, waste encapsulation and storage facilities, Richland, Washington, the words "(AE only)" and further striking the figure "\$1,200,000" and substituting therefor the figure \$10,750,000."

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—FOURTH ROUND.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91-44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. Appropriations totaling \$50,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the Project Definition Phase authorized by section 106 of Public Law 91-44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91-44. The Commission is also authorized hereby, without regard to the provisions of section 3679 of the Revised Statutes, as amended, to agree under said cooperative arrangement to provide assistance up to a total amount of \$50,000,000 less the subs available to the Commission and utilized for the Project Definition Phase contracts authorized pursuant to section 106 of Public Law 91-44 and this section; and, in addition to said total amount, in the

Commission's discretion, to provide assistance up to a total amount of \$20,000,000 in the form of Commission-furnished services, facilities or equipment otherwise available to or planned by the Commission under its civilian base program: *Provided*, That said ceiling amounts shall not be deemed to include assistance in the form of waiver of use charges during the term of the cooperative arrangement and the Commission may agree to provide such assistance without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed \$10,000,000.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than 15 per centum.

Mr. MANSFIELD. Mr. President, the senior Senator from Rhode Island (Mr. PASTORE), who so very ably chairs the Joint Committee on Atomic Energy on behalf of the Senate, has again demonstrated his outstanding legislative skill and ability. With his handling of this year's AEC authorization, he again brought to the Senate his clear and convincing understanding of a program for which he has provided the leadership since its very inception. Its overwhelming acceptance speaks loudly and clearly the thanks of a grateful Senate. This achievement adds another to an already abundant list of outstanding accomplishments. Senator PASTORE's record of public service is one built upon devotion and dedication unexcelled in this body.

Joining Senator PASTORE in steering the bill so expeditiously and efficiently through the Senate was the distinguished senior Senator from Vermont (Mr. AIKEN), the dean of Senate Republicans. His willing and constructive assistance was certainly typical. His strong support in guiding this measure through was indispensable to this success. The Senate is deeply grateful.

The distinguished Senators from Tennessee (Mr. GORE), from Nebraska (Mr. CURTIS), and from Iowa (Mr. MILLER) are deserving of special recognition also. They, too, contributed greatly to the

overall high quality of the debate. They and the other Senators who joined the discussion are to be thanked for offering their most thoughtful views and comments.

Finally, the Senate as a whole deserves a special vote of thanks from the leadership for the cooperation and attention given on this measure. Its swift acceptance with full consideration for the views of every Senator is a fine tribute to this entire body.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 868, H.R. 15628, I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be stated by title.

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

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

ORDER OF BUSINESS

Mr. FULBRIGHT obtained the floor.

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

Mr. FULBRIGHT. I yield to the Senator from South Carolina.

Mr. THURMOND. I thank the Senator for yielding.

SALUTE TO THE ARMED FORCES

Mr. THURMOND. Mr. President, it is an honor to salute America's men and women in uniform on Armed Forces Day, May 16, 1970. Never before have our Armed Forces served our Nation with such dedication in the face of so much unjust criticism by certain elements of our society. If this undermining continues, both our Armed Forces and the American people will suffer the consequences.

Unstinting support and understanding of our Armed Forces by our citizens are vital to the strength, vigor, and morale of our uniformed forces. We can be thankful that the diffusion of this support has not broken the bond between the American people and our Armed Forces.

Mr. President, this mutual trust must not be eroded. It has propelled our forces to victory for almost two centuries. Our Armed Forces have never failed our country on the field of battle or in the years of peace.

Armed Forces Day provides an appropriate time for the American people to reaffirm their support of the men and women who faithfully serve their country. Some 3½ million of our courageous and loyal servicemen are on duty throughout the world in the cause of freedom. Many are enduring the priva-

tions of hardship conditions. Thousand face peril in the service of their Nation, and they do their duty without complaint. They are there because their Nation sent them there. In my view, their allegiance, their loyalty and their devotion to duty should be matched by the American people.

Mr. President, our soldiers, sailors, marines, airmen, and coastguardsmen exist to serve the American people. But if they ever believe that their service is not appreciated, as some critics in this country would have them believe, then their morale would deteriorate, their effectiveness would be weakened and their loyalty diverted. This would be another milestone achievement of the Communists and left-wing extremists.

There are those in our society who deliberately attempt to achieve this by undermining the Military Establishment and by violent antimilitary demonstrations.

They are the ones who give aid and comfort to the enemy.

They are the ones who raise Communist flags in our country.

They are the ones who chant "Ho, Ho, Ho Chi Minh."

They are the ones who replace the pictures of Washington with Lenin.

They are the ones who have the flag of the enemy that has killed over 40,000 Americans.

They are the ones who burn down our college ROTC buildings.

They are the ones who would accept national humiliation and defeat.

They are the ones who prolong the inhumane treatment of American prisoners of war.

They are the ones who are encouraged and incited by some people in high places in our country.

Mr. President, honest disagreement has always been a vital part of our national heritage. Our Armed Forces honor this tradition. They are dedicated to its survival. Yet, those who have faced the dangers of the battlefield, and in some cases sacrificed their lives or suffered inhumane captivity to preserve this precious heritage, have been perplexed and shocked by those American citizens who sympathize with the enemy and urge our servicemen to disobey their officers.

It is my fervent hope that on Armed Forces Day America will demonstrate renewed support of our Armed Forces. The American people should take this opportunity to pay tribute to our men and women in uniform who are protecting our freedom. The real strength of our Nation lies in all of the dedicated individuals who proudly wear the uniform and support the flag of our country. Americans may well be thankful that our Armed Forces have had the strength to stand off the advances of communism for the past 25 years. Otherwise the security of every free nation would have been threatened by unchecked aggression.

In my view, our Armed Forces in Vietnam and Cambodia are continuing this long struggle to contain aggression. The President's decision for a bold thrust into Cambodia was another successful effort to halt Communist advances, and to shorten the war, protect our Armed

Forces, and insure continued progress of Vietnamization.

Mr. President, on Armed Forces Day, I urge all Americans to salute this recent success and to honor our Armed Forces. I join my fellow Americans in paying tribute to our Armed Forces for their courage and devotion to the preservation of American ideals and our freedom.

PRINCETON OPENS WAR ON CONGRESSIONAL HAWKS

Mr. THURMOND. Mr. President, I would like to call the attention of the Senate to an article which appeared in the May 8 edition of the Detroit Free Press entitled "Princeton Opens War on Congressional Hawks." I would like to quote a few passages from this interesting article:

Princeton antiwar students, with support from the university and its political science facilities, have launched a campaign to elect doves and defeat hawks in Congress.

The Princeton idea is novel because the research facilities, the students, and even the computers at the university's Woodrow Wilson School of Public and International Affairs, will be turned from academic politics to actual campaigning. And it is being done with official faculty support.

The faculty approved all student proposals, voted to back the political campaigns, and for the first time put Princeton officially on record condemning the expansion of the war.

Mr. President, there is another source I would like to quote from at this point—section 501(c) (3) of the Internal Revenue Code of 1954, the section under which Princeton has been granted a favored income tax exempt status. Subsection (c) lists various organizations which qualify, and the pertinent portions of paragraph (3) are as follows:

Corporations . . . organized and operated exclusively for . . . educational purposes, . . . no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

Mr. President, I feel that there is a serious question here as to whether or not Princeton can legally sponsor this project and provide facilities to aid in its success while maintaining a tax-exempt status under section 501(c) (3). I intend to ask the Treasury Department to investigate this matter thoroughly to determine what action should be taken.

Mr. President, I ask unanimous consent that the article entitled "Princeton Opens War on Congressional Hawks" be printed in the RECORD at this point.

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

PRINCETON OPENS WAR ON CONGRESSIONAL HAWKS

(By Saul Friedman)

WASHINGTON.—Princeton antiwar students, with support from the university and its political science facilities, have launched a campaign to elect doves and defeat hawks in Congress.

Their initial effort will be aimed at local races in New Jersey and nearby Pennsylvania, but there are indications the campaign will spread nationwide.

The novel idea is one of the few concrete proposals students have come up with amid their frustrated calls for strikes. Students, like politicians, have been confused over the sudden expansion of the Indochina war.

The Princeton idea is novel because the research facilities, the students, and even the computers at the university's Woodrow Wilson School of Public and International Affairs, will be turned from academic politics to actual campaigning. And it is being done with official faculty support.

The campaign is called the Princeton Movement for a New Congress. On Saturday, while students in Washington and elsewhere will be marching and demonstrating, its leaders will meet with representatives from other schools in New York to make their movement a national effort.

Hundreds of students have volunteered to enlist in the campaign.

Monday night and Tuesday, in long and heated meetings, the faculty approved all the student proposals, voted to back the political campaigns, and for the first time put Princeton officially on record condemning the expansion of the war.

Coordinator of the student effort is James Browning, 20, of Fairfax, Va., a junior studying urban affairs and the son of an Army colonel.

Browning, who says his politics is somewhere between liberal and radical, hopes the Princeton movement's efforts can elect five more doves to the Senate and perhaps 15 in the House.

"Maybe Congress can't change the system the way it needs changing," he said, "but it will be more possible to make changes if we can elect liberals. A lot of issues, like the antiballistic missile, have been decided by just a few votes in the Senate.

"The House is very conservative, but even if we can get 15 more liberals elected, we would be able to insure that at least they would have to be reckoned with.

"The fact is, that despite what we may think of the system, Congress continues to vote on important questions."

Leaders of the Princeton movement have scheduled a meeting Saturday in New York with students from Harvard, Yale, Amherst, and Stanford to initiate similar organizations at those schools.

"Our hope is that we can make this a national thing, so that university facilities and students all over the country are fanning out to help in congressional elections this fall," said Robert Vandervele, an administrator of the Woodrow Wilson School and a former colonel in Army intelligence.

PARTICIPATION BY THE FEDERAL GOVERNMENT IN INTERNATIONAL EXPOSITIONS

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 856.

The PRESIDING OFFICER (Mr. CRANSTON) laid before the Senate the amendment of the House of Representatives to the bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, which was on page 6, strike out lines 5 through 7 inclusive, and insert:

SEC. 8. There are authorized to be appropriated such sums, not to exceed \$200,000 in any fiscal year, as may be necessary to carry out the purposes of this Act.

Mr. FULBRIGHT. Mr. President, the only difference between the Senate and the House with respect to S. 856 is a

simple one. The Senate had authorized to be appropriated "such sums as may be necessary" to carry out the purposes of the act. The House, in lieu thereof, authorized the appropriation of not to exceed \$200,000 in any fiscal year for these purposes.

The Department of Commerce, as the principal agency interested in this bill, had testified before the Foreign Relations Committee that it expected enactment of the bill to result in additional expenditures of \$100,000 to \$150,000 a year. Thus, the \$200,000 ceiling voted by the House is entirely reasonable and I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER (Mr. SCHWEIKER). The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

CAMBODIA—DELUGE OF MAIL AND PETITIONS RECEIVED IN OPPOSITION TO PRESIDENT NIXON'S ACTION

Mr. FULBRIGHT. Mr. President, in the past 10 days I have received more letters, telegrams, and phone calls than in any comparable period since I came to the Senate.

The mail is being delivered by the bag and only with the assistance of young volunteers am I able to get it all opened. It is arriving in such quantities that it is impossible to keep an up-to-the-minute tabulation. However, at the last report, about 28,000 telegrams and 43,000 letters had been counted—and they are continuing to arrive at that rate.

Mr. President, in that connection, it is interesting to note that I received this morning a letter addressed to me by the majority and minority leaders, dated May 7. That was 6 days ago. It was supposed to be internal mail, but it took 6 days to get from the majority leader's office to my office in the New Senate Office Building. I say this only to illustrate how difficult it is to handle this kind of volume of mail.

Although I would certainly not claim that the communications I receive are representative of overall public sentiment, it is highly significant to note that a count of telegrams showed 25,697 opposed to widening and continuing the war in Indochina, while only 556 favored the President's position. Of the letters I have received, 38,825 are in opposition to the administration's policies in Southeast Asia, while 2,133 support the President. Additionally, I have received petitions bearing 47,031 names: 46,984, or all but 89, opposed the President's actions. None of these were solicited in any way.

Many of the petitions I have received have contained hundreds of names, although the great bulk of the letters and telegrams are from individuals or small groups. I did receive one large group of letters—about 10,000—collected by students at Dalton High School in New York in 1 day. Two young ladies, Miss Nancy Troy and Miss Katherine Shea, brought knapsacks full of the letters to Washington and personally delivered them to me.

Because of the volume of mail, it is

simply impossible for me to provide individual responses to all those who have sent communications to me. However, I would like to acknowledge some of the petitions and letters I have received and call them to the attention of the Senate and the public. Among them are:

A petition signed by more than 2,100 undergraduates at Harvard and Radcliffe Colleges.

A petition signed by 32 staff members of the Psychiatric Social Service Department of the Albert Einstein College of Medicine, Bronx, N.Y.

More than 1,000 letters collected by students at the Wurzweiler School of Social Work, Yeshiva University, New York.

A petition from 2,300 students and faculty members at the University of Denver.

Petitions from members of Hamline University's Urban Studies Team, St. Paul, Minn.; the Democratic party caucus, Weld County, Colo.; students at the College of the Redwoods, Eureka, Calif.; 913 signatures on petitions "protesting nonviolently President Nixon's present policy in Southeast Asia" from Lowell High School, San Francisco, Calif.; 4,339 signatures on petitions from members of the Queens College Community, N.Y., protesting "President Nixon's unconstitutional escalation in Indochina" and "the killing of Kent State students" and reaffirming "the right of peaceful dissent."

A petition signed by 43 members of the faculty of Alfred University.

A petition from 40 members of the faculty of the School of Social Service Administration at the University of Chicago urging "the immediate termination of the Cambodian invasion and prompt steps to disengage American troops from hostilities throughout Southeast Asia."

A petition with names of 92 registered voters from 22 States at the Colgate Rochester Divinity School, supporting the move to rescind the Tonkin Gulf resolution.

A petition from 117 employees of the Practicing Law Institute, New York City.

A petition with 75 signatures from members of Tau Epsilon Phi Fraternity, Drexel University.

A petition from 777 members of the Wellesley College community, Wellesley, Mass., supporting the move to rescind the Tonkin Gulf resolution.

A petition from 87 employees of the division of engineering and applied physics at Harvard University.

A petition from 98 students, faculty, and staff of the Columbia University Graduate School of Journalism calling for "congressional action to bring a rapid end to America's senseless involvement in Southeast Asia."

Letters from 48 students at Monmouth College, West Long Branch, N.J.

Nine thousand two hundred and forty-one signatures collected by the East Bay Women for Peace, Berkeley, Calif., urging rapid withdrawal of our forces from Southeast Asia.

One thousand one hundred signatures on petitions "deploring President Nixon's expansion of the undeclared war in Southeast Asia" from

Scripps, Pitzer, and Pomona Colleges and others in the Claremont, Calif., area.

A petition from 189 doctors, medical students, and nursing students at Cornell University Medical College protesting the President's policies.

A petition from 21 members of the staff of the Mid Westchester YM & YWHA, Scarsdale, N.Y., deploring "prolongation of our involvement in Southeast Asia resulting in tragic military and student deaths."

A petition with 125 signatures from students and faculty at San Francisco College for Women "strongly opposed to the use of American combat troops in Cambodia and renewed bombing in North Vietnam."

A petition from 203 students of Palomar College, San Marcos, Calif.

Petitions with 378 signatures from the San Francisco area, calling for "the immediate cessation of the invasion of Cambodia; immediate withdrawal from Indochina" and "no further military action by the President without the advice and consent of the Congress."

A petition from 300 students and faculty members at the Belmont Hill School, Belmont, Mass.

A resolution passed at an open meeting of the Wilson College community, Chambersburg, Pa., signed by 275 students and faculty. The resolution concludes:

Because we deplore the murder of human beings anywhere in the world and can only see the recent decisions of the Administration regarding Southeast Asia leading us not to peace but to increasing violence at home and abroad, we urge you to support any measure which can bring about withdrawal from Indochina. As voters and future voters, we support a law which would make illegal the use of Congressional funds for an undeclared war.

Two hundred and seventy-five signatures on petitions from the Harpur College community "expressing vigorous support of your recent efforts to stop the Nixon administration's policy of continued and expanding involvement in Southeast Asia."

A total of 678 signatures from "responsible citizens who wish to voice opposition to the expansion of the Southeast Asian war," mostly collected by students from Brooklyn College, Brooklyn, N.Y.

A letter signed by 1,000 students at Stanford University, representing nearly every State, supporting "congressional action to cut off further funds for the Southeast Asian conflict except for the purposes of withdrawing our troops."

Petitions from 547 citizens of Massachusetts supporting the move to rescind the Tonkin Gulf resolution.

A petition from 51 faculty, students, and staff of the Hopkins Marine Station of Stanford University, Pacific Grove, Calif., calling for "an end to our involvement in this war" and giving "national priority to the worsening economic crisis, domestic strife, and deterioration of the environment."

A petition from 144 faculty and staff at Kingsborough Community College, Brooklyn, N.Y., urging repeal of the Tonkin Gulf resolution, stating that—

The situation at home and abroad has now reached the stage at which we cannot support the United States acting as the policeman of the world . . . unless the situation directly and immediately threatens the safety of this nation.

A petition from the New York City Government Employees Against the War, signed by 610 persons opposing our country's involvement in Southeast Asia and supporting the right of every American to protest this involvement.

Petitions from 85 dentists in the Boston area calling for withdrawal of our forces from Cambodia.

A petition with 37 signatures from the Harvard Medical School department of physiology calling for "more rapid withdrawal of American forces from Southeast Asia."

A petition with 138 signatures from science and engineering students, staff and faculty at California Institute of Technology, Pasadena, calling for "an end to the U.S. invasion of Cambodia and a rapid conclusion of U.S. involvement in Indochina."

A petition with 312 names from Wabash College, Crawfordsville, Ind., stating:

We cannot support these acts of escalation in the Southeast Asian conflict and we call upon Congress to act in response to the recent policies of the President. We believe it is now time to end the war in Vietnam and for American troops to be brought home.

A petition from Great Neck, N.Y., with 32 signatures of persons opposed to "any military involvement in Cambodia."

A petition from 450 students and 50 faculty and staff members at Whitman College, Walla Walla, Wash. The accompanying letter read, in part:

We are very discouraged, as millions of other Americans are, about the possibilities which exist for stopping Nixon's war. But we are not yet in total despair. Those of us who led the petition drive here still believe that there is a chance that Congress, especially the Senate, can bring back some sanity to our Government.

A petition signed by 1,900 members of the faculty, staff, and students of the University of California, Riverside, including a request for "the immediate withdrawal of all American military and paramilitary forces from Southeast Asia" and "that Congress shall make no appropriations which permit offensive military operations anywhere in Southeast Asia."

A petition signed by 20 employees of the Ski Hut, Berkeley, Calif.

A petition from 100 students and faculty of the English Department, University of California, Berkeley.

A petition from a group of 15 citizens from Connecticut and Massachusetts.

A petition with 170 signatures from students and faculty of Duke University School of Law, Durham, N.C., opposing the President's "conduct of military operations in Indochina" and the "divisive tenor" of the administration's approach to domestic dissent.

Signatures from 84 participants at the Lower Income Housing Development Conference at Berkeley, Calif., opposed to U.S. military involvement in Cambodia, "especially at a time when re-

sources are so desperately needed for domestic programs."

A petition from 22 members of the Hartford Seminary Foundation faculty, Hartford, Conn., who—

Deplore and protest the invasion of Cambodia, the renewed bombing of North Vietnam, the continued war in South Vietnam, the insensitivity of our government to peaceful protest at home, and the contributions of our government to violence and death in our society.

Petitions from 19 faculty and staff members and graduate students at Cornell University and from the faculty and staff of the English for foreign students program at the University of California, Berkeley.

A petition from 37 members of the staff of the Modern Language Association of America.

A petition from Salina, Kans., signed by 53 persons.

A petition signed by 16 persons from the Boston area urging the Congress to reaffirm its constitutional responsibility and "reverse this latest tragedy in U.S. foreign policy."

Forty-six signatures on a petition from Los Angeles, protesting the "escalation of the war" which is "dividing our country."

A petition containing 94 signatures of first year medical students at the UCLA School of Medicine, Los Angeles, expressing "abject disapproval of U.S. military involvement in Asia."

A petition signed by 26 residents of Staten Island, N.Y., opposing "the escalation of the war by the presence of American troops in Cambodia."

Seven hundred and eighty-five signatures on a petition from Bryn Mawr College, Pennsylvania calling upon Members of Congress to exercise their lawful authority, in this time of national stress, in curbing Presidential decisions which commit U.S. Armed Forces to Southeast Asia."

Petitions signed by 75 members of the "aware majority" in Chicopee, Mass.

One hundred and forty-one signatures from workers, patients and others at Beth Abraham Hospital, Bronx, N.Y., protesting the expansion of the war, calling for a shifting of national priorities, and deploring "the murder of Kent State students."

A petition from 16 citizens of Canton, Ohio, who stated:

The plummeting stock market and the disorders and four tragic deaths at Kent are only a few signs that we as a nation can no longer bear the stress and strains of this war.

Two hundred and ninety-one signatures from students and faculty at Peabody Conservatory of Music, Baltimore, voicing distress and concern about the deepening American military involvement in Indochina and stating:

No war has been legally declared; the Congress has not been adequately consulted by the President. The disproportionate investment of American tax money in military commitments has interfered with the fulfillment of far more urgent human needs. The loss of life is intolerable.

Petitions with 1,266 signatures from residents of Orange County, Calif., say-

ing the war is unconstitutional, divisive and disrupting the economy and causing widespread unrest and disregard for the American principles of justice and humanity. They ask for withdrawal of U.S. forces from Cambodia, Thailand, and Laos and legislation cutting off funds for continuing the war in South Vietnam.

Petitions from 513 citizens of the Berkeley, Calif., area asking a "cessation of the invasion of Cambodia"; "withdrawal from Indochina" and that the President take no further military action without the advice and consent of the Congress and the people."

Four hundred and ninety-six signatures on petitions from the New Democratic Coalition of New York "fully supporting the Senate Foreign Relations Committee's position against any military involvement in Cambodia," and saying "the tragic experience of Vietnam must not be repeated in Cambodia."

A petition with signatures of 550 students and faculty at Nebraska Wesleyan University, Lincoln, Nebr. The petition reads:

We . . . regret that the Nixon Administration has extended United States involvement in Indochina by sending United States troops into Cambodia and by resuming bombing of North Vietnam. We ask that the Senate exercise its constitutional obligation and review these dangerous actions immediately.

Two thousand nine hundred signatures on petitions from citizens of the San Francisco area collected by the New Mobilization Committee To End the War in Vietnam.

A letter from seven high school teachers in Madison, Wis., who wrote:

How many times has it been said that we must learn from history? Vietnam is not yet history and we have apparently ignored all the lessons it offers.

A petition from 26 persons at the Department of Genetics, Stanford University School of Medicine "as Americans interested in bringing peace to a part of the world too long in war and as citizens eager to rechannel the anger in our country toward a constructive solution to our own problems."

Petitions bearing 300 signatures collected by Midwood Women Strike for Peace, New York, stating that "sending U.S. troops into Cambodia expands the war and endangers American lives and world peace."

Petitions from 414 New York area residents supporting the position of the Foreign Relations Committee and the Cooper-Church amendment.

A petition from 51 doctors and other medical personnel in San Francisco protesting "the further involvement of American men and materials in Cambodia and other Southeast Asian countries."

A petition from 17 ladies in Los Angeles strongly opposed to U.S. involvement in Cambodia.

A petition from 39 residents of an apartment building in Mount Vernon, N.Y., urging deescalation and "a negotiated settlement of the war—at the earliest possible date."

A petition with 10 signatures from Castro Valley, Calif.

A petition from 14 persons in the Denver area urging "legislation ending funding of all U.S. military activity in Southeast Asia except withdrawal of forces."

Twenty-seven signatures on a petition from Los Angeles strongly opposing our involvement in Cambodia.

A petition with 91 names from Concord, Pittsburg, and other California communities protesting the expanded war.

A petition from 65 employees of Time magazine which included a call for withholding military funds until all American forces have been withdrawn from Cambodia and Laos, an immediate halt to the bombing of Laos, and an investigation of the conduct of the Vietnam War.

A petition signed by 27 residents of New York which stated, in part:

The appalling sacrifice of lives, the terrible dollar drain away from our over-riding domestic priorities demand that we speak out. We cannot urge you enough to expend every possible effort to end the war immediately.

Thirty-four signatures on a petition from the Westport-New Haven, Conn., area urging support for the McGovern-Hatfield amendment to the military authorization bill.

From citizens of the Santa Cruz, Calif., area 1,060 signatures, and 45 names on a petition from Los Gatos, Calif., which stated:

The rationale of the President . . . is a continuation of the fruitless policies and baseless justification made by previous administrations and can only result in the perpetuation and extension, rather than the end, of the Vietnamese War.

Some 239 signatures from members of the Brooklyn College faculty "condemning President Nixon's decision to invade Cambodia and the resumption of bombing in North Vietnam" and urging the Senate Foreign Relations Committee "to take every possible measure to reverse this dangerous widening of the war."

A petition from 94 members of the All-University Department of Physics, New York University, supporting—

The recent initiatives in Congress to repeal the Gulf of Tonkin Resolution, reaffirm the constitutional prerogative of Congress to declare war, and put a swift and immediate end to the war.

A petition from 33 residents of Seattle, Wash., urging Congress to work for a quick end to the war.

The 240 signatures on petitions from Glenside, Pa., asking Congress "to assert its constitutional powers."

A petition from 17 members of the staff of James Weldon Johnson Community Center, Inc., New York.

A petition from 319 Long Beach, Calif., residents calling upon Congress to assert its constitutional authority.

A petition from 39 members of the faculty of Finch College, New York, stating:

We . . . condemn the extension of the war . . . and the killing of students in Ohio by National Guard troops, because every lawless action on the international level has the effect of still further tearing apart the social fabric of the United States. Therefore, we urge that Congress reassert its constitutional responsibilities . . .

The 1,048 signatures from members of the faculty, administration, and student body of State University College, New Paltz, N.Y., on a petition which concluded:

Please help us stop this senseless waste of American lives and resources and help us safeguard our Constitution.

A resolution signed by 120 people associated with the Department of Chemistry, University of Minnesota, deploring the escalation and calling for withdrawal of all U.S. troops from Southeast Asia.

The 287 signatures on petitions from residents of Minneapolis and St. Paul expressing unqualified opposition to the most recent escalation of the war.

The 2,225 signatures on petitions collected by graduate students and faculty members of the City University of New York from residents of the New York area. They express deep dismay at the expansion of the war "as well as the killings of Americans by Americans at home" and offer support for the Cooper-Church and Hatfield-McGovern amendments.

Mr. President, let me reemphasize that these are only some of the petitions I have received, and they are continuing to arrive. I did want to acknowledge these, however, and summarize them briefly for the Senate.

I would like to point out that although they come from citizens of all ages and from all parts of the country, a number of them were gathered by students and young people. I think this is an indication that many of them are endeavoring to work through the system to bring about change.

I am sure that nearly every Member of the Senate has talked with young people in recent days who have been here lobbying for a cause they believe in. I had a most interesting session several days ago with students from Arkansas and others representing about 35 colleges and universities around the country.

I advised them, as I have advised the students from my own State who have contacted me, not to give up on democracy, and not to give up their efforts to bring an end to the war.

There are ample possibilities for a strategy of dissent through the processes of American democracy. In addition to lobbying for peace through the legislative process, there is an obvious and promising strategy in this election year: to take to the political hustings and to work in an efficient and organized way for candidates who favor peace.

Ringling doorbells and passing out handbills are neither as dramatic nor as cathartic as a march on Washington or a student strike, but they speak the language that politicians understand: the language of votes.

Discouraging though it may seem at times for those who want change, peaceful political dissent at home is the most powerful incentive our policymakers have for bringing the war in Indochina to an end. The real impact of orderly, democratic dissent in America is not on the policymakers in Hanoi, as people who support the present course are fond of asserting, but on the policymakers in

Washington. That, no doubt, is why they object to dissent, and that is why those of us who oppose this war must sustain it.

Mr. President, although I do not intend to fill the Record with the texts and signatures from all the petitions that I have received, I would like to place in the Record a few of the letters which accompanied the petitions and which were of special interest. I, therefore, ask unanimous consent to have printed in the Record letters from Stanford University, Harvard University, and Mr. Kurt Stone of Santa Cruz, Calif.

There being no objection, the letters were ordered to be printed in the Record, as follows:

STANFORD, CALIF.,
May 5, 1970.

HON. J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: We, the undersigned of Stanford University, strongly urge your support for the congressional action to cut off further funds for the Southeast Asian conflict except for the purposes of withdrawing our troops. Specifically, we refer to an amendment to the military authorization bill limiting future American actions in Vietnam, Cambodia, and Laos. Funds would be authorized only to cover the withdrawal of our forces, the exchange of prisoners, and asylum for Vietnamese who might feel threatened by our withdrawal. This amendment is being offered by Senators Hatfield, Goodell, Hughes, Cranston, and McGovern. We ask that you, too, go on record against further funding of a war whose continuance means more slaughter and destruction on all sides, a war whose constitutionality is questionable, a war which is being tragically escalated by President Nixon. This escalation has resulted in worldwide anti-American sentiment, internal strife and a stronger alliance of Red Chinese, Russian, and Vietnamese Communists against the United States.

CAMBRIDGE, MASS.,
May 6, 1970.

HON. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

SIR: I write this letter to accompany a petition which has been signed by more than 2100 undergraduates at Harvard and Radcliffe Colleges.

The majority of the students at Harvard and Radcliffe Colleges favor the conclusion of American intervention in Southeast Asian affairs. For many years we listened and believed the promises that this country's political leadership foisted upon us. For most of us now, however, the bankruptcy and futility of our nation's expressed aims in fighting this war have become starkly apparent. Concurrent with this realization has come recognition of the fact that each life, American and Asian, that is lost in this conflict is inevitably lost in vain. Tragically as well is the increasing polarization between government and students, and the new levels of intensity of dissent and repression which are being reached in our country. Today, four students lie dead from gunshot wounds suffered while protesting this war. Sadly, their deaths are the result of the unleashed fury of American officers sworn to uphold the law that makes this a free society. Provocation may indeed have been intense; nevertheless, firing into an unarmed crowd of students, many of whom, it now appears, were but observers, is unjustified and unmitigated barbarity.

It was because of these disturbing events that I drafted and circulated this petition. I believe strongly that students should express their dissent against the policy that our

President has chosen for our country with respect to Southeast Asia. I believe as well and as strongly that students have an obligation to make such expressions of dissent both peaceful and lawful. In a time of rapidly escalating rhetoric and increasingly violent confrontations as well as a growing disenchantment among students with the ability of government to deal morally with the problems of society, I drew up this petition to offer an alternative which I felt that everyone in the Harvard Community could support in good conscience. Moreover, my ethical inclinations led me to believe most emphatically that we, as members of a privileged intellectual community, should get on record as being opposed to the further prosecution of the war.

I am proud that this petition contains the signatures of well over a third of all the undergraduate community of Harvard University; I am even prouder of the fact that of those who read the petition, some 80-90% signed it. That we have only as many signatures as are here is a function of the inadequacies of our signature collection methods and not of our moral fibre. We sincerely hope that our faith in the efficacy of peaceful dissent and our indignation over the recent actions taken by our President will not remain unvindicated.

For your tireless efforts to restore a degree of sanity to the conduct of the foreign policy of my nation, I salute you.

Sincerely,

HAYWOOD TORRENCE, JR.

SANTA CRUZ, CALIF.,
May 2, 1970.

DEAR SENATOR FULBRIGHT: Although the military consequences of American involvement in Cambodia are not known at this time, there is one severe societal consequence that is as apparent as it is damaging: that deep underlying feeling of helplessness that I spoke of in my last letter to you. I don't know what I can do as a student—I do not want to throw bricks. Yesterday however, I decided that the least I could do was to show some solidarity for your position when you meet with the President on Tuesday. I wrote up the enclosed petition yesterday, Saturday, May 2, and circulated it amongst the students, professors and residents of Santa Cruz, a retirement community that has in the past overwhelmingly supported the President in his foreign policy. The 1,000 plus signatures enclosed represents only three hours work; the percentage of those, when asked, that signed is about 85%. At Berkeley yesterday, 7,000 names were gathered in the same three hour period. I do not know if these names can serve as anything more than a symbolic gesture; however, as I said, it was the least I could do.

The language of the petition is not strong; indeed, it even approaches being milktoast. However, I feel that the people who signed it knew what they were doing. I trust that by this time, people from all over the country have sent you similar signs of solidarity.

I trust that these names reach you before your Tuesday meeting with President Nixon. In the event that they do not, rest assured that when you go into conference, the American people will be supporting you all the way. May your strength and wisdom not fail you in this most important hour. Hopefully, our sense of helplessness will not turn to apathy and a lessening of our desire to be the vanguard among peace-seeking nations.

This letter can best be concluded with a quote from William Penn that expresses my feelings towards the Nixon administration: ". . . politics made obsolete by new accidents are as unsafe to follow as antiquated clothes are ridiculous to wear."

America stands behind you. In sincere trust and friendship, I am

Very truly yours,

KURT F. STONE.

Mr. FULBRIGHT. Mr. President, among the thousands of individual letters I have received, one of the most interesting is from a decorated veteran of Vietnam who is now a student at Cornell University. Mr. Richard Dunham received the Silver Star and an Oak Leaf Cluster, the Bronze Star and the Army Commendation Medal for Heroism. Because of his experience as both a soldier and student, I think his views are of particular interest, and 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:

ITHACA, N.Y.,
May 6, 1970.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SIR: I would like to register my complete support of your attempts to extricate this nation from its tragic involvement in Southeast Asia. I am appalled by our invasion of Cambodia; the deceptive rhetoric employed by the Administration and its supporters has brought many of us near despair. Our insane foreign policy must cease—at once! To facilitate this return to sanity, the United States Congress must assert its constitutional prerogatives.

I am a student at Cornell University; I am also a veteran of two years of duty in Southeast Asia as a non-commissioned officer in the United States Army. I can list among my decorations two awards of the Silver Star, one award of the Bronze Star and one award of the Army Commendation Medal for Heroism. I rejected an offer of a battlefield commission. I saw many good men killed and maimed; included among them were soldiers of the Democratic Republic of Vietnam and the National Liberation Front, as well as American soldiers. Though constantly engaged in combat, some of my men actually expressed to me disgust and remorse at being charged with the execution of an unjust policy. These men were members of an organization which considered it unmanly to attack and destroy other men with anything less than intense zeal and a sense of satisfaction. My men were not blind; they saw the peasants of the Mekong Delta defer to the soldiers of the Army of the Republic of Vietnam as one would to an army of occupation—the ARVN troops excelled in that role.

I choked as I watched President Nixon deliver his rambling treatise on "patriotism" in the corridors of the Pentagon last week. It demonstrated a perversity which I had never expected: American soldiers are tall men; radical students are bums. I am a student. Three years of Army service has radicalized me. Hence, I was a tall man, yet, now I am a bum. Two days later the President's venomous tongue-lashing was supplemented with the fierce authority of lashing bullets. This is part of the continuing war against rationality on the home front. It is a logical extension of this country's foreign policy.

Professor George Kahin of the Department of Asian Studies at Cornell University has informed me of an organized, methodical campaign mounted by the Pentagon to undercut your political effectiveness. I find the assumption of such a role by the Pentagon repugnant and counter to the best interests of this nation and those of all mankind.

Our egomaniacal Administration must be restrained. Demonstrate to the American people that they have recourse to the United States Congress in their quest for a sane foreign policy.

I have enclosed copies of Department of

Defense documents which testify as to the extent and nature of my military service.

Hopefully yours,

RICHARD K. DUNHAM.

Mr. FULBRIGHT. Mr. President, I have seen a number of thoughtful, reasoned and moving editorials in recent days. One of particular interest to me appeared in an Arkansas paper, the Arkansas Democrat of Little Rock. The editorial is entitled "What Does It Take?" and asks "What does it take to convince a President we really mean it?" I ask unanimous consent to have the editorial printed in the RECORD.

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

WHAT DOES IT TAKE?

Lyndon Johnson was elected President because he opposed a bigger war in Vietnam.

Lyndon Johnson made a bigger war.

Lyndon Johnson became so unpopular he didn't run for reelection.

Richard Nixon was elected President because he promised to get our troops out of Vietnam.

Richard Nixon is making a bigger war by spreading it to Cambodia.

What does it take to convince a president we really mean it?

It shouldn't take demonstrations, peaceful or violent.

It certainly shouldn't take the martyrdom of college students.

The vote against Hubert Humphrey, Johnson's vice president, should have been enough.

And people are still saying that the ballot box is the only way to make changes.

The reports from the Cambodian invasion continue. 25,000 American troops are involved.

On April 23, Secretary of State William P. Rogers said, "We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program is defeated."

Rogers also said, "I think the one lesson the war in Vietnam has taught us is that if you are going to fight a war of this kind satisfactorily you need public support and congressional support."

Thousands of students demonstrate against the sending of troops to Cambodia. Congressional leaders threaten to cut off funds for the war.

In Philadelphia an organist refused to play "Onward Christian Soldiers Marching as to War."

At John F. Kennedy High School in Wheaton, Md., an American flag is burned by students who support the move into Cambodia. The flag had been flying at half mast because of the death of Allison Krause, a graduate of the school. Allison was shot to death by a National Guardsman in the Kent State University Massacre.

The flag was burned in a wastebasket on the second floor of the school.

The top National Guard officer said of the guardsmen at Kent, "Those people did the job they were told to do."

They were given rifle bullets to do the job with. The adjutant general of the Arkansas National Guard said this state's guardsmen are sometimes given rifle bullets when employed at demonstrations by civilians. He didn't say why.

The Ohio adjutant general said the guardsmen were given ammunition to use if they felt their lives were in danger. Four students were killed. 100 guardsmen were bruised by rocks.

The Kent campus is quiet, the school closed.

Troops continue to push into Cambodia,

where it is reported 10 Americans were killed in a barrage.

In Cambodia allied troops are burning villages, destroying rubber trees and crops, slaughtering livestock, clearing out civilians as well as enemy forces.

In the United States, students are burning and vandalizing ROTC buildings, the handy military symbols.

The growing civil war is not a war of symbols.

It involves real people who violently oppose our involvement in Indochina. And people who violently oppose the opposers.

The longer the President delays getting us uninvolved in the war over there, the worse the war over here will get.

The war over here is now a war of bullets, too.

What does it take to end the war?

It should not take the martyrdom of college students.

It shouldn't even take the burning of a flag in a wastebasket on the second floor of John F. Kennedy High School.

Mr. FULBRIGHT. Further, Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Arkansas Democrat of May 8, entitled "A War-Peace Dialog at Conway," which reports on discussions among students and faculty members at Hendrix College in Arkansas.

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

A WAR-PEACE DIALOG AT CONWAY

(By Tim Hackler)

CONWAY.—Students at Hendrix College here Thursday evening reflected the nationwide student frustration over having a cause, but not knowing just what to do about it.

A march had been planned for 6 p.m. on Conway's new federal building to protest the Cambodian invasion and the killing of four students at Kent State University. But leaders called off the march, deciding that it could provoke violence and that it would only increase the polarity over the war and student demonstrations.

About 250 students, some 25 from State College of Arkansas across town, had assembled for the march at the library plaza on the Hendrix campus when they heard of the cancellation. For nearly an hour students took turns speaking at a portable lectern on the march, the merits of peaceful rather than violent demonstration, the publicity they were receiving, and what tact the protest movement should take.

The students, having failed to come up with any satisfactory plans, were clearly as frustrated after the informal exchange about what to do as they had been when they assembled.

Pat Goss of North Little Rock, one of the organizers of recent peaceful demonstrations at Hendrix, explained why the march had been called off.

"It looks like we may be turning the corner on this peace movement right now," he said, and the students shouldn't jeopardize the movement's effectiveness by encouraging confrontation and polarity.

Goss emphasized that neither the Hendrix administration nor Conway officials had put any pressure on the students. "This is not a cop-out," he said. "We simply thought we came up with something better."

Goss and another student, Larry Pearce of Magnolia, announced plans for a "tele-lecture" from Washington next week, during which Sen. J. William Fulbright would answer questions over a telephone circuit posed to him by Hendrix students. Goss encouraged his audience to be prepared with intelligent questions about what course student protest should take.

Pearce had talked during the day with Fulbright and said the senator had cautioned against violence that would only bring repression.

Pearce and Goss also announced that Hendrix would be the Arkansas communications center for a nationwide project initiated at Williams College in Williams, Mass., to conduct a one-hour work stoppage May 20.

Goss turned the lecture over to anyone who wanted to speak. Most of the students supported the decision not to march, although there were some dissenters. There were also some personal testimonies.

One student said that he had looked forward to marching downtown singing "We Shall Overcome," but that he understood the decision not to march. "We won't stoop to violence like they do," he said.

Some American cities will "burn" this summer, predicted one student. "Why?" he asked. "Why not?" he answered. Peaceful demonstrations have not worked, he said, but violence has. "The government doesn't listen to you any other way."

But another student argued that violence was not the answer. "That's what we're here to stop," he said.

One student came to the lectern to explain why he was carrying an upside down American flag. It is a sign of distress for a country that is in a "pitiful" condition, he said.

A State College student argued that the march should be conducted to show Conway people student feelings against the country's foreign and domestic policies. "Conway has never seen a march," he said. "They just see us sitting in our libraries."

But another student argued that there was not much point in conducting the march because Conway businesses had closed and the television crew had left.

Thomas Slinkard, a history instructor, said he thought that the march would accomplish little, adding that he had been on several marches, including the march from Selma to Birmingham, Ala., in 1965. He suggested that the students' energy be channeled through a campaign to oppose the announced efforts of Jim Johnson to recall Fulbright. Such an effort would also provide an opportunity for students to talk with older people, he said, "maybe even your parents."

One student, who said he was attending his first protest demonstration, agreed that the students would be most effective by working politically against unsympathetic congressmen and by talking to their parents.

"If my mom and dad knew that I was talking to you now, they would try to understand," he said. "They might not agree right away, but they'd try to understand."

He also admitted sheepishly that he was the roommate of the student who had harassed a protest meeting on the campus Tuesday night by playing loud patriotic music from his dormitory window.

One student suggested that college administrators be pressured into making public their feelings about the war. And another urged that State College and Hendrix students work together. He noted that it had taken a peace demonstration to get students from the traditionally rival schools together.

The last speaker urged the students not to let their longing to do something fade away. "We finally appear to be getting something going here," he said, "and we shouldn't let it die."

By the end of the night, 300 students had signed a petition against the war, and two carloads of students had left for Saturday's mass protests in Washington.

RESOLUTION ON VIETNAM BY CITY COUNCIL OF PHILADELPHIA

Mr. FULBRIGHT. Mr. President, on March 5 the city council of Philadelphia,

by unanimous vote, adopted a resolution memorializing "the President and Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam so as to give priorities to meeting the domestic needs of our own people."

The members of the city council of Philadelphia are to be commended for taking this official action in protest against continuation of the war. I hope that the council's recommendation will help to impress upon administration officials the urgent need to end this tragic war and reorder our national priorities to place the needs of our own people first once more.

I ask unanimous consent to have the text of the resolution printed at this point in the RECORD.

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

RESOLUTION

Memorializing the President and Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam

Whereas, The war in Vietnam is consuming \$30 billion a year in public funds and has caused the deaths of over 45,000 American fighting men and countless more Vietnamese; and

Whereas, Apart from the war in Vietnam, the military expenditures of the federal government far exceed any rational defense needs of this country and tend only to serve to inflate American prestige abroad and to make American soldiers policemen for the world; and

Whereas, In an effort to bring an end to the arms race and to make possible the peaceful resolution of international disputes, it would be more meaningful to strive toward arms control and disarmament; and

Whereas, We earnestly request that our national priorities be realigned to give first preference to meeting the domestic needs of our own people in such fields as education, housing, health, public safety, transportation, environmental improvements and recreation, and to removing the injustices which are responsible for the widening divisions in our society; therefore

Resolved, by the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam so as to give priorities to meeting the domestic needs of our own people.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, Vice-President, Speaker of the House, President Pro Tempore of the Senate, United States Senators from Pennsylvania and Congressmen from Philadelphia, as evidence of the sentiments of this legislative body.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be treated as original text for the purpose of further amendment.

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

Mr. FULBRIGHT subsequently said: Mr. President, a few minutes ago I asked unanimous consent that the committee amendments be agreed to en bloc.

The distinguished Senator from Michigan (Mr. GRIFFIN) was under obligation to object and was in the process of objecting but he did not catch the eye of the Presiding Officer in the chair, who announced that the amendments were agreed to en bloc.

I now would like to ask unanimous consent that that unanimous-consent agreement be rescinded.

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, I want to thank the Senator from Arkansas very much for his kindness and cooperation in this regard. The Chair, ordinarily, would have asked, "Is there objection?" under those circumstances, and would then have said, "Without objection, it is so ordered."

Both the Chair and the Senator from Michigan now realize that I should have objected. I was under the obligation to object, and I appreciate very much that the Senator from Arkansas realizes that.

If, on tomorrow, he wants to renew his request, after I have had an opportunity to discuss it with some of my colleagues, then I think it will be appropriate.

Mr. FULBRIGHT. Let me reassure the Senator from Michigan it is sort of a tradition around here. I had no idea there would be any objection, or I would have objected myself. I do not believe that we can operate the Senate on that kind of inadvertence.

Mr. President, it is with both a sense of great reluctance and a feeling of guarded accomplishment that I present this bill to extend the foreign military sales program to the Senate.

My reluctance derives from the fact that I take no pride in asking my colleagues to approve the portion of this bill which contributes to the spread of conventional military hardware. On the other hand, there is a feeling of accomplishment because of the committee's adoption of a number of significant amendments, including the prohibition on further involvement in Cambodia and a number of restrictions on the military aid and sales programs.

The basic purpose of this bill is to authorize continuation of the military credit sales program for fiscal years 1970 and 1971.

It would authorize credit sales of \$300 million in military arms and equipment for each of those years and would authorize the appropriation of \$250 million each year to finance the sales. The sales financed under this program are made primarily to less developed countries. Credit sales to rich countries are generally financed either through commercial channels or the Export-Import Bank.

But the credit sales program must be viewed in the context of the total picture of U.S. arms exports. The Department of Defense estimates that in the current fiscal year the United States will sell

abroad a total of about \$1.9 billion in arms and military equipment. Of that, \$300 million will be financed under authority of the Foreign Military Sales Act. In addition to the sales volume, the United States will supply \$392 million in arms through the military grant aid program and will have an additional \$166 million in surplus arms and equipment—valued at one-fourth of acquisition cost—to give away. Thus, the United States will sell or give away nearly \$2.5 billion in military materials this fiscal year.

I point out also that there are some \$9 billion worth of surplus arms and military equipment now available for the Department of Defense to give away—even to Cambodia—without any congressional limits. And the total is mounting rapidly as U.S. forces are withdrawn from Vietnam. In addition to the excess arms, the funds available under the regular grant aid and sales program, the President may, under section 506 of the Foreign Assistance Act, give other nations up to \$300 million of arms and equipment out of the Department of Defense's stock if he considers it vital to our national security. The sources of U.S. arms are many and the volume is vast. The credit sales program authorized by this bill is only the tip of the iceberg.

All of these programs add up to the fact that the United States is the world's largest producer and exporter of military equipment. And in this global context, I call attention to the grim reminder that for the period from 1964 to 1969 total military outlays around the world amounted to over \$1 trillion. According to the Arms Control and Disarmament Agency, this sum when measured against available economic resources exceeds the value of all goods and services produced in the United States in the past year; it is more than 2 years' income for the world's developing countries in which 2½ billion people live; and it is equal to as much money as was spent by all governments on all forms of public education and health care in the 6-year period.

Few would disagree that this is a pretty sad commentary on the priorities set by governments around the world. But the future is even more bleak. Drawing on a recent United Nation study, the Christian Science Monitor graphically reported recently:

If one silver dollar coin was dropped every second, it will take 128,000 years to exhaust the amount of money that will be spent on world armaments in the next 10 years.

As a practical matter there is little that the committee can do to change the outlook for that forecast. But it did act to try to control the contribution the Pentagon planned to make toward making the prediction a reality. It made a number of substantive changes that may help to stem the flow of American weapons abroad. I would like to describe briefly the most significant actions taken.

Nothing was more indicative of the Pentagon's blatant disregard for the intent of Congress than its giving away of some \$140 million in surplus military equipment to Taiwan following Congress' refusal to appropriate \$54.5 million in additional military aid above the

amount authorized. As a result of this attempt to increase appropriations over the authorization level, and the Pentagon's attempt to make an end run around the Congress by using the surplus program, two amendments have been added to this bill to prevent such developments in the future.

The first, dealing with the excess property issue, restricts the Department of Defense's authority by imposing a \$35 million ceiling on the amount of surplus military arms or equipment that may be given away in any fiscal year. A portion of the original cost of any surplus material given away above that amount would be deducted from the funds available for grant military aid.

The second, relating to appropriations, simply states that any appropriation above the amount authorized cannot be used and that any appropriation for which there is not an authorization cannot be expended. This amendment writes into law the principle, supported by the Senate in two votes last year, that the appropriation of funds which are not authorized is bad practice and, if carried to extremes, could seriously undermine the authority of all legislative committees.

In addition to these two amendments, the bill contains provisions which require: that recipients of military grant aid, including surplus equipment, pay in their local currency 50 percent of the value of the grants, the funds to be used to meet U.S. obligations in the country and to finance educational and cultural exchange programs; that the United States not approve requests by foreign countries to transfer military equipment, supplied under the grant or sales program, to any country to which the United States would not supply the arms directly; that the President be given explicit control over successive transfers of military equipment supplied under Government-financed programs; and that sales or grants of the International Fighter aircraft, except for those given to Vietnam or sold through commercial channels, be authorized under the regular military grant aid or sales programs.

Mr. President, the fact that the committee felt compelled to adopt these restrictions serves only to emphasize the failure of policies which have resulted in making the United States the world's leading arms merchant. This policy, which places such great reliance on arms as a means of solving problems of human and national relationships evidences a type of national illness.

It is the kind of illness that has spread deceptively and insidiously for many years and now permeates our entire body politic.

It is an illness that blinds both policymakers and public to our Nation's basic traditions and values to produce a kind of "Doublespeak" where lives are saved by sending more men into combat; villages are destroyed in order to save them; and risks for peace are taken by buying more weapons of destruction.

It is the kind of illness that has drawn us into Vietnam; that has nurtured our adventure in Laos; and that has brought us to the brink of a far wider war throughout Indochina.

In short, it is the kind of illness that prostitutes and distorts. It is the kind of illness that must be cured if we are to ever achieve peace abroad or at home.

The Church-Cooper-Aiken-Mansfield amendment, to prevent any further U.S. involvement in Cambodia, is a small, but important step in the recovery process.

Last year, by a vote of 70 to 16, the Senate adopted the national commitments resolution expressing the sense of the Senate that "a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the U.S. Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment." By its action of April 1970 in initiating hostilities within the territory of Cambodia without the consent or even the prior knowledge of Congress or any of its committees, the executive branch has shown disregard not only for the national commitments resolution but for the constitutional principles in which that resolution is rooted. In the wake of recent events, there is reason to reassert, with renewed conviction, a statement made in the Foreign Relations Committee's report of April 16, 1969, on the national commitments resolution:

Our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of the Armed Forces. So far has this process advanced that, in the committee's view, 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.

The notion that the authority to commit the United States to war is an Executive prerogative, or even a divided or uncertain one, is one which has grown up only in recent decades. It is the result primarily of a series of emergencies or alleged emergencies which have enhanced Executive power, fostered attitudes of urgency and anxiety, and given rise to a general disregard for constitutional procedure.

In fact, there was neither uncertainty nor ambiguity on the part of the framers of the Constitution as to their determination to vest the war power exclusively in the Congress. As Thomas Jefferson wrote in a letter to Madison in 1789:

We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

As to the powers of the President as Commander in Chief, Alexander Hamilton, an advocate of strong executive power, wrote in Federalist No. 69:

The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and

regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

The present administration's view of the President's power as Commander in Chief is almost the polar opposite of Hamilton's. In its comments of March 10, 1969, on the then pending national commitments resolution, the Department of State made the following assertion:

As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Like a number of its predecessors, the present administration is basing its claim to war powers on either a greatly inflated concept of the President's authority as Commander in Chief, or in some vague doctrine of inherent powers of the Presidency, or both. Another possibility is that the matter simply has not been given much thought.

Whatever the explanation may be, the fact remains that the Executive is conducting a constitutionally unauthorized, Presidential war in Indochina. The commitment without the consent or knowledge of Congress of thousands of American soldiers to fight in Cambodia—a country which has formally renounced the offer of protection extended to it as a protocol state under the SEATO Treaty, and to which, therefore, we are under no binding obligation whatever—evidences a conviction by the Executive that it is at liberty to ignore the national commitments resolution and to take over both the war and treaty powers of Congress when congressional authority in these areas becomes inconvenient.

It is noteworthy that, in his address to the Nation of April 30 explaining his decision to send American troops to Cambodia, the President did not think it necessary to explain what he believed to be the legal ground on which he was acting, other than to refer to his powers as Commander in Chief of the Armed Forces. Equally noteworthy was the President's repeated assertion in his press conference of May 8 that he—and he alone—as Commander in Chief was responsible for the conduct of the war and the safety of our troops. This sweeping assertion of the President's authority as Commander in Chief amounts to the repudiation of those provisions of article I, section 8 of the Constitution, which empower Congress not only to "declare war" but to "raise and support armies," "provide and maintain a Navy," and "make rules for the Government and regulation of the land and naval forces." It is true, of course, that the present administration's attitude in this area hardly differs from that of its predecessors—except that preceding administrations took no special pride, as the present administration does, in adherence to a "strict construction" of the Constitution.

The Senate's adoption of the Church-Cooper-Aiken-Mansfield amendment will be a significant step toward restoring the health of our constitutional system of

checks and balances. Both its purpose and language are simple and straightforward. Its purpose is simply to prevent involvement by the United States in a wider war in Asia by insuring that our forces are withdrawn from Cambodia and that the United States does not end up fighting a war in behalf of Cambodia. I will not go into the several points of the amendment since the sponsors of it will discuss its details in their presentations.

Mr. President, I believe that, with the amendments adopted by the committee, this is a good bill and I hope that the Senate will approve the committee's recommendations.

AN EXPLANATION OF THE COOPER-CHURCH AMENDMENT

Mr. CHURCH. Mr. President, first, I want to commend the distinguished chairman of the Committee on Foreign Relations for the excellent explanation he has made of the military sales bill, as recommended to the Senate by the committee, and the endorsement he has given to the Cooper-Church amendment, which I should like to explain further at this time.

The United States is still stuck fast in the longest war of its history in the former French properties known as Indochina. Three Presidents, representing both political parties, have been unwilling to put an end to the American involvement in this Asian war.

Throughout this protracted period, the Congress of the United States has permitted each President to exercise blank-check powers. In so doing, we have shrunk from the use of our own authority under section 8 of article 1 of the Constitution, which vests in Congress the purse strings, together with the power to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. Our failure to make effective use of any of these powers, while the war was passed from one President to another, is one for which historians may judge us harshly.

Within the past 2 weeks, another front has been opened in this interminable war—again as the result of a Presidential decision taken without so much as a bow to Congress. The dispatch of American troops into Cambodia, though presently limited in scope, could easily become the first step toward committing the United States to the defense of still another government in Southeast Asia. Sobering as this specter should be, in light of our experience in Vietnam, it nonetheless presents Congress with a historic opportunity to draw the limits on American intervention in Indochina. This is the purpose of the amendment that Senator COOPER and I, joined by Senators MANSFIELD and AIKEN, urge the Senate to approve. If enacted into law, it would draw the purse strings tight against a deepening American involvement in Cambodia.

There is a precedent for what we are asking the Senate to do. It lies in the action taken last December when, you will recall, the Senate adopted overwhelmingly a modification I proposed to

an amendment offered by Senators COOPER and MANSFIELD to the military appropriations bill for fiscal year 1970. It provided that "none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand." There is reason to believe that this amendment, which became law, had a restraining effect on our newest venture, because the President is said to have rejected recommendations that the current operation include Laos as well as Cambodia. To have done otherwise, might well have placed the President in the untenable position of breaking the law.

We now seek to do for Cambodia what our earlier amendment did for Laos. But since American forces have already entered Cambodia, the amendment we propose would set limits on their intervention, prevent them from remaining in Cambodia, and preclude any military entanglement on our part with the government of that country.

Unquestionably, Congress has the power to accomplish these objectives. But this power, so little used in recent years, amounts to so much idle talk, unless a majority proves willing to invoke it. Our amendment is drafted in such manner as to invite, and offered in the hope that it will attract, majority support.

Some have argued that it is useless for the Senate to legislate limits, when the House of Representatives has already backed away from them. I do not agree. Nor do I believe the Senate should be put off on such a pretext. If the amendment were affixed to a House passed bill, such as the Military Sales Act now pending before the Senate, and then strongly backed by the Senate as a whole, the vote would provide our conferees with a mandate to insist that the amendment be retained in any final version of the bill.

The amendment itself is a realistic one. It is no exercise in futility; it does not attempt to undo what has been done. Instead, it is addressed to the immediate need of preventing the United States from bogging down in Cambodia, and from committing itself to the defense of another Asian government on a new front.

It does this by: First, denying funds for the retention of American forces in Cambodia; second, prohibiting funds for the instruction of Cambodian military forces or for hiring mercenaries to fight for Cambodia; and, third, forbidding the use of any appropriation for conducting combat activity in the air above Cambodia in support of Cambodian forces.

In sum, the amendment is directed against those very activities which led to our entrapment in Vietnam. Its adoption would erect a legal barrier against further penetration of American forces into the jungles of Southeast Asia and help expedite the withdrawal of our troops from Vietnam.

Mr. President, legislative action is needed now, not only to make certain that the avowed perimeters of our attack upon Cambodian sanctuaries are not exceeded, but also to bar the beginnings

of an escalating military assistance program to the new Cambodian regime. We owe nothing to the generals who have seized power in Phnom Penh. We have made them no promises. For once in our lives, we stand unfettered by any treaty obligations. We have no duty to furnish them with arms, let alone to come to their defense.

Still, it takes no exercise of the imagination to forecast, now that the Cambodian boundary has been breached and our gunboats ply the Mekong, that pressures will soon develop for sending an American military mission to Phnom Penh which, in turn, would generate a whole set of American obligations to the new Cambodian regime. This very sequence of events led us ever deeper into the morass in Vietnam. We must not travel down that tragic trail again.

This war has already stretched the generation gap so wide that it threatens to pull the country apart. The new generation never saw in Vietnam the demons that our generation perceived. Unlike American Presidents, who were mesmerized by the "lessons" of World War II, our brightest young people never believed that Ho Chi Minh was Adolf Hitler in disguise, or that our failure to send in our own troops to fight for the government we subsidized in Saigon would amount to another "Munich." They knew that Vietnam really had nothing to do with the security of the United States, the safety of the American people, or the well-being of our society. And so they soon came to view the war as an unwarranted intrusion on our part in a Vietnamese struggle which we should never have made our affair.

It does no good to tell these young people that our "will and character are being tested," that we shall not be humiliated or accept our first defeat. They do not believe a mistaken war should be won. They believe it should be stopped. That, for them, is the path of honor.

Little wonder, then, that our generation has lost communication with young America. We move in two different worlds; we speak two different tongues. We would pass each other by, like two ships in the night, were it not for the collision course we oldsters have charted: we keep drafting them to fight our war. We persist in that course, even at the price of alienating millions of young Americans.

The deep disillusionment of college students in their country and its institutions has its roots in Vietnam. When the power of the State is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in the angry uprisings on campuses from coast to coast. Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the Government is rejected on an issue so fundamental as an unacceptable war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule and repudiation. Cauldrons of anarchy soon begin to boil.

So it has happened that our country is coming unstuck. The crisis in our land, the deepening divisions among our people, the festering, unattended problems at home, bear far more importantly upon the future of the Republic than anything we have now, or have ever had, at stake in Indochina. That is why the time has come for Congress to draw the line against an expanded American involvement in this widening war.

Too much blood has been lost, too much patience gone unrewarded, while the war continues to poison our society. If the executive branch will not take the initiative, then the Congress and the people must.

LIST OF COSPONSORS

Mr. President, when the amendment was originally offered, Senators MANSFIELD and AIKEN joined Senator COOPER of Kentucky and myself in recommending it to the Committee on Foreign Relations. The committee adopted the amendment by a vote of 9 to 5 and affixed it to the Foreign Military Sales Act now pending before the Senate.

Since the committee took that action, many other Senators have asked to be listed as cosponsors of the amendment.

Mr. President, I ask unanimous consent that their names be affixed as cosponsors.

The full list of cosponsors is:

Senator AIKEN of Vermont; Senator BAYH of Indiana; Senator BROOKE of Massachusetts; Senator CASE of New Jersey; Senator CHURCH of Idaho; Senator COOPER of Kentucky; Senator CRANSTON of California; Senator FULBRIGHT of Arkansas; Senator GOODELL of New York; Senator HARRIS of Oklahoma; Senator HART of Michigan; Senator HATFIELD of Oregon; Senator JAVITS of New York; Senator MANSFIELD of Montana; Senator MATHIAS of Maryland; Senator MONDALE of Minnesota; Senator MOSS of Utah; Senator PEARSON of Kansas; Senator PELL of Rhode Island; Senator PROXMIER of Wisconsin; Senator RIBICOFF of Connecticut; Senator SAXBE of Ohio; Senator SCHWEIKER of Pennsylvania; Senator SYMINGTON of Missouri; Senator TYDINGS of Maryland; Senator WILLIAMS of New Jersey; Senator YOUNG of Ohio; Senator MCGOVERN of South Dakota; Senator HUGHES of Iowa; and Senator GRAVEL of Alaska.

Mr. President, as of now, the total number of Senators sponsoring the amendment is 30.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. CHURCH. Mr. President, I also ask that a text of the amendment in its revised form, as reported from the Committee on Foreign Relations, be printed at this point in the RECORD.

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

CHURCH-COOPER AMENDMENT

SEC. 7. The Foreign Military Sales Act is amended by adding at the end thereof the following new section:

"Sec. 47. Prohibition of assistance to Cambodia.—In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized

by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Mr. CHURCH. Mr. President, I am pleased to share with my colleagues a petition signed by students from my home State of Idaho attending Harvard University who protest against the U.S. invasion of Cambodia.

I ask unanimous consent that this petition, together with the names of the students who signed it, be printed at this point in the RECORD.

There being no objection, the petition with list of names, was ordered to be printed in the RECORD, as follows:

MAY 8, 1970.

HONORABLE FRANK CHURCH: We, Idaho students attending Harvard University, wish to register our opposition to President Nixon's policy in Southeast Asia. We strongly feel that the immediate, complete withdrawal of United States troops from Indochina is essential for the fulfillment of our national goals. Therefore, we urge you to take any steps necessary to disengage the United States from this unfortunate war.

Mike E. Brandeberry, Boise, Tom Ambrose, Wendell, Daniel F. Brandeberry, Boise, Irene Kelly, Jerome, Ralph J. Coates, Buhl, Craig Ipsen, Montpelier, Matthew Berman, Moscow, Larry D. Bishop, Boise, Del Ray Maughan, Boise, Robert T. Horten, Coeur d'Alene, Robert Stevens, Pocatello, Julian R. Birnbaum, Caldwell, Marie Kelly, Jerome, Melanie York, Boise, Richard Smith, Caldwell, Steve Mike-sell, Boise.

Mr. CHURCH. Finally, Mr. President, an excellent and perceptive article appeared in the New York Times of Sunday, May 10, 1970, written by the distinguished columnist Harrison E. Salisbury.

In the article Mr. Salisbury points out that the initial political reaction to our movement into Cambodia has been to draw the Soviet Union and Red China closer together, the first time this has happened in a number of years.

A few days ago, when members of the Senate Foreign Relations and the House Foreign Affairs Committees attended a briefing in the White House on the Cambodian venture, I came away convinced that the President of the United States had launched a large gamble for small stakes.

After listening closely to the President's explanation and to the answers he gave to the many questions asked, I felt that if he were to win the gamble, he would gain no more than a temporary removal of certain border bases to which the enemy would soon return; if he lost the gamble, the enemy reprisals might well take the form of a Communist take-over of Laos or Cambodia or both, and beyond Indochina, the repercussions might tend

to resolidify the fractured Communist world. That indeed seems to be what is happening.

Let me read to the Senate portions of this very perceptive article by Mr. Salisbury. He points up what very large losses may be entailed for the United States as a result of a military venture which, at best, can produce only the most limited and temporary of benefits.

Mr. Salisbury writes:

The United States action in Cambodia has touched off a swift Chinese diplomatic offensive which is radically altering Sino-Soviet-American relationships and may open the way to temporary easing of Sino-Soviet tensions.

The Chinese moves were undertaken at a moment when the Sino-Soviet conflict had touched a new height of violence. They came in the face of major new Soviet troop movements to the disputed frontier with China.

Now, however, as a result of the personal intervention of Chairman Mao Tse-tung the principal Soviet diplomatic negotiator, Deputy Foreign Minister V. V. Kuznetsov, has returned to Peking amid rumors that Moscow and Peking may be willing to lay aside, in part and for the time being, their bitter quarrel.

Premier Chou En-lai moving with remarkable deftness, has managed to seize for China the leadership in the Communist response to the United States action. He has managed to put China at the head of an emerging coalition of Indochinese powers and may have stalemated the Soviet Union in what might have been a new escalation of the Sino-Soviet quarrel.

WARNING TO U.S.

In the process the Chinese have delivered a low-key warning to the United States that escalation of the war in Indochina might bring about their intervention; made an offer of "volunteers" to Prince Sihanouk (which he graciously declined); blocked the Russians almost completely out of the direct relations with any of the Indochina countries; re-established warmer and closer relations with bristly North Korea; and laid the foundation for a possible "united front" of China, the Indochina states and North Korea against "U.S. aggression."

The consequences to future United States and future Soviet policy of the Chinese diplomatic blitzkrieg may be far-reaching.

The United States is scheduled to meet with Communist Chinese delegates in Warsaw May 20 for a renewal of two-power discussions designed to lead to a new basic American-Chinese relationship. Diplomats now wonder whether the meeting will actually be held. They rate its chances for progress as something less than zero.

At the same time the specter emerged of increasing difficulties with the Soviet Union, particularly in the critical SALT talks under way in Vienna. Premier Aleksel Kosygin himself raised the question of confidence in this connection in his Moscow press conference.

The effect of the United States action on the critical confrontation in the Middle East was still uncertain. One Washington theory was that the President believed a display of "muscle" in Cambodia would deter the Soviet Union from stepping up its military support of Egypt. The validity of this hypothesis remains to be tested.

TOUCH OF IRONY

The principal power to suffer in the rapid sequence of events appeared to be the United States. Instead of a diplomatic horizon marked by escalating rhetoric and menacing military moves by the two Communist powers the prospect emerged of a new if shaky "cool" between Moscow and Peking.

An ironic touch was the fact that as of early April Russia and China had come to

another derailment in their long, harsh disagreement. Mr. Kuznetsov had been ordered to return to Moscow. New Soviet military units were ordered up to the China frontier. Polemics, suspended since the inception of the Peking talks in late October, had begun again.

The propaganda war took a major turn April 22, the 100th anniversary of Vladimir Lenin's birth, when the Chinese published the most slashing assault they had ever delivered against Moscow—a declaration comparing Party Secretary Leonid Brezhnev to Adolf Hitler, Soviet Russia to Nazi Germany—complete with Nazi racist overtones. They charged Russia with contemplating a Nazi blitzkrieg against China.

Moscow retaliated by spewing into the airwaves personal vilification of Chairman Mao Tse-tung, charging him with complicity in the murder of his first wife, the death of his eldest son, and a wide catalogue of crimes and misdemeanors.

But, with the mounting escalation of the United States action in Cambodia, a simultaneous escalation of the Sino-Soviet conflict became increasingly embarrassing to both Peking and Moscow. Neither side was prepared to abandon the deep-rooted quarrel but there was rising urgency to lay it to one side for a while—if possible.

QUARREL PUT ASIDE

Premier Chou En-lai went into action, providing patronage for the Indochina powers conference, promising support and "volunteers" if necessary. On May Day Chairman Mao Tse-tung himself, ignoring Soviet personal attacks, sought out a Soviet diplomat, V. G. Gankovsky, and urged that the Sino-Soviet talks resume.

By week's end the well-oiled propaganda machinery in Moscow and Peking was swinging into line. China attacks on Moscow ceased. Russian propaganda against Peking began to taper off—but did not cease completely.

Moscow was still stung by China's emergence as the chief protecting power in Indochina and by Peking's obvious effort to shoulder Russia aside in that part of the world. But faced with a Chinese *fait accompli* and the critical implications of United States action in Cambodia it seemed that Russia would, for the moment, put aside the China quarrel for the sake of over-all opposition to the United States.

Mr. President, I offer this article as evidence of how much we stand to lose diplomatically and strategically as a result of the attack we have made into Cambodia. I think that the risks involved for the United States, if it permits itself to be drawn still more deeply into this war, are so immense that we must no longer put off the responsibility we have, as representatives of the people, to assert powers which are vested by the Constitution in the Congress.

The purpose of this amendment is to set the outer limits of American penetration into Cambodia. We take the President of the United States at his word that the present operation is limited in scope, that it is confined to the capture of particular border sanctuaries, and that, as soon as this objective is accomplished, American forces will be withdrawn.

The amendment simply says, in effect, that Congress undertakes to set the outer limits of American involvement in Cambodia. As soon as the bases are captured, as soon as the objectives of the operation are achieved, then no further funds are available for retaining Ameri-

can forces in Cambodia. That is the first objective of the amendment.

The second objective is to lay down a legislative barrier against the kind of escalating military assistance program which, once commenced, can easily lead this country into an entangling alliance with the new regime in Phnom Penh.

We know from our experience in Vietnam that what commences as a limited military aid program can readily expand into a much more extensive program; that small arms soon lead to more sophisticated armaments; and that these weapons, in turn, lead to the necessity for introducing American instructors and advisers who, once committed, create pressures for the final commitment of American combat troops. That was the sequence of events in Vietnam, and we must make certain it does not become the sequence of events in Cambodia.

The adoption of this amendment would prevent this from happening. If future developments were to lead the President to advocate a renewal of our attack upon Cambodian territory, or a more extensive occupation of that country, then he would be obliged to come to Congress, make his case before us, and ask the Congress to lift its prohibition against such an expanded war.

Now, Mr. President, we should have done this a long, long time ago. For too long, we have abdicated away our authority to the President, sitting on our hands hoping the American people would look the other way, while this war has gone on and on, while casualties have mounted inconclusively, until today our involvement in Vietnam has become the longest war of our history and one of the costliest. Still there is no end in sight. The time has come for the Senate to assume its responsibility under the Constitution, drawing outer limits on this latest involvement, and insisting that if the President intends in the future to expand still further our participation in this war, he come back to the Congress, make his case, and ask Congress for the consent that the Constitution intended us either to grant or to withhold.

I hope in the coming days of debate that we can clearly set forth the constitutional issue involved here. I hope that we can encourage the Senate to adopt this amendment as a proper assertion of congressional authority.

Last December, we took the first step, Mr. President, when the Senate adopted overwhelmingly an amendment of mine, made a part of the military appropriations bill for fiscal year 1970, that prohibited the introduction of American ground combat forces into Laos or Thailand. That represented the first instance, in the whole long course of this war, that Congress had undertaken to use the purse strings to draw a line. At the time, the President said it was in conformity with his own policy. He did not raise questions about undermining his authority as Commander in Chief; he accepted the decision of Congress, as consistent with its responsibility in determining how and where public moneys shall be spent.

No different principle is posed by this amendment. If the earlier amendment was acceptable to the President, it escapes me why this amendment should not be, for each rests upon the right of Congress, under the Constitution, to control the spending of public money, and each is pointed toward the necessity of establishing limits to the American involvement in a wider Indochina war. I think it is the second step, a necessary and logical step to take, in view of the developments of the last 2 weeks, to reassure the American people that Congress is alive and living in Washington, D.C.

So I hope, when the debate has been completed, that the Senate will support the amendment.

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

Mr. CHURCH. I am happy to yield to the Senator from Tennessee.

Mr. GORE. I congratulate the Senator upon a very able address and upon the many praiseworthy efforts he has made in this field.

I wanted to suggest the possibility of an amendment. I do not ask the Senator to give his reaction now, nor do I wish to offer an amendment now, but I would like to call it to his attention. He may wish to think about it, or if he wishes to respond now, fine.

On lines 5 and 6, if we strike the words "expedite the withdrawal of American forces from," and substitute instead, "to facilitate a negotiated peace in," this would make the first clause of the sentence beginning on line 4 read as follows:

In order to avoid the involvement of the United States in a wider war in Indochina and to facilitate a negotiated peace in Vietnam.

What I seek to do by this possible amendment is to draw a clear distinction between "Vietnamization" and a negotiated peace. As the able Senator knows, I have not, from the day Vietnamization was announced, believed that it could work or would work to bring an early peace, to bring an early end to the war. Indeed, I do not believe it is designed to bring an early end to the war. It is a formula, not to end the war, but to prolong the war. It is a phased withdrawal, having as its purpose sustaining the Thieu-Ky regime in power in Vietnam. "Vietnamization," therefore, is contradictory to and incompatible with a negotiated settlement.

A witness before the Foreign Relations Committee this morning said that only in the past 2 years had priority been given to the ability of the Saigon government to defend itself. Well, I suppose he was talking about defending itself against its own people as well as its neighbors in North Vietnam.

What seems to me should be our top priority is not sustaining Thieu and Ky in power, but achieving a negotiated settlement. In my view, this means a compromised peace based upon a coalition government, or a compromised government, or an agreed government—use whatever term one likes—in Saigon.

It is the purpose of this amendment to draw a distinction between a phased withdrawal—which is "Vietnamiza-

tion"—and a negotiated peace, which would permit not a long, drawn-out piecemeal withdrawal, but disengagement, a cease-fire, peace, and the bringing of all of our sons home.

Mr. CHURCH. Let me say to the distinguished Senator that, of course, I would give very serious attention to any amendment he might propose. He and I both share the same skepticism about the President's policy of Vietnamization. I agree fully with the Senator from Tennessee that this policy, as it has been explained to us, is not one that will take the United States out of the war in Vietnam, but, rather, one that is designed to keep us in the war for years to come. All that Vietnamization will accomplish is a reduction in the number of American forces—

Mr. GORE. Unilateral reduction.

Mr. CHURCH. Yes, a unilateral reduction in the number of American forces, bringing, according to the President's announced intentions, the total down to about half of what it was at the time that Mr. Nixon became President, from something over half a million men to something close to a quarter of a million men; and those remaining will continue to fight the war. They will continue to give aerial support, artillery support, combat engineer support, logistical support—

Mr. GORE. Infantry.

Mr. CHURCH. Even infantry, to secure our own remaining forces; and they are scheduled to give that support indefinitely, as long as it is necessary to keep them there in order to sustain in power the government in Saigon.

So I agree wholeheartedly that Vietnamization is not an acceptable method for extricating the United States from its involvement in Indochina, but nothing in this amendment is meant in any way to express the approval of the Senate as regards the Vietnamization policy. All that this amendment does is to set the limits on the new American venture in Cambodia, to make certain that we neither bog down in Cambodia nor establish an elaborate military assistance program that commits us to the defense of the new regime in Cambodia.

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

Mr. CHURCH. I am happy to yield.

Mr. GORE. Of course, since Vietnamization is the only program we have, other than the recent widening and reescalation of the war, all of us must hope that it will prove successful; but I must say that I have never thought that a unilateral withdrawal, or unilateral reduction, of U.S. forces while the other side increases, augments, builds up, deploys greater and larger forces, could possibly lead to other than a reescalation, which we now have had, or the danger of a slaughter of the American forces remaining there.

After all, how long can one side reduce while the other side increases, without facing a catastrophe?

Obviously, the administration recognized that further reductions would present a hazard. It was inevitable that this would occur. It is inevitable that it will recur, unless it be that, by some unusual

change of circumstances, South Vietnam becomes able to master its own situation.

It appears now that a program is underway to "Vietnamize" Cambodia. I am not sure how this is going to turn out.

I wish to draw a clear distinction between a negotiated peace, which is the goal I wish to see achieved, and "Vietnamization," which I am not sure I wish to approve.

The Senator says the proposed resolution does not constitute an approval of Vietnamization. I wish to approve a negotiated settlement. This, it seems to me, should be the first goal. I shall leave this in the RECORD, and we can consider it further.

Mr. CHURCH. I appreciate that. The Senator and I are kindred spirits, and I am confident that it will be possible for us to reach an accord with regard to the intended aim which will fully satisfy the Senator.

Mr. President, I yield the floor.

OPERATION OF LARGER JETS AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, the recent action by the Federal Aviation Administration to allow larger jets to operate at National Airport not only contradicts assurances given to me and other Senators, but totally ignores the community interest in seeing reasonable limits established at that facility.

In making this decision, it appears that the FAA consulted only the airlines whose convenience and profit would be served. The people over whose homes these aircraft fly and whose communities are blighted by this overburdened airport are left to take the consequences.

Mr. President, the FAA claims to be acting in the true public interest, but it has not once asked what the public thought or let its voice be heard. In the one case in which the public was offered a forum to express its views on congestion at National Airport—the Civil Aeronautics Board's Washington-Baltimore airport investigation—the FAA was instrumental in having that case discontinued even before a formal hearing was held. Is it any wonder that public confidence in government is so low?

Mr. President, I have introduced a bill which would remove National and Dulles Airports from the control of the FAA and give the communities affected a strong voice in their future operation.

In this connection, I ask unanimous consent to have printed in the RECORD three recent editorials: "Airport Logic," published in the Norfolk Virginian Pilot of May 3, 1970; "Bigger Jets at National," published in the Washington Post of May 4, 1970; and "Stretching the Rules," published in the Washington Evening Star of May 12, 1970.

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

[From the Norfolk Virginian Pilot, May 3, 1970]

AIRPORT LOGIC

A single management for the airports at the Nation's capital is as logical as a single management for the port terminals in

Hampton Roads. This is a part of the thrust of a bill introduced by U.S. Senator William B. Spong Jr.

Senator Spong's bill also would get the Federal Government out of the commercial airport business. The Federal Aviation Administration owns and operates both Washington National and Dulles International, and critics contend that the FAA runs them for the benefit of the airlines exclusively.

The Senator's bill would create an authority—made up of representatives from Virginia, Maryland, and the District of Columbia—which would hire a staff to run the airports.

The authority would give the communities a voice in the airports' operations and assure greater efficiency by channeling some of the overload at Washington National to the relatively empty runways at Dulles International.

Senator Spong's bill, introduced last November, was prompted by the Civil Aeronautics Board's failure to hold a single public hearing or take any action in an investigation of the crowded conditions at Washington National. The CAB last week formally dropped the investigation after almost three years.

Fortunately, a hearing on the Spong bill, called by the Senate Commerce Committee's Aviation Subcommittee June 9-10, seems destined to do the CAB's job of investigating Senator Spong's charge that "the FAA has been operating these facilities as though they were its private property."

The Federal agencies' apparent lack of concern over present congestion is even more alarming in the face of an expected three-fold growth in air traffic to the Capital by 1980.

[From the Washington Post, May 4, 1970]

BIGGER JETS AT NATIONAL

Every once in a while, it seems, the airlines and the Federal Aviation Administration have to be reminded that they should be working to make Dulles and Friendship this area's major airports, not National. Senator Spong dropped in that reminder last week when he discovered that the FAA is permitting stretched 727s to land at National. These are the long versions of one of the two-engine jet models allowed there, and their additional passenger capacity alone (170 as compared with 131) is sufficient to keep them out.

What happened was that the FAA "temporarily" lifted the ban on these planes during the semi-strike of the air controllers. It did so for a perfectly good reason—more people could be moved in fewer planes, thus easing the load on the air traffic control system. But this "temporary" action has outlived the strike and, as we unhappily learned with the jets, once you let a particular type of plane land at National you have all kinds of problems barring it subsequently.

The trouble with National, as far as this community is concerned, consists of noise, dirt and congestion. The hope of eliminating it as an airport seems gone, although that would be the proper step, and the only part of the problem which can still be controlled is congestion. The place is too crowded now and bringing in bigger planes with more passengers is only going to make it worse. The best way to get passengers out of National and out to Dulles, where they can be accommodated better, is to get airplanes out to Dulles. Allowing bigger 727s into National only postpones that day and it has already been postponed far too long.

[From the Washington Star, May 12, 1970]

STRETCHING THE RULES

In the public interest, during the recent air controller slowdown, the Federal Aviation Administration relaxed its rules to allow the

so-called "stretch" jets to operate at Washington National Airport. Now, with the slowdown over, the larger jets remain. And timely protests have been registered by both Virginia's Senator Spong and Representative Gude of Maryland.

John H. Shaffer, the FAA chief, defended the rule stretchout in a speech the other day, in which he also repudiated the continuing demands that National be shut down altogether.

On the latter point, we're in his corner. The air capacity of National provides a vital, logical service to the Nation's Capital. Its value, in the years ahead, will become even more apparent. And we doubt that the shrillest of the airport's opponents really believes there is the slightest chance that this facility, in view of the spiraling pace of air travel, will be closed.

But Shaffer, for his part, doesn't seem to understand that he is undermining his own cause by slipping in little extras sought by the airlines—of which the stretch jets are a prime example—at every opportunity. In fact, according to Spong, the decision contradicts the specific recommendation of a confidential study by the FAA itself, which concluded that the use of the stretch 727s would violate the intent of operational restraints imposed by the agency on National more than two years ago.

In his argument, Shaffer said that Dulles Airport, in time, will join National in handling all the traffic it can bear. No doubt he is right, and the time to start looking elsewhere in earnest for further airport capacity is already overdue.

But Dulles is by no means at a point of congestion. And that is where the larger jets, with their increased passenger loads, ought to be routed now—rather than to impose new pressures on facilities at National which already are jammed.

ADDRESS BY SENATOR KENNEDY ON FORMER CHIEF JUSTICE WARREN AND THE CURRENT CRISIS IN CIVIL LIBERTIES

Mr. HART. Mr. President, for the past 5 years, the J.F.K. Lodge of B'nai B'rith has honored great Americans by presenting them with its Profiles in Courage Award. On April 28, the sixth of these awards, the award for 1970, was made to former Chief Justice Earl Warren. I believe that the lodge honors itself by having made this choice, and its action should be noted in this RECORD.

Further, Mr. President, I believe the RECORD should contain the address given on that occasion by the able senior Senator from Massachusetts (Mr. KENNEDY). It is a moving eulogy to a magnificent Chief Justice. I believe that the widest possible circulation of this address is desirable, both for those who admire the Chief Justice and those who seek even greater respect for the Supreme Court.

Therefore, Mr. President, I ask unanimous consent that the speech of Senator KENNEDY be printed in the RECORD at this point.

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

REMARKS OF SENATOR EDWARD M. KENNEDY

Just five years ago I was pleased to be with you to honor the memory of the first recipient of the Profiles in Courage award, Edward R. Morrow. In the four years since then, the winners have been giants in American life and American liberty, Judge Simon Sobeloff, Charles Weitner, Paul Douglas, and Ramsey Clark. And today that proud tradi-

tion continues as we pay tribute to Chief Justice Earl Warren.

I feel a deep sense of privilege and awe in performing my role tonight. For the life of the Warren Court spanned my entire adult life. I was 21 when Earl Warren became Chief Justice, and perhaps my generation will be the last to understand from personal experience why the Warren Court was the subject of so much controversy and so much emotion.

Indeed, for many of us, the key rulings of the Warren Court have already come to seem in retrospect merely the necessary articulation of self-evident constitutional precepts. It hardly seems radical to have decided nearly 90 years after the 13th, 14th and 15th Amendments, that officially forced separation of citizens by skin color was unacceptable. It is not surprising that after 175 years of increasingly irrational legislative apportionment, the Court decided that "Legislators represent people, not acres or trees." It certainly does not shock us now to hear that poor defendants are entitled to the same Constitutional protections as rich ones, that these protections accrue as soon as a suspect is deprived of his liberty, and that the suspect must be told of his rights before he can be assumed to have waived them.

These, stripped to their essentials, are the three major, and most controversial, decisional lines of the court which Earl Warren led for 16 years, and it is a sign of that Court's impact on national life that today most of us take them for granted.

Yet the fact is that each of these developments in the law was earthshaking in its day, and reflected the courage and confidence of Chief Justice Warren and his fellow justices.

For in those days the constitutional promises of equality and liberty and justice were often shams in the courts, in the legislatures, in the precinct houses, and in the schools and public facilities. And few with the power to act had been willing to recognize those shams, to mark them for what they were, to destroy them, and to replace them. The legislative branch would not. The executive branch could not. And the judicial branch had failed to appreciate that by refusing to decide cases, or by deciding to acquiesce in the status quo, it was exercising its power as fully as if it took cases and altered the status quo. It would not admit that by choosing not to address problems which it could have addressed, it assumed a share of the responsibility for those problems. There appeared to be a judicial code of silence on many great issues and hard issues, a code which said if the problem is difficult and complex and the correct judicial solution would raise its own difficulties, then the courts had better abstain from seeking a solution, no matter how pressing the need for change. The theme seemed to be that only easy problems with easy answers were fit for judicial solution, and that drastic problems with difficult answers should remain unsolved. Judicial restraint became judicial abdication, and since there were no other sources of relief, judicial abdication became the last step in America's toleration of constitutional hypocrisy.

But within a year after he joined the Court, Earl Warren changed all that. With the Chief Justice as catalyst and spokesman, the Court's unanimous opinion in *Brown* showed forcefully that the Court was prepared to address large issues and hard issues, and to tear away the Constitutional facade behind which we had been living.

The first years of the Warren Court were historic not merely for the advances in judicial responsiveness which they marked, but perhaps more strikingly for the political context in which they occurred. In Congress, where an effective combination of political forces was resisting all social progress and

generating novel legislative dilutions of liberty, there had developed a pattern of individual demagoguery and fear-mongering that threatened to destroy any person or any institution working in the public interest, and especially those who sought to strengthen and promote and avail themselves of Constitutional liberties and individual freedoms. In the Executive, there was not just a benign neglect of pressing national challenges, but a benighted preference for low profile government which would not make waves—even when it saw that the waters were already troubled. And the public quietly accepted this attitude. Tired from two wars, cowed by McCarthyism, worried by the first time since World War II about their pocketbooks, the nation did not have the emotion or inclination for social activism. Even those who suffered most, and most directly, from the system's failures—the black, the city dwellers, the poor, the ignorant—suffered in comparative silence—without demonstrations, without violence, without rebellion, with just an occasional lawsuit seeking to test the honesty and validity of the system.

So it was left to the courts, and with Earl Warren at their apex, the courts responded. They responded carefully and judiciously, step-by-step, and with attention to pragmatics. The reach of *Brown* was expanded cautiously in a logical series of holdings that has not yet reached its end. *Mallory* merely elaborated on *McNabb* and *Upshaw*. *Miranda*, as the dissents in earlier cases pointed out, was only the inescapable application of the careful progression of *Gideon*, *Hamilton*, *White*, *Massiah*, and *Escobedo*. And even *Baker v. Carr* was written with enough restraint so that its strongest critic could opine that the Court had merely "opened a colloquy, posing to the political institutions of Tennessee the question of apportionment, not answering it for them."

Earl Warren had been a great and successful politician. He had been elected district attorney, attorney general, and 3 times, Governor of California. He knew the Nation and its people. He knew what they wanted and what they needed, and what they would accept. He knew that politics was the art of the possible, but he also recognized, in the words of a quote which Congressman John F. Kennedy saved and used, that "the best politics is to do the right thing." Earl Warren's vision of "the right thing" changed over time. What seemed necessary to him in 1941, probably seemed inconceivable in 1961. But it was this growth and perspective which gave him strength.

He knew what he wanted the Supreme Court to be. While he did not find it necessary to articulate a comprehensive theory of how the Court should go about deciding cases, his record on the Court spoke deep and thoughtful messages about his philosophy of judicial behavior. Jim Clayton has summarized the Frankfurter and Warren philosophies this way: "Frankfurter saw it as a Court in which only principles were established; Warren often sees it as a place where justice is done." But I think that contrast does not stand up, and does not fairly reflect the meaning and importance of the Warren philosophy. For when a supreme instrument of government does justice, it also establishes principles. It demonstrates that the government, the institutions of organized life, the Establishment, if you will, is alive and well, is responsive and responsible, is vital and functioning. It restates the principle that justice can be done and should be done and must be done by all instruments of government. It keeps alive the faith of the people in the system, stimulates them to seek more justice from the system, shows them how the system should operate so that they will recognize its malfunctions.

It broadcasts the clear lesson that the Constitution is not just a piece of parchment

to be kept in hellum at the Archives for schoolchildren to look at, and for lawyers to genuflect to, but that the Constitution is a living force, a guide for finding contemporary answers to contemporary questions, a working tool for every citizen, meant to be used, and strengthened by use.

And when the instrument which establishes these principles is the Supreme Court, they have special meaning. For when the Supreme Court finds it necessary to intervene, that is a strong warning to other institutions of government that they may be failing in their own responsibilities.

Of course, that warning came through loud and clear from the Warren Court, first to the Executive Branch, and then to the Congress. The first change of Administrations during the Warren era found a new commitment to social justice. The Executive worked in tandem with the judiciary, taking strong initiatives in civil rights, and laying the groundwork for an upheaval in criminal and civil justice by focusing on the problems, ventilating them, and proposing administrative and legislative reforms. By the end of the first decade of the Warren Court, Congress also began to complete what the Court had started. The civil rights acts of 1960, 1964, and 1965, provided massive legislative solutions which facilitated or replaced the excruciating case-by-case pursuit of equality. The Criminal Justice Act, Narcotics Addict Rehabilitation Act, Ball Reform Act, the Law Enforcement Assistance Act, and others recognized the need for overhauling the machinery of justice. With OEC, education, health, and manpower legislation the Congress assumed even broader responsibilities for social progress. A misguided effort in Congress to turn the clock back on *Baker v. Carr* was rebuffed not once but twice, and the Court's demand for equality of representation remained intact.

And so, as the Warren era drew to its close, our national government was strong enough to withstand the twin challenges of urban violence and political dissent. By and large the institutions of order, especially at the Federal level were able to respond firmly when necessary, but with flexibility, compassion, and due respect for legitimate rights. I think it is a mark of the contribution of the Warren Court that we were able to get through the last half of the decade of the Sixties with our liberties and our institutions intact.

Now I fear that we are entering another era of crisis, an era of inaction and retrogression and repression easily matching that which faced Chief Justice Warren when he arrived in Washington, an era which will demand frequent profiles in courage if we are to survive as a free people. Many of the signs are small, but they are ominous. Taken separately, some may not seem unbearable or worth fighting about. But taken together they suggest a trend and a pattern which could lead to an ever faster circle of repression and reaction with no conceivable end. They are gnawing at the precious foundations of our freedom, chipping away piece by piece the barriers against tyranny and oppression which the framers of the Constitution erected.

Even to recite calmly a list of the symptoms is to give the impression that 1984 may be less than 14 years away, and that "Z" could happen here:

More wiretapping in more kinds of cases, and assertion of the absolute power to bug dissenters without court orders.

Pressures for no-knock searches and for detention without bail.

The use of scare tactics to discourage attendance at protest gatherings, and the obsessive focus on the few lawbreakers in peaceful crowds of tens of thousands.

Growing use of domestic spies—in schools, in political groups, at public meetings, of

informants who sometimes help to foment the very acts they are supposed to be investigating.

Verbal harassment of dissenters by political leaders, not on the merits of the issues involved, but through guilt by association and exaggerated codewords.

Total lack of sensitivity by those leaders to the issues involved—the Attorney General trying to tell jokes about his wiretapping to an audience that is quite seriously concerned about his wiretapping; the Vice President and the President making light of their affinity to "Dixie" at a time when the nation's stability may depend on whether that affinity outweighs their affinity to justice.

The new application form for Washington demonstration permits with blanks for everything from philosophy to arrest records.

A new attempt to prevent disagreeable protests near the White House altogether.

The installation in the White House of a journalist with carte blanche to fish through federal tax files and other confidential materials.

Executive resistance to a bill to eliminate an anachronistic and frightening provision for federal detention camps, resistance which melted only when it became publically embarrassing.

Serious consideration being given to a proposal to remove 5 and 6 year old children from their homes into correctional camps on the basis of tests of their potential for later criminality.

Federal stockpiling of huge amounts of teargas, and equipping of federal marshals with shotguns that they do not need or want.

Sharp curtailment of the availability of federal parole, the best incentive known to give prisoners hope and a goal as they are rehabilitated.

Refusal to support extension of the Voting Rights Act of 1965, the most successful contribution to universal suffrage since the 19th Amendment.

Federal encouragement of continued resistance to Constitutionally required school desegregation.

Court nominees chosen for their willingness to resist Constitutional mandates, rather than for eminence or leadership.

Official solicitation of letters of endorsement of a Court nominee from federal employees and judges, but investigating and threatening of government funded lawyers who write letters opposing the nominee.

Attempts to ease non-conformist employees out of the civil service by applying political tests and by reinvestigating their backgrounds for past participation in protest activities.

Inspection of incoming foreign mail by federal authorities.

A concerted effort to interfere with the freedom of the press, led by the Number Two man in the Administration.

Harassing calls to the networks by the Chairman of the Federal Communications Commission, and to local media by a member of the Subversive Activities Control Board and by our nation's first information czar.

Harassment of the national educational T.V. network by the Internal Revenue Service.

A constant effort to blame the nation's ills on scapegoats such as the previous Attorney General.

Each of you can probably add to that list, from your own knowledge, items which the public is not yet aware of, and there are others I have omitted.

Nevertheless, it is a shocking and terrifying list. It betrays a total lack of respect for our heritage of freedom and constitutes an immediate threat to our system. The most disturbing element is perhaps the rhetoric which accompanies these symptoms of incipient Constitutional retrograde. The innuendoes are those of the '50's. The implica-

tion is that anyone who believes in the principles of the Bill of Rights or the 14th Amendment is somehow unpatriotic, that the Twentieth Century cannot afford the luxury of liberty, that we should go on a diet that dispenses with the frosting of freedom on America's cake. And the results of such rhetoric are unmistakable. A reporter walks the street with the text of the Declaration of Independence on July 4th and has a hard time finding anyone willing to sign it. A network poll shows a substantial proportion of Americans willing to have their constitutional protections taken away.

The Constitution protects us, but we sometimes forget that it does not and cannot protect itself. It will atrophy if it remains unused. It will be eroded if it is not defended at every opportunity. It will come into public disrepute if politicians are allowed to go unchallenged as they pander to, and exploit, and act out, the basest instincts of human character, playing man against man, group against group, region against region, and generation against generation.

And if the Constitution withers away the nation will wither away—or will disappear in an orgy of violence. For the Constitution is the hope and strength of all Americans of all philosophies. Today those of one ideology may feel they can do without Constitutional protection because they have political protection. But the political shoe changes quickly from foot to foot, and on the next go around they may be the ones who need the Constitution most.

And so all of us must speak up for freedom. All of us must be advocates for justice. All of us must be executors and conservators of the valuable estate left to us by Thomas Jefferson and Alexander Hamilton and Benjamin Franklin and their associates. They were men of courage and foresight. And if their testament to us is to be preserved, our times will have to produce citizens of courage and foresight.

There was ample proof this month that courage still abounds in the land. Just when the outlook for government responsiveness looked bleakest, the U.S. Senate responded to the national need by rejecting a Supreme Court nominee who would have been an insult to the Constitution and the Court which enforces the Constitution. That response was possible only because citizens and lawyers and Senators had the courage to place conscience above convenience. Thus, there is hope. There are Americans who can carry on the fight for justice which Earl Warren led so bravely. But they must step forward now, for it is late in the game.

When Earl Warren stepped down from the Bench, he said, "We serve only the public interest as we see it, guided only by the Constitution and our own consciences, and conscience is a very severe task master." And so we have seen his courage not just in profile but in full face, for he has devoted his whole being to liberty and to justice, for all and forever. There was always something very special about the Chief's courage. Archie Cox described it this way: "not merely the will to decide and decide according to his convictions but the courage that preserves equanimity, tolerance, and good nature in the face of provocation." That kind of courage is welcome in any man, vital for a good Justice, and absolutely essential in a great Chief Justice. Earl Warren had it and that is why we are proud to honor him today.

ISRAEL'S 22D ANNIVERSARY

Mr. HART. Mr. President, on May 11, 1970, the Senator from Maine (Mr. MUSKIE) spoke at the American-Israel Public Affairs Committee Luncheon, in honor of Israel's 22d anniversary.

Senator MUSKIE's message was an eloquent one, and I believe it deserves a wider audience. I ask unanimous consent that it be printed in the RECORD at this point.

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

REMARKS BY SENATOR EDMUND S. MUSKIE AT A LUNCHEON IN HONOR OF ISRAEL'S 22D ANNIVERSARY, MAY 11, 1970

Our presence here today bears witness to the continued vitality of a national and religious impulse that has persisted for three thousand years.

Our presence is also testimony that we stand firmly in support of Israel, for we all share her commitment to freedom and the sanctity of life.

I feel privileged to be able to share with you today some thoughts about the establishment of Israel and her role in the world today.

In 1948 a nation was born. Since then, Israel's spirit, character, and accomplishments have established her as perhaps the most gifted and vital new member of the family of nations. Her achievements take on even greater proportions when one considers they took place and were preserved despite great natural and political difficulties.

Only three years ago the world watched anxiously as war erupted. But the book of judges still lived, and Israel's safety was again assured by her citizen army and the brilliant planning and foresight of her chief of staff.

Today, however, Israel's very existence is challenged anew.

Recent emplacement of Russian SAM-3 missiles coupled with the use of Soviet pilots in the United Arab Republic, clearly indicate that Israel does not need praise for past accomplishments, but present assurances that democracies like the United States will firmly support her basic right to exist.

In this time of crisis neither Israelis or Arabs can afford to disregard the importance of peace. But the goal of peace can only be approached if we first recognize both the paramount needs of national security and the overriding considerations of prestige and self-respect.

The Arab-Israeli problem may be the most difficult to confront statesmen in this century. It must, however, be successfully resolved. Failure would be catastrophic for the future of civilization in the Middle East. It could even write the final chapter to the story of mankind.

I am convinced, however, that the problem is not insoluble.

In moments of doubt I take heart in Israel's almost miraculous creation which we are now celebrating, and which not long ago would also have seemed visionary and unrealistic.

I then can read, as a hopeful message for our times, and the future these words of Isaiah:

"In that day Israel will be with Egypt and Assyria a blessing in the midst of the earth, whom the Lord of Hosts has blessed saying, 'blessed be Egypt my people, and Assyria the work of my hands, and Israel my heritage.'"

CBS HANDLING OF NEWS FROM CAMBODIA

Mr. DOLE. Mr. President, last week I included in the RECORD a transcript of a report from South Vietnam by Gary Shephard, a Columbia Broadcasting System correspondent who was covering the strikes into the Cambodian sanctuaries of the North Vietnamese.

At that time, I said that it appeared to me that Mr. Shephard was literally attempting to incite mutiny among the troops. Certainly he was playing on the fears and uncertainties that always affect soldiers when they go into combat.

At the time I was not aware that about 500 station executives from CBS affiliates were watching Walter Cronkite air the CBS evening news live from studio 33 at CBS Television Studio in Hollywood.

Nor was I aware that as part of that program Mr. Shephard was shown conducting this infamous interview.

I am told that many in the audience were shocked, distressed, and angered by this kind of reporting and protested it to Richard Salant, who heads CBS's news operation.

I do not know if those protests had any effect, or if mine did, or if those of other Americans around the country who joined in the protests.

But I do know that we suddenly have a different story from Mr. Shephard, who appears to have mended his ways, at least temporarily, or maybe has found a situation he just cannot ignore. I ask unanimous consent to have a transcript of Mr. Shephard's broadcast of last Monday night printed in the RECORD.

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

Alpha Division (?) of the U.S. first Air Cavalry Division was one of the first units to uncover this vast enemy supply depot, the largest of the Vietnam war. Despite the protests at home against the movement of U.S. forces into Cambodia, the GIs here generally think the decision was the right one.

"I think it's alright. I'm scared everywhere I go, but I think we are definitely putting the hurt on Chuck. So, I think it's worth it, you know. I don't think it's worth it in lives. I mean if we put the hurt to them as much as we can to try and stop the war, you know. It's been going on too long."

How do you feel about being inside of Cambodia like this?

"Well, it's quite a change after three tours of Vietnam to come over here and to find a lot of good weapons and a lot of ammunition that could be used against us. I'm glad that we are. We haven't been finding too much in Vietnam lately and the more we find over here the less they can use against us. When you come right down to it, I'm glad we are over here."

Are you glad to be here?

"No, I'm not glad to be here, but I think it's necessary to do it. I think it will probably save lives in the long run being here. I think we are fighting the war in the right way finding all this stuff cause some of these bullets probably will have some of our names on them otherwise."

Are you happy you found all of these weapons and ammunition?

"Yeah, it's better they can't use them on us you know, cause we got them and they don't. I don't like fighting at a disadvantage, but if we have the upper hand, I like it. If we're even, I don't."

So far 6½ million rounds of 51 caliber machine bullets have been uncovered and in addition to rifle, rockets, mortar and radios everything the enemy needs to fight the Vietnam war. There is no question the discovery of this vast supply depot has dealt the Communists war efforts supply a devastating blow.

Gary Shephard, CBS News with the U.S. First Air Cavalry Division inside Cambodia—9:36 P.M.

Mr. DOLE. I point out, Mr. President, that in this CBS report of Monday evening, Mr. Shephard interviews some of the young men who are now in Cambodia. I cite just one example of a comment made by a soldier there:

Well, it's quite a change after three tours of Vietnam to come over here and to find a lot of good weapons and a lot of ammunition that could be used against us. I'm glad that we are here. We haven't been finding too much in Vietnam lately and the more we find over here the less they can use against us. When you come right down to it, I'm glad we are over here.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the call.

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

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

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. MILLER. Mr. President, I furnish, for the RECORD, the results of the Cambodian sanctuary operation as of 8 a.m., May 13, 1970, and I ask unanimous consent that it be printed in the RECORD.

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

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION AS OF 08:00 A.M., MAY 13, 1970

TOTAL OPERATIONS

Individual Weapons, 7,274.
Crew Served Weapons, 1,012.
Bunkers Destroyed, 3,294.
Small Arms Ammunition (Rounds), 8,375-925.
Machine Gun Rounds, 6,861,388.
Rifle Rounds, 1,514,537.
Grenades, 12,761.
Anti-Aircraft Rounds 4,072.
Mortar Rounds, 13,231.
Large Rocket Rounds, 869.
Smaller Rocket Rounds, 8,156.
Recoilless Rifle Rounds, 9,362.
Rice (lbs), 4,780,000.
Man Months, 105,160.
Vehicles, 171.
Boats, 40.
Enemy KIA, 5,178.
POWs (Includes Detainees), 1,399.
Mines, 1,200.

LESS AMERICAN FOOD FOR EUROPE

Mr. MILLER. Mr. President, in the Commonwealth Quarterly known as the Round Table, for April 1970, is a very knowledgeable article by Harald Malmgren entitled "Less American Food for Europe." This scholarly and knowledgeable article discusses the common agricultural policy of the Common Market and its implications for U.S. agricultural exports. In addition, it discusses the problems, both for Britain and other members of the community and other countries, of Britain's entry into the Common Market, with particular emphasis on agricultural trade.

I believe that a reading of this article would be most helpful and informative to my colleagues in the Senate and, in fact, to all who read the CONGRESSIONAL RECORD, and 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:

LESS AMERICAN FOOD FOR EUROPE; GROWING DISILLUSION WITH THE COMMON MARKET

(By Harald B. Malmgren)

Originally, there were many reasons for American encouragement of European unification. Early supporters ranged from those primarily interested in military security to those interested in stabilizing the relations between the national and factional interests in Europe. There were differences of view about the best forms of integration, but there was a central theme, A Grand Design: Unification should be both political and economic, and it should lead both to greater interdependence and to coordination of policies with the rest of the world. In other words, unification should be complete, and it should result in outward looking policies.

At that time in the United States, economic union was thought to be a desirable development because it was considered a means toward political union. At the present time, however, the political thrust is weak and it does not appear to be gaining strength. Moreover, there are many Europeans who are increasingly willing to share the Gaullist view in public remarks of their own. There are many who doubt whether political unification ought to be central. And there are those who have been rethinking, and concluding that the whole approach has been wrong, as did Dr. Erhard a year ago:¹

Unification, let alone the unity of Europe, remains blocked so long as we are not prepared to make a clear distinction between economic and political integration, between economic community and the formation of a state. A European state, however organized, may lie at the end of the road. But it was an obvious mistake to try to give the European Economic Community, in its initial stages, the character of a political as well as an economic union. Not only did this idea generate opposition even inside the Community, but it was precisely the emphasis of this aspect which made it hard for outside countries (and, in particular, for the United Kingdom) to agree in advance to an increasingly extensive sacrifice of sovereign rights and powers.

He went on to point out the even greater problems caused for other European nations by this conception of unity.

Today, there are very few political achievements in the history of the European Communities which one can point to, and several examples of disruptive nationalistic decisions, which even ignored the established economic rules and consultative procedures which provide that modest degree of cohesion which exists. When France, for example, found herself in May, 1968, in a trade and payments crisis because of the general strike, she resorted to a series of restrictive trade and capital measures without any prior consultation with her partners in the EEC, and without any reference to the provisions of the Treaty of Rome. Later, when France, and then Germany, were forced to adjust their exchange rates, the implications for the economic adjustments in agriculture amongst the Six were essentially treated as secondary matters.

Thus, realistically, the United States has to change its conception of what unification is

¹ Dr. Ludwig Erhard, "Prospects for European Integration", *Lloyds Bank Review*, January, 1969, pages 1-2.

all about, in the light of experience and its assessment of its own interests. Pragmatically, we can make a case that economic union is still desirable if it provides greater opportunity for reconciliation of European political stresses and strains, and if the emerging union is outward-looking in its policies. A restrictive, inward-looking bloc would not be desirable, especially if it harms legitimate foreign commercial interests, while ignoring the need for continuous internal adjustment in relation to the interests of other nations. This pragmatic approach leads to the need of an ever more careful assessment of the economic stakes.

A MONSTROUS ECONOMIC MACHINE

The major political achievement of the Common Market has clearly been the unification of agriculture under the Common Agricultural Policy (CAP). For the negotiators of the Treaty of Rome, and for many of the Ministers meeting in Brussels over the years, it has been a great political success. But it has also been the source of continuous quarreling, and it has become a costly, monstrous economic machine which devours great chunks of national budgets, as well as funds which would otherwise go to those budgets. The CAP, correctly has become the central focus of most studies of the cost of entry for the United Kingdom and other countries.

The administration of the CAP must be of great concern to the United States, because agriculture represents a very important part of American exports. While the popular conception of the great American technological export engine is partially valid, it is often overlooked that agricultural exports currently represent nearly 20 per cent of total U.S. exports. Commercial, non-concessional agricultural sales are over 15 per cent of the total commercial exports. Looked at from the domestic point of view, the production of one out of every four or five acres goes into export. A very high proportion of the total production of our great foreign exchange earners, soybeans and wheat, goes into exports: soybeans exports usually represent about 40 per cent of home production. Wheat exports were down to 34 per cent in 1969, as compared with 62 percent in the period 1963-5. It should also be added that the U.S. is one of the most efficient producers in the world of wheat, feedgrains, and soybeans.

While new industrial protection and discrimination arising out of the integration of the Six has been modest, and has been offset by general income growth and the Kennedy Round tariff negotiations, the CAP has become increasingly protectionist. The CAP was brought to near-completion in the 1966-7 period. With the variable import levy, the protection now is about treble what it was eight or nine years ago.²

Defenders of the CAP have sometimes argued that the level of exports from the U.S. and other countries would continue to rise, in spite of the system. They believed internal damage would continue to grow fast enough to offset the damaging effects of the import levies. Until 1965-6 this did in fact happen. But subsequently, after the full system fell into place for many products, there has been a reversal. In the last three years, U.S. farm exports to the E.E.C. have fallen nearly 20 per cent. The item subject to the variable import levy system amounted to \$736 million in 1965-6; in 1968-9 they were \$441 million. They fell, in other words, by 40 per cent.

This is not the whole picture, however. The price support levels within the E.E.C.

² H. B. Malmgren and D. L. Schlechty, "Technology and Neo-Mercantilism in International Agricultural Trade", *American Journal of Agricultural Economics*, American Agricultural Economics Association, December 1969.

lies far above world market prices. For example, the E.E.C. price per metric ton for soft wheat is about 85 per cent above the world market price; corn is about 60 per cent above; butter is over two-and-a-half times higher. Moreover, the CAP does not provide for production controls, and its administrators are strongly opposed to any quantitative limitations on output. The mechanism of the CAP was originally designed to provide a financial bridge up to the internal price levels through the variable levy import system, and a financial bridge down to world prices for exports through the restitution (subsidy) system. The restitutions were theoretically to be established to offset the effects of import charges, so that an exported ham or chicken would not have to bear the inflated costs of imported feedstuffs, or the inflated domestic price levels. In practice, in the day-to-day administration of the restitution system, this conception has been lost, the regulations have often been rewritten or reinterpreted, and the export subsidies are simply set so as to meet export competition and clear the internal market of surpluses.

The production stimulation has been far-reaching. For example, in 1969-70, West Germany will probably become a net exporter of wheat and flour for the first time in her history. The unrestrained growth of production has resulted in an increasing need to unload surpluses in world markets at heavily subsidized, distress prices. Often the subsidies are larger than the value of the product itself. These aggressive export pricing policies have damaged United States interests in many markets, and have proven very disruptive for such countries as Denmark, Canada, Australia, and New Zealand. It means increased competition for all exporters in remaining markets and a downward pressure on world prices.

The trade distorting effects of the CAP are thus found not only in its import protection system, but in the stimulus to production and its export restitutions. Most of the studies of the effects of the CAP ignore the latter elements.

THREE LAYERS OF COSTS

The consequent costs of the agricultural system to the member countries are extremely high. The direct costs of the CAP system, as administered in Brussels, is about \$2.5 billion (U.S.) now, and rising. Behind that figure, however, lies the national expenditures. The national budgetary costs to member countries for agriculture is about \$5.5 billion in addition to the CAP expenditures. The total public expenditure of \$8 billion on farm programs is larger in absolute terms than the total of the whole United States. Moreover, the Common Market forces its consumers to pay out an additional vast amount in the form of prices well above world markets. One U.S. government estimate puts the consumer cost at about \$7 billion annually.³

The E.E.C., however, is not alone in its tendency towards further trade distortions in agriculture. The Japanese, protected by a series of quantitative import restrictions inconsistent with the General Agreement on Tariffs and Trade (the G.A.T.T.), and holding to a price support treble the world market, are finding themselves with a rapidly increasing rice surplus and mounting budgetary costs. This creates pressure to maintain import restrictions on other temperate commodities to make way for domestic diversification. Japan is now also trying to unload some of its mountain of high-cost rice in the form of food aid, disrupting the rice

markets for developing country exporters. Denmark, finding itself squeezed by widespread subsidization in world markets, adopted its large-scale Home Market Scheme, a euphemism for export subsidy program. Australia and Canada have felt the pressures, particularly in declining wheat prices during the last year or so (witness the political turmoil in Canada's western provinces). In part this was a result of the past unwillingness of the Canadian and Australian governments and wheat producers to recognize that they must share in controlling world production by restraining their own output, or else face general deterioration in world grains prices, the International Grains Arrangement notwithstanding.

The United Kingdom has also turned in the direction of increasing protection, justified in policy statements by balance of payments considerations. Both political parties in the U.K. advocate increased self-sufficiency in agriculture. The minimum import price scheme, which was introduced in 1964 for grains, is highly protective. The Economic Development Committee for Agriculture was established to develop import-saving policies. The Ministry of Agriculture has followed its general proposals to stimulate home production and cut back imports, in order to save about \$400 million annually by 1972-3. While there have been some difficulties in moving toward increased self-sufficiency, and whereas the costs are high both to the government and the U.K. consumer, there is no doubt that the direction of policy is towards increasing self-sufficiency.

These developments in the major commercial markets come at a time when the developing nations are finally in a position to step up their rates of growth of agricultural production as a result of the Green Revolution in rice and wheat. Some of them are not only becoming self-sufficient, but they are also pinning hopes on potential commercial exports. This, at the very time when the developed countries together are pressing each other's prices downward through protectionism, artificially stimulated production, and export subsidization. It is in this context, of worldwide downward pressures on grain prices, and a resurgence of mercantilism in some of the major developed nations, that the consequences of the CAP and of further unification of Europe must be viewed.

For the United States, increasing discrimination against its exports, and increasing competition arising out of unreasonable production and export pricing policies, will have both adverse economic and political effects. The U.S. political reaction can directly affect European interests.

For example, many of the pressures in the United States Congress for troop reductions in Europe come from members who represent farm states. It is not in Europe's interest to see a unilateral military withdrawal of the United States, without some type of agreed adjustment in Eastern Europe and some further understandings about American intentions for the future. Unilateral moves leave Western Europe with little bargaining leverage. Yet an aggressive mercantilistic policy in European agriculture is the quickest way to step up domestic pressure on American members of Congress to withdraw anything which can be construed as assistance.

In the trade field alone, European agricultural policies are increasingly affecting the thinking of the Congress. Even Senator Javits, an internationalist, free trader, and champion of further steps toward economic integration wherever possible, made a strong speech on the Senate floor criticizing the policies of the Common Market in the autumn of 1969. His concern, shared by many Americans who favor trade expansion, is intensified by the experience of the last few

years in Congress, when American farm interests have been among the strongest opponents of protectionist trade legislation, and have saved the day on several occasions when new trade restrictions came close to enactment in legislation. Senator Javits said:

If pursued, the CAP's policies of high agricultural support prices combined with no limitations on production could score a knockout punch not only to the world agricultural market structure, as we presently know it, but also to the possibility of the United States continuing the liberal trade policies that this Nation had pursued over the past 25 years.

Thus, as far as Europe is concerned, its industrial exports could eventually be at stake, because of American reaction to inward-looking agricultural policies in Europe.

PAYING THE COSTS OF BRITISH ENTRY

Looking more specifically at the economic costs of British entry into the E.E.C., an American must be struck by the fact that almost every study assumes an adverse effect on U.S. agricultural exports, at least in the short run. Some of the studies come out with a relatively small short-run impact, but argue that the long-run changes will bring about general improvement. There is a tendency in such studies to make three sets of assumptions: the CAP as it now exists is the relevant force to consider, the costs of the CAP would be a restraining force on further distortions, and the agricultural policies of the rest of the world will continue exactly as in the past.

The present coverage of the CAP leaves out soybeans (and its derivative products), tobacco, and canned fruits and vegetables. These are major American export earners in the U.K. and the E.E.C., amounting to \$600-\$700 million in the E.E.C. alone. Moreover, soybean products and soybeans have for several years been one of the best growth performers in overall U.S. exports, both industrial and agricultural. With the U.S. trade balance faring badly, growth exports become critical. The intention of the Common Market Commission is to introduce the CAP, or other trade restrictions with similar effect, for these products. Thus, the question of where the Market is heading is just as important, or more so, than the present coverage of the CAP.

As for the costs of the CAP, these, though high, have not yet brought about any major changes in policy. No serious attempt has yet been made to alter the basic system of farm income support. That system is based upon unlimited production coupled with unlimited guarantees on price supports. The Mansholt Plan for restructuring European agriculture may look adventurous and expensive (it is both), but the key issue of removing the causes of the overproduction and high costs has not so far been faced. Most of the political arguments within the Six instead revolve around whether or not to raise support prices, and how to distribute the financial costs.

As for the present worldwide situation in temperate agriculture, it is simply nonviable, and adjustments will have to be made somewhere.

Would British entry automatically reduce the problems for third countries, or alter the basic tendencies of the CAP? The answer is clearly no.

The British trend, to date, has been towards increasing self-sufficiency. Entry will not itself change this, except for accelerating the restrictive effects on imports from third countries, including the U.S., Canada, and Australia. Broadening the coverage of the CAP would not itself be a matter for major concern in the U.K., except perhaps for its tobacco manufacturers, so that here too there would be no automatic shift in the balance of pressures.

Since, as even M. Pisanì admits, the U.K. would have to bear about half the total costs

³ G. R. Krueger and B. Bernston, "Cost of the Common Agricultural Policy to the European Community", *Foreign Agricultural Trade of the United States*, U. S. Department of Agriculture, October 1969.

of the CAP if she accepts the Treaty of Rome and the present rules as they stand, the financing problem would become easier for the other members with the British in. Moreover, they all could assume that some of the grains surplus, as well as that of other products, would sooner or later be absorbed by the United Kingdom, as supplies from other areas became displaced by the variable levy (which would make Continental grains and other products relatively cheap in the U.K.).

Can Britain afford simply to set aside the real costs of entry in the search for the abstract political benefits of a formal, unified superstructure? The cost to the U.K. will be high initially, both to consumers and to the government. Low estimates (to be found in certain newspapers) based upon butter price differences and marginal adjustments from the *status quo* simply fail to take into account the trends in overall E.E.C. costs, the changing international production picture, and the downward price tendencies in the world market for temperate products. Can the United Kingdom afford a deal which will offset its last devaluation, on top of its present national rise in costs per unit of output of over 6 per cent per year, without a change in E.E.C. policies in sight?

Would rapid entry without carefully negotiating the terms allow Britain to change E.E.C. policies after entry? Yes, but only after several years during which the rest of the Community would utilize the financial relief provided by the United Kingdom to adjust their own costly predicaments. During that period, an unhappy America would be reassessing its political interests, and an unhappy British Treasury would be wondering how to increase revenues from non-agricultural sources at home and abroad to pay for the romantic affair with European farming.

THE IMPACT OF DANISH ENTRY

American assessments must not stop here, however. The question of entry of other European countries must be considered. If the terms of entry for each is the same—namely, adoption of the system as it stands (with perhaps provision for an adjustment period)—the United States is likely to face ever-increasing difficulties with the import, production and export distortions which would inevitably occur. Internally, for example, Denmark will take away some of the American market; externally Denmark will become an even more aggressive competitor. Politically, Americans are not a particularly patient people. If the so-called short-term effects are adverse, and last for a decade or more, the political mood will be justifiably bad.

Should an American therefore conclude that British entry is no longer desirable, and should be discouraged? I think the answer here must depend upon the approach taken by all the countries concerned. First of all, the U.S. will inevitably have to be much more aggressive in defending its own commercial interests than it might have been a few years ago, when formal political unification looked to be the central objective. Any E.E.C. arrangement with the U.K. which was preferential but without full economic union, or which altered our existing G.A.T.T. rights, would have to be opposed with vigor. That has already been made clear by the U.S. government. Moreover, tariff concessions made to the U.S. in the past trade negotiations will have to be paid for in so far as U.K. entry alters them.

In defending its interests more aggressively, the U.S. would also be assisting the interests of Commonwealth countries, who face similar problems, even though they have increasingly become less dependent upon the U.K. market. Again, it must be emphasized that the issue for them, or any agricultural exporter outside the CAP system, is not only import protection, but also the consequent production stimulus and export subsidization.

But it is not enough to threaten trade conflicts. This alone would only lead to more political friction, without simultaneously enhancing the prospects for rationalizing the difficulties faced by all the parties concerned.

The questions for the U.S., and all of the major countries, ought to be put more broadly. Further steps in international cooperation are necessary, but there are many alternative institutional forms for carrying this out. As Francis Bator argued in the well-known policy review, *Agenda for the Nation*, the evolution of a new relationship with the United States is really a matter of process, not of structure. That process ought to be a continuous search for, and exploration of, areas of mutual interest.

It seems to me that this is the right perspective, whether the problems are viewed from London, Brussels, Paris, Bonn, or Washington. It really is time for a pragmatic re-examination on all sides, with special attention to the mutual interests where they exist, considering the costs and benefits of the various alternative ways of capitalizing on that mutuality. The formal institutional framework is a secondary matter.

INTERNATIONAL PARTICIPATION IN E.E.C. REFORM

It is a moment of confrontation and potential conflict, and in such situations good governments should quickly turn to the search for common interests. There do exist many mutual interests at this time, and here I include the interests of the Commonwealth, Japan, and the trading countries. Consider the question of agriculture in Europe alone. The cost of the CAP must inevitably bring about a change in the nature of the system itself, fairly soon, unless outside financial relief is found. There is already much discussion within the Six of some kind of shift to the concept of income support which combines some limited degree of price guarantee with direct income supplements and penalties for excessive production. Although finance ministers have in the past wrung their hands at the costs of the CAP, they have only recently interested themselves in the actual farm pricing decisions made by their agricultural colleagues. This interest is bound to affect price decisions, and even decisions on the details of the restitution system, eventually. Moreover, the mood among many Continental farmers is changing. There is now realistic recognition by a number of key producer groups that domestic farm policies and trade policies interact, and that international coordination and national production restraints are needed. This major change in attitude has led to some remarkable international agreement on resolutions passed by the International Federation of Agricultural Producers in Tokyo in late October, 1969, favoring production controls and international coordination of farm policies. It has led to extraordinary discussions between representatives of leading E.E.C. agricultural organizations with the major American farm groups in Washington in 1970, to examine means of resolving the current chaotic conditions in temperate agriculture.

This alteration in the mood of farmers should be explored by governments. New policies should be allowed to emerge, instead of further defining and firming up the present rules and practices of the CAP. Since British farm interests, and those of the Commonwealth, are also involved in some degree of rethinking, the conditions are right for a gradual reassessment of what might constitute reasonable terms of accession and a reasonable change in the workings of the CAP itself.

An opportunity for finding new means of policy coordination can also be found in the present wheat situation. On the U.S. side, and for the Canadians and Australians, there is much interest in modifying the world policies which have led during 1969

to the collapse of the pricing provisions of the International Wheat Trade Convention. Since the E.E.C. itself has argued hard and often about the desirability of commodity arrangements and the need for creating order in world agricultural markets, an opportunity exists for the E.E.C. to shift to positive initiatives in the wheat area. In the absence of progress in wheat and grains policies, there will be no renewal of the wheat agreement. Due to some complex past bilateral negotiations with the U.S., Australia, Canada, and Argentina, failure to renew would in turn create problems for the U.K. farm program and the minimum import price scheme.⁴ Secretary Hardin and other members of the present administration have argued that the U.S. could not go on carrying the whole world grains market by restraining production by itself, and that the restraints would have to be shared. The alternative, of course, is for the U.S. to let its mighty agricultural engine run unrestrained, which would be very painful indeed to Britain, the E.E.C., and everybody else in the long run.

Similarly, the mountain of butter in the Six must eventually become such an embarrassment that a major reshuffle of feed, wheat, dairy, and beef relationships will have to be undertaken, in addition to price reductions and production controls. Feeding butter back to cows (which is now being done) simply dramatizes the absurdity of the situation to the layman.

MONETARY COOPERATION IN THE EEC

In this context, and with increasing recognition among producers in all exporting nations that international coordination of national policies is a necessary ingredient in rationalizing world trade and production, there ought to be a common interest in the Six, in Britain, in the E.F.T.A. countries, Canada, Australia, and the United States for parallel, broader discussions. British entry, and the process of talks involved, could become an opening, rather than a closing operation. The possible damage to the Six and to Britain could be averted by transforming the talks into discussions of coordinating changes in domestic and border policies on both sides, leading toward international rationalization on a broader scale.

Since some degree of new monetary cooperation in the Common Market will be required on British entry, to help Britain and the Sterling countries through the costly adjustment, an opportunity could be found in genuine new methods of cooperation within the Common Market. To date, there has been only one modest step forward, with the 1970 E.E.C. agreement on short-term monetary cooperation. A major political step would be an agreement on long-term (over six months) mutual monetary assistance linked to, or broadened by, British entry. Alternatively, if a major new financing operation for British entry is not mounted by the members concerned, there is no reason why outsiders such as the U.S. should come to the rescue financially. Indeed, from the U.S. point of view, anything less than a major new financial arrangement would be harmful, while on the other hand a breakthrough on European monetary cooperation could be positively helpful.

In its institutional processes, the E.E.C. has not been very sensitive to external influences and pressures. The elaborate negotiating process which ties up ministers in agonizing conflicts over agriculture leaves little flexibility to Commission officials in their dealings with other countries. The routine administration of the CAP and ne-

⁴The U.S. has duty-free "binding", or tariff commitments, in the U.K. which are temporarily waived during the life of the wheat agreement.

negotiations for discriminatory arrangements with selected associated countries (Yaounde Convention countries, Maghreb countries, Spain, Israel, Greece, Turkey, etc.) take up a tremendous amount of time. Important decisions on agriculture are often made at low levels, because the sheer quantity of regulations and restitution decisions is far too large for the senior officials who technically approve them.

In part this problem lies in the institutional structure of the Commission, in part in the political disarray among the Six themselves, and in part in the complicated machinery of the CAP which as presently constructed defies detailed supervision by high level officials with foreign affairs responsibilities. There is no "Foreign Office" in the Six to defend the interests of the outsider, and no easy way to bring about coordinated resolution of international conflicts through approaches to the member states individually.

British entry could provide an opportunity to alter the institutional structure and the administrative and policy procedures, so as to make the Community more outward-looking. The alternative is leaving the system intact, or even further fractionating it in the desire to make room for additional officials from the U.K., creating new bureaus, and more titles. There ought to be a general common interest here: The U.K. ought to want a viable system which is sensitive to outside interests, because external pressures will help it in its own problems. The internationalist elements and those conscious of the costs of the CAP inside the Six ought to want more, not less, outside pressure, in order to strengthen their own internal bargaining role in reducing the costs of the CAP. The U.S., consistent with its long-term objective, would welcome improvement in the power and responsibility of the foreign affairs side of the Community, even if it only were to encompass commercial and financial matters.

MORE INTENSE ECONOMIC ACTIVITIES

Looked at in this broader way, countries on both sides of the Atlantic, and the Pacific powers, should be continuously looking for new means of economic cooperation and new economic negotiations. There are many mutual interests at stake, and the process of informal talks, formal consultations, or negotiation should be engaged wherever possible. Instead of standing back, and leaving Britain to carry the whole international adjustment on its own through its entry talks, the other countries should continue and intensify their economic activities in other forums. This would be the best insurance against protectionist retrenchment in the U.S. or any other country.

Interdependence in agriculture, trade generally, and finance are all at stake. Moreover, the process of meaningful discussion and coordination on several multilateral levels should lead, in the final result, to the same end objective as that of The Grand Design: the coordination and harmonization of conflicting national policies.

From the point of view of Britain, and Europe, and Washington, I cannot help thinking that a slow, methodical negotiation between Britain and the E.E.C., eschewing glamorous political pronouncements, would be the best for all concerned. A very slow process of negotiation which allows time for maturation of present political and cost developments, and which relates to developments initiated on other fronts, would be least costly economically and politically, and would ultimately help the E.E.C. itself. And if the entry does not after all take place, the world will not automatically fall into chaos. There are alternatives. A rapid and mad embrace will not lead to a satisfactory marriage, and it will

certainly lead to very angry relatives and friends.

The politics of agriculture in particular must be dealt with carefully, lest commercial conflict or political reaction emerge on a grand scale, and the security of Europe consequently become an uncertain piece in the great game of war and peace. As I have indicated, the United States cannot be expected to look at Europe in the same way as it did a few years ago when the dream of political unity was near to fulfillment. In an article in *The Times* that angered a handful of prominent people on both sides of the Atlantic, but which did convey the new mood Europe must sooner or later contend with, Mr. Edwin Dale said, very simply:⁶

Of all the grand and sad dreams of American foreign policy in the last 20 years, one of the two or three grandest and saddest is 'European unity'. . . . The girl looked gorgeous for a while. But now she is all warts. It is all very human but the time has come to cut our losses.

Mr. Dale it should be remembered was once a major advocate of European unity, and he is a very astute observer of the American mood in economic matters.

The answer to this must lie in a more sophisticated diplomacy, and a recognition in Europe that it too has responsibilities, now that it has grown up. Agriculture is a critical part of those responsibilities.

A positive and wise appeal was recently made by the Deputy Undersecretary of State, Mr. Samuels:

Our continued and constructive relationships with the European Economic Community require each of us to look beyond the parochial nature of our interests and to raise the level of these relationships to that of high policy in an interdependent and economically expanding world. . . . Our thoughts should turn to the harmonization of policies rather than the compromising of conflicts.

From conflict resolution to positive, creative policies for international economic cooperation: Can it be done?

INDOCHINA: THE CONSTITUTIONAL CRISIS

Mr. McGOVERN. Mr. President, there are two profound issues involved in the amendments which have been proposed to limit U.S. activities in Southeast Asia.

The merits of whether it is politically, militarily, or morally sound for us to be entangled in that conflict will be debated at length, as they have been debated for many years. Most of us have strong opinions.

The other issue has received less attention, and for that reason alone it deserves a special focus. Regardless of how any Senator feels about the wisdom of our involvement, he has good reason for deep interest in the procedures through which it has come about, and particularly in the role Congress has or has not played. Concern has been expressed about a possible constitutional crisis over the war power. In truth that crisis already exists, and the Vietnam war is the best possible illustration of that fact.

The complementary amendments introduced by Senators CHURCH and COOPER, on Cambodia, and by Senators HATFIELD, GOODELL, HUGHES, CRANSTON, myself, and other Senators on Vietnam,

⁶ "The American Dreams that Went Wrong," *The Times*, September 24, 1969.

Cambodia, and Laos, are practical attempts to assert proper congressional involvement. In fact, they use the only vehicle—limitations on spending appropriated funds—that we have available to enforce our decisions on the use of American military power abroad. Moreover, it is a vehicle which the founders of our Republic believed should be vigorously employed.

In this connection, Mr. President, I would like to make available to Members of the Senate an analysis of the constitutional issues broached by these amendments. Entitled "Indochina: The Constitutional Crisis," it supplies an excellent historical description of the war power and a concise discussion of the legislative actions which have been used to justify our posture in Southeast Asia.

With respect to our amendment, it concludes that:

Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston) are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibly committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change.

Mr. President, the authors of this memorandum include prominent legal scholars and former government officials. I should like to read their names:

Alexander M. Bickel, Professor of Law, Yale Law School.

Bruce Bromley, Attorney, New York City; former Judge, New York Court of Appeals.

Elias Clark, Professor of Law, Yale Law School.

Ramsey Clark, former Attorney General. William T. Coleman, Attorney, Philadelphia, Pa.

John Doar, President, Bedford-Stuyvesant D&S Corporation, Brooklyn; former Assistant Attorney General.

John W. Douglas, former Assistant Attorney General.

George N. Lindsay, Attorney, New York City.

Burke Marshall, Professor of Law, Yale Law School; former Assistant Attorney General.

Louis F. Oberdorfer, former Assistant Attorney General.

Robert M. Pennoyer, Attorney, New York City.

Stephen J. Pollak, former Assistant Attorney General.

Paul C. Warnke, former Assistant Secretary of Defense.

Edwin M. Zimmerman, former Assistant Attorney General.

In addition, Mr. President, I want to note that the basic research and drafting for the memorandum was done by the 12 Yale Law School students: David Cooke, Reid L. Feldman, Gary Fontana, Frank Hamsher, Gertrude Hamsher, Howard O. Hunter III, Christopher Lunding, David Marks, Jeffrey Orleans, Randall Shepard, Eric Stauffer and John M. Townsend.

Their outstanding work on this project provides a graphic demonstration of how students are doing important, useful, and constructive work on behalf of the peace effort.

I ask unanimous consent that the memorandum to which I have referred be printed in the Record.

There being no objection, the mem-

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

INDOCHINA: THE CONSTITUTIONAL CRISIS

The dispatch of American troops into Cambodia by the President, without specific authorization by Congress, raises serious questions about the constitutional allocation of power between the legislative and executive branches. The most significant factor in the resolution of such questions is the presence or absence of action by each branch.

The power to commit American forces to combat was originally entrusted to Congress, which retained it almost unchallenged for over a century. But in the twentieth century, Congress has passively allowed the effective ability to engage the United States in hostile actions abroad to be assumed almost entirely by the Presidency.

Proposals now before Congress invoke the money power as a means of asserting control over the Indochinese War. If Congress exercises its money power to prohibit specific uses of the armed forces, it will reassert its long dormant capacity firmly and constitutionally to limit the President's ability to use the armed forces for purposes which Congress does not approve.

I. THE LANGUAGE OF THE CONSTITUTION

The power to commit American troops to battle was allocated by the Constitution between the President and Congress. (The relevant clauses of the Constitution are quoted in the Appendix.) The President is entrusted with the executive power,¹ made Commander in Chief of the Army and Navy,² and, with the advice and consent of the Senate, empowered to make treaties and appoint ambassadors.³ The Congress is empowered to lay taxes to provide for the common defense,⁴ to define and punish offenses against the law of nations,⁵ to declare war,⁶ to raise and support armies (but not to finance them for more than two years at a time),⁷ to provide and maintain a navy,⁸ to make rules for the land and naval forces,⁹ and to provide for calling up and organizing the militia.¹⁰

II. THE ORIGINAL UNDERSTANDING

The Constitution does not say explicitly whether the army may be sent into battle when Congress has not declared war, or if it may, under what circumstances and by whose decision. In interpreting the Constitution on this point, it is helpful to look at the intent of the Framers and to the understanding of the men who first put the Constitution into practice.¹¹

The Constitutional Convention debated the clause giving Congress the power to declare war on August 17, 1787.¹² The clause originally empowered Congress "to make war."¹³ Some delegates objected that the power should lie with the executive, as it did in England.¹⁴ Most of the Convention seemed firmly of the opinion that the power should lie with Congress, but that the President should have the power to defend against a sudden attack. The Convention decided to "insert 'declare,' striking out 'make' war, leaving to the executive the power to repel sudden attacks."¹⁵ The Framers had in mind a division of functions. The President, as Commander in Chief, was charged with the conduct of hostilities after they are legally begun. He was also expected to take measures to repel any actual attack upon the United States, as an incident of his executive power. But the power to initiate hostilities was clearly meant to be reserved to the Congress, with the President participating in that initiative only so far as his signature was necessary to complete an act of Congress. Thus, *the President, unless his veto is overridden, may prevent war, but he cannot constitutionally act alone to begin a war.*

The judicial branch was also quick to con-

clude that Congress alone can declare war. Delivering the opinion of the Supreme Court in an 1801 prize case, Chief Justice John Marshall concluded that the "whole powers of war" were "vested in Congress."¹⁶

There may, however, be hostilities which fall short of requiring an actual declaration of war. Ten years after the adoption of the Constitution, the naval trouble between the United States and France which had begun under Washington became so acute that American shipping was greatly endangered.¹⁷ President Adams had to decide what to do. Alexander Hamilton advised the administration against action without Congressional authority:

"In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President."¹⁸

Adams decided to wait for Congress to act, and it passed laws authorizing him to protect American commerce.¹⁹ Similarly in 1801, President Jefferson was faced with hostilities on the Barbary Coast, but felt that he could order only defensive measures until Congress authorized him to commit forces to offensive action.²⁰

In the first two limited wars in which the United States found itself, both Adams and Jefferson had the means to order retaliatory action immediately. Perhaps some lives and property would have been saved had they done so. But both clearly felt that the decision to commit American forces was not constitutionally theirs to make, and preferred the preservation of the Constitutional process to the pursuit of a temporary military advantage.

III. HISTORICAL DEVELOPMENT OF THE WAR POWER

A. Wars and limited wars in the nineteenth century

If the President's power to engage American forces in hostilities on his own initiative is limited to defensive action by a strict construction of the Constitution, the question of the proper role of Congress arises. Congress clearly has the power to engage the United States in formal war, as it did in 1812 with the President reluctantly assenting.²¹ It may declare war at the request of the President.²² And Congress may also ratify after the fact hostilities begun by the President.²³

The executive branch very early recognized the exclusive power of Congress to declare war. In the course of a dispute with Spain in 1805, President Jefferson told Congress:

Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided.²⁴

Similar deference to the sole power of Congress to make any decision to commit the United States to war was voiced by President James Monroe,²⁵ Secretary of State John Quincy Adams,²⁶ and Secretary of State Daniel Webster.²⁷

The Congress itself was jealously aware of its war power, and on one occasion nearly censured the President for invading it. In 1846 it had declared, after the fact, that a state of war existed with Mexico. But the debate was bitter and the war unpopular. At the end of the war, the House of Representatives voted its thanks to General Taylor, but amended its resolution to note that he had won.

A war unnecessarily and unconstitutionally begun by the President of the United States.²⁸

Among the Congressmen supporting the amendment were former President John Quincy Adams and future President Abraham Lincoln.

Congress also has considerable power, short of a declaration of war, to authorize and

regulate limited hostilities, as it has done on a number of occasions, with and without executive approval, since 1798.²⁹

During the nineteenth century, the executive branch frequently recognized the need for congressional authorization even for limited military actions. In 1857 the Secretary of State refused to send ships to help a British expedition in China, because he lacked congressional authority to do so.³⁰ The next year President Buchanan pleaded with Congress for authority to protect transit across the isthmus of Panama, but refused to act without it.³¹ Nor in 1876 would the State Department use force to help Americans in Mexico, because it felt it lacked the power to do so.³² As late as 1911 President William Howard Taft felt that he had enough power to move troops to the Mexican border, to be ready in case Congress told him to protect American lives and property endangered by the revolution there, but refused to send them in on his own authority.³³

B. Erosion of the congressional war-making power in the 20th century

In the early part of the twentieth century, the executive began to exercise greater discretion in the use of American armed forces abroad. For instance, without specific congressional approval, President Theodore Roosevelt sent American troops into Panama in 1903 and President Wilson sent troops into Mexico in 1916 in pursuit of the Pancho Villa bandits.³⁴

Since 1945, the executive has regularly used military force abroad as a tool of diplomacy. Aside from Indochina, the greatest use of American force was in Korea, where several hundred thousand troops were committed to combat and major casualties were incurred. There was neither a formal declaration of war, nor any other specific congressional sanction for the Korean conflict.³⁵ American forces were sent into the Formosan Strait in 1955, into Lebanon in 1958, and into the Dominican Republic in 1965. The Navy was used to blockade Cuba during the missile crisis in 1962. And, most recently, naval vessels were dispatched to the vicinity of Haiti and Trinidad in response to internal conflicts in those countries. Prior congressional resolutions were obtained by the President for the Formosan and Lebanese actions, but both the validity of those resolutions and the degree to which President Eisenhower relied on them has been questioned.³⁶

The application of prior historical precedents to unilateral executive use of armed force abroad in the mid-twentieth century can, however, be misleading. For instance, as precedents for the Vietnam War, a State Department Memorandum cites a long series of military actions ordered by the President alone.³⁷ The majority of the cited military actions undertaken by the executive without congressional approval took place in the nineteenth century. Most of them were not actions that involved conflicts with foreign states; rather, the bulk of them involved the protection of individuals, police actions against pirates or actions against primitive peoples. Furthermore, the United States did not have a significant standing army during peacetime until after 1945, and the President was limited in the military actions that he could take by the need to approach Congress to ask for any increase in the size of the armed forces. *Today, with a tremendous military machine and modern transport at his immediate disposal, the President is under little practical pressure to seek congressional authorization for his actions, and therefore he is unlikely to seek it unless Congress insists that he do so.*³⁸

IV. THE THEORETICAL BASES FOR UNILATERAL PRESIDENTIAL ACTION

The theories on which various Presidents have relied for the use of military force abroad without congressional approval may

Footnotes at end of article.

be divided into three general categories: (1) the sudden attack theory; (2) the neutrality theory; and (3) the collective security theory.³⁰

(1) *The Sudden Attack Theory.*—The President as the Chief Executive has the inherent power to defend the sovereignty and integrity of the nation itself and to respond to an armed attack on the territory of the United States without requesting congressional approval. For example, we do not question the constitutional authority of the President to order a retaliatory strike in the event of an atomic attack on the territory of the United States. In the absence of an armed attack on American territory proper, the power of the President is more closely circumscribed.³¹

(2) *The Neutrality Theory.*—Also known as "interposition," the neutrality theory was developed during the nineteenth century as a justification for American military involvement abroad to protect American citizens and property. When American armed forces were sent into a foreign nation, their presence was supposed to be "neutral" with respect to any conflicts there. *The executive, in taking such action, was not necessarily "making war" but merely dispatching troops to act as security guards for American citizens and their property. The real difficulty, clearly, was in remaining neutral and avoiding conflict.*³²

(3) *The Collective Security Theory.*—Since 1945, the United States has entered into many security treaties with foreign nations. Many of these agreements have clauses which indicate that the security of each signatory is vital to the security of each other signatory. Unilateral presidential action under these agreements may be justified as necessary for the protection of American security even though the conflict may arise thousands of miles from American shores, but, *carried to its extreme, the collective security theory would justify almost any unilateral presidential use of armed force abroad, a result contrary to Constitutional standards.*

V. THE JUSTIFICATIONS FOR UNILATERAL EXECUTIVE ACTION IN INDOCHINA

The involvement of the United States in Vietnam, the commencement of an air war in Laos, and the expansion of the ground war into Cambodia have resulted almost entirely from executive decisions and actions. The executive branch of the government has justified its action primarily on the grounds of: (1) the presidential prerogative to protect American security interests abroad by whatever means necessary; (2) the SEATO treaty; and (3) the Gulf of Tonkin Resolution.³³ *It cannot be said that the recent actions by the executive in Cambodia or the earlier actions in both Vietnam and Laos are clearly contrary to the Constitution. However, the expansion of the war into Cambodia is the latest in a long series of acts which, taken together, have nearly stripped Congress of its war power.*

(1) *The Presidential Prerogative.*—Undoubtedly, the speed with which crises develop in the modern world necessitates a strong executive who can respond quickly to such crises. The need for a speedy response, the need for secrecy, the need to protect American citizens and property abroad, and the need to protect American security interests in the balance of power are all used to legitimize the use by the executive, without congressional approval, of American armed forces abroad. Recent United States actions, especially in Korea and Indochina, are cited to support great executive discretion in the use of American military force abroad. The recent invasion of Cambodia without prior congressional approval or even notice is not without historical precedent

and not without justification under a broad interpretation of the collective security theory.³⁴

However, the real question is whether the balance has shifted too far in favor of the executive.³⁵ A war, such as the one in Indochina, requires great sacrifices on the part of great numbers of the American people. It is difficult, if not impossible, to predict the ultimate outcome of any American intervention. Consequently, when there is a possibility of large scale American involvement and even a limited risk of war, Congress should pass on the desirability of American military action.³⁶

The executive has also placed reliance on the power of the President as chief formulator of foreign policy and as Commander in Chief of the armed forces. *Granted that the President does have primary responsibility in the modern world for the handling of foreign policy, he should not have the discretion to initiate war as an instrument of foreign policy.*

Finally, the Commander in Chief provision of the Constitution is an expression of civilian control over the military; it does not give the war power to the President.³⁷

(2) *The SEATO Treaty.*—The Southeast Asia Treaty Organization is one of the many multilateral collective security treaties which the United States has signed. Neither South Vietnam nor Cambodia is a signatory, but both countries are within "protocol areas" which the signatories consider to be vital to their security interests.³⁸ The terms of the treaty are ambiguous, and it is at least questionable whether the United States was obligated by the terms of the treaty to come to the aid of South Vietnam.³⁹

More importantly, the SEATO agreement cannot help answer the constitutional questions, because it specifically states that action by a signatory in response to an attack on another signatory or a "protocol country" is to be made only after a decision made according to the "constitutional processes" of the signatory.⁴⁰

The more relevant issue is the power of the President to involve American forces in foreign combat on the basis of a treaty. The Constitution requires that the Senate must give its advice and consent to any treaty before it can become effective.⁴¹ Once approved, the treaty is of the same nature as any other duly passed law which the executive is bound to execute faithfully.⁴² If, however, the war power is a congressional prerogative, the decisions regarding the initiation of war should be made by both houses of Congress and not just the Senate.⁴³

(3) *The Tonkin Gulf Resolution.*—Following reported attacks on American naval vessels in the Gulf of Tonkin in August of 1964, Congress passed a joint resolution which gave the President broad discretion to respond to "aggression" in Southeast Asia.⁴⁴ Congressional action which does not amount to a formal declaration of war may be a valid congressional authorization of hostilities,⁴⁵ and some commentators think that the Tonkin Gulf Resolution is an adequate congressional authorization for the Vietnamese War.⁴⁶

There are two factors, however, which make the Tonkin Gulf Resolution an invalid basis for continued Congressional inaction. First, it was passed with great speed and in the heat of emotion that resulted from the reported attack on American naval vessels in the Tonkin Gulf.⁴⁷ Secondly, there were few American troops in Vietnam in the American ground combat forces there.⁴⁸

It has also been argued that congressional inaction and failure to repeal the Tonkin Gulf Resolution give implicit authorization to the Indochinese War. The logical outcome of such an argument is that the President can do whatever he wishes and the Congress has the affirmative duty to try to stop him.

This shifts the presumption of the Framers in favor of congressional control over war-making and gives the initial and continued upper hand to the executive.⁴⁹

VI. THE OPPORTUNITIES FOR REASSERTION OF CONGRESSIONAL POWER

The power of the purse is the last bastion of popular control of the government.⁵⁰ Congress now has the opportunity to use this power to restore the constitutional balance by including in authorization acts any of a number of restrictions on the use of American funds and forces in Indochina. More forcefully than a resolution of one or both houses,⁵¹ enacting specific restrictions on the use of our military forces in Indochina and directing their withdrawal would effectively assert congressional control of the limited war in which we are now engaged. Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston)⁵² are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibility committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change.

A. Specifically restricting the use to which military forces may be put is a legitimate exercise of congressional power

There is no doubt that under the Constitution Congress has complete control over governmental use of funds. Historical precedent, textual analysis of the Constitution, the intent of the Framers, and judicial construction unambiguously indicate that the money power may be used to restrict the President's control of the armed forces.

Past congressional success in the restriction of military policy through the use of specific provisions in money acts offers conclusive support for the legitimacy of such a measure to control the military actions of the President. Riders and amendments on appropriation and authorization acts traditionally have been a device favored by Congress to restrict and to control executive action.⁵³ The most recent example is Section 643 of the Defense Appropriation Act for the current fiscal year, passed in 1969, which states that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand."⁵⁴ *Last year's rider alone serves as clear precedent for similar restrictions on use of forces or funds in Cambodia or in Vietnam itself.*

An almost identical restriction was enacted by Congress in the Selective Service and Training Act of 1940, which included the proviso that:

"Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands."⁵⁵

*It appears that in the past Presidents have always complied with such restrictions, even when they originally expressed an intention to ignore them.*⁵⁶ Compliance by the executive is, in fact, clearly dictated by the Constitution.

The general grant to the President of the executive power⁵⁷ is qualified by the admonition that "he shall take care that the laws be faithfully executed."⁵⁸ The powers of Congress to raise and appropriate revenues, to raise and support armies, and to provide and maintain a navy, are all law-making powers.⁵⁹ *An appropriation rider enacted into law would therefore impose a clear constitutional obligation on the President to abide by its provisions.*⁶⁰ In addition, it would constitute a *pro tanto* repeal of previous statutes granting the President discretion to use funds for military purposes.

Footnotes at end of article.

The President's power as Commander in Chief does not free him from enacted restrictions. The Constitution has granted to Congress the fundamental power to create the resources employed by the branches of the government. *The Commander in Chief clause merely entitles the President to the supreme command of the armed forces within the limits established by the legislation which created those forces, provided the limits are reasonable.*²³

The fundamental importance of the money power is evident from the determination of the Framers to place this power firmly in the hands of Congress. Particular care was taken to maintain under congressional control the use of funds for military purposes, as indicated by the constitutional provision that no money may be appropriated for the army "for a longer term than two years."²⁴ The rationale for the allocation of power made by the Framers of the Constitution is basic to our concept of democracy: that the legislators, as representatives of the people, should have complete control over the nation's resources. Madison described the money power in these terms:

"This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."²⁵

The wisdom of this grant of power is borne out by recent history. The conduct of the Indochina War has precipitated a widespread disillusionment with the government, and attendant loss of respect for law. *If the people, through their representatives, have no control over the commitment of their resources to war-making, the result is inconsistent with the democratic principles of the Constitution.*

The Supreme Court spoke most directly to the issue in the *Steel Seizure Case*,²⁶ concluding that the powers of the President, both as Commander in Chief and in his executive capacity, were not unlimited and could be restrained by another branch of the government.²⁷ All the Justices in the majority indicated that the extent to which Congress had acted to control the action taken by the President, seizure of most of the nation's steel mills, was significant in determining the constitutionality of his action.²⁸ The opinions imply that *When Congress speaks on the question of what form executive action may take, such power to act alone as the President may have will be circumscribed.* In the *Steel Seizure Case*, the Justices disagreed on the proper interpretation of Congress' failure to act on relevant legislation; in contrast, *if Congress enacts a clear prohibition on military action in specified areas of Indochina, the meaning would be clear, and presidential power would be effectively limited.*

B. Continuing congressional control and the inclusion of adequate exceptions to restrictions on military action insure that military policy will remain flexible

There is, of course, a possibility that changed circumstances will force a reconsideration of the wisdom of certain specific limitations. But the assertion of congressional control by enacting the proposed restrictions merely shifts from the President to Congress power over future military involvement in Indochina.

The President would retain the power to engage in immediate self-defense under the executive power to repel sudden attacks. In addition, exceptions to the restrictions of the McGovern - Hatfield - Hughes - Goodell-Cranston proposal permit full executive freedom to protect our troops and prisoners during withdrawal.²⁹ *But major decisions would be reserved for Congress, which is fully capable of making major decisions quickly and competently. And by asserting its proper role*

in decisions of war-making, Congress would act to re-establish the traditional constitutional balance.

VII. CONCLUSION

The current unlimited freedom enjoyed by the executive to engage in military action is largely the result of inaction by Congresses past. As Supreme Court Justice Jackson stated:

"We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."³⁰

FOOTNOTES

¹ Constitution of the United States of America, Article 2, § 1.

² *Ibid.*, Article 2, § 2, cl. 1.

³ *Ibid.*, Article 2, § 2, cl. 2.

⁴ *Ibid.*, Article 1, § 8, cl. 1.

⁵ *Ibid.*, Article 1, § 8, cl. 10.

⁶ *Ibid.*, Article 1, § 8, cl. 11.

⁷ *Ibid.*, Article 1, § 8, cl. 12.

⁸ *Ibid.*, Article 1, § 8, cl. 13.

⁹ *Ibid.*, Article 1, § 8, cl. 14.

¹⁰ *Ibid.*, Article 1, § 8, cl. 15 and cl. 16.

¹¹ For an exhaustive analysis of the historical development of the war power see the article by Francis D. Wormuth, "The Vietnam War: The President versus the Constitution," on which this paper draws heavily. It is reprinted in Falk, ed., *The Vietnam War and International Law*, Princeton University Press, 1969.

¹² James Madison, *Notes of Debates in the Federal Convention*, Ohio University Press edition, 1966.

A transcript of Madison's notes on the debate on the war power is included in the appendix to this paper.

¹³ *Ibid.*, debate of August 17, 1787 (Ohio edition page 476).

¹⁴ *Ibid.*, remarks of Mr. Butler (see appendix). For a discussion of the English allocation of power, still accurate when the Constitution was written, see John Locke, *Second Treatise on Government* (1960), chapters 12 and 13, § 145.

Mr. Gerry remarked that he "never expected to hear in a republic a motion to empower the Executive alone to declare war."

¹⁵ *Ibid.*, the motion passed eight states to one, Massachusetts absent. (see appendix).

¹⁶ *The Amelia*, 1 Cranch (5 U.S.) 1 (1801). Chief Justice Marshall wrote:

"The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."

The case involved a ship whose seizure would have been legal under the President's privateering proclamation, but whose seizure the Court held was illegal under the terms of the Act of Congress which authorized the proclamation. The privateer was made to pay damages to the ship's owner.

¹⁷ After the outbreak of the war between France and England in 1793, American shipping was molested by the blockades of both nations. President Washington met the challenge with his famous Neutrality Proclamation, which kept the United States out of the conflict. By 1798, however, French depredations on American commerce had become so menacing that action was needed to protect it. The question was whether President Adams could do so on his own authority or whether he needed the authority of Congress.

¹⁸ Alexander Hamilton to James McHenry, the Secretary of War, May 17, 1798 (quoted in Wormuth, *op. cit.*)

¹⁹ Congress suspended commercial intercourse with France in the Act of June 13, 1798, augmented by the Act of February 9, 1799. (1 Stat. 565, 1 Stat. 613).

It denounced the treaty with France in the Act of July 7, 1798 (1 Stat. 578).

It created the Department of the Navy by the Act of April 27, 1798 (1 Stat. 553).

And it established the Marine Corps by the Act of July 11, 1798 (1 Stat. 594).

The controversy with France is described in note 17, above.

²⁰ The Barbary States, particularly Tripoli, had been marauding American shipping, in an attempt to exact a payment of tribute from the United States. When the promised tribute was not paid, Tripoli declared war on the United States. President Jefferson sent ships to the Mediterranean, but authorized them only to defend themselves and other American ships. The Navy captured a Tripolitan ship, but released it after disarming it, as the President told Congress:

"Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries."

Thomas Jefferson, *First Annual Message*, December 8, 1801, *Messages and Papers of the Presidents* (1908) vol. I, p. 326.

²¹ Act of June 18, 1812 (2 Stat. 155).

²² Act of April 20, 1898 (30 Stat. 738), containing the ultimatum to Spain, and the Act of April 25, 1898 (30 Stat. 364), declaring that a state of war had existed since April 21.

²³ Act of May 13, 1846 (Stat.), and Act of August 6, 1861 (12 Stat. 326).

²⁴ *Messages and Papers of the Presidents*, vol. I, p. 389.

²⁵ In 1824 Colombia notified the United States that it was threatened by France, and asked for protection. The Monroe Doctrine had been announced the year before, but the administration would not commit itself to defend Colombia. President Monroe wrote to Former President Madison that:

"The Executive has no right to compromise the nation in any question of war."

Letter of August 2, 1824, quoted in Wormuth, *op. cit.*

²⁶ Three days after Monroe's letter to Madison, Secretary of State Adams formally wrote to the Minister of Colombia to the United States:

"By the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government."

John Quincy Adams to Jose Maria Salazar, August 6, 1824.

²⁷ In 1851 Hawaii asked the United States for protection from France. Secretary of State Daniel Webster refused to help:

"I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."

J. B. Moore, *Digest of International Law*, Washington, G.P.O. vol. 7, p. 163.

²⁸ *Congressional Globe*, 30th Congress, 1st Session, page 95, January 3, 1848.

The Mexican War had been precipitated in 1846 by President Polk's dispatch of American troops into a territory whose possession was disputed with Mexico. After hostilities erupted, Congress reluctantly declared that a state of war existed between the United States and Mexico.

The resolution referred to was a vote of thanks to General Zachary Taylor, the Commander of the successful American forces. The clause censuring the President was moved as an amendment to that resolution. The amendment was adopted on January 3, but was dropped when the resolution came up for a final vote.

²⁹ For the 1798 legislation, see note 19. above.

Congress authorized the President to act against Tripoli in the Act of February 6, 1802 (2 Stat. 129).

In 1839, in the course of a dispute over the boundary of Maine, Congress authorized the use of force against England in the Act of March 9, 1839 (5 Stat. 355). Force was never needed.

In 1890 the Congress passed an act, which became law without the President's signature, authorizing the use of force to extract an indemnity for the seizure of American ships off Venezuela. Act of June 17, 1890 (26 Stat. 674). The indemnity was secured by arbitration.

³⁰ Secretary of State Lewis Cass wrote the British Government that:

"Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken. . . . Military expeditions into the Chinese territory cannot be undertaken without the authority of the National Legislature."

Moore, *op. cit.* vol. 7, p. 164.

³¹ President Buchanan told Congress that:

The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks.

Messages and Papers of the Presidents, vol. 5, p. 616; Message of December 6, 1858.

³² Acting Secretary of State Hunter wrote:

"The President is not authorized to order or approve an act of war in a country with which we are at peace, except in self-defense. This is a peculiarity of our form of government, which at times may be inconvenient, but which is believed to have proved and will in the future be found in the long run to be wise and essential to the public welfare."

Moore, *op. cit.* vol. 7, p. 187.

³³ In his Third Annual Message, President Taft told Congress:

"The assumption by the press that I contemplate intervention on Mexican Soil to protect American lives or property is of course gratuitous, because I seriously doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express congressional approval."

Despite presidential protestations to the contrary, a diluted but similar recognition of the need for Congressional approval of limited hostilities lay behind the requests for the Formosa Resolution of 1954, the Middle East Resolution of 1957, and the Gulf of Tonkin Resolution of 1964.

³⁴ See generally, Reveley, "Presidential War-Making: Constitutional Prerogative or Usurpation?" 55 Va. L. Rev. 1243, 1257-63 (1969).

President Wilson sent American troops into Vera Cruz in 1914 on his own authority, but he had asked Congress for an enabling act the day before the troops were used, and the day after the landing Congress ratified his action.

³⁵ See, "Congress, The President and the Power to Commit Forces to Combat," in *The Vietnam War and International Law*, v. 2 (Falk ed. 1969) at 616, 636-37. This article originally appeared as a Note in the *Harvard Law Review*, 81 Harv. L. Rev. 1771 (1968). Much of the content and many of the arguments in this memorandum have been drawn from this Note. Hereinafter it will be cited as the "Harv. Note" with page citations to the Falk collection.

³⁶ See, Moore, "The National Executive and the Use of Armed Forces Abroad," in Falk, supra (n. 35) at 809, 817. This was originally an address given by Professor Moore at the Naval War College on Oct. 11, 1968. (Herein-

after cited as "Moore Address" with page citations to the Falk collection); and see Harv. Note at 637.

³⁷ U.S. Department of State, "The Legality of United States Participation in the Defense of Viet-Nam," 54 Department of State Bulletin 474 (1966), reprinted in "Symposium—Legality of United States Participation in the Viet Nam Conflict," 75 Yale L.J. 1084 (1966). [Hereinafter cited as State Department Memo.]

³⁸ As precedent for Vietnam, however, the majority of the nineteenth century uses of force do not survive close scrutiny. Most were minor undertakings, designed to protect American citizens or property, or to revenge a slight to national honor, and most involved no combat, or even its likelihood, with forces of another state. To use force abroad on a notable scale, the President would of necessity have had to request Congress to augment the standing army and navy.

Reveley, supra, n. 8, at 1258.

³⁹ See generally, Harv. Note.

⁴⁰ See generally Harv. Note at 624, 631.

In the event of an armed attack on the territory of the United States proper, there is little question that the executive possesses the power to respond with all means at his disposal. Congressional approval of such action would probably be immediate. When, on the other hand, an attack is made on American persons or property abroad, then the response should generally be proportional to the attack. The recent "Pueblo Incident" is a striking example of the fact that not every use of force against the United States is an act which places the country at war and that a variety of factors should enter into the development of an appropriate response. Short of an attack which threatens the life of the country, therefore, it seems that the President's power under the sudden attack theory is fairly limited.

There is also the danger of provocation, either planned or accidental. The mere presence of American forces near a hostile nation may provoke a "sudden attack." Consider, for instance, the U-2 incident in 1960, the various RB-47 incidents, then the "Pueblo Incident." If the response to such an attack is not limited, then the country may become involved in a much larger conflict with little or no executive-legislative collaboration.

⁴¹ See generally, Harv. Note at 634; Reveley, supra (n. 34) at 1257 et seq.; and Velvel, "The War in Viet Nam: Unconstitutional, Justiciable and Jurisdictionally Attackable," 16 Kan. L. Rev. 449 (1968). (Caveat: Prof. Velvel's article is highly one-sided.)

Modern analogies of the "neutrality theory" were the landing of troops in the Dominican Republic in 1965 and the recent dispatch of American naval vessels to the area around Haiti and Trinidad.

The real problem with the neutrality theory is remaining neutral. "Interposition" may easily lead to "intervention" and the Congress may be faced with a fait accompli. President Roosevelt accomplished an actual "intervention" in Panama in 1903 by "interposing" American troops there under an executive order, ostensibly to protect American property and citizens, but actually to support a friendly government.

However, American citizens who live or own property abroad probably should be able to expect some degree of aid from their government in time of conflict. But if the President has an unfettered right to employ the American military anywhere at any time to protect American property, Congress may be left without an opportunity to assert its views. And, in many cases, the risks of deployment may be greater than the risks of restraint.

⁴² See generally, State Department Memo; Alford, "The Legality of American Military Involvement in Viet Nam: A Broader Per-

spective," 75 Yale L.J. 1109 (1966); Harv. Note at 627 et seq.; cf., Memorandum of Lawyers' Committee on American Policy toward Viet Nam, CONGRESSIONAL RECORD, vol. 112, pt. 2, pp. 2665-2673.

Almost every national in the world has become classified as friendly, hostile, or neutral, and conflicts which might have seemed minor fifty or a hundred years ago are now often viewed as dangerous because they tend to upset the precarious world order and balance of power. Consequently, the idea of American security has expanded greatly so that an armed conflict in a far part of the world may appear to be a threat to the security of the United States itself. Unilateral Presidential employment of armed forces abroad, under the collective security theory has, therefore, been justified on much the same grounds as unilateral executive action under the sudden attack theory. The physical territory of the United States may be in no immediate, or even distant, danger. There may be no immediate threat to American forces, citizens, or property, but a conflict may seem to endanger the worldwide security system of the United States. The argument for Presidential action under the collective security theory is that the executive must have the power to respond quickly and forcefully to attacks which are considered important, for a variety of reasons, to the maintenance of the balance of power.

The executive action in Indochina has been premised largely on the collective security theory. The Indochinese War and other recent American military actions serve to indicate that the neutrality theory is no longer viable. In a world which is divided into friendly, hostile, and neutral countries, most armed conflicts will probably affect the existing order. It is difficult, if not impossible, therefore, for American intervention in such conflicts to remain wholly neutral.

The notion that the United States possesses extraterritorial security interests is not novel. The Monroe Doctrine of 1823 is a clear example. But the proliferation of bilateral and multilateral security agreements since the end of World War II has widened American security interests to include most of the world.

Accepting the general premise of the collective security theory, the question is: who determines when the security interest of the United States is threatened, the President or Congress? And who determines what response is to be taken to protect that interest?

⁴³ See generally, State Department Memo.

⁴⁴ See Text and notes, supra.

⁴⁵ If the balance has shifted too far in favor of the executive, then Congress must share the blame for its failure to act in the past. Is there any real concern or is it acceptable for the President to have primary responsibility for the use of American forces abroad?

There is certainly a strong argument in favor of giving the executive the ability to respond with speed and force to crises which constitute a direct threat to the security of the United States. (See Harv. Note at 640.) But, there are equally strong, if not stronger, arguments in favor of increased congressional control over executive actions which may involve the United States in lengthy conflicts that are costly both in terms of lives and economic resources.

⁴⁶ See generally, Moore Address.

⁴⁷ Velvel, supra (n. 41) at 457.

⁴⁸ The full text of the SEATO Treaty may be found in 6 U.S. Treaties 81; T.I.A.S., No. 3170; 209 U.N. Treaty Series 28; and Falk, supra (n. 35) at 561 and seq. The signatories were: Australia, France, New Zealand, Pakistan, Philippines, Thailand, the United Kingdom, and the United States.

The Protocol to the SEATO Treaty provides in pertinent part that:

"The parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the states of Cambodia and Laos and the free territory under the jurisdiction of the state of Vietnam."

6 U.S. Treaties 87; T.I.A.S., No. 3170; 209 U.N. Treaty Series 36; Falk, *supra* (n. 35) at 564.

Laos was removed from the "protocol area" by the Geneva Accords of 1962. See: Protocol to the Declaration on the Neutrality of Laos, T.I.A.S. 5410; Falk, *supra* (no. 35) at 568.

Article IV goes to the core of the collective security agreement:

"1. Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any state or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

"2. If, in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any party in the treaty area or of any other state or territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any state designated by unanimous agreement under paragraph 1 of this article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned."

⁴⁸ See generally, Falk, "International Law and the United States Role in the Viet Nam War," 75 Yale L.J. (1966); Falk, "International Law and the United States Role in Viet Nam: A Response to Professor Moore," 76 Yale L.J. 1095 (1967); but cf. Moore, "International Law and the United States Role in Vietnam: A Reply," 76 Yale L.J. 1051 (1967).

⁴⁹ Art. IV, §1 of SEATO Treaty, *supra* (n. 48).

⁵⁰ Constitution, Art. 2, § 2, cl. 2.

⁵¹ *Id.*, Art. 2, § 3.

However, the treaty is rendered of no effect if it conflicts with subsequent legislation, since the lawmaking power of Congress is equally as potent as the treaty power.

"A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. *The Cherokee Tobacco*, 78 U.S. (11 Wall.) 616, 621 (1870); accord, *Pigeon River Co. v. Cox Co.*, 291 U.S. 138, 160 (1934); *Moser v. United States*, 341 U.S. 41, 45 (1951).

⁵² See Harv. Note at 643-48.

The possibility of giving the war power to the Senate alone was specifically considered and rejected by the Framers. See, Appendix on the debate in the Constitutional Convention.

⁵³ Southeast Asia Resolution, Aug. 10, 1964, Public Law 88-408 (H.J. Res. 1145); 78 Stat. 384. The Resolution is also reprinted in Falk, *supra* (n. 35) at 579.

⁵⁴ See e.g. opinion of Chief Justice Marshall in *Talbot v. Seaman*, 5 U.S. (1 Cr.) 1, 25 (1801). And, as former Secretary of Defense McNamara has said, "There has not been a formal declaration of war—anywhere in the world—since World War II." Address to American Society of Newspaper Editors, May 18, 1966, *New York Times*, May 19, 1966, p. C-11, col. 1 (city edn.) at col. 2.

⁵⁵ See generally, Moore Address; Alford, *supra*, (n. 42); Moore and Falk articles, *supra* (n. 49).

Whether the Tonkin Resolution is sufficient authority for the Cambodian invasion and the air action in Laos has not been considered by the legal commentators thus far, but the language of the Resolution is so broad that it could, arguably, authorize almost any American action in the Western Pacific area. See, remarks of Senators Fulbright and Cooper during debate on the Resolution, 11 Cong. Rec. 18409-410 (1964).

⁵⁶ One commentator, however, does argue that Congress had sufficient information to form a reasonable opinion about the possible consequences of the Resolution, and that it was perhaps an unfortunate, but not unconstitutional abdication of responsibility. See, Moore Address at 821, and see generally, Moore and Underwood, "The Lawfulness of United States Assistance to the Republic of Viet Nam," CONGRESSIONAL RECORD, vol. 112, pt. 12, pp. 15519-15567.

⁵⁷ It is at least questionable whether a resolution passed in response to a relatively minor attack on American warships was sufficient authorization for a war which has resulted in more American casualties than any war except the Civil War and World Wars I and II.

It has also been argued that Congress has given its implied approval to the Indochinese War because it has passed military authorization bills for the area. The argument based on enactment of military appropriations legislation is specious. The authorization of expenditures for the support of the soldiers in Southeast Asia War necessitated by the executive fait accompli in dispatching forces there. And, if the Framers had thought that the money power by itself gave Congress sufficient control over the military, there would have been no need to grant Congress the explicit war power. See generally, Harv. Note at 646.

⁵⁸ Harv. Note at 646.

⁵⁹ The power of the purse was the weapon used by the English parliament to combat the exercise of despotic power by Charles I and James II. The Framers of the Constitution were certainly aware of its utility as a guarantee of the powers and privileges of the legislature.

⁶⁰ The resolutions now before Congress, though carrying important political impact, would affect the constitutionality of subsequent executive action. If a resolution were made before the initiation of hostilities, Presidential commitment of American forces or significant expansion of the war would be precluded because the resolution would be a clear assertion of the primacy of Congress in the making of war. See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) (Jackson, J., concurring). Once forces were involved in combat the resolution would prohibit expansion of hostilities.

⁶¹ Such restrictions should be distinguished from the so-called "legislative veto," which reserves to Congress or one of its components the right to determine the actual effect of the restriction by subsequent action falling short of actual legislation, such as disapproval by committee action or a resolution of one or both houses.

It is arguable that the inclusion of specific dates on which these restrictions take effect is an invasion of the inherent powers of the President as Commander in Chief. According to a strict construction of the Constitution, the President's inherent power may be limited to the power to repel sudden attacks only by immediate and temporary action. The expansion of his power through its unopposed exercise may be determinative of its constitutionality when Congress does not act, but it may be limited by Congressional action. The important question is whether the proposed limitation is reasonable. Since there is no indication that compliance with these restrictions is not fully feasible, there is no reason why the will of Congress should not be respected on this issue. The authors thus reject the argument.

⁶² Harris, *Congressional Control of Administration*, 213-215 (1964); Huzar, *The Purse and the Sword*, 211, 220, 240 (1950).

⁶³ 83 Stat. 469 (1969).

The inclusion of the phrase "in line with the expressed intention of the President of the United States," whatever its value as a face-saving device for the President, detracts not at all from the force of this proviso. The full text of the amendment reads:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

⁶⁴ Act of September 16, 1940 (54 Stat. 885).

⁶⁵ In 1955, for instance, Congress attached a rider, § 638, to the Defense Appropriation Act prohibiting use of funds appropriated therein "for the disposal or transfer by contract or otherwise of work that has been . . . performed by civilian personnel of the Department of Defense unless justified to the Appropriations Committee(s) . . ." 69 Stat. 321 (1955). A threat to Congress' constitutional powers arose when, in a message to Congress, the President stated that § 638 was unconstitutional and declared that "to the extent that this section seeks to give to the Appropriations Committees of the Senate and the House of Representatives authority to veto or prevent executive action, such section will be regarded as invalid by the executive branch of the government . . . unless otherwise determined by a court of competent jurisdiction." 101 Cong. Rec. 10459-60, 10416, 84th Cong., 1st Session (July 13, 1955).

But despite this threat, the Defense Department complied in full with the provisions of Section 638. The Department reported, as required by the Act, and agreed to delay action to accommodate Congress. And after the Armed Services Subcommittee of the House Appropriations Committee formally denied permission to dispose of several operations employing civilians, the President and the Defense Department followed its directions during the time that § 638 remained law. Carper, *The Defense Appropriation Rider* (1960).

The response of the Comptroller General to this crisis adds further support to the position of Congress. A month after the President had made his threat, the Comptroller General informed Congress that—

"On the fundamental basis that it is for Congress to say how and on what conditions public monies should be spent, the position of the GAO, as the agent of Congress, must be, in this case and always, to accord full effect to the clear meaning of an enactment by the Congress so long as it remains unchanged by legislative action and unimpaired by judicial interpretation. *Id.*"

Therefore, he concluded, where a violation were found he would exercise his power as Comptroller General to disallow credits in the agencies accounts and hold the officers personally liable for the cost of the illegal activity. *Id.* Although § 638 was an example of the use of the legislative veto, it serves as a valid indication of expectable executive response to an unequivocal restriction, particularly since the legislative veto is open to possible attack as a circumvention of the constitutionally required lawmaking process.

⁶⁶ U.S. Constitution, Art. II, § 1.

⁶⁷ U.S. Constitution, Art. II, § 3.

⁶⁸ U.S. Constitution, Art. I, §§ 8, 9.

⁶⁹ Even if the President acts beyond the constitutional limits of his powers, "Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution in the Government of the United States, or any Department of officer thereof." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 588-89 (1952).

Whatever the merits of the arguments

about the President's power to impound funds, such practices under which the executive exercises discretion within the limits set by Congress in appropriations acts can be clearly distinguished from a more clearly unconstitutional breach by the executive of restrictions on positive action. See, e.g., Fisher, "Presidential Impoundment of Funds," 38 Geo. Wash. L. Rev. 124, 130 (1969); Davis, "Constitutional Power to Require Defense Expenditures," 33 Fordham L. Rev. 39, 40-41, 55 (1964).

⁶⁹In the words of Justice Black:
"The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control. . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 587-89 (1952).

Other judicial pronouncements on the "raise and support" and appropriations clauses have construed them to give Congress power to control the creation of military forces. One early opinion stated the argument succinctly:

"The power of congress to raise and support armies . . . is clear and undisputable. The language used in the constitution in making this grant of power is so plain, precise and comprehensive, as to leave no room for doubt or controversy, as to where the supreme control over the military force of the country resides."

In re Griver, 16 Wisc. 423, 431 (1863).
Another court has stated the conclusion more forcefully:

"The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same."

Spaulding v. Douglas Aircraft Co., 60 F. Supp. 985, 988 (S.D. Cal. 1945), affirmed 154 F. 2d 419 (9th Cir. 1946).

⁷⁰U.S. Constitution, Art. I, § 8.
⁷¹*The Federalist*.
⁷²*Youngstown Sheet & Tube v. Sawyer*, 343 U.S. 579 (1952).

⁷³For instance, Justice Frankfurter felt that the absence of Presidential power would have been beyond contention "had Congress explicitly negated such authority in formal legislation." *Id.* at 602.

Rejecting the view that the Commander in Chief clause supports "any Presidential action, internal or external, involving the use of force," Justice Jackson concluded that "Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement." *Id.* at 643.

⁷⁴The much-noted concurring opinion of Justice Jackson stated the proposition in more detail:

"Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress. . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb. . . . Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting on the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system. *Id.* at 635-638."

⁷⁵Exceptions broader than these are not required by the Constitution, since Congress could authorize at any time military action beyond immediate self-defense.

⁷⁶*Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 654 (1952).

THE CONSTITUTION OF THE UNITED STATES
(Clauses related to war)

ARTICLE I

Section 1. All legislative power herein granted shall be vested in a Congress of the United States . . .

Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to . . . provide for the common Defence . . .

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant letters of Marque and Reprisal, and make rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of money to that Use shall be for a longer term than Two years;

To provide and maintain a Navy;

To make rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia . . .
To provide for organizing, arming, and disciplining the Militia . . .

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. . . .

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the Several States when called into the actual service of the United States; . . .

He shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors . . . and all other Officers of the United States . . .
(The appropriations clause)

ARTICLE I

Section 9. No money shall be drawn from the Treasury, but in consequence of Appropriations made by law; . . .

THE DEBATE ON THE WAR POWER IN THE CONSTITUTIONAL CONVENTION

(From Madison's notes)
Friday August 17th in Convention.
"To make war"

Mr. FRANKNEY opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war, and another peace.

Mr. BUTLER. The objections against the Legislature lie in great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. MADISON and Mr. GERRY moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

Mr. SHARMAN thought it stood very well. The Executive should be able to repeal and not to commerce war. "Make" better than "declare" the latter narrowing the power too much.

Mr. GERRY never expected to hear in a republic a motion to empower the Executive alone to declare war.

Mr. ELLSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration, peace attended with intricate and secret negotiations.

Mr. MASON was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred "declare" to "make."

On the motion to insert *declare*—in place to *make*, it was agreed to.

- N.H. no.
- Mas. absent
- Cont. no (On the remark by Mr. King that "make" war might be understood to "conduct" it which was an Executive function, Mr. Ellsworth gave up his objection, and the vote of Connecticut was changed to—ay.)
- Fa. ay.
- Del. ay.
- Md. ay.
- Va. ay.
- N.C. ay.
- S.C. ay.
- Geo. ay.

Mr. Pinkney's motion to strike out the whole clause, disagreed to without call of States.

COMMENTS ON THE ROLE OF CONGRESS AND THE PRESIDENT IN MILITARY AND FOREIGN AFFAIRS

JAMES MADISON: "The management of foreign relations appears to be the most susceptible of abuse of all the trusts committed to a government, because they can be concealed or disclosed in such parts and at such times as will best suit particular views; and because the body of the people are less capable of judging, and are more under the influence of prejudices, on that branch of their affairs, than of any other. Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."—Letter to Jefferson, May 13, 1798.

THOMAS JEFFERSON: "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided."—Message to Congress, December 6, 1805.

JOHN MARSHALL: "The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be reported to as our guides in this inquiry."—Opinion in *The Amelia*, 1801.

Justice SAMUEL P. CHASE: "Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time. If a general war is declared, its extent and operations are only restricted and regulated by the *jus belli*, forming a part of the law of nations; but if a partial war is waged, its extent and operation depend on our municipal laws."—Opinion in *Bas v. Tinney*, 1800.

DANIEL WEBSTER: "In the first place, I have to say that the war-making power in this Government rests entirely with Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another. We are bound to regard both France and Hawaii as independent states, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President; and still less is it within the power of any sub-

ordinated agent of government, civil or military."—Statement while Secretary of State, 1851.

JAMES BUCHANAN: "The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua even to prevent the destruction of the transit and to protect the lives and property of our own citizens on their passage. It is true that on a sudden emergency of this character the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility."—Message to Congress, December 6, 1858.

ABRAHAM LINCOLN: "Let me first state what I understand to be your position. It is that if it shall become necessary to repel invasion, the President may, without violation of the Constitution, cross the line and invite the territory of another country, and that whether such necessity exists in any given case the President is the sole judge. . . . Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose. . . ."

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."—Letter to Herndon while in Congress.

ENVIRONMENTAL TEACH-INS

Mr. McGOVERN. Mr. President, when he proposed last fall that environmental teach-ins be held across the Nation on the same day, Wisconsin Senator GAYLORD NELSON was hopeful that 25 to 40 campuses would participate. Instead, Earth Day produced a gigantic swelling of public concern with environmental teach-ins at 2,000 colleges and universities, 10,000 high schools, and additional thousands of communities.

As Senator NELSON has pointed out, Earth Day can—must—be the beginning of a nationwide movement to halt the tide of environmental destruction. It will be a long, tough struggle, and will require a continued commitment on the part of millions of citizens.

We must establish specific goals, declare and implement new national policies, form environmental action groups in every community.

An analysis by reporter James G. Driscoll in the National Observer captures the sweep and the meaning of this unique and nationally significant event—Earth Day—and I ask unanimous consent to have it printed in the RECORD.

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

SENATOR NELSON'S WEEK: AFTER ITS EARTH DAY, A MOVEMENT TAKES STOCK

(By James G. Driscoll)

Less emphasis on increasing the gross national product. More attention to improving the quality of life.

Last week's Earth Day carried that broad meaning for the day's originator, Sen. Gaylord Nelson, Wisconsin Democrat.

Earth Day was a variegated burst of activity, with mock burials of automobile engines, processions of students wearing gas masks to protest air pollution, and the signing in Philadelphia of a "Declaration of Interdependence" to illustrate that all the earth's creatures depend on one another for survival. Though some ecologists plan to make Earth Day an annual event on the third Wednesday in April, there is uncertainty over the direction of the movement and its ability to keep up the momentum generated last week.

AN ECOLOGY CONGRESS

Senator Nelson, a long-time advocate of conservation and environmental improvement, realizes that rhetoric and mock burials can accomplish little. He has proposed a comprehensive plan for Federal action and suggests that environment-minded citizens organize nonpartisan political-action groups in each community. Then, he urges: elect an "ecology Congress" this fall; support local candidates who are "right" on the environment issue; and keep this "big picture" in mind:

"We live on a finite planet with a limited capacity to support life. It is a closed system, like the system on an Apollo space ship. There is just so much water and land, encased in a relatively thin envelope of air." Man, asserts the senator, has intruded into the fragile system and damaged it.

Without question, the evidence of pollution—in fouled streams, murky air, and ill-used land—has made environmental quality a tempting political concern. Congress, for example, shut down for Earth Day so many of its members could hurry home to address rallies.

Congressmen, governors, mayors, ecologists, students—they all attacked the problem with words, millions of them. In New York City, Sen. Charles E. Goodell spoke at New York University while a leaflet was passed out by some of his detractors describing his speech as "the biggest cause of air pollution."

THE ISSUE IS FUZZY

If public officials have difficulty in coming to grips with the ecology issue, it is because the issue is fuzzy. It includes antilitter campaigns as well as birth control. And newcomers to the subject often are astonished by its scope.

Senator Nelson last week made a dozen speeches, zig-zagging across the country from Boston to Bloomington, Ind., to Denver to Berkeley. To enthusiastic crowds, he described the environmental "crisis," and offered some specific solutions.

On his home grounds in Madison, Wis., the senator told a cheering audience of 5,000 in the University of Wisconsin stock pavilion that "we need to change our attitude toward nature and nature's works. . . . Man is just one of the creatures that the Lord put on this earth and is not more important than all the rest."

Mr. Nelson called for a "new American ethic" that values quality of living over quantity of production. He received support from Boyd Gibbons, secretary to President Nixon's Council on Environmental Quality, who told the Madison audience that a "land ethic" is needed.

"We viewed the land as an infinite commodity," Mr. Gibbons asserted. "We lost respect for the land. . . . Decisions on land use are judged in traditional economic terms with no thought of ecological consequences."

Mr. Gibbons finds no one in particular to blame for this. Widespread pollution "is less a design of men of ill will than of outmoded approaches" toward use of resources, he contended. Ralph Nader, the consumer advocate, was more direct. Speaking in Philadelphia, he asserted that industries are the worst pollution offenders and that it will take a "radical militant ethic" to end pollution.

Senator Nelson outlined a dozen "national policies" that he says are necessary to reverse the degradation of the environment. Among them:

A policy on air and water quality "that says very simply that every municipality and industry shall install equipment that meets the highest state of the art in cleaning dirty air and water." This would be enforced by fines. As a corollary, Mr. Nelson argues that the internal-combustion engine must be outlawed unless it can be made essentially pollution free—and he thinks that is impossible.

A policy on minerals that would, for example, prohibit oil drilling in the seabed "until we have the technology to extract it without the risk of an environmental disaster."

A policy on land use that would, for instance, prohibit strip mining unless the mine operator restored the top soil, contoured the land, seeded it, planted trees, and refrained from polluting nearby waterways.

A policy on herbicides and pesticides that would prevent their use unless they had been proved harmless to the environment. "We're medicating the whole world with these dangerous substances without the world's consent."

A policy on energy and power plants that would concentrate on research into new, cleaner ways of creating electric power.

A policy on transportation that would downgrade the highway and the car and upgrade mass transit via pollution-free vehicles.

A policy on recycling waste products that would require, for instance, that old cars—no longer in running condition—be recycled through plants that would reduce them to their basic metal elements. Then the metals would be used again.

Many of those proposals are either being considered, or advocated, by the Nixon Administration, usually at a slower pace and on a more modest scale than Mr. Nelson would like. And all the proposals are related to population control. Senator Nelson notes that since the United States cannot effectively dispose of the waste produced by 200,000,000 residents, it is unlikely to be able to do so for a population of 300,000,000 that may come in 30 years.

He urged the limitation of births to one or two per family. "I hope those who want five or six children go out and adopt some," Mr. Nelson said. He has three children.

The senator has introduced 18 bills in this Congress covering most of his ideas on the environment. He advocates that the Government spend huge amounts of money on improving the environment—\$25 billion a year immediately and \$40 billion or \$50 billion soon.

The mood of Earth Day in such cities as Madison, Milwaukee, Bloomington, and Denver was serious, with occasional moments of lightheartedness. In Madison, a jittery City Council canceled a parade of nonpolluting vehicles for fear of disorders; the previous week an antiwar march had turned into rioting, which resulted in \$100,000 damage to downtown stores.

The ecology enthusiasts, however, seemed uninterested in violence. Many showed up for the parade because they had not heard

of the City Council's action two hours earlier. A few blocked traffic on State Street, yelling "pedestrian power," but were quickly dispersed by police, without problems.

In Bloomington, an ecology fair was held in sunny Dunn Meadow on the Indiana University campus. Students manning booths showed how individuals could help clean up the environment. Ride bicycles—they don't pollute. Buy beer and soft drinks in returnable bottles—they don't end up as litter. Reynolds Metals Co. sent trucks last week to 18 colleges in 14 states to pick up aluminum cans that students had collected; the cans will be recycled by Reynolds and the aluminum used again.

POLLUTER OF THE MONTH

Here in Denver, an ecology teach-in was held in the new, modernistic Currihan Exhibition Hall downtown. A "polluter of the month" award was given to the Atomic Energy Commission for the underground explosions it has conducted in Colorado.

About the only critical note about Earth Day came from the convention of the Daughters of the American Revolution (DAR). Meeting in Washington, D.C., the organization passed a resolution saying that "the real problem of pollution . . . is being distorted and exaggerated by emotional declarations and by intensive propaganda." It said that "pollution of the mind" is the real danger to society, and urged the Federal Government to refrain from "unnecessary and harmful programs which the nation would later regret."

Though few observers were criticizing the ecology movement, some were questioning its staying power. A conference of 250 persons who were leaders in Earth Day is scheduled to deal with this question in June at Black Lake, Mich. Sponsored by the United Auto Workers Union, the conference will try to produce an agreement on specific actions to take in the coming months.

Dr. Kenneth, E. Watt, a zoology professor at the University of California in Davis, talked about the movement's staying power in a speech last week at Swarthmore College in Pennsylvania.

"The history of movements like this is not very promising," he said. "We had great movements on civil rights and the Vietnamese War. The problems are still with us, but the movements have died away . . . But about five years from now it will become increasingly clear . . . that what we ecologists are saying now is true, and then the political pressure for change will become inexorable."

THE 22D ANNIVERSARY OF INDEPENDENCE OF ISRAEL

Mr. KENNEDY. Mr. President, this week marks the 22d anniversary of Israel's independence. A great deal will be said about the trying history of this country. A great deal will be said about her tremendous progress and her contributions to the cause of freedom—about the democratic spirit of her people—about their extraordinary courage and stamina and industriousness—and about their desire to live in peace with their neighbors. Few Americans will quibble with such appraisals of Israel, and our national hopes for her progress and security have been a matter of record since her founding in 1948.

But despite her national character and strength, which has won the admiration of people throughout the world, Israel remains a beleaguered country. And her continued progress and security—as well as the prospects for general peace in the area—are being jeopardized more today than ever before.

I do not feel it necessary to burden the RECORD with a lengthy discussion on the immediate causes for this situation. We read about them daily in the press. All of us are familiar with the ominous signs that time is running out for the cause of peace in the Middle East.

Sporadic violence across borders continues with growing intensity—reinforcing the bitterness and hatreds and suspicions that have thrived in the area for years—causing untold anguish and fear, which knows no borders, among the people on both sides of the conflict.

The arms race continues as well. Nations which need all available resources to further the economic and social advancement of their peoples are caught up in a senseless competition to acquire the means of war and to divert large numbers of their men into military pursuits. The reported participation of Soviet pilots in the military activities of the United Arab Republic is only the latest in a number of moves by the Soviet Union which are contributing significantly to this competition.

The situation is ominous, Mr. President (Mr. McGovern), because the prospects for peace, and the long term security of Israel, are being steadily swept away—in a tide of daily events which seem of little concern to our national leadership, at a time when this concern is so vitally needed.

The point is debatable perhaps—but a case can be made that the Soviet Union has increased its military activities in the Middle East, because of ambivalence and weakness on the part of the administration in its general policy toward this area. On the specific question of jets to Israel, the administration has chosen, for the present at least, to reject Israel's request for help. The President's initial announcement on this issue was made only days after the Soviet's introduction of Sam-III missiles into the area, suggesting in many quarters a lack of American concern over the significance of this development. Even after the subsequent disclosure of Soviet pilots in the United Arab Republic, the administration's position—as outlined by the President last Friday night—remains the same.

It is easy to deplore Soviet military activities in the Middle East. It is easy to deplore the increasing level of violence throughout the area. It is easy to proclaim a policy view supporting a military balance between the parties to the conflict. It is easy to advocate meaningful steps toward peace.

But rhetoric is no alternative to decisive action. In light of deteriorating conditions in the Middle East, meaningful steps must be taken by our Government, so that all the world, especially the Soviet Union, will understand that America's commitment to assist Israel's defense of nationhood is a firm one—but also, that our goal of peace will not be pushed aside in the process.

To these ends, I recommend two steps. First of all, our Government should announce immediately that it will permit the sale of jets to Israel in sufficient numbers to help maintain her defensive capacity and the maintenance of a military balance vis-a-vis her Arab neigh-

hors. In this connection, our Government should also exercise more flexibility and generosity in responding to Israel's economic needs.

Second, it is not enough, however, that we contribute to Israel's defense and the maintenance of an arms balance in the area. The time has also come to reverse the process of military escalation on both sides, to halt the drift into a new round of full-scale warfare, and to head off a potentially dangerous confrontation among the great powers.

The time has come, I feel, for a major diplomatic initiative by the United States—most appropriately, by the President himself. Such initiative at the highest level of our Government will not only underscore the importance we attach to what is chronically called the Middle East crisis; but it will also underscore the urgency we attach toward removing this crisis from the business-as-usual doldrums of routine diplomacy. Before time has run out, every effort must be made to bring about a reduction in the level of violence—if not its end—and to stop the senseless arms race, which can only lead to catastrophe for all mankind.

The elements of a major U.S. diplomatic initiative should include at least the following:

First, an immediate effort to secure a cease-fire—a binding moratorium—under international auspices;

Second, an agreement among parties concerned to establish a substantial international emergency peacekeeping force, under international auspices and commensurate with the legitimate security interests of both Israel and her Arab neighbors;

Third, the creation of a special international commission to supervise and monitor the moratorium arrangements; and

Fourth, in close cooperation with Israel and her Arab neighbors, the convening by the United Nations Secretary General of the actual and potential arms-supplying nations involved in Middle East arms traffic, to make necessary arrangements for reducing the flow of arms into the area and for declaring the Middle East a nuclear-free zone.

Mr. President, I strongly believe—and feel that this view is shared by many Americans—that progress on the urgent issue of bringing about a military disengagement in the Middle East crisis will hopefully generate the atmosphere and set the stage for fruitful efforts in the direct negotiation of longstanding differences between the parties immediately involved in the Arab-Israel conflict.

Let us leave no stone unturned in accomplishing this objective. But let us do so with meaningful action to meet immediate needs, and with the urgency that a truly serious crisis demands.

PRESIDENTIAL POWERS

Mr. MILLER. Mr. President, an editorial in today's Evening Star entitled "Presidential Powers" expresses the view that passage of the Cooper-Church amendment in its present form would be unwise.

I ask unanimous consent that the edi-

torial to which I have referred be printed in the RECORD.

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

PRESIDENTIAL POWERS

The Cooper-Church amendment, passed this week by the Senate Foreign Relations Committee, if approved by both houses, would cut off funds for future American military activities in Cambodia. The Senate and the House should give extremely careful consideration to all of the implications of the proposal.

Since the amendment could not come into force before the President's July 1 deadline for the return of all American troops from Cambodia, the proposal's supporters may be motivated by one or more of the following convictions:

1. They may fear that the President intends to violate his own deadline.

2. They may suspect that, if the Cambodian incursions are as successful as they appear to be, Mr. Nixon may be tempted to repeat the move at a later date.

3. They may feel that there is domestic political capital to be made out of a move which could be unconstitutional and in any event would be difficult administratively to enforce, and hence would be of little effect.

4. In an attempt to preserve and enhance senatorial prerogatives, they may wish to challenge the President's power to wage undeclared wars anywhere on the globe without prior congressional approval.

Both the State Department and the Pentagon are leery of the proposal, as well they might be. They see it as restricting the President's power as Commander in Chief and endangering his ability (in the State Department's words) "to take action to protect the lives of American troops within the Republic of Vietnam."

The issue is too complex to be dealt with adequately in this space. As a preliminary judgment, however, it is our view that passage of the Cooper-Church amendment in its present form would be unwise. The alternative to an undeclared war in at least some situations would be not peace, but a declared war. The existence of secret treaties between the nuclear powers and their client states under such circumstances would greatly increase the chances of a global holocaust.

And that is something no thinking person wants.

PRESIDENT'S WAR POWER THREATENED

Mr. MILLER. Mr. President, also in today's Washington Evening Star there appears an article by the distinguished columnist, David Lawrence, entitled "President's War Power Threatened." It is a short commentary on the Church-Cooper amendment.

I ask unanimous consent that this article also be printed in the RECORD.

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

PRESIDENT'S WAR POWER THREATENED (By David Lawrence)

For the first time in American history, the Senate Foreign Relations Committee has ignored not only the spirit but also the letter of the Constitution. It has approved an amendment to a bill which, if accepted by the Senate and the House, would deprive the commander-in-chief of the armed forces—namely, the President—of his power to conduct military operations. In the midst of a war, a congressional committee recommends a law to withhold funds unless its methods and restrictions are followed.

The principle is important to the security of the United States, which has joined with other countries—twice in Europe and twice in Asia—to prevent communism from taking over small countries and eventually dominating the free world.

By a vote of 9 to 4, the Senate committee has begun to say to the President that no matter what contingencies may arise, he must pursue a specified course with respect to Cambodia. He is being told to follow the rules outlined by the committee in connection with operations that the President feels are necessary to protect the remaining American troops in South Vietnam. Other senators are proposing modifications, and administration supporters are suggesting some, too.

Assistant Secretary of State David M. Abshire, in a letter to the committee, said that, while the amendment reported out by the committee coincides with the intention of the President concerning the limited role of American forces in Cambodia, "we do not consider it desirable that actions of the commander-in-chief should be subject to statutory restrictions."

Nobody knows just what the North Vietnamese may do after a substantial number of American combat troops have been withdrawn from South Vietnam. There is a possibility that attacks will be launched from bases in Cambodia and North Vietnam, and that the South Vietnamese will need all the help they can get in thwarting them. The President, as commander-in-chief, needs a free hand in dealing with military contingencies. This has always been the rule.

The amendment voted by the Senate Foreign Relations Committee would bar not only the use of U.S. combat troops in Cambodia but the employment of American advisers and instructors. The President, however, has to look at the problem on a long-range basis. He must be sure that the American troops who are left in Vietnam for the time being are not threatened by any major offensive, for this could mean the loss of many lives.

Nixon has said that by July 1 our troops will be out of Cambodia. The enemy has not started any offensives that could interfere with such a decision, but in a war, nobody knows when or from what direction an attack may come. This is why the commander-in-chief must have the widest discretion in the use of troops and equipment.

Interference by Congress in the actual operation of the armed forces is a serious thing at any time. But nowadays the Communists can derive much encouragement from such a situation. They may feel inclined to take chances on the theory that the President will not dare to return any troops to Vietnam once they have been removed. A big assault might therefore be launched by Hanoi against the remaining Americans and the South Vietnamese after a major part of the U.S. forces have been withdrawn.

There has been plenty of opposition in Congress by isolationists before wars began. But during a war no attempts have been made actually to impair military movements on the use of armies or navies. This has been left to the judgment of the commander-in-chief.

It may be that if a constitutional convention is called some day, as has been proposed in recent years, a new amendment will be offered to restrict the powers of Congress so that there can be no possible right to interfere with the flow of appropriations necessary to maintain a military operation in the midst of a war. For once the commander-in-chief has committed troops in an expedition designed to thwart an international enemy like the Communists and to prevent eventual attacks on the United States itself, the power to deal instantly with developments must be, as heretofore, within the discretion of the President.

POSITIVE THINKING ON NIXON'S CAMBODIA MOVE

Mr. MILLER. Mr. President, in today's Washington Evening Star is another article, written by the distinguished and knowledgeable columnist, Richard Wilson, entitled "Positive Thinking on Nixon's Cambodia Move."

I ask unanimous consent that this article also be printed in the RECORD.

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

POSITIVE THINKING ON NIXON'S CAMBODIA MOVE

(By Richard Wilson)

The protesters have come and gone, rhetoric has cooled and President Nixon is preparing to announce that the Cambodian operation is a success. This announcement will be based on the volume of arms and supplies captured and the hope that further Communist aggressive action in South Vietnam has been set back for a year.

How much of a success was the Cambodian thrust will continue to be argued, and it will play a part in the congressional campaign. But Nixon thus far, at least, has managed to keep control of the operation.

This matter of control has been the problem from the first. There are reports that early in considering the strike Nixon doubted he could maintain control. That is to say, a complex of circumstances including American public reaction, the military reaction from the Communist side, the difficulty of limiting any military operation once it has begun, would converge to defeat the operation.

Probably the decisive factor was Nixon's final judgment that he could keep American opinion under control long enough to permit a 60-day operation which could be very damaging to the Communists.

This required an accurate judgment on the depth of the reaction in American public opinion and Nixon measured that correctly. It required an accurate judgment on the Communist reaction and, up to now, that has been measured correctly.

Some things may not prove to have been measured correctly, including the search for the Communist headquarters for Vietnam operations (COSVN) which may be buried somewhere deep underground in the areas the Americans are sweeping. If the Americans do not find that control center many questions will rise in Congress and it might have been better if Nixon had not mentioned it in his justification for the Cambodian incursion. There were other reasons which were just as good.

Perhaps one of the most significant aspects of this critical period was the reluctance of Congressional members who were attacking the President to join in the youth protest, and there were good reasons for this. A score of senators and congressmen who endorsed the first mobilization against the war in October and participated to some extent in the November turnout in Washington shunned the festivities last Saturday although their cause for participating might have been greater than before.

The protest Saturday was on a scale probably about one-third of the Nov. 14-15 Mobilization for Peace and it may be that this way of expressing public opinion is no longer, if it ever was, an effective instrument for influencing public policy.

When congressmen up for re-election stay away from such festivities it can be taken for granted that they see no advantage in that kind of political identification. The effectiveness of such pressure can be measured also by Nixon's decision to treat it indul-

gently as not really a threat but just something to be gotten through with the least trouble.

This is, in fact, what happened. The rally did not influence anyone. It was wasted effort.

Nixon, in fact, "improved his position" with those who think it has been pointless to take a defendant and name-calling attitude toward student protest.

In the longer range, if the Cambodian operation is, or can be termed, a success the results will not be merely militarily and diplomatically favorable.

These circumstances, coming into focus and after midsummer, would give the President a firm platform for another forthcoming intervention, a political intervention. Nixon

needs more strength in Congress if he is to carry through his very extensive program of reform in the next couple of years.

His hand would be greatly strengthened in appealing for a Republican congress if Cambodia has proved to be a success. Perhaps that contributed, too, to the lack of interest in Congress in last week's demonstrations.

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment in accordance with the

previous order, until 10:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 14, 1970, at 10:30 a.m.

NOMINATION

Executive nomination received by the Senate May 13, 1970:

SECURITIES AND EXCHANGE COMMISSION

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975; reappointment.

EXTENSIONS OF REMARKS

FEDERAL JUDGE ROBERT E. MAXWELL DELIVERS SIGNIFICANT ADDRESS ON DIVISIVENESS IN AMERICA—ASKS AMERICAN LEGION "IS AMERICA WORTH SAVING?"—EMPHASIZES TYRANNY CANNOT BE DISGUISED

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES
Wednesday, May 13, 1970

Mr. RANDOLPH. Mr. President, the Honorable Robert E. Maxwell, Judge of the U.S. District Court for the Northern District of West Virginia, in an address recently in Morgantown, W. Va., before the 40 and 8 of the American Legion, discussed aspects of the crisis facing us regarding the divisiveness in America.

Judge Maxwell indicated that there are many citizens who see the serenity of the college campus disrupted and buildings destroyed, the peace and the use of our streets disturbed with blockades, the dignity of man grossly diminished, and they wonder whether we have lost our way.

Judge Maxwell said:

The human condition has been so appallingly distorted by irrationality and emotional unreason that a surprisingly large cross-section of America is beginning to wonder whether "The politics of violence" or "The strategy of confrontation" presented with a noisy, ill-tempered and bad-mannered dialogue isn't the essence of a new emerging public philosophy.

He noted, and asked his listeners:

It is important for America to recognize that the presently disruptive wave which crosses America does not represent the majority opinion of this vast and outspoken land of ours. The disrupters represent only a fractional part of the body politic and they take unwarranted advantage of the freedoms guaranteed by the Bill of Rights. Is America Worth Saving?

Judge Maxwell said that during the past quarter of a century we have suffered three serious wars with violent inflation as one of the results. He warned:

We are now in the middle of a racial revolution as incendiary in its ultimate meaning as the Civil War. We are in the throes of a continuing scientific revolution that is much more fundamental than the industrial revolution of a hundred years ago. We are witnessing a population explosion, the conse-

quences of which we can hardly begin to understand. And, we are in the middle of some type of revolution in personal morals, which is causing many in our land, we as well as across the world, to wonder whether the family as the basic unit of our social structure is in fact losing its vitality.

Maxwell contends that what many people who are reaching out fail to understand as they look at the violent world around them is that change in its many dimensions is not a recent manifestation of the human race. Change, he points out, has been a part of the process of living since man was first identified as man. Some 200 years ago, Edmund Burke said:

To complain of the age we live in, to murmur at the present possessors of power, to lament the past, to conceive extravagant hopes of the future, are the common dispositions of the greater part of mankind.

The judge stressed that the magnitude as well as the cadence of change which we are experiencing today is where the difference lies:

In the life span of most of us, America has moved from a predominantly agricultural society to an industrial one—from an economy of scarcity and privation to an economy of abundance and influence—and from a labor-job oriented society to one increasingly aimed toward the utilization of leisure time.

Commenting on those who feel that revolution is the only alternative, Judge Maxwell said those critics of our system, who would advocate destruction as the only acceptable means of alteration, charge that our system is impersonal, disinterested, hypocritical, disenchanting, and that the noble experiment of self-government is not worth saving are wrong.

He said these distortions of facts must be challenged. Maxwell emphasized:

America must be heard to say in a loud and clear voice that our system today possesses the same honor, decency, integrity and dignity as it possessed when it was created by the most lucid minds of that marvelously lucid age some 200 years ago.

Maxwell said:

Today, in the questioning dialogue which wells up daily from the campuses and streets of America, we must ask ourselves again what quality of life we want, not only as consumers and producers, but as citizens of a great republic. No preordained destiny decrees that America shall have all the soft options. Our present greatness and our af-

fluence do not give us a special license to take a short cut to an imagined Utopia.

Adding:

Thus, for the first time in history, a Nation is so inherently rich in the material things that we frequently believe we can afford the luxury of taking a holiday from aspiring for the horizons of the heretofore unattainable.

Early in the Civil War, President Lincoln wrote his secretary, John Hay:

For my part, I consider the central idea pervading this struggle as proving that popular government is not an absurdity. We must settle this question now, whether in a free government the minority have the right to break up the government whenever they choose. If we fail, it will go far to prove the incapability of the people to govern themselves.

Judge Maxwell said that these plain, simple, timeless remarks are as appropriate then as now, as forceful and moving today as they will be tomorrow.

ISRAELI INVOLVEMENT IN LEBANON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 12, 1970

Mr. RARICK. Mr. Speaker, Israeli armed forces have now invaded the territory of neutral Lebanon. The meager news reports play down the invasion of Lebanon as the crisis and tension escalate. Perhaps the feeling is that the supporters of President Nixon's U.S. policy in Cambodia can ill afford to denounce this latest Middle East invasion. Yet one wonders at the silence of those so extremely reactionary to the Cambodian campaign.

For the apologists overlook the action taken by President Nixon's predecessor, Gen. Dwight D. Eisenhower, in sending 5,000 U.S. Marines into Lebanon to protect its ancient and peaceful territorial integrity.

Nor can the Lebanese situation be compared with that in Cambodia; for Cambodia was threatened with complete Communist occupation precipitating a coup. The military action by the United States was taken without opposition by

the Cambodians—in fact, at their invitation.

The Middle East situation truly boils. Does the official policy of the United States in the Middle East under the Nixon administration adhere to the precedent of Ike's Middle East policy—one of strict neutrality except to deter aggression by protecting territorial integrity? To many, U.S. foreign policy appears designed to recruit for the Red bloc.

The United Nations organization—for whatever value it is worth—has again convened. We can probably expect the sixth reprimand from the Red Bloc vote which will deter nothing. Some saber rattling country, which does not own a saber, will again call for a peace keeping force.

The war-weary mothers and fathers of the United States are awaiting one decision. That is the pronouncement of our U.S. position under the latest crisis. They want no U.S. involvement.

I include several news clippings in the Record at this point:

[From the Washington Daily News, May 12, 1970]

MIDDLE EAST CRISIS GOES BEFORE U.N.

The Arabs said 100 Israeli tanks and 2,000 infantrymen struck into Lebanon today in a two-pronged drive against Arab guerrilla bases and that three Arab nations—Jordan, Syria and Iraq—were fighting back in the biggest Mideast battle since the 1967 war.

The UN Security Council was called into urgent sessions today to consider the new crisis in the Middle East. The meeting was requested by Lebanon and Israel.

Planes, tanks, artillery and infantrymen were reported engaged in the Marjayoun area of Lebanon six to seven miles inside the Lebanon frontier and 32 miles southeast of Beirut. Israel said it shot down three Syrian MIG17s in dogfights over the Golan Heights.

There was no immediate reaction from Egypt, but Cairo said its commandos struck across the Suez Canal shortly after midnight and Israel said it hurled them back. King Hussein of Jordan telephoned Lebanese President Charles Helou and offered full support, Beirut dispatches said.

"HEAVY FIGHTING"

Nine hours after the attack began, a Lebanese military spokesman said "heavy fighting is still going on" and that Lebanon had inflicted heavy losses on the Israelis in a counterattack. A spokesman in Beirut said helicopters could be seen removing Israeli wounded.

The Lebanese spokesman said the Israelis were trying to isolate the Al-Arkoub area near Marjayoun and that the Israelis bombed bridges to cut roads and stop reinforcements coming in.

A military spokesman in Damascus said Syrian troops and armor had joined the battle and that its MIGs were battling the Israeli Phantom jets and Skyhawks over the Golan Heights. Syria said one Israeli Phantom was shot down, but Israel said all its planes returned safely.

Military sources in Beirut said the 2,000 men and 100 tanks supported by aircraft and artillery were the highest number of troops used in a single operation since the war. The last similar large scale drive came in March, 1968, against Karameh in the southern Jordan Valley but that involved only Israeli and Jordanian troops.

Both Al-Fatha, the largest Arab guerrilla group, and the Syrian-backed Al-Saiqah, were involved in today's fighting, they said. Saiqah said its guerrillas knocked out five tanks and Al-Fatha said its men shot down

an Israeli Phantom and destroyed six tanks and four half tracks. The Lebanese army said it destroyed seven tanks and seven half tracks.

Israel said it sent its forces into Lebanon to wipe out guerrilla bases from which Al Fatah and other groups repeatedly hit the border town of Shemona at the northern tip of Israel and just west of the Golan Heights.

Baghdad Radio, in a dramatic announcement to "the Iraqi people and the Arab nation" said Iraqi artillery "went into action against the enemy today to defend the land of Arabism."

Military observers in Beirut said the Iraqi gunners apparently were stationed in north Jordan from where they could shell Israelis in the Golan Heights of Syria or in South Lebanon.

A Syrian military spokesman in Damascus said Syrian tanks and artillery were battling the Israeli raiding force, but the Israeli spokesman made no mention of the raiding troops meeting Syrian opposition on the ground.

The Israeli spokesman said the Israeli attack—the biggest mounted against Lebanon—would continue until sunset.

The report of three Syrian MIGs shot down brought to 112 the number of Arab warplanes Israel says it has downed since the 1967 war, 89 of them Egyptian and 23 Syrian. The last Israeli-Syrian air battle came April 2 when Israel said it shot down three MIG21s and Syria said it shot down an Israeli Phantom jet.

RUSSIA KEEPING HANDS OFF?

LONDON.—The Soviet Union will let Israel and the Arabs fight it out on the Suez canal without intervening—at least for the present—authoritative communist diplomatic sources said today.

But Russia is ready to fight from the ground and with Soviet-piloted MIG jets any Israeli attacks on Egypt's rear area, they said.

The Russians will "hit back" if key Egyptian centers and Soviet installations behind the Suez canal are attacked by Israeli planes, they said.

The sources, usually well informed on Kremlin major policy moves, left little doubt Moscow has taken a firm decision to intervene directly in any clash that could endanger Russian SAM3 ground-to-air missile sites, its new radar installations and MIG planes, as well as such key targets like the Aswan DAM and probably also shipping in the key ports of Port Said and Alexandria where Soviet vessels are crowding the over-worked facilities.

Russia cannot allow the Israelis to attack these installations let alone risk the loss of valuable new Soviet air defense equipment, much of it still on the secret list and never before operated abroad, the sources indicated.

[From the Evening Star, May 12, 1970]

ARABS OF THREE NATIONS FIGHT ISRAELI ATTACK

Two spearheads of 100 Israeli tanks and 1,000 infantrymen drove into southern Lebanon to wipe out Arab guerrilla bases and ran into air and tank battles with the Lebanese and Syrian armies, Iraqi artillery opened up on the Israelis from bases in Jordan.

A military spokesman in Tel Aviv said the Israeli air force shot down three Syrian MIG17s. It appeared to be the biggest battle since the 1967 Middle East war and the first time since then that Israel had fought three Arab nations in one area.

Both Israel and Lebanon asked for an urgent meeting of the U.N. Security Council. A session was called in New York this morning.

The Beirut government said its ground gunners shot down one Israeli Phantom fighter-bomber. Israel denied it.

MOUNT HERMON AREA HIT

The Israeli attack hit the Mount Hermon area of southeastern Lebanon near the occupied Golan Heights where the borders of Syria, Lebanon, Jordan, and Israel converge. It was reported stalled at 1 p.m. after seven hours of heavy fighting.

Baghdad radio, in a dramatic announcement to "The Iraqi people and the Arab nation" said Iraqi artillery "went into action against the enemy today to defend the land of Arabism."

Military observers in Beirut said the Iraqi gunners apparently were stationed in north Jordan from where they could shell Israelis in the Golan Heights of Syria or in south Lebanon.

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"The atmosphere is an atmosphere of war," the speaker of the Lebanese house, Sabri Hamade, said after an emergency cabinet meeting in Lebanon.

A Lebanese communique issued 6½ hours into the battle said five Israeli tanks and seven half-tracks had been destroyed out of the columns that crossed the border from the Israeli-occupied Golan Heights of Syria. The two spearheads were said to have begun their drives at 5 a.m. and 7:30 a.m. behind heavy Israeli air and artillery strikes.

ADVANCE DECLARED STOPPED

Lebanon said its troops stopped the advance at a cluster of three villages—Arnoun, Al-Hamra and Marjayoun—eight miles inside the border. Israeli planes, it said, were stepping up their attacks to cover the withdrawal of damaged tanks.

No personnel casualties were released. Israel, giving only scanty details, said the twin thrusts came in retaliation for 61 Arab guerrilla attacks from Lebanon against 23 Israeli settlements in the past 40 days.

Military spokesmen in Tel Aviv said the strike, aimed at cleaning out Arab guerrilla bivouacs on the slopes of Mount Hermon, "is going according to plan and should be completed by sunset. The Israeli forces definitely will withdraw today."

Israeli troops passed out leaflets to Lebanese villagers appealing to them to help drive out the guerrillas. The leaflets began with a proverb: "He who sows thorns will not harvest grapes, and he who lights fires may be burned."

PLANES OPEN ATTACK

The Lebanese account said Israeli fighter-bombers and artillery opened the attacks, with the troops and tanks advancing half an hour later.

Lebanon said its men turned back Israeli troops from the village of Al-Khreybeh, three miles inside the border from the Golan Heights, and were fighting to defend defensive positions at nearby Marjayoun.

President Charles Helou of Lebanon called his cabinet into emergency session at 7 a.m., Beirut radio said. His government had been warned to curb Arab guerrilla attacks from Lebanon into Israel or face the consequences.

Guerrilla rockets fired from southern Lebanon had killed three Israelis in the border settlement at Kiriyat Shmona since Wednesday. The Israeli Premier, Golda Meir, spent

part of her Independence Day holiday at the village Sunday vowing the Arab attacks would not go unpunished.

HUNDREDS OF GUERRILLAS

"The area on the southwestern slopes of Mount Hermon east of the Hasbani River has become known as Al Fatah land," an Israeli military spokesman said, referring to the Arab guerrilla group Al Fatah. He said there were hundreds of guerrillas in the area.

Today's raid was Israel's 13th land strike into Lebanon. The biggest until now had been the Dec. 28, 1968, commando raid that destroyed 13 airlines at Beirut International Airport in reprisal for an Arab guerrilla attack on an Israeli airliner at Zurich.

Israeli troops last crossed into Lebanon April 13 when an army unit blew up a house one mile across the border. The last major strike was Dec. 3, 1969, when helicopter-riding Israeli paratroopers attacked guerrilla bases.

THE MIDDLE EAST SITUATION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. SCOTT. Mr. President, an article written by Roscoe and Geoffrey Drummond was published in the Philadelphia Inquirer last week. The article deals with the Middle East situation and draws a parallel with the Cuban missile crisis of the early 1960's.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

MIDEAST SITUATION PARALLELS THE CUBAN MISSILE CRISIS

WASHINGTON.—President Nixon's bold action in Cambodia needs to be followed by bold action in the Mideast—for the same purposes.

What's happening in Indochina is important to the United States.

What's happening in the Middle East is vital to the United States.

We cannot afford to leave the Soviet challenge to the survival of Israel unmet because it would invite massive expansion of Soviet power and risk an unwanted war which could engulf both the U.S. and Russia.

Moscow has to be shown that further Soviet brinkmanship in the Middle East is perilous and cannot be safely employed on the assumption that the United States is in a mood to abandon its responsibility for the peace almost anywhere in the world.

Anticipating that the United States is too divided and distracted to react, here is what Moscow is now doing:

It is taking over the defense of the bulk of Egyptian air space with Soviet arms and Soviet personnel. It is manning the newly installed Soviet SAM sites with Soviet technicians. It is supplying the experts to handle the control towers and deep radar and it is providing Soviet pilots to fly Soviet planes in part to free Egyptian forces to expand their war against Israel.

Its purposes are evident.

It aims to erase totally U.S. influence in the Middle East.

It aims to establish the Soviet Union as the dominating, all-powerful force in the Moslem world.

Its strategic aim is to reopen the Suez Canal so that Soviet ships and arms can move easier and faster to all of Southeast Asia, where its goal is Soviet dominance.

To all of these ends it is apparently willing to go just as far as it can without rousing the United States to any effective counteraction.

The Kremlin is now confronting President Nixon with the equivalent of the Cuban missile crisis with which Khrushchev confronted President Kennedy in 1962. This is Mr. Nixon's Middle Eastern "Cuban Crisis" and it rests on the calculation that he'll blink and look away.

We doubt that he will do so. He gave the reason for not doing so in his address on Cambodia:

"If when the chips are down the U.S. acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world."

It is reasonable to expect that the President:

Will warn the Soviets that we do not intend to leave Israel exposed to mounting Russian military power in Egypt.

Will implement that warning by meeting Israel's request to buy U.S. jet fighters to counter the Soviet threat.

The U.S. refrained from providing these planes a few weeks ago, hoping our restraint would be matched by Soviet restraint. It wasn't. The President felt the superior skill of Israeli pilots against superior numbers kept the balance of air power at least equal. Now Moscow is upsetting that balance by manning Soviet planes with skilled Soviet pilots.

Israel is the perfect application of the Nixon Doctrine—that short of combat aid, the U.S. will help others to help themselves. Here is an independent, democratic nation, created by the U.N., determined and able to defend itself if we will supply some of the means. It has never asked for and doesn't want a single foreign soldier to help. It will die before it will give up its life as a nation. The U.S. will be defending its own survival.

DRUGS ARE NOT FOR JOKING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROE. Mr. Speaker, Mrs. Dorothy Patterson, distinguished correspondent, in a recent comprehensive news report entitled, "Drugs Are Not for Joking" that appeared in the April 14, 1970, edition of the Paterson News, Paterson, N.J., brought into sharp focus a nationwide campaign being sponsored and carried out by the Fidelity of America for the express purpose of eliminating the kidding and joking over the airways of the Nation by TV and radio entertainers glamorizing and making light of the severity of the drug crisis facing our Nation.

The report follows:

DRUGS ARE NOT FOR JOKING

J. Monte Moschetto, chairman of the project, says the Fidelity is moving in this area in an attempt to halt the "kidding and joking about drugs" by TV comedians and entertainers, and the popular songs with subliminal inducements to enter the drug scene. "There's too much kidding and joking about drugs," says Moschetto. He said recent

popular talk shows have been making light of drugs, kidding about "getting high," and one of the major comedians cracked about his mother smoking marijuana.

"They wouldn't joke about cancer," he said, "and narcotics is even more deadly than cancer since it kills not only the user but spreads its evil through every level of society."

The Fidelity, said Moschetto, plan to call on the Service Club Council to schedule a meeting of area service clubs to seek their cooperation in this campaign.

ASK COOPERATION

He said the club is asking those who see and hear comedians making light of drugs, to write letters of protest to the networks and the sponsors of the shows registering their objections.

"We would ask also, that they send a copy of their letters to our club so that we can use them as weighted evidence to induce action by the entire broadcast-television industry.

Moschetto said that some time ago, certain TV underworld dramas pictured all mobsters as Italians, and that this practice was halted in the face of strong protests by Italian-American nationals and groups.

He said the same thing was true of jokes about minority groups, and noted that these are no longer heard.

"If these practices could be halted by mass protest, then there is no reason why we cannot put an end to the current 'drug jokes.'"

Barring voluntary compliance, he said the club will press for legislation to ban drug jokes and drug music from the networks.

He said the U.S. government has stood up against the combined forces of the powerful tobacco industry to ban cigarette commercials next year, "then it can also take the same stand against drugs."

The Fidelity, he explained, are hoping to win the cooperation of all area service clubs to launch a campaign also aimed at presenting the true story of drugs in a series of TV commercials, similar to those now being used against smoking by the Cancer and Heart Associations.

"We will seek the cooperation of every media," he said, "every group and association, including the American Medical Association, the Advertising Council and the press.

He said that many popular recordings carry messages about the pleasures of drug usage, of flying high and taking trips, but say nothing of the "horrors of drug addiction."

"TV is an important media and carries a lot of weight with the kids. If they are constantly bombarded with inducements to try drugs and by comedians who make drug addiction seem something light and laughable, we can expect more of them to become enslaved to this deadly habit," he stated.

Moschetto said the Fidelity will try to promote the cooperation of the television media in presenting the picture of drugs "like it is."

He recommended commercials showing prominent athletes sunk into degradation because of drugs, beautiful girls like the daughter of Art Linkletter and their broken bodies, pre-teen age children caught in the horrors of drug addiction.

"Let's not glorify drugs," he said.

"Let's not joke about it. It may be too late to salvage the youngsters already being destroyed by narcotics but let's do what we can to prevent others from becoming enslaved. The age for drug-addiction is dropping steadily. Now it's the 12-year-olds. Where parents once were thrilled to see their little ones toddle off to kindergarten, soon we will be watching them go off with fear in our hearts, knowing these might be their first steps along the road to narcotics addiction.

The committee leading the campaign to "kill drug jokes before they kill our children," includes:

John Suberati, president, Tom Piccolli,

former Freeholder Sam Bruno, Joseph Leogrande and Bruno Vivino.

Communications addressed to the Fidellans may be sent to P.O. Box 1369, Fidellans of America, Paterson, N.J.

PRESERVATION OF THE ENVIRONMENT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. SCHWEIKER. Mr. President, during his nearly 12 years as U.S. Senator from Pennsylvania, HUGH SCOTT has compiled an impressive record in his fight to preserve the environment. I ask unanimous consent that a summary of Senator SCOTT's efforts be printed in the RECORD.

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

U.S. SENATOR HUGH SCOTT ON CONSERVATION LEGISLATION 1970

Environmental quality package for the 1970's

Senator Scott introduced the Administration's 7 environmental quality bills in the Senate on February 18. These bills would amend the Clean Air Act to provide national air quality standards, regulate dangerous emissions from stationary sources, and improve controls over motor vehicle emissions. They would establish an Environmental Financing Authority to aid financing of water treatment facilities, authorize the Council on Environmental Quality to make recommendations concerning the reclamation and recycling of solid waste materials and amend the Federal Water Pollution Control Act to clean up the nation's waterways.

Environmental quality administration act

Senator Scott introduced S. 3388 on February 4. This bill would consolidate Federal programs in the three basic areas of air, water, and solid waste disposal by transferring programs now administered by the Departments of Health, Education and Welfare, Housing and Urban Development and Interior into a new Environmental Quality Administration.

Health hazards of Pollution Act

Senator Scott, on January 25, co-sponsored S. 3316, which would require an immediate in-depth study by the Department of Health, Education and Welfare of the hazards posed by pollution to the Nation's health to determine what immediate steps can be taken to reduce these hazards while longer terms programs are being developed.

Resource conservation amendments

Senator Scott, on March 17, co-sponsored S. 3598, which would authorize Federal assistance through the Department of Agriculture for land utilization programs to promote fish, wildlife, and recreation development. The Senate has passed S. 3598 and sent it to the House of Representatives for action.

Federal low emission vehicle procurement act

Senator Scott co-sponsored S. 3261 on March 9. This bill would stimulate the development, production and distribution in interstate commerce of low-emission motor vehicles in order to provide the public with increased protection against the hazards of vehicular exhaust.

Small business environment action

Senator Scott co-sponsored S. 3528 on March 2. This bill would help small business concerns to effect conversions required to meet Federal or State pollution control standards.

Great Lakes Disposal Act

Senator Scott co-sponsored S. 3763 on April 23. This bill prohibits open water disposal of pollution dredge spoil which is destroying the few remaining fresh water fishery sources in the Great Lakes.

(NOTE.—Legislation introduced or co-sponsored by Senator Scott during 1969 which has not been enacted into law will continue to be considered during 1970.)

LEGISLATION, 1969

Susquehanna River Basin Compact

Senator Scott, on February 19, introduced a bill to develop the Susquehanna River Basin. This bill creates a Commission composed of representatives of Pennsylvania, New York, and Maryland plus a direct representative of the President. This Commission would be charged with the responsibility of developing comprehensive water resources programs. These programs would deal with such matters as water supply, water quality management and control, recreation, fish and wildlife protection, and the preservation of scenic sites. Senator Scott has been named as Republican member of a special subcommittee to expedite hearings.

Amendment to Federal Water Pollution Control Act

Senator Scott co-sponsored a bill to provide tough policing and penalty provisions for owners of offshore facilities, vessels, and onshore facilities that discharge oil into navigable waters. The final bill included the Scott Amendment, providing for training of waste treatment plant operators. Enacted into law as P.L. 91-224.

Endangered Species Preservation Act

Senator Scott co-sponsored and testified in support of a bill to protect fish and wildlife in danger of extinction. Enacted into law as P.L. 91-135.

Environmental Quality Improvement Act

Senator Scott co-sponsored S. 2391 on June 12. This bill provides for the more effective coordination of Federal air quality, water quality, and solid waste disposal programs. It would coordinate all Federal research programs which improve knowledge of environmental modifications resulting from increased urban concentration.

Environmental Reclamation Education Act of 1969

Senator Scott co-sponsored S. 3237 on December 11. The bill would authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning ecological-environmental education and to establish a National Advisory Commission on Technology and the Environment.

VOTES

Senator Scott voted for a top level Council on Environmental Quality to review national resources and the environment. Conservationist Russell Train has been appointed Chairman of this Council. Enacted into law as P.L. 91-190.

Senator Scott voted for an amendment to the Clean Air Act to extend research activities to curb air pollution from motor vehicles. Enacted into law as P.L. 91-137.

Senator Scott voted for a full \$1 billion appropriation for the Federal Clean Water Program. The final appropriation of \$800 million is almost four times that for 1968 and the \$47.5 million allocated for Pennsylvania should guarantee funds for all 73 pollution-control projects pending in the Commonwealth. Enacted into law as P.L. 91-144.

LEGISLATION, 1968

Potomac National River

Senator Scott co-sponsored S-3157 to establish the Potomac National River Basin. This bill would have increased water pollution control efforts along the length of the river by giving the Department of the Interior greater authority in this area.

VOTES

Senator Scott voted against amendments to the Land Water Conservation Fund Act which would have stripped the program of funds and crippled its effectiveness.

Senator Scott voted to allow farmers an amortized tax deduction for assessments levied by soil and water conservation districts.

LEGISLATION, 1967

National mining and minerals policy

Senator Scott co-sponsored S-522 to establish a national mining and minerals policy. *Land and Water Conservation Act Amendments*

Senator Scott co-sponsored a bill to use fees collected for the use of outdoor recreation facilities in the Land and Water Conservation Fund Program. Enacted into law as P.L. 90-401.

Delaware Water Gap National Recreation Area

Senator Scott co-sponsored S-729 to give the Secretary of the Interior the authority to acquire additional land in the Delaware Water Gap area.

Pollution Abatement Incentive Act of 1967

Senator Scott co-sponsored S-734 to allow a tax credit for expenditures incurred in the construction of air and water pollution control facilities.

Great Lakes River Basin Compact

Senator Scott co-sponsored a bill to register the consent of Congress to the Great Lakes Basin Compact. Enacted into law as P.L. 90-419 it established a Great Lakes Commission to study water conservation problems.

National Water Commission Act

Senator Scott co-sponsored S-20 to establish a Commission composed of 7 members to study water pollution problems and coordinate the activities of existing Federal agencies. Enacted into law as P.L. 90-515.

U.S. tidal and Great Lakes shoreline authorization for appraisal

Senator Scott co-sponsored S-1262 authorizing the Army Corps of Engineers to initiate a 3-year appraisal report of our national tidal and Great Lakes shoreline.

National Park Service Natural Science Research Act

Senator Scott co-sponsored S-1684 to establish an office of Natural Science Research in the National Park Service and to create a system of fellowships for the support of research in the natural sciences.

Wild and Scenic Rivers Act

Senator Scott co-sponsored the Wild and Scenic Rivers Act. Enacted into law October 2, 1968. It designates certain rivers as "scenic" rivers. These rivers are to be preserved in their free flowing state. The act also authorizes the Secretary of the Interior to study other rivers with the object of including them in the program at some future date. Pennsylvania rivers designated for this study are the Allegheny, Clarion, Delaware, Youghiogheny, and Pine Creek.

Research in the Great Lakes

Senator Scott introduced S-2344 to provide for research to devise means of control over those species of aquatic life which adversely affect the fish resources and ecological balance of the Great Lakes.

Redwood National Park

Senator Scott co-sponsored a bill to provide for the establishment of the Redwood National Park in California. Enacted into law as P.L. 90-545.

VOTES

Senator Scott voted for increased appropriations for the Interior Department.

Senator Scott voted in favor of the Air Quality Act of 1967.

LEGISLATION, 1966

Water and air pollution—investment credit for private industry

Senator Scott co-sponsored S-2857 to increase the investment credit allowed to private industry for their air and water pollution control expenditures. This bill was designed to encourage private air and water pollution control efforts.

Great Lakes Basin Compact

Senator Scott co-sponsored S-2922 granting the consent of Congress to the Great Lakes Basin Compact.

Amendment to the Water Quality Act of 1965

Senator Scott co-sponsored S-2947 to improve the "Clean Water" program. Enacted into law as P.L. 89-753.

Redwood National Park in California

Senator Scott co-sponsored S-2982 to establish the Redwood National Park.

Independence National Historical Park

Senator Scott co-sponsored S-3095 to authorize the acquisition of property for the Independence National Historical Park.

National Water Commission

Senator Scott co-sponsored S-3107 to provide a comprehensive review of national water resources problems and programs.

Extension of Independence National Historical Park

Senator Scott co-sponsored a bill to extend the Independence National Historical Park.

Mining and Minerals Policy Act of 1966

Senator Scott co-sponsored S-3636 to establish a national mining and minerals policy.

Acquisition of land for the Delaware Gap Recreation Area

Senator Scott co-sponsored S-3717 to provide authority for the acquisition of land in the Delaware Water Gap area.

VOTES

Senator Scott voted for the Wild Rivers Act.

Senator Scott supported passage of the Clean Air Act Amendments.

Senator Scott voted for the Federal Water Pollution Control Act Amendments and the Clean Rivers Restoration Act of 1966.

LEGISLATION, 1965

Appalachian Region Development Act

Senator Scott co-sponsored S-3 to stimulate the economic development of the Appalachian Region. Enacted into law as P.L. 89-195. Pennsylvania has received \$20 million for land restoration under this act.

Assateague Island National Seashore

Senator Scott co-sponsored S-20 to establish the Assateague Island National Seashore in Maryland and Virginia. Enacted into law.

Tocks Island National Recreation Area

Senator Scott co-sponsored S-36 to establish the Tocks Island National Recreation Area in Pennsylvania and New Jersey. Enacted into law as P.L. 89-158.

Appalachian Trail

Senator Scott co-sponsored S-622 to promote Federal, State, local, and private cooperation for the Maintenance and preservation of the scenic Appalachian Trail.

Highways coordinated for protection of fishing, hunting and recreation

Senator Scott introduced S-2074 to establish a procedure for the protection of wildlife and recreation areas threatened by Federal highway construction programs.

Scenic development and road beautification

Senator Scott co-sponsored S-2084 to provide for the scenic development and road beautification of the Federal-aid highway systems. Enacted into law.

Water pollution construction reimbursement

Senator Scott co-sponsored S-2636 to make construction grants available for State and local water pollution control construction. Enacted into law as Public Law 89-753.

VOTES

Senator Scott voted for the Water Quality Act of 1965.

Senator Scott supported passage of the Appalachian Region Development Act of 1965.

Senator Scott supported the passage of S-2084 providing funds for scenic development and beautification of the Federal-aid highway system.

VOTES, 1964

Senator Scott voted in favor of conservation amendments to the Interim Convention on Conservation of North Pacific Fur Seals.

Senator Scott voted for ratification of the International Convention for Prevention of Pollution of the Sea by Oil.

Senator Scott voted for passage of the Appalachian Region Development Act.

LEGISLATION, 1963

Tocks Island national recreation area

Senator Scott co-sponsored S-606 to establish the Tocks Island National Recreation Area.

Prohibit foreign fishing in U.S. waters

Senator Scott co-sponsored S-1988 to prohibit foreign fishing interest from diminishing the supply of fish in U.S. territorial waters.

Johnstown Flood National Monument

Senator Scott introduced S-3305 to establish the Allegheny National Historic Site and the Johnstown Flood National Memorial.

Wildlife agencies consultation

Senator Scott co-sponsored S-2150 to provide for advance consultation with the Fish and Wildlife Service and with State Wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological control.

VOTES

Senator Scott supported passage of the Wilderness Act of 1963.

Senator Scott voted for the Federal Water Pollution Control Act Amendments.

LEGISLATION, 1962

Anthracite conservation

Senator Scott introduced a bill to amend the 1955 act and increase the effectiveness of national anthracite coal resources programs.

Tocks Island National Recreation Area

Senator Scott co-sponsored S-3530 to authorize the establishment of the Tocks Island National Recreation Area. The bill was introduced in a subsequent Congress. Enacted into law: 1965.

Susquehanna River Basin

Senator Scott co-sponsored this bill to create a regional intergovernmental compact relating to the Susquehanna River Basin.

LEGISLATION, 1961

National wilderness preservation system

Senator Scott co-sponsored S-174 to establish a National Wilderness Preservation System.

Public hearings on air pollution

Senator Scott co-sponsored S-455 to provide for public hearings on air pollution problems.

Delaware River Basin

Senator Scott co-sponsored S-856 to create a regional inter-governmental compact for the Delaware River Basin.

National fuels study

Senator Scott co-sponsored S. Res. 105 to create a special committee to study the national fuels picture.

Water resources planning

Senator Scott co-sponsored S-1629 to provide financial assistance to the States for comprehensive water resources planning.

VOTES

Senator Scott voted for ratification of the Columbia River Basin Treaty.

Senator Scott voted to ratify the International Convention for the Prevention of Pollution of the Sea by Oil.

Senator Scott supported passage of a bill authorizing the purchase of wetlands for the conservation of migratory birds.

Senator Scott voted in favor of S-174 which established a National Wilderness Preservation System.

LEGISLATION, 1960

Air pollution

Senator Scott co-sponsored S-3108 to provide for public hearings on air pollution problems of more than local significance, and to extend the duration of the Federal Air Pollution Control Law.

Fort Necessity battlefield site

Senator Scott introduced S-3438 to provide additional land for the battlefield site.

VOTES

Senator Scott voted to increase Interior Department appropriations and provide more funds for the improvement of wildlife preservation and public recreation facilities.

LEGISLATION, 1959

Great Lakes Basin Compact

Senator Scott co-sponsored S-548 to grant the consent of Congress to the Great Lakes River Basin Compact.

Study of strip mining in the United States

Senator Scott introduced S-1097 to authorize the Secretary of the Interior to study strip mining operations and report his findings to Congress.

Marine sciences

Senator Scott co-sponsored S-2692 to provide a 10 year program of research and construction designed to advance the marine sciences.

MORE ON BEEF IMPORTS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PRICE of Texas. Mr. Speaker, last month, New York Mayor John V. Lindsay took what I thought was a rather bizarre step. He contacted the New York congressional delegation and suggested, in effect, that consumer welfare would be advanced by increasing beef imports and allowing vast quantities of cheap foreign beef to glut the domestic markets.

I was stunned to say the least that the mayor, who is obviously unable to govern the largest city in the Nation effectively, would turn his attention away from pressing problems of New York and attempt to establish himself as a self-styled expert on the beef-import issue.

After informing myself as to his position on beef imports, however, all I can say is I fervently hope Mr. Lindsay is more informed on New York problems than he is on beef-import problems. For,

if the basis upon which he discharges his obligations as mayor are no more firm than the basis upon which he makes his case for increasing beef imports, then I can well understand why the problems of New York City have reached such crisis proportions.

My strong feelings on this matter are shared by the American National Cattlemen's Association, whose very able president, William D. Farr, personally communicated with Mayor Lindsay, and attempted to apprise him of the true picture of the domestic situation with respect to beef production, pricing, and consumption.

Mr. Speaker, I would like at this time to place the text of Mr. Farr's letter in the RECORD. I consider it must reading for those who desire to increase their knowledge and understanding of this important matter. In addition, I am accompanying Mr. Farr's letter with a table of livestock and meat statistics drawn from the 16th biennial edition of Business Statistics. These figures clearly indicate that there is no shortage of domestically produced beef in this country, and that the per capita consumption of beef is at record levels.

The letter follows:

AMERICAN NATIONAL
CATTLEMEN'S ASSOCIATION,
Denver, Colo., April 24, 1970.

Hon. JOHN LINDSAY,
Mayor of New York City,
New York, N.Y.

DEAR SIR: It is unbelievable that you, holding a respected and high office, would write a letter full of erroneous information such as contained in your April 19, 1970 communication directed to the New York City congressional delegation. It also is unbelievable that you should attack the largest segment of American agriculture, representing approximately 25 percent of the sales of all agricultural products, which has operated free of government subsidies, therefore never being a drag on the nation's taxpayers.

Whoever supplied your Commission on Inflation and Economic Welfare with statistical information did not have the right facts. For example, you state "... in 1964, the only year in the last eight in which domestic production rose more rapidly than domestic consumption." I call your attention to a table attached to this letter ... dating back to 1940 ... illustrating beef cow population, commercial beef production, and beef per capita consumption.

Note particularly the column on beef per capita consumption. In 1964, the year you cite, consumption was 100.1 pounds. It dropped one-half pound in 1965 and has

steadily shown an increase since that time. Also please refer to the annual increase in commercial beef production. This shows a steady increase in every year since 1951!

These figures factually prove beef production has risen at a more rapid rate than human population and this is why there has been a continual rise in per capita consumption.

You also cite the American National Cattlemen's Association as being "arrogant." Obviously, the quote attributed to our organization, when appearing before a subcommittee of the House Government Operations Committee, was taken out of context. Our testimony made very clear the beef cattle industry since 1951 generally has not been making a net profit. Inasmuch as we operate in the free-market system, free of price support programs, we must rely solely on supply and demand to establish our price. Since this is the case, our recommendation to the cattlemen of the nation ... millions of them ... was to voluntarily cut back on beef tonnage ... not numbers ... thereby accomplishing two things: 1) Balancing supply with demand, just as any other soundly run business would do; and 2) cutting down on the over-finishing of cattle which would provide the consumer with a more desirable product as it would be more lean and have less waste fat. How can anyone find fault with those recommendations?

Your statement with respect to the relative cost of porterhouse steak and hamburger is "hyperbole" and nothing more. Please refer to the April 4, 1970 Wall Street Journal where a story appeared with respect to retailing. Quoting from the story, a retailer made the following statement: "There is more profit in hamburger than sirloin steak." Has it occurred to you that you are blaming the wrong industry when your April 19 letter said: "... inflated profits for the nation's ranchers exacted at the expense of the nation's consumers?"

The average return on investment for the nation's basic beef cattle producers is somewhere around 1.5 percent annually. Do you consider this an "inflated profit"? I ask you to look only around the City of New York where you will find almost every business expecting and insisting upon a return on investment far in excess of 1.5 percent.

The retail price of beef has increased far less than the cost of other consumer services or goods. From U.S. Department of Commerce and U.S. Department of Agriculture figures, using 1957-1959 as a base of 100 percent, in 1969 public transportation was 148.9 percent; medical care—155 percent; reading and recreation—135.5 percent, while retail beef prices were 124.4 percent. This was in 1969! And, I strongly suspect that with the transportation difficulties you have experienced in New York City your public cost of transportation is far in excess of the 148.9 figure now. Meanwhile, beef prices are un-

questionably lower nationally today than the average for 1969.

You should also be aware of a serious consequence contained in your letter which could be the basis of a critical crippling of the food supply of the United States in the future should the intent, at least as you implied, be carried out. You said: "We will establish better trading relations with our allies in Australia, New Zealand, and Ireland, and we will bring about the streamlining of the domestic meat industry through the elimination of non-competitive fringe producers ..."

The only assumption from the above is that you favor the elimination of "smaller" beef cattle producers, many of whom are of the family-type. It occurs to me that if this were the case you merely are asking for a compounding of the problems currently existing in the metropolitan areas of the U.S., including New York City, where the mass immigration of rural people who have been put out of business has been causing many of these city's financial problems. It is better for these smaller operators to continue to operate without the unfair competition created by excessive beef imports, and thus automatically eliminate many of the city problems, by allowing them to remain on the farm or ranch.

Finally, I want you to be perfectly aware of the facts as to the consist or "mix" of the beef being shipped into the United States. You have been led to believe that the beef arriving here is of so-called manufacturing quality. I am sure you will find that the importers are bringing in cuts of beef which do not find their way into hamburger or frankfurters. This compounds the problem of hamburger and frankfurter prices, as you cite. Due to the importer's own selfishness, they are handling as much as 40 percent of the beef imports in the form of cuts because they can obtain much wider margins and profits on this type of product. If this problem alone were eliminated, you would find hamburger prices should respond accordingly.

Because of your high office and responsibility to the public, we implore you to look at the facts before permitting your name to be placed on a letter that is extremely damaging and not factual. The long range implications are great. The U.S. domestic beef cattle industry is pledged to producing supplies of the finest quality, most wholesome beef available anywhere in the world at reasonable prices. There is only one critical factor ... the economic incentive which made America so great ... is the basis of our industry. If unlimited beef imports are permitted, the economic and psychological incentives to produce beef cattle are destroyed. Because of this, in the long run, it will be the U.S. consumer who will suffer the consequences of unrestricted imports.

Sincerely,

W. D. FARR, President.

Year	Total beef cows		Annual change in commercial beef production		Total beef per capita consumption		U.S. population	Percent of change	Year	Total beef cows		Annual change in commercial beef production		Total beef per capita consumption		U.S. population	Percent of change
	2 years and older	Percent of change	Percent of production	Percent of change	Percent of change	Percent of change				Percent of change	Percent of change	Percent of change	Percent of change	Percent of change	Percent of change		
1940	10,676	+6.9	6,948	+2.4	54.9	+4	132,594	+1.2	1956	25,371	-1.1	14,090	+6.6	85.4	+4.1	168,903	+1.8
1941	11,366	+6.5	7,853	+13.0	60.9	-11.0	133,894	+1.0	1957	24,534	-3.3	13,852	-1.7	84.6	-9	171,984	+1.8
1942	12,576	+10.7	8,592	+9.3	61.2	+5	135,361	+1.1	1958	24,165	-1.5	12,983	-6.3	80.5	-4.8	174,882	+1.7
1943	13,980	+11.2	9,306	-3.3	53.3	+13.0	137,250	+1.4	1959	25,112	+3.9	13,233	+1.9	81.4	+1.1	177,830	+1.7
1944	15,521	+10.2	8,801	+6.0	55.6	+4.3	138,916	+1.2	1960	26,344	+5.0	14,374	+8.6	85.2	+4.7	180,684	+1.6
1945	16,456	+6.0	9,936	+12.9	59.4	+6.9	140,468	+1.1	1961	27,102	+2.8	14,930	+3.9	88.0	+3.3	183,756	+1.7
1946	16,408	-3	9,010	-9.3	61.6	+3.7	141,936	+1.1	1962	28,305	+4.4	14,931	+1	89.1	+1.3	186,656	+1.6
1947	16,488	+5	10,096	+12.0	69.6	+13.0	144,698	+1.9	1963	29,960	+5.9	16,049	+7.5	94.6	+6.2	189,417	+1.5
1948	16,010	-3	8,766	-13.2	63.1	-9.3	147,208	+1.7	1964	32,794	+9.5	18,037	+12.4	100.1	+5.8	192,120	+1.4
1949	15,919	-6	9,142	+4.3	63.9	+1.3	149,767	+1.7	1965	34,238	+4.4	18,325	+1.6	99.6	-8	194,590	+1.3
1950	16,743	+5.2	9,248	+1.2	63.4	-8	152,271	+1.7	1966	34,433	+6	19,493	+6.4	104.2	+4.2	196,920	+1.2
1951	18,526	+10.6	8,549	-7.6	56.1	-11.5	154,878	+1.7	1967	34,685	+7	19,991	+2.6	106.3	+2.0	199,100	+1.1
1952	20,863	+12.6	9,337	+9.2	62.2	+10.9	157,553	+1.7	1968	35,300	+2.1	20,662	+3.4	109.0	+2.5	201,100	+1.0
1953	23,291	+11.6	12,055	+29.1	77.6	+24.8	160,184	+1.7	1969	36,227	+2.3	20,953	+1.4	110.0	+1.0	203,200	+1.0
1954	25,050	+7.6	12,601	+4.5	80.1	+3.2	163,026	+1.8	1970	37,433	+3.2						
1955	25,659	+2.4	13,213	+4.9	82.0	+2.4	165,931	+9.8									

1 Livestock and Meat Statistics, 1962, table 7.
2 Livestock and Meat Statistics, 1962, table 113.

3 Livestock and Meat Statistics, 1962, table 209.
4 Business Statistics, 16 biennial edition, 1967, p. 65.

LEGAL OPPRESSION IN THE
REPUBLIC OF SOUTH AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. DIGGS. Mr. Speaker, the Government of South Africa's policy of apartheid is one of the most demeaning forms of domination in the world. It builds the prosperity of the South African white minority while it continuously oppresses the black majority in South Africa.

Like most states in the world, the Republic of South Africa is a country governed by laws. However the laws of South Africa are unique. These laws have caused concern throughout the world and have been formally denounced by the United Nations. South Africa is a country composed of approximately 3½ million whites to about 15 million blacks. Yet the laws of the Republic are laws created by the white man, enacted by the white man, and utilized by the white man for the benefit of the white man alone. The laws in South Africa are in effect and in reality instruments of inequity and oppression.

On April 20, 1970, Mr. Joel Carlson, a South African attorney, delivered an address at the University of Witwatersrand, Johannesburg, South Africa, entitled "Arbitrary Detention and Its Implications." I include this address in the Record to emphasize to the American people the virus of racialism officially and formally manufactured by the authorities in South Africa:

ARBITRARY DETENTION AND ITS IMPLICATIONS
(By Joel Carlson)

Mr. Chairman, Ladies and Gentlemen, Fellow students and informers—the paid professionals, the part-timers and those who act in a fit of pique and run to the police with these stories.

Firstly, let me say how honoured I am to be asked by the Students' Representative Council of this University to speak to you today. So in this small way, I am associated with the many great thinkers, leaders and fighters this University has produced. I mention only a few: Hofmeyer, Schreiner, Mandela, Sobukwe and Macrone. I am proud to be part of this great University which itself has struggled against great odds to fight for and keep what little freedom remains. The people of this University have remained alert, alive and active especially since 11 years ago the right of academic freedom was lost. The University never failed to protest against the actions taken against it. Its courage and persistence and its voice of protest, heard clearly and loudly in the University and far beyond, gives hope to all the people in South Africa that the struggle for a freer society is not yet lost: a society where people will be free to learn what they want to learn in pursuit of the truth, free to move about without restriction, and be free of fear of arbitrary police action, and even free one day to enjoy all the fundamental freedoms outlined in the Declaration of Human Rights.

When I was a student here, about a quarter of a century ago, I was taught that a fundamental understanding of South African affairs could only be gained by studying Black/White relations. This, of course, was true and is still true today.

But as a student I spent most of my time out of classrooms, happily and leisurely mix-

ing with all the people who were then allowed to come to this University and we relaxed as friends and talked and thought and acted together as equals.

Then I joined the Government Service and worked in those Courts concerned solely with applying the laws affecting Africans. We worked six days a week and for the first time the reality of Black/White relations shocked me into a realisation of the truth. I did not read books and listen to words. I saw people—grandfathers and grandmothers, husbands and wives, young men and women and some children, mothers carrying babies on their backs feeding them and struggling to keep them clean in custody without nappies and with primitive toilet facilities. These were not superfluous appendages, or labour units, whether productive or unproductive but human beings imprisoned, punished and suffering as the laws of the country, THE PASS LAWS, were enforced.

The PASS LAWS are the greatest single cause of disruption of race relations in our society creating more hatred and fear, sowing more suspicion and causing more insecurity than any other single cause of injustice in South Africa. The PASS LAWS are a cancerous growth, causing the depersonalisation of human beings, and degrading not only the persons suffering under them, but also those enforcing them.

It is because of these laws that we are able to pass and enforce all the other unjust laws; laws which we would not pass in Parliament or apply in practice if we considered the voteless, voiceless persons to whom they apply as human beings. The laws do not apply "to us", they only apply "to them".

How false is the cry of complaint now heard from those politicians who in Parliament voted to give the Security Police the extraordinary powers they exercise. These people did not complain when these laws were applied to "others". Now that these arbitrary laws are applied to themselves, they squeal in dismay. These are stupid men who do not appreciate that laws conferring arbitrary powers on the executive are arbitrarily applied by those in power. They are ignorant of the age old concepts learnt and stated long ago. Aristotle said: "The Rule of Law is preferable to that of any individual . . . He who bids the law rule may be deemed to bid God and reason alone rule, but he who bids a man rule adds an element of the beast; for desire is as a wild beast and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire". (Politics, III, 16)

This year, 1970, marks a hundred years of the application of the Pass Laws. They were first applied in the Transvaal Republic in 1870. How false were the promises made when the laws were introduced. It was said they were "for the protection of the Natives" entitling Natives to the "full protection of the law" and guaranteeing travel freely throughout the Republic, and being no more than an identification certificate. (Article 12) In 1918 after 48 years of their application, Dr. D. F. Malan said: "I hope that more Natives become better educated . . . more civilised . . . so that it may be possible to remove the Pass Laws". He also promised to grant more and more exemptions. In 1942 Colonel Reitz, the Minister of Native Affairs, was suddenly appalled when he learnt that the previous year nearly 900,000 Africans had suffered under these laws. He said in Parliament: "I hope the conscience of the White man in South Africa will be awakened because this is an appalling indictment of our handling of the Native problem". He told the Senate he would recommend their abolition. Every Commission sitting from 1905 to 1948, recommended in strongly worded language their abolition but what happened? Some years back, only 750 people were arrested every day seven days a week—then the figure doubled; and a few years back it was only

1,500 people a day. Today, we are not sure of the figure but it is at least 2,500 people arrested every day. A parliamentarian in Parliament last year commented on the number of Africans arrested for pass offences and said that it had reached an appalling level, causing grievous human suffering—a heavy price to pay in pursuit of the unrealistic aim of apartheid. He quoted alleged contraventions of pass laws in 1967/68 as being 1,777,662. (R.D.M. 20/4/69—Mr. M. Mitchell) The average time for a case heard by a Court is 2 minutes and this has been demonstrated time and again.

From PASS LAWS to arbitrary arrest and detention without trial, to practising sensory deprivation on persons held indefinitely in solitary confinement is but a stone's throw. The stones were thrown at Sharpeville ten years ago. Instead of a ripple on the water, the reaction was dramatic and violent. In a society practising racial discrimination as a way of life and a philosophy, and enforcing it in its law, the fear that one race might overtake the other controls the actions of the men in power who feel perpetually threatened. After Sharpeville the reaction was to deal with a violence threatened, by enacting even more violent laws.

Learning of the General Law Amendment Act of 1963 the Johannesburg Bar Council protested "at those provisions which in its view have as their consequence the virtual abrogation of the Rule of Law in South Africa". Assault upon assault on the Rule of Law was then made culminating in the Terrorism Act of 1967 and the Boss Act of 1969 (now under investigation).

The Bar of the City of New York, representing professional men in the greatest metropolitan complex in the world, saw fit to pass a Resolution condemning the Terrorism Act and the first trial under it.

"Resolved, that The Association of the Bar of the City of New York hereby records its deep concern and its protest over the actions of the Republic of South Africa in applying its own law and judicial process extraterritorially to inhabitants of South West Africa by prosecuting thirty-seven South West Africans under South Africa's Terrorism Act of 1967, in that:

1. The Terrorism Act of 1967 offends basic concepts of justice, due process, and the rule of law accepted by civilized nations and violates the Universal Declaration of Human Rights. . . ."

It then goes on to itemize specific reasons for its objections to the Act and its application and finally resolved to call upon South African jurists to join the New York Association and all others concerned with the Rule of Law to speak out and protest.

Abhorrent features of the laws passed by Parliament and eroding the Rule of Law in South Africa have justified jurists here and everywhere in the world in claiming that in South Africa there has been virtual abrogation of the Rule of Law. The significant parts of our law on which such a claim can be based are these:

1. *Retrospective effect of legislation.* This means that crimes which were not crimes yesterday and acts which were lawful when they were committed and were therefore entitled to be committed are made crimes today and for this crime you may be hanged—The Terrorism Act. Similar provisions exist in the Suppression of Communism Act and General Law Amendment Act (sec. 23, Act 62 of 1966).

2. *The wide definition of offenses.* Certain statutes provide such wide definitions that they virtually enable the executive authority or the security police to act at their discretion and at their convenience. The Lord Chancellor of England, Lord Gardener, said of the definition of "Communism": "If you were a Communist 40 years ago, you are a Communist today . . . Whether you are a Communist or not, you are a Communist if the State says so."

The *Criminal Law Amendment Act*, No. 8 of 1953, which provides penalties of three years and whipping for any offence (no matter how minor) "committed by way of protest or in support of any campaign . . . for the repeal or modification of any law".

The *Sabotage Act*, No. 76 of 1962 (sec. 21(1) and (2)) states it is an offence punishable by hanging in contravention of "any law to enter upon any land or building to further or encourage the achievement of any political aim, including the bringing about of any social or economic change in the Republic".

The *Terrorism Act*, No. 83 of 1967, which provides definitions of terrorism so wide that they go far beyond what the Common Law considers as treason. It punishes by death an act which had or is likely to have had the result of embarrassing "the administration of the affairs of the State" or furthering or encouraging "the achievement of any political aim, including the bringing about of any social or economic change . . . in co-operation with or with the assistance of any foreign or international body or institution". The minimum punishment is five years imprisonment.

3. *Shifting the burden of proof*: The Criminal Law Amendment Act No. 8 of 1953 says simply: "An offence is presumed to have been committed as alleged if an accused acted at the same time and place and in company with two or more persons similarly charged". (Such as a protest) The punishment under this Act is five years and whipping. Numerous Acts such as the Sabotage Act and the Terrorism Act have shifted the burden of proof to make the accused guilty until he is proved innocent.

A renowned South African jurist summarised the position by saying: "The onus is virtually on the accused to prove his innocence beyond a reasonable doubt."

(Arthur Suzman, South Africa and the Rule of Law, S.A.L.J. II, August, 1968)

4. *Double jeopardy*: After having been acquitted of the charges brought against you, sec. 5(h) of the Terrorism Act provides that you can be re-arrested and charged again. Also sec. 21(4)(g) of the General Law Amendment Act of 1962. Therefore, if an accused is found not guilty and is acquitted, that is not the end of the matter. This, of course, happened more recently when 22 accused held in detention without trial for 5½ months were brought to trial and were acquitted on 16th February, 1970 and immediately rearrested in Court and detained under the Terrorism Act. Their future is not known and the Attorney-General admits to having no information about the matter. We do not know what will happen to them.

Having the privilege of a trial and being convicted and serving a sentence is not an end of the matter. You can still be arbitrarily further punished without any trial by being banned or banished, or house arrested or held in detention.

5. *Place of trial*: Although it is normal to try accused persons at the place where the crime was committed, a number of our laws provide that you may be tried anywhere, even if it's 2,000 miles away from the place of the crime or the place from which you come where your relatives and friends are where your possible witnesses may be.

6. *Detention and imprisonment for police interrogation*: Proclamation 400 in the Transkei was imposed in 1960 during the emergency. It has remained a permanent part of the law of the Transkei; it provides for indefinite detention without trial.

The 90-day clause provided for arrest and detention to question a detainee until he gives satisfactory answers to his police questioners. This was followed by the 180-day clause when the 90-day clause was suspended.

The Terrorism Act, sec. 6, provides for in-

definite detention without trial. A man or woman may be detained indefinitely, held incommunicado, kept in solitary confinement and given no access to anyone but his interrogators. No Court can question the validity of any action taken, no wife, no lawyer, no Minister of Religion has any access to a detainee, but "if circumstances permit, he may be visited by a Magistrate once a fortnight".

"A person under this Act may thus simply vanish and no one be accorded any information as to his fate or whereabouts". (A. Suzman)

In the inquest proceedings held into the death of the detainee detained on 5th March, 1969, the lawyers for the widow called the widow to give evidence in Court. This is how the Record reads:

"Court: Is she the widow of the deceased?"

"Yes."

"Court: Is there anything special in her heart she wants to tell the Court."

"Yes. My husband was arrested. After his arrest I received a message that he was dead. He was arrested on the 5th March—in the middle of the night. We were already asleep. My husband slept with me in the same room on one bed. I heard a knock on the window as well as on the door. I woke my husband. My husband got up and went to the door of the room to open the door. I grabbed him and held him—I told him he must not open the door before he heard who was knocking on it. I then went to a window and drew the curtain—I saw a White man standing. A short thick set man. I asked 'Who is it?' He replied: 'It's the police'. My husband opened the door and I stood behind him and I heard the voice of a man outside the door—I saw two hands appear and they grabbed my husband and the hands pulled him outside. Then I screamed—"

The widow then described in detail what went on during that short time she and her husband got dressed. Then the Record reads:

"Court: Did they then take her husband away?"

"My husband went to put on his shoes in the bedroom and they went with him."

"Court: Is that all she wants to tell the Court?"

I am not finished yet. I again went to stand by the window and looked outside. I saw three motor vehicles. There were two private cars and a pick-up van. The pick-up van was in the front and the two motor cars behind it. My husband climbed into the middle car. They closed the door. All the vehicles rode off. —"

Then the widow told the Court how first some six or seven days later the police came to look for her husband's pass and to ask her for her husband's belt. She went on to say:

"On Thursday I went to town. When I returned from town the neighbors told me that the police had been and that my husband was dead. As a result of this news, I was shocked and felt faint". (p. 287 onwards—Inquest James Lenkoe)

Time does not permit me to tell you more of this tragic and significant matter.

Prof. Arthur Larson of Duke University, a man who was one of Eisenhower's personal advisers, and who attended as observer at the terrorism trial in Pretoria for the Lutheran World Federation and the World Council of Churches, told the American Bar Association at Philadelphia in 1968:

"If you pass a statute which gives the police and the executive authorities free rein to do almost anything they please in the way of violation of human rights, and then excuse this by saying that you will of course rely on the discretion of the authorities not to abuse this power, you have for all practical purposes thrown away law and substituted unlimited personal tyranny."

Another famous American jurist and Judge of the Supreme Court, Mr. Justice Frank-

furter, observed in a famous American case (McNabb v. United States (318 U.S. 332 at 347 (1943)):

"The history of liberty has largely been the history of observance of procedural safeguards".

What does our law provide as safeguards of personal liberty? Has law been discarded and have we substituted unlimited personal tyranny? Again, we can examine the record of the inquest proceedings of the first detainee "who hanged himself". The record shows that he was arrested in Cape Town on 20th August, 1963. Evidence was given that he was found hanging in his prison cell in Pretoria on the night of September 4th/5th, 1963. According to the record, he was detained in solitary confinement in a cell 12' by 12' and in the cell there was a coco mat, about 1" thick, on which he slept on the cement floor (pages 94/5-103). There was no stool and no table in the cell. He was given nothing to read and no writing material and he spent 23 or 23½ hours a day alone in his cell doing nothing (Page 171/2). His food was mielle pap and meat (Page 175) (in this respect he was privileged as other prisoners did not receive meat (Page 172). Another detainee alleged in the same proceedings that he only received bread and water (Pages 180/2).

This detainee "who hanged himself", the police said, was a key figure, a leader. He had been questioned many times but refused to answer questions or give information. The evidence given by his interrogators was that suddenly on the afternoon of the 4th September he changed his mind and agreed to give a statement. The interrogators said: "Suddenly the man became a coward" (Page 75). The experience of these interrogators was, they said, that there was a sudden change and a brave man would become a coward. (Page 75 of the Record).

What is the effect of this detention and interrogation on people? This question was put to the Major in charge of the detainees being interrogated at Pretoria (at Page 163 of the Record): "Q. Would you agree with this then? . . . all the evidence indicates that a person during his period of solitary confinement should not be considered to be normal. A. I cannot deny it".

A study of the effects of solitary confinement was made, particularly by American psychologists and psychiatrists arising out of the treatment of American prisoners in Korea.

It was found, and this is still true today, that individuals who spend even a short time in solitary confinement, even a few days, can suffer various bizarre experiences, distortion of motivation and affect a change in intellectual ability, and distorted social relationships.

"Sufficiently prolonged isolation from society or deprivation of sensory stimuli can produce mental abnormalities in the form of hallucinations, anxiety states, depression and paranoid symptoms. Conditions likely to induce these phenomena occur . . . in prisoners kept in solitary confinement. . . ." (Ziskind 1958).

Confinement alone without any form of physical assault or torture, is an extremely severe form of treatment. It can be expected to produce dramatic changes. The type of change has been examined carefully and can actually be scheduled.

Initially on arrest, there is fear and uncertainty. After one to three days in detention, there is bewilderment and discouragement followed by over-alertness, expectation, rejection of food and attempts at fraternisation. From between three and ten days there is anxiety, sleeplessness, compliance, increasing loneliness, boredom, fatigue and weight loss. From ten days to three weeks, there is increasing dejection, repetitive acts, intense fatigue, constipation, craving for companionship, humiliation and loss of all self-

respect. From three to six weeks, there is despair, inactivity, filth, soiling, mental dulling, loss of discrimination, muttering, weeping, need for companionship and the detainee is highly suggestible and easily grasps at any help. The American authors (Hinkle and Wilf, 1957) maintain that a typical subject would require twelve weeks (nearly 90 days) from time of first incarceration to final "confession". The distinction between truth and fiction cannot be demarcated. They said that skillful interrogators utilize the prisoner's need to talk and craving for human association by discussing with him apparently innocent details of his past life. This cements a bond of companionship between the two that can be one of the most effective tools of the interrogator.

On reading the record of the inquest where the interrogators were questioned on their method of interrogation, it is clear that these skills were effectively used by the interrogators on the detainees. The Chief Interrogation Officer of South Africa, Rhodesia and South West Africa, said during an interview with the Star—1969, "In many ways our methods are the same as the Communists, psychologically speaking, but for a different reason". The detainee is left to suffer the effects of his isolation and then is questioned time and again (at Page 149 of the record). At the inquest the following question was put to the chief interrogating officer:

"What do you think he would have been brought up for on so many occasions?"

A. "For questioning".

Q. "To try and get him to talk?"

A. "Well, that's the reason why he was questioned . . .".

Q. "If a detainee, this man or any other on being interrogated after he has been detained, says 'I am not under any circumstances prepared to give you any information whatsoever' do you leave him alone or do you take further steps?"

A. "Well, he's got to be asked again."

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "I see. The idea being to wear him down I suppose?"

A. "I make no comment".

Q. "Well what is the idea, you give me your comment?"

A. "Well, he is there to give information, that's why he is detained".

Q. "But he's already told you two or three times he won't talk?"

A. "Then he'll eventually let go".

Q. "But the idea is to keep on questioning him is to see whether he will change his mind?"

A. "Yes".

And at Page 152 of that record this was said:

"You see, we are concerned in these proceedings with finding out what motivated the deceased in committing suicide, if he did commit suicide, and that is why I'm asking you these questions".

At Page 154/5, the following is said:

"Well then supposing you had a case of a suspect who was detained because you, the Police, genuinely believed that he could give certain information, and if in fact your belief "was wrong and this man couldn't give information, would you keep on questioning him over and over again?"

A. "I would question him, yes".

Q. "You would, over and over again?"

A. "Yes".

Q. "That would be a dreadful thing to happen to a man wouldn't it, if in fact you were wrong?"

A. "Yes".

Q. "It would be. And all that that man would be able to see as far as his future is concerned would be an endless vista of imprisonment coupled with repeated questioning?"

A. "Yes".

It was submitted in that case that not only was there sensory deprivation but that there was evidence that the detainees were tortured, that they were stripped, made to do unusual exercises, blindfolded, electrically shocked and otherwise assaulted. It was said that there were 20 such witnesses who could be brought to Court to testify to such tortures. One witness was called and his evidence was recorded. Objection was then taken as to whether such evidence was relevant in investigating the cause of death of the detainee. At Page 291 the learned presiding officer said:

"At the last hearing Counsel intimated that he intended calling a number of witnesses, 90-day detainees, to testify that they were, putting it mildly, ill-treated by the Police; he intends asking the Court to come to the conclusion, as an irresistible inference, from that evidence, that the deceased committed suicide as a result of such treatment . . .".

He went on to say:

"The question of relevancy of this evidence arises. We are not sitting here as a tribunal, investigating the general circumstances of detention of 90-day detainees—that is common cause".

And concluded:

"In the circumstances the evidence it is intended to call is not considered relevant. Counsel's request cannot be granted".

It was said that the inquest was not a trial but an enquiry under a specific Act for a specific purpose. However, before the evidence was ruled irrelevant, not only did one detainee give evidence under oath about this torture, but Counsel advised the Court and read into the record a summary of the evidence that would have been given had the Court permitted the witnesses to be called. The witnesses were ready and able to give such evidence and endure cross-examination.

That was the position in 1963. Has the position changed? On the 15th December 1969, a State witness was called to give evidence in the Supreme Court in Pretoria. She refused but said this to the Court under oath:

"I have been in solitary confinement for the past six months. . . . I have slept on the floor. . . . Although we should have half an hour's exercise every day, there were many times when we had no exercise at all. . . ."

Q. "Could you tell his Lordship briefly under what circumstances you came to make the statement?"

A. "I was interrogated, I was forced to make certain admissions because I couldn't stand the strain of standing on my feet for hours and hours."

Q. "Can you estimate for His Lordship the approximate period that you were made to stand?"

A. "I lost track of time completely. It is difficult to say. My mind went completely blank at times. . . . And as a result. . . ."

Q. "Yes?"

A. "Also I was threatened with detention of my whole family."

Q. "Now, as a result of the prolonged period of standing, can you describe the particular events that took place and that affected you, to his Lordship?"

A. "My mind went completely blank and I went to sleep standing and I had a sort of a dream in which I was actually speaking to the officers who were interrogating me, in my sleep, and afterwards when I had sort of regained my senses, I was interrogated on this dream I had which was complete nonsense. It had absolutely nothing to do with any. . . ." (Court intervenes.)

By the court:

"I am afraid I am not with you at the moment. You fell asleep standing and you had a dream?"

A. "My mind went blank, I had a sort of a dream."

Q. "You dream?"

A. "Yes, and in this dream I was speaking to the officer who was interrogating me."

Q. "Yes, and then?"

A. "And when I regained my senses I was interrogated on this dream."

Q. "Can you tell his Lordship if it is at all possible, by way of estimate or otherwise, how long this interrogation?"

Q. "The interrogation went on for five days without any sleep."

(Page 351 onwards of Record in State v. Ndou).

Where people simply vanish—where there is a virtual abrogation of the Rule of Law—inevitably, there is abuse and tyranny. In circumstances where the laws give such extraordinary powers to the police and the executive authorities and they can do almost anything, then indeed there is grave concern and good reason for alarm, when no less than 14 people have died while being detained without trial.

Seven of these, according to the findings of inquest Courts, were suicidal deaths. One detainee jumped from a 7th floor window of a room where he was being interrogated. Magistrates have on occasion expressed doubts on the cause of death. In some cases, the deaths are recorded as "due to natural causes"—these have included detainees who have died as a result of "falling in the shower", "falling down stairs", "slipping on a piece of soap". The records of all these deaths speak for themselves. Except in one case where the record merely reads:

"An unknown man died on an unknown date of cause unknown".

His death was disclosed without detail in Parliament.

Although solitary confinement is itself a punishment, again and again allegations have been made in Court that detainees have been tortured after their arrest and during their interrogation by the Security Police. Only a few cases are referred to here:

1. In the *State v. Tshadeleni*, at Pages 599/600, such an allegation was made by Counsel but as it was not strictly relevant to the issues before the Court, no enquiry was made into the allegation.

2. A 68-year-old grandfather, *Gabriel Mbindi*, was detained in May, 1967. In December 1967, it was alleged in Court proceedings by numerous of the detainees who had come from South West Africa, that they had been cruelly and brutally assaulted, suspended from a height and electrically shocked by members of the Security Police and they said that Gabriel had told them that he was assaulted in a similar way. Two months after the proceedings were brought, Gabriel was released and filed an Affidavit concerning the allegations. Shortly before the case was to be heard in Court, the State paid R3,000.00 to avoid further costs of litigation but none of the allegations concerning assault were withdrawn and the State persisted in its denials of these allegations.

3. In 1966 *Stephanie Kemp* sued for alleged assault during interrogation. In an out-of-Court settlement, she was paid R1,000.00 by the State.

One cannot detail here all the information on the subject, but one must ask if procedural safeguards protecting liberty were wanted, why were they not written into the law? Perhaps one can only conclude with the principle of law that a man intends the natural and foreseeable consequences of his actions. Numerous requests to appoint a Commission of Enquiry into these alleged abuses of police power have been rejected although today Commissions of Enquiry have been appointed almost at the drop of a hat.

The lesson of the PASS LAWS was that people become unpeople. Detainees are not

looked upon as people, as human beings, but as threats to peace and security and it would seem that there is no great concern for their treatment. But what are these threats to peace? What do the facts disclose?

1. In April 1968, scores of people were arrested in Victoria West. The most serious allegations were made against them. After ten had been convicted by the Magistrate in November, an appeal was lodged. The Judge President in acquitting all these people, severely criticised the Magistrate for accepting State evidence which was anything but convincing and for wrongly rejecting defence evidence (Page 65 R.R. Survey 1969).

2. 24 other accused from the same place charged with sabotage, were acquitted in September 1969, as the State had insufficient evidence. The Judge in condemning a Security Police spy, X54, said: "It made a person shudder to think that someone like X54 could be placed in a position where he had an interest in the arrest of members of the public."

It did not compensate the accused for all the losses and suffering they had sustained for 17 months.

3. Tribesmen from Hebron near Pretoria were arrested and detained in late 1968. (Of the 11 arrested, two died, one slipped on soap and a doctor found the other to have "sjambok and other wounds of assault on him"). Three were released and six were charged under the Sabotage Act. The Judge in acquitting all of them commented on the poor material the State had to prove its case.

4. Also at the end of 1968, numerous tribesmen were arrested and when allegations of unlawful assaults were made implicating the police, the charges against them were withdrawn and they were detained under the Terrorism Act. In September 1969, ten were charged under the Terrorism Act but one died on the night before the trial (it was stated that his death was due to natural causes). Of the remaining nine, three were acquitted on all charges and six pleaded guilty to attempted murder, a simple common law crime for which they received an effective one year's imprisonment.

5. The most serious and important case brought under the Terrorism Act was the trial of the 37 South West Africans. They were arrested during 1966 and 1967. Ministers of the government disclosed that they were aware of certain violence planned (Rand Daily Mail 1/11/66)—they could well have been aware of this as a result of the very arrest and interrogation of these South West Africans. Nevertheless, on June 21st, 1967, the Terrorism Act was promulgated. On June 22nd the Attorney-General announced that persons would be charged and five days later 37 South West Africans were charged. They were handed a foolscap typed book, 41 pages in length, listing offences going back as far as June, 1962. In view of the fact that they had already been arrested prior to the passing of the Act, one cannot understand why this Act was passed and needed to deal with the accused. Professor Larson pointed out:

"No one has attempted to deny the fact that this Act (the Terrorism Act) was specifically passed in order to prosecute these particular defendants—all of whose alleged offences were committed long before the bill was even introduced—the idea that an Act can be passed specifically in order to hang a man for his past conduct is so intensely repellant to elementary concepts of law, no amount of outside condemnation can add much to the self condemnation of the statute itself".

Could one have a stronger condemnation of a law? Can there have been any justification for such a law? Well, listen to the words of the Judge who presided in that very case. In announcing sentence, he said, and I quote:

"But in my opinion, all the accused, except Nos. 21, 22 and 23, are guilty of *common law crimes* apart from any earlier legislation that has made such action punishable".

Previously, he had underlined the fact that he regarded their crime as common law crimes and ignored the terrorism charge. He said:

"I will . . . take into account the Common Law offences which the accused have been proved to have committed in the assessment of the appropriate sentence, *although they were not so charged*".

Concerning the extent of the threat of the actions of the accused, the Judge said they "were feeble and without the slightest hope of success". Therefore, when parliament considered and enacted the Terrorism Act in 1967, the Minister of Justice must have known he already had ample evidence to convict these defendants of Common Law crimes under laws already in existence. If the Terrorism Act was not required in order to deal with precisely those defendants against whom the Act was passed and whom the Government most widely billed as Terrorists, why was the Act necessary and why was it passed?

May one not, with reason, ask: Is the Act itself not an act of terror?

The rights of White and Black people today are sacrificed to a secret police force enjoying ever widening immunity from judicial restraint and enquiry.

These powers are given to the police and executive authorities not as temporary powers to meet a temporary emergency. These acts are now part of the permanent law in South Africa. They can be enforced and acted upon at the discretion or the whim of the police or the executive authorities:

"Under a system which renders any citizen liable to interrogation on the mere suspicion of a police officer, abuse and tyranny are inevitable.

"Where the jurisdiction of the Courts to enquire into the detention is completely ousted, the danger is extreme that a police officer will become a local tyrant, misusing his powers for political or personal ends, and that the way will be opened to blackmail and the evil of false informers".

(Johannesburg Bar Council, April 29th, 1963).

Detention without trial has been used time and again for persons convicted of common law crimes.

Today those political opponents on the right of the Government, who now fear that these arbitrary powers will be used against them, rightly express their fears. All of us have reason to fear the abrogation of the Rule of Law as this will result inevitably in totalitarianism.

My function hereto today is to assist you as far as I am able to in the search for the truth. I believe that one must work hard to ascertain the facts and to find the truth. If in this talk I have made you aware of some facts, I have achieved my objective. Furthermore, if I also provoke you into investigating further for yourselves, I have achieved more success than I could have hoped for and if you investigate for yourself, I submit to you that you, too, will be very disturbed by what you find.

You must determine what you can do. You can show others the truth and tell them what you have learned. You and all of you can and must take all lawful action of every kind to spread the truth and express your whole-hearted condemnation of the evil that exists in South Africa. By your word and your action you must encourage others to join in unity with you to bring about whatever changes you lawfully can.

Should you fail to act or even refuse to act, your inaction and your silence is tantamount to condonation and approval and you make yourself a party to the wrongs perpetrated.

If you disapprove of the wrongs committed, then you must act. To vote against the Government takes but 5 minutes. To obtain and publish the truth takes longer. To organise protests, to join others and encourage all lawful protests using all the lawful means left to us, involves you and commits you to a hard and long struggle.

It is a struggle with which you may become impatient and it will require your dedication, a struggle in which you may not see results and you will require faith. Above all, you need courage and determination to go on.

But to know that such evil exists and to do nothing is soul destroying. Change will not come about by people wishing for it, but if we persist, with courage, we shall overcome.

STATEMENT OF MR. TONY BOYLE, PRESIDENT OF UNITED MINE WORKERS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CLARK. Mr. Speaker, I insert a statement of Mr. Tony Boyle, president of the United Mine Workers, which I feel every Member should be aware of:

STATEMENT BY W. A. "TONY" BOYLE

W. A. (Tony) Boyle, president, United Mine Workers of America, today accused the Department of Interior of an "underhanded and vicious attempt to gut the Federal Coal Mine Health and Safety Act."

Boyle's accusation followed publication in the Federal Register of Thursday, May 7, 1970 of a new set of regulations reducing fines for first violations of the act to an insignificant token level.

The UMW president noted that on March 28, 1970 the Federal Register carried a schedule calling for fines of \$500 per day for the first violation of the act that results in imminent danger to miners; a \$100 fine for a first violation resulting from unwarrantable failure and a fine of \$25 each for any other first violation. He pointed out that the May 7 change in regulations has reduced the fines to \$20, \$4 and \$1 respectively for first violations during the period between March 30, 1970 and September 30, 1970.

"It is clear that the pressures of the big coal operators are prevailing in the Department of the Interior. These regulations were signed by Fred J. Russell, Under Secretary of the Interior, and apparently were promulgated over the opposition of responsible and knowledgeable officials within the Bureau of Mines. This switch in regulations is contrary to both the legislative history and the spirit of the act," the UMW president charged.

Boyle stated that the Federal Coal Mine Health and Safety Act permits penalties up to \$10,000 for each violation. He said that the establishment of token fines creates a dangerous precedent and predicted that if they are permitted to stand, "tokenism will continue to be the hallmark of enforcement."

"This newest example of benign neglect subjects the lives of miners to continued grave danger and tends to reduce the Federal Coal Mine Health and Safety Act to so many useless words upon the statute books. The United Mine Workers will not hold still for this kind of performance. We urge the Congress to look into the matter without delay to determine why its legislative mandate is being subverted. Coal mine health and safety will never be assured through any system of token fines," Boyle said.

INTERNATIONAL COMMISSION ON
RADIOLOGICAL PROTECTION

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES
Wednesday, May 13, 1970

Mr. GRAVEL. Mr. President, this week, the International Commission on Radiological Protection will be meeting in London.

The significance of this meeting could touch us all intimately, for this Commission will be discussing permissible levels of exposure to nuclear radiation.

These deliberations come at a time when American electric utilities are considering "going nuclear" in a big way, and at a time when scientific and moral controversy in this country is heating up over the safety of the legally permissible dose of radiation to the population.

The recommendations of the ICRP will constitute an important voice in this discussion. In the past, at least, the Federal Radiation Council in this country has based its radiation guidelines, with very little modification, on the ICRP recommendations.

Up until recently, we all assumed—myself included—that the permissible radiation dose established by the Federal Radiation Council for the American public must be a safe dose. This was because of the natural desire of the public to trust in the benevolence and wisdom of its Government, and because of a one-sided public relations campaign on the part of the Atomic Energy Commission to convince the public that none of its activities presents a hazard to public health.

Every time the safety of the exposure guidelines is questioned, two counterfeit arguments are put forth.

The first is this: Since we are all exposed to a radiation dose from cosmic rays and from rocks containing natural radioactivity, it is absurd to worry about a permissible dose from manmade radioactivity of about the same magnitude. The implication is that it is safe to double the dose—the natural dose plus an equal manmade dose.

The fact is that both natural nuclear radiation and manmade nuclear radiation are harmful. Let me elaborate.

Karl Z. Morgan, the eminent head of the AEC's Health Physics Division at Oak Ridge, and also a member of the ICRP, estimates that at least 8,000 genetic deaths are caused every year in the American population by natural radiation, whose average dose he estimates at 100 millirems annually. These figures do not include deformed and retarded babies who survive, or cancer cases. They are just genetic deaths.

Now, the presently permissible dose of additional manmade radiation for the population would not simply increase this so-called harmless natural dose by 100 percent, but it would increase it by 170 percent for the general population. If we all received it at a steady rate, we could expect about 13,000 additional genetic deaths in America every year, and if we received it from a single, accidental

extra genetic deaths. That is Morgan's estimate.

The ICRP's latest report says that, in the absence of proof, we might suppose that the extra number of seriously defective offspring in the first generation exposure, we could expect up to 81,000 might be of the same order as the extra number of fatal cancers induced in their parents by an equivalent dose. Although the fatality of cancer is hard to predict, the latter figure is estimated by Drs. Gofman and Tamplin at 32,000 additional cancers in America every year, if we all received the presently permissible dose of radiation.

The final absurdity in the comparison of natural radiation doses with manmade doses is that we are talking about a whole new set of elements whose radioactivity has been artificially induced by man, and which have never existed radioactively in nature. Their paths through the body, their metabolism in the body, their locations in the body, are frequently completely different from those of the few naturally radioactive elements. It is a new ball game, physiologically.

In short, the comparison of the permissible dose with the average dose from natural radiation provides no comfort at all. On the contrary. Both doses are harmful.

It is appalling to discover how little is known about the actual doses received by particular organs from particular radioactive elements. The AEC recently told me that it cannot monitor internal doses very well in mice, much less in human beings. The new ICRP report states that it is extremely difficult if not impossible to assess the comparative sensitivity of different kinds of body tissue to radiation. Both pieces of news certainly undermine confidence in the permissible-dose concept even further.

The second spurious argument is this: Since we have never known anyone to die from a low dose of radiation, low doses must be safe after all. Some argue that we should start using commonsense and stop feeling alarm over mere statistical calculation.

Since statistical projections are fundamental to the concept of public health protection, I am against dismissing them lightly. We cannot afford to refuse to consider dire predictions and refuse to take preventive measures because they are mere calculations.

It is occasionally argued that, when it comes to radiation effects, we should pay more attention to laboratory scientists than to computer calculations.

There are several flaws in such an argument.

In the first place, lab experiments do not necessarily detect a low-dose radiation hazard if it hurts all subjects a little, or hurts one in 10,000 seriously. You would need 10,000 mice to observe just one bad case, and you might not detect the lesser cases at all.

Yet both possibilities represent large public health hazards for humans—either a general reduction in the health and viability of life, or 20,000 lives seriously damaged in a population the size of the United States.

To assume that low doses of radiation

are harmless, until labor experiments at low doses directly prove otherwise, would be to court disaster. We must depend on calculations, because it will probably never be possible to prove the injury-rate from low-doses empirically. Let me quote from an AEC document:

Studies which would give the required information are practically impossible to conduct. They would require millions of experimental animals, decades of time, and sensitive criteria of damage.

The question of time is crucial when it comes to arguments about safe radiation doses. As we are learning from the survivors of Hiroshima and Nagasaki, cancer induced by radiation may not show up for 20 years.

The AEC asserts that there is no instance in which human injury as a result of radiation from Nevada bomb testing has been established. Since those atmospheric tests released enormous quantities of radioactivity, such an assertion is supposed to reassure the public about all lesser contamination, too.

The assertion is not a lie, but it is a half-truth. The fact is that when the effects of radiation show up years—even generations—later, it is difficult to prove that it was fallout which caused the injury. First of all, individuals do not know when they have been irradiated. Even a lethal dose of radiation is painless at the moment when it is received.

In the second place, the delayed effects of radiation—such as cancer, or deformed and retarded children—can be caused by other agents, too. It takes careful records and control to sort out the particular causes of injury, and we do not now have such a system.

One must suspect all suggestions that low doses of radiation are harmless. In fact, when we deal with public exposure to radiation at any level, we are dealing in genetic pollution. I quote from another AEC document:

There is no safe amount of radiation insofar as genetic effects are concerned.

No matter how small a dosage, this will be reflected in a proportionately increased likelihood of mutated sex cells with effects that will show up in succeeding generations.

However small the quantity of radiation absorbed, mankind must be prepared to pay the price in a corresponding increase of the genetic load.

In view of the very low probability of ever observing direct injury from low doses of radiation, it was rather disturbing to me to learn from the AEC about a new study made on a small group of Eskimos in my home State.

Preliminary results indicate that this group is experiencing chromosome damage at fallout doses which have been below the permissible radiation dose. This is observed cell damage, not just theory.

Plutonium contamination levels are another issue which is far more than academic. It has been pointed out that commercial production of radioactive plutonium may be up to 30 tons per year by 1980. If the AEC gets a billion or two dollars for developing a fast breeder reactor, production of plutonium may be up to 100 tons annually by the year 2000. A few tons may not sound like much of a quantity, until one learns that hu-

man tolerance-levels are measured in billionths of a gram per person.

The warning signs about the so-called safe doses keep coming in. Just a few weeks ago, in a paper called "Plutonium and Public Health," their safety and meaning were questioned by Donald P. Geesaman, a scientist at the AEC's Lawrence Radiation Laboratory.

I think I should pass along, for the Senate's consideration, Dr. Geesaman's warning:

The health and safety of public and workers are protected by a set of standards for plutonium acknowledged to be meaningless. Such things make a travesty of public health, and raise serious questions about a hurried acceptance of nuclear energy.

A similar warning from two other respected scientists was made about 6 months ago. Their extrapolations from data on human cancers, not mouse cancers, induced by radiation indicate that cancer would increase 10 percent if we all receive the legally permissible radiation dose.

I have tried to indicate today that we are deluded if we assume that we are protected by the permissible radiation doses.

Setting new exposure limits for the population is not a problem which can be postponed. The nuclear reactor designs we accept this year will determine the exposures received 5, 10, 25 years—and also centuries—from now.

A decision to make the exposure of the entire population permissible at any pre-established level is a decision of the highest moral and political implications. We in Congress must ask: Is it really has ever really been tried. I am also fully directly to cancer, to physical deformity, or to mental incapacity in the population?

Deliberations about the permissible levels of exposure are being held in closed councils, far from public view, right now in the United States. This week, the International Commission is taking up deliberations, which will be more open, I hope.

It is time that the public is told what level of risk is implied for them and their descendants by the so-called safe-levels. There are indications that the health of infants may be in trouble already.

We have polluted the earth with several powerful carcinogens and mutagens. There is evidence of synergistic effects of these agents upon each other. What I am urging is extreme caution before we rush into nuclear power programs which will add more of the most deadly waste of all to the heritage for future generations.

It is time also that the public is told just how slim is the information base in nuclear energy programs. For instance, there is no inventory kept of the total radioactive releases to the environment; there is little idea about how much bomb fallout is still going to descend on us; there is ignorance about the ecological transfer of radioactive contaminants and it is impossible to predict when or where a radioactive release will return; there is even greater ignorance about the effects of radiation on other forms of life; there is ignorance about the actual amount of manmade radlo-

activity already in each of us; and very great ignorance about the effects of this radioactive burden.

The fundamental question which urgently needs to be resolved is this: Can the web of life—already threatened by conventional pollutants—survive a permanent assault by deranged and radioactive atoms? The problem of nuclear fission—both in reactors and in bombs—may be the most serious challenge which mankind has ever faced. Therefore, consider this proposition:

Let there be no level of radiation exposure which is automatically permissible. Let us set the new permissible guidelines for nuclear radiation at zero. Let us require those who want exemptions from this rule to negotiate for permission to contaminate, and let them present their case openly to the public. Let all sides be heard and the costs and benefits be explicitly arrayed.

I am fully aware that nothing like this has ever really been tried. I am also fully aware that there has never been a threat so permanent and powerful as the irrevocable contamination of this planet and all life upon it.

Our descendants will be unable to forgive fainthearted measures.

TRIBUTE TO NICHOLAS ZOROTOVICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ANDERSON of California. Mr. Speaker, on May 23, 1970, the community of San Pedro, Calif., will be honoring Nicholas Zorotovich upon his coming retirement after 42 years of teaching in the Los Angeles Harbor area. I wish to take this opportunity to commend him and share with my colleagues the following information about this noteworthy man:

Nicholas Zorotovich was born on the island of Vis, September 7, 1905. The island of Vis at that time was part of the Austro-Hungarian Empire and at the present time is part of Yugoslavia. This island, which maintains a population largely devoted to fishing, has sent a significant number of its sons and daughters to the United States where many have congregated in San Pedro, Calif., and are engaged in the fishing industry.

Nicholas' parents were John Zorotovich and Lucy Pincetich Zorotovich. Before coming to the United States, John Zorotovich spent some time in Australia, returned to Yugoslavia, and then came originally to Baker, Wash. While working in the State of Washington, he was joined by his wife and small son, Nicholas, in 1909. Eventually the family consisted of four younger brothers and sisters: John, Mitchell, Rose, and Lucretia. The family moved to San Pedro in 1917 where the father died in 1924. The rest of the family is still well and living.

Young Nicholas graduated from San Pedro High School in 1924, where he was

one of the outstanding tennis players in the high schools of southern California. Upon graduating, he attended the University of California, Los Angeles, on the campus of what is now Los Angeles City College, where he graduated in 1927, having majored in history and minored in political science and economics. One of his classmates at that time was Dr. Ralph B. Bunche, now one of the leaders in the United Nations. In 1949 Nicholas Zorotovich secured his master's degree in history from the University of Southern California, and since that time has continued his studies at the University of California, Berkeley, and Stanford University.

On June 29, 1929, Nicholas married Betty Mae McCall in San Gabriel, Calif. They later had two children, Virginia Mae, and Nicholas Dale. Virginia is now married to Comdr. Jack Hyde and has given the Zorotovichs four grandchildren: Jack Elgin, Nicholas Craig, Leslie, and David. Nicholas Dale has followed in his father's footsteps, and presently teaches at the San Pedro High School and has also given his parents four grandchildren: Pamela, Nicholas Scott, Kathi Ann, and John Patrick.

In 1928 Nicholas became a teacher at Dana Junior High School in San Pedro and transferred to San Pedro High School, where he continued teaching from 1929 to 1949. He taught history and various other subjects, and for 15 years was a tennis coach of a series of successful tennis teams for the high school. In 1949 he transferred to Los Angeles Harbor College where he has been a professor of history, and department chairman of social sciences from 1949, until his retirement this June in 1970.

During the 1930's, Nicholas was active in political affairs in this community as president of Ephebian Society in 1934. He was active in sponsoring the candidacy of Upton Sinclair, candidate for Governor of California under the EPIC plan. He later was a member of the 68th Assembly District Democratic Central Committee. Since the 1930's his direct activities in politics have diminished, but his interest has remained high, and from time to time he has taken an active role in the campaigns of a large number of candidates.

In 1957 he took a sabbatical leave, and with his wife, Betty, toured Italy, France, Belgium, Holland, Yugoslavia, Austria, Switzerland, West Germany, Denmark, Sweden, Norway, Scotland, England, and Spain. In 1963 he published "Wish You Were Here," a book about their travels in Europe.

His community services include being a member of the San Pedro Boys' Club, board of directors for 28 years, and president for 3 years. During that period, the boys' club raised sufficient funds to build one of the finest facilities for boys in southern California.

He is a longtime member of the Elks Club and is chairman of their scholarship committee. He is a longtime member of the San Pedro Yugoslav-American Club and served as president from 1965 to 1968. He is a longtime member of the San Pedro Rotary Club and has served as its president. He was a member of

the San Pedro Toastmasters Club and served as its president. He has served as chairman of a large number of community chest drives. He has been chairman of the San Pedro Coordinating Council.

Nicholas' plans for retirement include some travel, especially in Mexico, and the possible writing of several books that he has contemplated writing for some time.

I wish to join the entire community of San Pedro in commending Nicholas Zorotovich for his outstanding contribution to his community and wish him many years of fruitful and happy retirement.

ECONOMIC CONSEQUENCES OF THE VIETNAM WAR

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES
Wednesday, May 13, 1970

Mr. MOSS. Mr. President, a celebrated citizen of Utah, Mr. Marriner Eccles, has, since 1965, been warning Americans about the economic consequences of the Vietnam war. A recent column in the *Deseret News*, written by its business editor, Don C. Woodward, sums up the views of Mr. Eccles. At this time of expanded concern over our action in Southeast Asia, I urge Senators to read carefully this well-written article. I ask unanimous consent that it be printed in the Extensions of Remarks.

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

[From the *Deseret News*, May 1970]

THE BILL FOR WAR (By Don C. Woodward)

Marriner Eccles wasn't in the audience when Louis Lundborg, chairman of the world's largest bank, the Bank of America, spoke out against the war in Vietnam recently. He should have been.

In fact, Lundborg later confided to the Eccles family that he had been thinking of Marriner when he faced his own stockholders.

Marriner Eccles, one of Utah's most distinguished bankers, was also one of the first prominent businessmen to attack the war. He began his campaign back in 1965, speaking, writing and warning the nation that "under no circumstances should we escalate the war in Vietnam. Our position there is indefensible."

PREDICTED INFLATION

He also warned, in early 1966, that "inflationary pressures will greatly increase and the position of the dollar in the world market will be further jeopardized . . . if our leaders insist on escalating this war to a finish, it is likely to be the most disastrous of the wars we have fought, measured by cost, loss of life and prestige throughout the world . . . with all our domestic problems—mass poverty, unemployment, riots in our cities and the highest rate of juvenile delinquency and crime throughout the world, who are we to be the world's policeman?"

Today, more than four years later, Eccles draws little consolation from the fact that events proved him right. "I feel I've been vindicated," he said this week. "But I haven't said a darned thing about this war for the past year or year and a half. I got discouraged. I fought so long, and it gets worse instead of better."

Eccles was made chairman of the Federal Reserve Board back in the Depression days of 1935 and held the post until 1948, then resigned the board in 1951. He now is chairman of the First Security Corp., Amalgamated Sugar Co. and Utah Construction & Mining Co.

CHANGE PRESIDENTS

The purpose of his first early attacks on the war was to "get Johnson out," he said, in the hopes that a new president would then be able to withdraw U.S. troops. Johnson's out now, but Eccles isn't happy with Nixon's performance either. "He leaves a lot of gaps for us to stay in," he said.

Eccles continues to blame the Vietnam war—and war in general for that matter—for our economic problems. In that respect Lundborg's opposition and his are similar. "The public doesn't realize that we can't possibly deal with inflation and tight money as long as we are spending \$600 million a week in Vietnam," said Eccles. "That's the economic issue, aside from the fact that we've killed 41,000 boys and have a quarter of a million of them in hospitals."

War costs will continue to be a burden, he added. Veteran pensions are now \$10 billion a year plus more than \$2 billion for veteran's hospitals. "So, financially, war never ends," he said. "All you're doing is building up a permanent liability requiring huge annual payments."

INTEREST ON DEBT

He pointed out that interest on the public debt is running at \$19 billion a year, and then said, "As a matter of fact, the public debt is almost entirely due to wars. The First and Second World Wars, the Korean War and the present war—without them, you would have no public debt."

Although he hasn't given any speeches recently on the war, he and his brother George Eccles inserted a paragraph in First Security's annual report pointing out the economic consequences of the war. That statement said:

"It distorts the American economy. It is the primary contributor to inflation. It draws on billions of resources which could be put to work solving the critical social and economic problems facing the nation."

First Security's report added that all of the country's domestic problems, of poverty, hunger, crime, education, housing, pollution and transportation, are interlocked and "cannot be brought under control until the Vietnam War is ended . . . this makes the ending of the Vietnam War imperative at the earliest possible date."

While many of his business companions have not agreed with Eccles in his firm and early opposition to the war, they have to admit that he told them four years ago what was going to happen to the economy.

A MEMBER OF THE ACADEMIC COMMUNITY SPEAKS OUT

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1970

Mr. ADAIR. Mr. Speaker, in these troubled days, some feel that our Nation is greatly divided, but I am more optimistic about America. It has withstood many vicissitudes of at least equal magnitude. Prof. James D. Atkinson, of Georgetown University, recently wrote to President Nixon recalling the dark days of 1864 that former President Lincoln had to face. Professor Atkinson does not speak from just an academic tower. He

is no stranger to war, having fought in World War II, and for a time was a prisoner of the Germans. My feeling is that he speaks for a number of our members of the academic community who ordinarily are not heard. Therefore, I commend his letter to the attention of my colleagues:

GEORGETOWN UNIVERSITY,
Washington, D.C., May 5, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

Mr. DEAR Mr. PRESIDENT: Not since the administration of Abraham Lincoln has a President of the United States been the recipient of such below-the-belt attacks as those following your attempts to end the war in Vietnam by helping Cambodia.

In the summer of 1864 the opposition to the Civil War was, in the North, at a high peak. Vilification of Lincoln by the Northern Copperheads and other dissident groups was mounting in intensity. Yet Lincoln never swerved from the course he had set as Commander-in-Chief to preserve our society.

Carl Sandburg has written of those perilous Civil War times in words reminiscent of the dissidence and violence in America today. Of the attacks on Lincoln at that time, Sandburg quoted a Washington newspaper in terms that apply to the present: "Through all the vicissitudes of a social upheaval such as never before perhaps convulsed a nation, he has kept one purpose steadily in view, that of preserving the integrity of the national life."

Today, in 1970, you are doing the same thing. Your words that you would prefer to be a one-term President rather than to see America become a second-rate Power place you alongside Abraham Lincoln and all of our other great Presidents who put honor and the "integrity of the national life" above personal and political considerations.

Those members of the academic community who write in a spirit of honest scholarship—and I believe they constitute the vast majority—will rightly record that this was your finest hour.

Respectfully yours,

JAMES D. ATKINSON, Ph. D.,
Professor of Government.

ABUSE OF TRAVEL PRIVILEGES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1970

Mr. ZWACH. Mr. Speaker, I am today introducing legislation to provide that no Federal funds be used to pay for expenses of foreign travel of any Representative after he has been defeated for election to a seat in the House, or after the adjournment of the last session of a retiring Member.

Certainly our taxpayers, already overburdened on the Federal, State, and local level, should not be expected to pay the bill for globe-circling Congressmen.

It is bad enough to abuse this travel privilege under the guise of "official investigations," but absolutely nothing can be gained by sending a solon on a free vacation after he will no longer serve in Congress.

In these troubled times, Congress could well assess its own image. Certainly it is beneath the dignity of the House of Representatives to use taxpayers' money for these trips.

NATIONAL GROWTH POLICY AND
TRANSPORTATION

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BROTZMAN. Mr. Speaker, "BosWash," "ChiPitts," "SanSan," and "JaMi" are not household words today for the average American. But these strange sounding place names are facts of life with which all Americans will have to contend unless effective action is taken to develop what the President called in his state of the Union message "a national growth policy."

"BosWash," "ChiPitts," "SanSan," and "JaMi" are the way Secretary of Commerce Stans designated four gigantic clusters of metropolitan areas which we are likely to have in the year 2000. By that time, 85 percent of our population of 300 million will be urban dwellers, if present trends continue. The Secretary has accurately stated these unbroken areas of people, homes, factories, highways, railroads, and powerlines will each constitute a new phenomenon on this earth, posing megaton problems that will make solving our present difficulties look like simple exercises.

If we act now, we can avoid an America engulfed by megalopolis. All of us should, therefore, be placing a priority, as is the President, on the development of a national growth policy. If such a policy is not developed, we will find ourselves, our children, and grandchildren enmeshed in a "ChiPitts," or "SanSan" with our quality of life having deteriorated.

The President has correctly taken the initiative through programs such as revenue sharing to begin the decentralization of government that will make it feasible to decentralize our population and reverse the migration to metropolitan areas. As Chairman of the House Republican Task Force on Transportation, I believe that transportation—balanced transportation—has a vital role to play in the process of decentralization. The Federal highway programs have already demonstrated the substantial impact transportation has on the distribution of our population. The new national-growth policy must, I believe, provide a substantial role for improved and balanced transportation.

Transportation is not an end in itself. It is, however, an effective means to achieve the improved quality of life we all seek.

I want to commend to my colleagues the timely speech by Secretary of Commerce Stans, sponsored by the Center for the Study of Private Enterprise, on February 24, 1970, at the American University. I insert the speech and a New York Times article concerning the speech:

ADDRESS BY THE HONORABLE MAURICE H. STANS

It is indeed a pleasure to join in this continuing discussion of the relationship between business and government.

We all know that a strengthening of this relationship is of transcending importance if

we are to solve our mounting social and economic problems. The harsh experience of the 1960's demonstrates that government fails when it attempts to solve them alone. Billions of dollars have been spent on countless programs, but the problems remain, as vexing as ever.

The fact is that government's neglect to develop a viable, working partnership with the private sector is one of the root causes of this trouble. Government can guide by setting priorities and providing incentives. But only business has the managerial, organizational and technical skills required to get the job done. The Nixon Administration is dedicated to enlisting the full range of these talents in attacking our problems.

So this series of lectures, which is shedding new light on the evolving business-government relationship, has our warmest endorsement. The sponsors, American University and the firm of Hill and Knowlton, are to be commended for this public service undertaking.

SECRETARY'S RESPONSIBILITY

As Secretary of Commerce, I especially welcome the new insights these lectures are providing. For the man in my job has the primary responsibility for nurturing the business-government relationship. He must guide it along constructive lines and enlist business' greater involvement in public problem solving. He must help prevent business from committing abuses and from being abused. Above all, he must see to it that the interaction between these two great segments of society contributes to the advancement of the free enterprise system, which has given us everything we have and can give us everything we want.

I also appreciate the opportunity to discuss the topic of this year's lectures "Private Enterprise and the Urban Crisis."

For one thing, I am personally involved in seeking solutions to urban problems as a member of the President's Urban Affairs Council, Rural Affairs Council and the Cabinet Committee on the Environment, all Cabinet-level bodies.

Second, the subject has just taken on a new timeliness and significance. It was only a month ago that President Nixon made a historic proposal that for the first time offers hope for a comprehensive and lasting solution to our urban problems.

NATIONAL GROWTH POLICY

"I propose," the President said in his State of the Union Address, "that before these problems become insoluble, the Nation develop a national growth policy. Our purpose will be to find those means by which federal, state and local government can influence the course of urban settlement and growth, so as positively to affect the quality of American life."

The President's far-sighted proposal recognizes that there is not just one urban crisis, but two.

The first has been tearing the fabric of society for a decade.

It is compounded of the long-festered problems of slums, crime, unemployment, air pollution, traffic congestion, and substandard schools and health facilities.

Many efforts, public and private, are underway to solve these problems. Among the outstanding programs of the private sector is that of the National Alliance of Businessmen in hiring the hard-core unemployed. In the area of equal opportunity, many business corporations and associations have joined our recent efforts to help minority members to become owners of their own businesses. American business has also addressed itself in many other voluntary and unheralded ways, as a matter of social responsibility, in dealing with problems of pollution and assuring the consumer fair value.

This first urban crisis is of enormous dimension, but we must not conclude that there is something suddenly wrong with the historic concept of the city.

CITY'S IMPORTANCE

From time immemorial, cities have represented the highest achievements of civilization. They are our most visible symbols of wealth and power. They are the centers of art, culture, commerce, finance, science, industry and government. And it is to the cities that men have always flocked in search of the good life. This was true when Athens was the "mother city"—the metropolis—during the Golden Age of Greece, and it has been true in our own time. Has something suddenly changed all this?

The answer is no, but there are some new factors in the equation that we must take account of.

POPULATION CONCENTRATION

The first is the degree of urbanization.

In 1790, ninety-five percent of America's 3.9 million population was rural.

Today about 73 percent of our 205 million people live in urban areas.

This means that these 73 percent, or about 150 million, live on just slightly more than one percent of the land.

The other 27 percent, or about 55 million, are rattling around over the remaining 99 percent of the land.

It's as though we owned a vast mansion, with hundreds of rooms, but most of us have decided to live in the closets.

To make matters worse, we like to move around a lot, most of us in our own personal vehicle—the automobile. In some places we provide this device with more space than we allot to people. For example, two-thirds of downtown Los Angeles is said to be given over to streets, highways, parking lots and filling stations.

But that isn't all. We also have the problem in cities of extreme concentrations of waste products of an advanced industrial society.

Together, all these things have placed a burden on land, air, water, man-made facilities, and human beings themselves, that is all but intolerable. We are engulfed by noise, congestion and pollution of every kind.

MIGRATION OF BLACKS

Another new factor in the equation is the new concentration of poor black people in our great cities. During the past 20 years, more than 3 million Negroes have migrated from rural to urban areas, mainly to the inner core of the metropolis. Displaced from their farm jobs by rapid mechanization, they came looking for new opportunity, but they were equipped with little education and new skills. Instead of opportunity, they found the bitterness and frustration of the slum that finally erupted in rage and riots.

They found that many of the jobs in the inner city, like those on the farm, had disappeared under the impact of technological change. Industries once housed in the lofts of the central business district had been attracted to the suburbs by improved transportation facilities and ample space for more efficient one-story plants.

At the same time the poor blacks were moving in, the more affluent whites were moving to the suburbs. Their higher skills enabled them to get the better-paying jobs in the newly-established industries there, while patterns of housing discrimination helped to keep out the blacks.

TAX REVENUE DOWN

Compounding the problem was the loss of revenue to city government as industry and the affluent whites moved beyond its tax jurisdiction. In 1932, for example, municipalities collected 25 percent of all tax reve-

nue; today they collect 6 percent. This is why President Nixon wants to share some of the Federal Government's tax revenue with cities and states. Because the more the problems of the inner city have grown, the less financially able has been the city to cope with them. Until today, as the President said, "the violent and decayed central cities of our great metropolitan complexes are the most conspicuous area of failure in American life."

The Administration's programs on food and nutrition, family assistance, housing, crime, transportation and education are all designed to deal with the problems of this first urban crisis. I believe they can go far toward remedying most of today's difficulties. But even if they are all successful in alleviating today's crisis, there still remains the impending second urban crisis.

TIME BOMB

This second crisis is less spectacular at the moment. But it is a time bomb ticking away with the ominous potential of producing a chaotic urban growth whose problems would dwarf those of the present.

We are alerted to this danger by a single basic statistic: In the next thirty years, more than 100 million people will be added to the population.

As President Nixon said about the children making up this increase: "Where they grow up—and how—will more than any one thing, measure the quality of American life in the years ahead."

It is to defuse this second urban crisis and help assure these children the best life that any Americans have ever had, that the President has called for a national growth policy. And it is on this long-range problem that I would like to focus primarily tonight, with emphasis on how business and government can develop new patterns of cooperation to cope with it.

The solution to future urban problems will only be found if overwhelming population pressures on our present metropolitan areas can be avoided. And this can only be done through the better urban-rural balance that a national growth policy would achieve.

MEGALOPOLIS

By the year 2000, eighty-five percent of our population of 300 million will be urban.

Picture, if you will, four gigantic clusters of metropolitan areas in the Nation—what the urban scholar Jean Gottmann so aptly called Megalopolis. There's BosWash, an unbroken stretch of people, homes, factories, highways, railroads and power lines from Boston to Washington; there's ChiPitts, a solid belt of heavy industry from Chicago to Pittsburgh; there's SanSan, from San Francisco to San Diego, and there's JaMI, the fourth megalopolis along Florida's east coast from Jacksonville to Miami.

Each will constitute a new phenomenon on this earth—a human agglomeration of a size, density and complexity never before known. And in combination these vast megalopolis will have the potential of posing megaton problems that will make solving our present difficulties look like child's play.

It is not very pleasant to contemplate what such an anthill society would mean to this Nation.

THREAT TO CHARACTER

What, for instance, would it do to the American people?

What would dirt, congestion, polluted air and water, traffic jams, noise, slums, crime, and violence—on a scale never before experienced—do to the American existence?

Will we fear increasingly to walk our streets? Will this fear turn into hate, divisiveness, polarization?

Will our young people feel even more alienated, rootless? Reared in great metro-

politan areas, will they lose entirely their sense of belonging, and therefore their sense of loyalty, duty and obligation to society?

Frederick Jackson Turner said in 1893 that it was the challenges and opportunities offered in the advancing frontier that had imparted the dynamic quality to the American character.

What quality will the pressures, frustrations and congestion of megalopolis impart to the character of future Americans? Will they be the same productive, optimistic, friendly, outgoing, dynamic people who have traditionally populated this Nation?

MEGALOPOLITAN GOVERNMENT

Next, what kind of government would megalopolis require?

Would our extreme concentrations of population make it impossible for government to provide adequate and reliable public service? Would our trash collection stoppages, breakdowns in fire and police protection, power failures, water shortages, substandard education and health facilities all be multiplied?

To try to cope with these mounting problems, would megalopolitan government grow even larger, with topheavy administration costs and a vast and unmanageable bureaucracy? Would countless government agencies, many with overlapping jurisdictions, each with its own separate budget, its own narrow mission, its own set of criteria, be demanding more and more funds? Would countless regulations and reams of red tape engulf us?

Would the opportunities for graft and corruption mushroom, and organized crime flourish as never before?

Would the result be steadily worsening government at an ever-increasing cost—government for which our citizens would have only contempt?

Would a complete disintegration of authority be an ever-present menace? Would the only way to govern such an anthill society be through a megalopolitan government with sweeping powers approaching those of a police state?

FREE ENTERPRISE SYSTEM

Finally, how would the free enterprise system fare in megalopolis?

Would it become so enmeshed in governmental regulations that it would lose the creativity that is the heart of the system?

Would the skyrocketing cost of public services drain so much tax revenue from the private sector that we would have virtually a state-controlled economy?

President Nixon warned against such a development in a recent press conference, when he said:

"Approximately 35 to 37 percent of the total income of the United States goes to taxes—that is, federal, state and local taxes. I believe that amount is high enough. I believe that when a Nation takes a substantially larger portion of the national income than that for taxes, then that Nation loses its character as a free private enterprise economy and turns over and becomes a primarily a state-controlled and oriented economy."

Can there be doubt that other costs, as well as those of public services, will go up in megalopolis, that land prices will soar, and the cost of labor rise because of the higher costs of living and the intensified use of labor, which increases bargaining power?

All this raises the question of the future productive efficiency of American industry and its ability to compete in the world market in the years ahead. Will inefficient patterns of urban growth have the effect of locking industry into obsolescent and unproductive nationwide layout?

Under all these conditions, will our man-

ufacturers be able to compete in an integrated world market as well as with foreign imports in our own domestic market?

ALTERNATIVES

All of these questions boil down to one.

The overriding question before the Nation is this: Shall we let haphazard and chaotic urban growth create almost insoluble problems for our people, for government and for industry? Or shall we adopt the President's farsighted proposal for a national growth policy?

Under the first alternative, every man is for himself, without regard to the effect on others or to the total effect that the combined actions of all have on us all.

Under the second alternative, business and government at all levels—federal, state and local—cooperate under fair rules equitably applied, to build an urban system that is not only productive, but also enhances the quality of life for our people and their children into and beyond the year 2000.

We know which of these crossroads to take, and the President has suggested ways government can help lead.

"In the future," he said, "government decisions . . . should be made with a clear objective of aiding a balanced growth."

"In particular, the Federal Government must be in a position to assist in the building of new cities and the rebuilding of old ones."

The policy thus recognizes that the disadvantages of megalopolis clearly do not apply to cities of viable, manageable size. Such a modern metropolis could offer society opportunities for intellectual, cultural and material progress obtainable nowhere else.

The key words here are "cities of viable, manageable size," and that is something quite different from what we can expect if things are allowed to continue on the past course.

ADVANTAGES OF METROPOLIS

Consider what the good qualities of life can be if future cities do not grow beyond such "viable, manageable size."

Through personal contacts, its residents benefit from the exchange of ideas and experiences. As consumers, they enjoy greater freedom of choice in products, and as workers they have a wider choice of occupations. And they can enjoy a greater variety of cultural and recreational facilities.

For business, the metropolis offers a wide range of specialized skills and services unobtainable in small towns. Business can draw on a pool of talent in management, law, accounting, marketing, science and technology. All are essential for business success in the increasingly complex industrial process.

To preserve these advantages of the city without incurring the liabilities of megalopolis, we will not only build new cities from the ground up but also undertake to expand our present small cities into much larger entities. We cannot assume that there will be a need for keeping very many people back on the farm. And we should not want to have the large cities get larger.

A report by the National Commission on Urban Growth has suggested the creation of 100 new communities averaging 100,000 people each, and ten new cities averaging at least one million persons. That's a total of 20 million people—only one-fifth of the 100 million we expect in the coming 30 years. If we built new cities for all those 100 million, we'd have to build a city of 250,000—about the size of Tulsa, Oklahoma—every month between now and the year 2000.

PLANT LOCATION

In dealing with where industry chooses to locate new plants, we come to the very heart of the urbanization process. For the modern

city will remain, above all, an economic unit organized by the commercial and industrial process. It is a gigantic labor saving device which vastly increases man's productive capacity. As it grows, it is held together by many other social and cultural forces, but its primary focus is as a place to produce or to provide services.

As far as I know, it has never been decided which comes first—whether people go where the jobs are or industry locates where the people are. But we do know that the two go together—and the policies of both public and private agencies must be coordinated to bring them together on a common meeting ground that is best for them, as well as the Nation as a whole.

GOVERNMENT ASSISTANCE

Now how can government contribute toward this end? What are some of the policy instruments it can use to influence the location of people and industry so as to develop a healthy pattern of urbanization?

Already, several government programs promote such a development. Our Commerce Department's Economic Development Administration helps through loans and grants to build industrial parks and to help industries get started in selected growth centers. So do its Regional Commissions, with somewhat wider concepts of economic development. The Small Business Administration also provides assistance to business in developing areas.

Realistically, if we are to expect business to help achieve population dispersal, government should help assure it an opportunity to make a fair profit in such locations. Possible new incentives include investment tax credits, liberalized depreciation allowances, and manpower training supplements. Business expenditures for new plant and equipment even now are running at an annual rate of nearly \$80 billion. If such incentives could channel an increasing portion of future investment into areas that would help achieve a better balance in urban growth, the whole Nation would benefit. The incentives themselves would constitute a national investment in higher productivity that would pay handsome dividends indefinitely.

Another important assist is highway building, which serves the transportation needs of both industry and employees. Our great Interstate System, begun under the farsighted leadership of President Eisenhower, has already helped in dispersing industry. And its impact will grow, as it is completed in the next four years. Extension of the System in conjunction with other transportation facilities will probably need to be a basic part of the Nation's future urban growth policies.

Third, government might locate its own facilities and buildings so as to influence healthy urban growth. Many government activities have already been decentralized, and this trend should continue according to a carefully drawn plan.

NEW COMMUNITIES

Finally, there is the exciting potential for government assistance in the building of entirely new communities. The Administration has recently made its first move of this type in Jonathan, Minnesota.

In the beginning of our history, the settlers developed a strong tradition of building carefully planned new communities. Here on this virgin continent was the opportunity to correct the accumulated mistakes of centuries of unplanned city building in Europe. William Penn in Philadelphia; General Ogelthorpe in Savannah, Georgia; George Washington and Thomas Jefferson in our Nation's Capital, were among the farsighted men who ordered the development of streets

and parks and living space according to master plans.

But during the last century and a half, this tradition was allowed to lapse, and most of our cities grew without design. Today, our mushrooming population has stimulated a revival in this long-dormant art of city planning and building. There are several notable recent examples in California and around Washington, D.C. I am convinced that this movement to construct entirely new communities offers great promise in achieving balance in the Nation's development. Government should encourage its acceleration in every way possible.

POLICY DIRECTIONS

These, then, are the three directions in which our national growth policy should develop:

First, the building of new cities away from today's great metropolitan areas.

Second, planned expansion of our present small cities in ways that will not result in their linking up to form additional unwieldy concentrations.

And third, discouragement of further growth of present large cities so that they can be modernized to meet the needs of the next century.

In combination, these three developments will enable us to provide constructive answers to many of the questions I have raised about the consequences of unplanned metropolitan growth.

We can more easily contain crime and make our streets safe for all our people.

We can restore in our young people a sense of pride in America, a feeling of community and belonging.

We can preserve open spaces for recreational purposes.

We can more readily cope with air and water pollution.

We can ease traffic congestion.

We can develop strong, responsive, and efficient local government that can better provide adequate public services such as fire and police protection, waste disposal, power and water facilities, schools and health facilities.

We can prevent the wasteful diseconomies of unmanageable local government, and hold tax collections within reasonable bounds.

We can better preserve the creative character of the free enterprise system by preventing its entanglement in the red tape of bigger regulatory agencies.

And we can enhance the competitive ability of American industry by maximizing our productivity potential through a more efficient distribution of the industrial process.

BUSINESS RESPONSIBILITIES

In meeting these tasks, there are unprecedented challenges and opportunities for American business.

The first—and probably foremost—is business' contribution to the building of new cities and renovation of old ones. Urban development offers a wide and growing market for new corporate starts, and new directions for established companies which are seeking additional opportunities. Some of this is already taking place.

Second, to meet the challenge of city building, business should emphasize more than ever the values of research and technological development. Its major thrust should be in the field of civilian technology, concentrating on systems and products which will be required for quality in urban living.

Third, business must expect to be more cognizant of the necessities for protecting the environment from pollution, and from a depletion of our minerals and other natural resources. The wise location of new industrial plants can make a major contribution in this area.

Fourth, business should be more keenly aware that its many new products for the consumer must maintain the highest standards of safety and reliability, always within a price range that the consumer can afford. A balance must be struck, of course, in order to prevent unrealistic standards from defeating the needs of both the consumer and the producer.

Finally business should engage in longer range planning to cope with a shifting economy. Annual budgets and five-year plans are inadequate in an age of such complexity and change. Today's rocket speed requires that our foresight illuminate the future not years but decades ahead.

Nowhere is this foresight more urgently needed than in planning for a balanced distribution of the 300 million Americans in the year 2000. In his bold proposal for a national growth policy, President Nixon has placed this among our highest priorities. Now it is up to business and government at every level—federal, state and local—to implement and carry forward this farsighted policy.

ATHENIAN OATH

Can we accomplish this challenging and critical task? That depends on whether each of us individually and collectively in his own city, is willing to make this resolve:

"We will ever strive for the ideals and sacred things of the city, both alone and with many; we will unceasingly seek to quicken the sense of public duty; we will revere and obey the city's laws; we will transmit this city not only not less, but greater, better, and more beautiful than it was transmitted to us."

The men of Athens who took this oath two thousand years ago had as their objective the building of one city. In accomplishing it, they also created the Golden Age of Pericles and laid the foundation for Western civilization.

CONCLUSION

Our objective is also city-building. We know that science and technology have multiplied our strength a thousand-fold over that of the Athenians.

But do we have the wisdom, the resolve, the capacity for cooperation, the love of country, that will not only enable us to build the city—the livable city—but to light the way for the march of civilization into the third millennium?

That is the principal question before America today. It can be answered only by the full collaboration of enlightened government and the constructive potential of American business.

[From the New York Times, Feb. 25, 1970]
STANS WARNS OF "ANTHILL SOCIETY"—HE URGES COHERENT GROWTH POLICY FOR BUILDING CENTER

(By Jack Rosenthal)

WASHINGTON, February 24.—By the year 2000, Americans will be jammed together in an "anthill society" unless government and business join in a coherent national growth policy, Secretary of Commerce Maurice H. Stans said in a lecture prepared for delivery tonight.

Mr. Stans proposed such a policy in the first development of a theme expressed by President Nixon in his State of the Union Message.

Mr. Stans said the following steps were required:

Discouragement of further growth in megalopolises—urban corridors already dense with population.

Planned expansion of smaller cities.

Construction of entirely new cities, away from present urban concentrations.

Mr. Stans said such a policy was essential if the nation was to solve two urban

crises. One is the present crisis of race, space and pollution in tax-poor cities.

The other, which he described as an ominous time bomb, is the addition of more than 100 million people to the population.

While Mr. Stans' lecture was described by an aide as "a personal statement" a White House source said it had been clearly understood that Mr. Stans and his department would play a central role in the Administration's activity concerning population growth.

The lecture was scheduled in one of a series on "private enterprise and the Urban Crisis" at the American University here.

The nation's population will total 300 million by the year 2000, Mr. Stans said, and 85 per cent will be urban.

4 GIGANTIC CLUSTERS

He called on his audience to imagine the following four gigantic clusters:

BosWash, an unbroken stretch of people, homes, factories, highways, railroads and power lines from Boston to Washington.

ChiPitts, a solid belt of heavy industry from Chicago to Pittsburgh.

SanSan, from San Francisco to San Diego.

JaMi, the fourth megalopolis, along Florida's east coast from Jacksonville to Miami.

Mr. Stans said the problems of "these vast megalopoli" might well dwarf present urban worries. "It is not very pleasant to contemplate what such an anthill society would mean to this nation."

He suggested that sharp increases were likely in congestion, pollution, crimes and youthful alienation and then asked:

"What quality will the pressures, frustrations and congestion of megalopolis impart to the character of future Americans?"

Mr. Stans also intimated that local governments would become increasingly unable to deliver services and perhaps would even disintegrate, leading to "a megalopolitan government with sweeping power approaching those of a police state."

And he said that skyrocketing costs of public services could drain so much tax revenue as to produce virtually a state-controlled economy.

The sensible alternative is an urban growth policy based on the concept of "cities of viable, manageable size," Mr. Stans said.

These could avoid the mammoth problems of scale already facing megalopolises, he said, while still providing the intellectual, cultural and material opportunities that underlie the historic concept of the city.

Mr. Stans did not closely define "viable, manageable size" but made it clear that he regarded dense megalopolitan corridors as outside the definition.

There are three ways to achieve the goal of "viable, manageable size," he said. One is to build new cities from the ground up. To accommodate the 100 million projected population increase in this way alone, however, would require building a city the size of Tulsa, Okla., every month until the year 2000, he explained.

"We will not only [need to] build new cities from the ground up, but also undertake to expand our present small cities into much larger entities," Mr. Stans said.

The third solution is to discourage further growth of present large cities, he said, "so that they can be modernized to meet the needs of the next century."

This would not be negative discouragement, but would result from positive incentives to encourage growth of present small cities and establishment of new ones.

Government can contribute, Mr. Stans said, through such incentives as investment tax credits, liberalized depreciation allowances, highways that help disperse population, planned decentralization of government

facilities and continued assistance to new communities.

At the same time, business has responsibilities, too, Mr. Stans said. He urged private construction of new cities, development of "civilian technology, concentrating on systems and products that will be required for quality in urban living," pollution control and longer-range planning.

Mr. Stans' proposal is the most detailed expression of the Nixon Administration's already evident concern over urban growth.

Last year, Vice President Agnew contributed an introduction to "new city," the report of a bipartisan private National Committee on Urban Growth Policy.

"The constant growth of our population confronts us with a desperate race against time," Mr. Agnew said, "if we are to preserve our environment and keep our culture from disintegrating."

The President also has asked Congress to establish a National Commission on Population Growth and the American Future in a bill expected to be enacted next year.

Last month, in his State of the Union Message, the President called for a national growth policy—to find those means by which Government at all levels can influence the course of urban growth and "positively to affect the quality of American life."

THANK YOU AMERICA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ZWACH. Mr. Speaker, in these days of riots, turmoil, strife, and attacks on America and its institutions, it is very refreshing to hear someone stand up for our beloved Nation, to catalog its greatness.

The Granite Falls Tribune, in our Minnesota Sixth Congressional District, printed a letter last week that I would like to share with my colleagues and all of those who read the CONGRESSIONAL RECORD.

This letter, written by a Canadian, should make all of us pause to reflect and then join with our Canadian admirer in saying, "Thank you, America."

THANK YOU AMERICA!

(By Patricia Young, Vancouver, B.C.)

Permit me, a Canadian, to express a long overdue "thank you America"—not only for putting men on the moon, but for almost 200 years of contributing to the betterment of mankind. For the airplane, radio, cotton gin, phonograph, elevator, movie machine, typewriter, polio vaccine, safety razor, ball-point pen and zipper!

No other land in all the world has, in so brief a history, contributed so much and asked so little—only that we live together in peace and freedom.

From the days of Washington and Lincoln, you have demonstrated the creativity, invention and progress of free men living in a free society—where ideas and aspirations may be promoted to the extent of man's willingness to work and build a "better mousetrap" with commensurate rewards.

Thank you for upholding the principles and rights of freedom and liberty; for the American Constitution and Bill of Rights and for protecting those rights even when it results in the burning of your flag and the murder of your President.

Thank you for those who helped defend freedom on foreign soil in two world wars—a debt we have been able to pay in small measure by way of some 10,000 Canadian volunteers who stand and fight with you in Vietnam; for the foreign aid you give even when your hand is bitten and your motives impugned; for keeping your dignity in the face of insults from nations still wet behind the ears; for your patience with those who seek to steal the world and enslave its people; for keeping your cool even when the Trojan horse mounts the steps of the White House to insolently spew forth its treason.

Thank you for keeping alive the concept of individual liberty and faith in God in a world wallowing in humanistic collectivism.

For these reasons and so much more, I say: "Thank you America and God bless you."

INVITING TRAGEDY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. SCOTT. Mr. Speaker, both bodies of Congress are, of course, concerned and disturbed by recent actions on college campuses and I am sure individual Members are searching for answers in their own way.

One editor's point of view was expressed last week in the Potomac News, a weekly newspaper published in Prince William County, Va., within my congressional district.

I was impressed with the portion of the editorial indicating that even persons charged with the responsibility of law enforcement have a breaking point and the major responsibility for tragedy must be placed upon those who resort to violence and court tragedy.

The editorial in its entirety is inserted at this point:

INVITING TRAGEDY

President Richard Nixon put the deaths of the four Kent State students in proper perspective in asserting: "When dissent turns to violence, it invites tragedy."

Throughout the college year, dissenters in countless colleges throughout the nation have been inviting the tragedy which occurred Monday. Time and again, in college demonstrations, the tactic has been to push the forces charged with preserving public order to the brink—by everything from filthy epithets and reckless disruptions to violent takeovers, arson and rock-throwings.

Their partisans will argue that the people charged with maintaining order should be able to keep their cool under such provations. From hindsight, they will criticize the Ohio National Guard for not firing over the students' heads. But the stark fact is that the people maintain order are human, too. They can become scared. Everyone has a breaking point.

And when the result is tragedy, the major blame must be placed on those who chose to court the tragedy.

College dissent has taken an ugly turn. Increasingly encouraged by knee-jerk liberals among their elders, both within the faculties and without, revolution-minded students appear intent on disruption for disruption's sake. They shop around for an issue, if they can't find one on campus, there are plenty of

national ones. There's always Vietnam, and if that's not enough, then the California grapes, the Chicago Seven or the Black Panthers.

Their apologists idolize them for what they see as a new spirit of inquiry, a rejection of hypocrisy and conformity. But so much of it is a sham. Instead of inquiry, those who might proffer an opposing view are shouted down. And hypocrisy? A rock-throwing dirty-mouthed "peace" demonstrator provides your answer. As for conformity, how dare one of the "in" crowd put in a good word for patriotism.

In this country of ours, there is great need for improvement. There is a great need to shear away hypocrisies. And the nation's students can play a vital role in prodding their elders on reforms.

But there is nothing to be gained in going from bad to worse.

MEDICAL CARE AND VETERANS

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROTH. Mr. Speaker, in the past year or so, there has been a great deal of concern expressed here in Congress, in the press, and on television over the level of medical care being provided for our veterans. Possibly, there is some room for debate as to just how bad the situation is, but there is, I think, no question that a serious problem does exist. Mr. Donald Johnson, the Administrator of Veterans' Affairs, recently described the funding difficulties faced by the VA medical care system in these terms:

We have recognized from the beginning of our tenure last June, that we were approaching the critical point in care, that the crunch or the vise that was being manufactured for us of inflation on one side and increasing demand on the other, not only out of Vietnam but because of the age of World War II veterans increasing—and that is the big number of veterans—that we would soon get caught.

I would like to congratulate the Committee on Veterans' Affairs who, under the leadership of their distinguished chairman, Mr. TEAGUE of Texas, undertook a thorough investigation of the allegations of deficiencies in the VA medical system. That committee has surveyed VA medical facilities throughout the Nation to find out just how bad a problem we have.

If the response the committee received from the VA hospital in Wilmington, Del., is typical—and I understand that it is—then it is quite clear that we must take prompt and adequate corrective action to assure that badly needed funds are made available.

Dr. Harry E. Walkup, the director of the Wilmington hospital, reported to the Committee on Veterans' Affairs a funding shortage of a quarter of a million dollars. Of this, \$58,000 was needed to support the hospital's authorized level of full-time employment; \$96,000 was needed for annual operating supplies and materials; \$40,000 which had been bud-

eted for needed equipment and maintenance had to be diverted to meet payroll costs. Other areas with serious funding shortages included the dental care program and the community nursing home program.

About \$70,000 in additional funds was later made available to the Wilmington hospital, but this still leaves a funding shortage of very serious proportions.

The bill passed on May 7 will go a long way toward meeting these deficiencies in the Veterans' Administration hospital system. As reported, H.R. 17399 called for an increase of \$109,500,000 in the medical care category. The bulk of that amount simply reflects the higher pay scales resulting from the Federal pay raise of last year, but \$18 million will go toward improving the level of medical and dental care provided for our veterans. This is \$3 million more than the \$15 million supplemental appropriation which President Nixon has requested, but it is \$4 million less than the \$22 million which was to be offered under an amendment by the gentleman from Texas (Mr. TEAGUE).

I intended to vote in favor of that amendment, but am glad this committee accepted the increase without a vote. We have as a Nation recognized an obligation—a debt of honor—to assure those who have served us in time of war the very best medical care that can be provided. We have attempted to fulfill that obligation by establishing within the Veterans' Administration a medical care system of unparalleled size and excellence. This increase will help maintain—or restore—that excellence.

While I have no doubt that the proposals of the administration and of the Committee on Appropriations represent their best judgments as to what is needed to serve the interests of our veterans, I think greater weight must be given to the conclusions reached as a result of the intensive survey conducted by the Committee on Veterans' Affairs. In some cases, where there are differing estimates from authoritative sources, one might be inclined to go along with the lowest estimate or, at least, to steer a middle course. But we cannot do that when the point at issue is the adequacy of the medical care which we will provide our veterans.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

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

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

PUBLIC WORKS COMMITTEE CONCERNED WITH ENVIRONMENT AND DEVELOPMENT

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FALLON. Mr. Speaker, I have stated on numerous occasions that the Public Works Committee is basically concerned with environment and development. In the minds of some people these two areas are diametrically opposed. We know, however, that to provide the food, water, transportation, and economic well-being necessary for our growing population that development is necessary. We take as our approach that reasoned development is essential—development which considers environmental values in relationship with public need.

A splendid example of this concept in action is the announcement today of Edward B. Hinman, president and chief executive officer of the International Paper Co. Mr. Hinman announced that his company will expend the sum of \$101 million over the next 4 years to complete its ongoing program to control air and water pollution of the company's U.S. mills and plants which are located in the States of South Carolina, Florida, Alabama, Mississippi, New York, and Maine.

Although we sometimes overexaggerate the Federal role in water pollution control, it nevertheless has become a very significant one. But the solution to the problems of water pollution control, air pollution, and other measures of environmental protection depends in the final analysis on close cooperation with State and local units of government and industry. By working together and applying their respective capabilities the job to protect our Nation's environment can and will be done.

I wish to compliment Mr. Hinman and the International Paper Co., for this forward step they have taken, and I would anticipate that many, many other large industrial concerns will follow their lead.

I include in the RECORD at this point a copy of Mr. Hinman's announcement:

EDWARD B. HINMAN'S ANNOUNCEMENT

NEW YORK, May 13.—International Paper Company will spend \$101 million over the next four years to complete its program to control air and water pollution at all of the company's U.S. mills and plants, Edward B. Hinman, President and Chief Executive Officer, announced today at the annual meeting of shareholders here.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99% of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last five years alone the company has spent more than \$23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital in-

vestments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a \$76 million pulp and paper mill in Ticonderoga, New York, to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor-free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States. These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling \$33 million of the \$101 million program have actually started. As a result of programs conducted in past years, I-P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at 6 mills. Projects now under way include secondary treatment systems to be installed at I-P mills in Georgetown, South Carolina; Panama City, Florida; Mobile, Alabama; Moss Point, Mississippi; Corinth, New York; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Arkansas.

Programs related to air improvement to be started this year will involve mills at Natchez, Mississippi; Tonawanda, New York; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the \$101 million program announced today the company expects that a total of \$45 million will have been invested in water treatment systems and that an additional \$56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman told shareholders today, "All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth or adversely affecting achievement of our profit objectives."

In discussing I-P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice," Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under

our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: the role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

KENT STATE INCIDENT: TWO STUDENTS' OBSERVATIONS

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BETTS. Mr. Speaker, much has been written about the violence at Kent State University on May 4. Two residents of Shelby, Ohio, in my district who are students at Kent observed the events of that day and have given their impressions to the Shelby Daily Globe. In the interest of better understanding of what actually happened leading up to the shooting of four Kent State students, I suggest my colleagues read this article published in the Shelby Daily Globe, May 7, 1970:

SHELBY KENT STUDENTS SAY EVERYONE HAD FAIR WARNING

(By Donna Malainy)

"By Monday afternoon there were no longer any 'innocent bystanders'—people who remained on the scene had had plenty of warnings," said Kent State University student Ted Byers today, as he and his brother, Terry, a senior at Kent State, related the experiences they had witnessed firsthand at Kent State last weekend and on Monday.

Ted and Terry, sons of Mr. and Mrs. Lee Byers, 50 Louise Drive, are relaxing at home this week after Kent State was closed following Monday's shootings. Terry is a journalism major who will graduate next March and is enrolled in the campus ROTC program. Ted is a sophomore, majoring in advertising.

Both men agreed that news coverage of the event has been distorted, at least insofar as the shooting of the four KSU students was concerned. Terry, formerly news director of the university radio station, remarked, "It hasn't been established how the students were killed or what killed them." He spoke critically of news reports that have blamed the deaths on National Guardsmen. "These four people were in the crowd of demonstrators that had not dispersed," Ted explained. "They weren't in the roped-off, or 'safe' area—anything that happened to them was their own fault," he went on to say.

The brothers explained that a year ago there had been a disturbance on campus and subsequently four students, members of the Students for Democratic Society (SDS), had been arrested, convicted and were serving a seven months' jail sentence in the Portage County Jail. "Things had been quiet ever since until these four men were to be released Friday—there were no rumors that anything was going to happen," Ted reported.

Both Ted and Terry believe these four men, after their release from jail, were influential in starting the campus disturbances. "We think they brought in outside agitators, professionals," the brothers explained.

The sequence of events was described in detail by Ted, who explained that the disturbance began Friday evening when a motorcycle gang from Akron arrived in Kent. "All the bars in town closed at 8 p.m. and that left 2000 to 5000 students on the streets with nothing to do—a fight broke out and the crowds began breaking up the town," Ted related. "The group had broken at least 47 store windows and was headed for the campus when police broke up the crowd with tear gas." He went on to say that although the city curfew went into effect at 8 p.m., the campus curfew was set at 1 a.m. The group re-assembled on the campus that night, but were dispersed again with tear gas about 1 a.m.

Ted went on to report that outsiders, some people who had reportedly been seen on campuses at Cleveland State and Ohio State University, had called a rally for Saturday night. He estimated that about 30 to 50 Kent State students were involved with the rally, the rest being "outsiders." "At this point, the group was protesting the 8 p.m. city curfew and had not said anything about Cambodia or the President's stand," Ted recalled.

The small group went to the freshmen complex and gained many supporters there. "There are always those," Ted explained later, "who will follow a cause, any cause is good enough." The larger group then went back to the campus commons where a few people gave talks. The demonstrators then marched to the campus Army ROTC building (there are three ROTC buildings on campus) where they broke windows, threw flares inside the building and a Molotov cocktail which ignited and started the fire.

"When the fire department arrived, demonstrators cut the fire hoses—the police hadn't yet arrived and the firemen had no protection," Ted went on.

In the meantime, gasoline had been poured along one side of the ROTC building and then lit and, with fire hoses cut, firemen were unable to extinguish the spreading fire. "There were about 3000 rounds of ammunition stored inside the building, and when these were ignited, the building was leveled," Ted stated.

At this point, National Guardsmen, who had been quartered at the Akron Rubber Bowl in the event of trouble with the Teamsters' strike, were called in and dispersed the crowd. Guardsmen brought in jeeps, armored personnel carriers, trucks and three helicopters. The helicopters patrolled the city, looking for crowds as did one State Highway Patrol helicopter.

"By Sunday morning, everything was calm again," Ted explained. The area of the burned ROTC building and three other buildings in the immediate area had been cornered off. Terry, an ROTC member, had attempted to enter one of the buildings on Sunday afternoon and had been refused entrance. "I had to wait until Monday to get in," Terry reported.

The men went on to say that people were milling about, taking pictures most of Sunday. Then about 8 o'clock Sunday night demonstrators began to gather, ringing the school victory bell. "They again marched around Eastway Center, a freshman complex, and into another area, to get supporters—finally they had a group of about 5000 students," Ted added, saying, "Most of the freshmen had never been in a demonstration before."

At the music building, the crowd was confronted by about 20 National Guardsmen who fired tear gas bombs into the crowd, dispers-

ing it for awhile. "The group re-convened and went back to the commons, then headed for downtown Kent, which had been marked out of bounds," Ted reported. He stated that the group had gone about a block when they were, again, dispersed with tear gas about 11:30 Sunday night.

Again, Ted recalled, things were fine on Monday morning until a rumor was circulated that the protestors would stage a meeting at noon. "This was when the Cambodia issue first came into it," Ted explained.

Terry added, "I had worked for the Air Force (ROTC) that morning—we had published orders for Air Force cadets. Those of us who were seniors or officers had ID cards and had been able to get through the National Guard lines. At noon we went outdoors, and about ten of us watched the proceedings."

Terry went on to say that from inside his roped-off area, he observed the National Guardsmen, equipped with three jeeps and radios, begin to make announcements to the people gathered around that they must disperse.

Ted added that at that time, he was standing with the groups of 5,000 to 10,000 onlookers. "There might have been about 500 to 1000 actual demonstrators in the commons, though many onlookers were close enough that it was difficult to distinguish between them," Ted explained.

Terry went on to say that he, personally, heard National Guardsmen announce at least four times that the crowd must disperse and that the university was under martial law and that no assembly outside would be permitted. "They asked that people please leave the commons area or action would be taken," Terry related. "They announced it from the picket lines, then drove in jeeps making the announcements, so that all people would be sure to hear it," he added.

"Then, about 12:30 p.m. on Monday, the National Guard read the riot act to the crowd, after which National Guard reinforcements were brought in," he recalled. "The crowd didn't do anything and the Guardsmen began firing tear gas bombs."

Ted added that agitators within the crowd kept yelling that the Guardsmen were equipped with blanks, not live ammunition. "But we could see that they had live ammunition on their uniform blouses," he added.

Terry remained outside the ROTC building—"It was safe for us there in that roped-off area," he explained. The brothers reported that Guardsmen fired tear gas bombs into the crowds for about ten minutes.

The tear gas reacts differently on different people, the brothers explained, causing some people to pass out because of difficulty in breathing. "It makes you nauseated, you cry, and cough, the gas burns your eyes," Ted reported. He brought along a tear gas cartridge that had been fired into a building from which he was observing the riots.

After this many of the onlookers had left and again a small group started to gather on the commons. Terry left by way of a back door in the ROTC building and returned to his apartment off campus. As he arrived home, his wife told him that word had just been broadcast on the radio that the campus was closed and students could return to their homes.

"Parents had come after students before 8 o'clock that night, for after that time, no one could enter Kent or leave it, Terry explained.

The brothers returned to Shelby Tuesday morning though both are hopeful that classes will be resumed by next Monday.

"The crowd moved, but didn't disperse," Ted went on to say, and National Guardsmen then affixed bayonets to their rifles. "At this point there were still about 500 hardcore demonstrators who stayed," the brothers revealed.

The Guardsmen were forcing the crowd into the old practice football field, then as the Guardsmen began to return to the picket lines, the demonstrators began hurling broken bottles, bricks and rocks at them. Ted and Jerry explained that this area is a construction site and there were plenty of projectiles around to be picked up.

"We saw the National Guard stop and from our viewpoint, saw them raise their guns and fire in the air," the men reported. Ted, in his vantage point overlooking the Guard, reported that by this time Guardsmen were at the corner of Taylor Hall, located at the top of a hill.

"We don't agree with the newspaper accounts—one paper cited the example of a quarter-inch steel sculpture near Taylor Hall which had been pierced with a bullet. But the bullet entered from the south and the Guardsmen were firing to the north and northeast," Ted revealed.

Both men agreed that there were snipers in the crowd and speculated whether the students that were killed might have been hit by snipers' fire.

"I don't think the Guardsmen panicked," Ted stated. "They fired only once, for about three seconds, and fired 35 rounds," he added.

His brother remarked, "Ted and I are both disturbed that UPI and the Cleveland stations have come out and said that National Guardsmen slayed the four students—they haven't established that, in my opinion."

Terry also described an incident that happened near him. "A National guardsman about 100 ft. away from me fell suddenly and clutched his stomach—I haven't heard anything about him or what might have happened to him." He added that the man had been taken away in an ambulance.

After the Guardsmen fired, they came back to the perimeter of the ROTC buildings and about five minutes later the report came through that someone had been shot.

ANNIVERSARY OF ISRAEL

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. GILBERT. Mr. Speaker, most of us accept the notion that time heals all wounds. And if that is true, we can rejoice a little more today on this 22d anniversary of the founding of Israel than we could last year or the year before.

Despite the ominous clouds that hang over the Middle East today, Israel is the glimmer of hope that keeps millions of people around the globe hopeful mankind can survive. As long as Israel exists, man's chance of living in peace with his neighbors cannot be ignored.

We do not underestimate the dangers facing that tiny nation and her brave people today. Indeed, recent events within neighboring states have increased her peril to a point where not only Israel but the world at large is also threatened.

But the people of Israel have proved once again that a tiny band of dedicated people can rebuild their lives out of horror, that they can withstand the cruellest deprivations and that they can protect themselves and their nation from overwhelming odds. The Israel people have come to represent the finest that is within mankind.

And so, as that embattled nation celebrates yet another anniversary of its independence, all of us who believe man is capable of more than warring on his neighbors bask in her glory.

Let the United States be the friend of all nations of this world where people want only to live in peace and harmony with their neighbors. Let us do what we can to restore peace in the Middle East so that not only the people of Israel but all the nations of the Middle East may devote their lives to better causes than killing.

Time does heal wounds, though not easily and not quickly. May we all resolve in this year ahead to give time a helping hand.

MOSCOW'S GOAL

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. HAYS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an article from the New York Times of Wednesday, May 13, entitled "Moscow's Goal: Isolation of United States."

It seems to me that every American should read this and wake up to what the Soviets are trying to do to the United States and are apparently succeeding in doing:

[From the New York Times, May 13, 1970]
MOSCOW'S GOAL: ISOLATION OF UNITED STATES:
EROSION OF INFLUENCE ON WORLD SCENE IS
TERMED AIM

(By Bernard Gwertzman)

Moscow, May 12.—The Soviet Union appears to have chosen, for the moment, to mask in ambiguity its course of action in both the Middle East and Southeast Asia. Western diplomats have no firm information on what the sending of Soviet pilots to the United Arab Republic portends nor what, if anything, the Kremlin will do to counter the American troops in Cambodia.

But if, tactically, the Soviet Union is deliberately unclear, thereby keeping open all its political and military options—and Premier Aleksei N. Kosygin's message of "sympathy and support" to Prince Norodom Sihanouk today did not change this—western diplomats feel that they are less in the dark on current Soviet strategic aims.

These aims, according to the best thinking here, appear to include the isolation of the United States and the gradual erosion of its influence on the world scene.

This the Russians have attempted before, but what has aroused the interest of diplomats here now is the successes Moscow appears to be achieving.

SOVIET PRESTIGE RISING

Most diplomats seem to agree that Soviet prestige and influence are discernibly on the rise, at minimum cost to Moscow. The United States, wracked by disorders at home and disension in the highest places, seems from Moscow to be definitely on the defensive.

It now seems clear that Premier Kosygin's news conference last week was called not so much to express Soviet unhappiness over Cambodia as to arouse what he described as "all peace-loving forces through out the world" against the United States.

The conference touched off an anti-American campaign around the Soviet Union, and the Soviet press is gleefully reporting every manifestation of anti-Americanism anywhere in the world.

Lzvestia, the Soviet Government newspaper, said editorially today that Washington's decision to send troops into Cambodia "has led to the still greater isolation of the United States in the world arena."

SOVIET BLAMES UNITED STATES

In the Soviet interpretation of world events these days, Moscow is the center of the forces of peace, and Washington, of war. The disorder in Southeast Asia is pictured as caused solely by United States "aggression," the crisis in the Middle East could be ended, in the Soviet view, if Washington would end its support of "Zionist aggression." Tensions in Europe would be eased, it is held, if American forces left the continent. Such ideas are repeated daily in the Soviet media and stressed by Soviet diplomats abroad.

In Asia, the Russians appear to have adopted a low-key approach, stressing the need for Asians to govern their own affairs and establish their own security alliances while continuing to give aid to North Vietnam. Soviet influence in India seems to have reached a high, and the Russians appear to have succeeded in dampening tensions with Communist China and in giving many Asians the impression that Peking is responsible for the troubles.

From what Soviet officials say about Southeast Asia, diplomats believe that the Kremlin is certain that, over the long run, the United States will be forced out of the area, leaving Soviet influence unimpaired and its many years of aiding North Vietnam paying off in ideological and political dividends. The announcement by President Nixon last Friday that American forces will be pulled out of Cambodia by the end of next month appears to reduce the urgency of any concrete Soviet move.

FULL BACKING FOR ARABS

In the Middle East, by giving full support to the Arab cause, Moscow has replaced the Western nations as the predominant foreign power along the southern shores of the Mediterranean. By refusing to alter its negotiating position, and repeatedly charging Israeli intransigence Moscow appears here to have succeeded in eroding much of Israel's support in Europe.

The dispatch of Soviet weapons and forces to the United Arab Republic, including the much-discussed pilots, has caused concern in the United States, but has never been admitted here, although Mr. Kosygin in his news conference conceded that Soviet military advisers were present in Egypt. The pilots are said to be flying defensive missions in central Egypt, not on the Suez front, and have not clashed with Israeli planes.

Western diplomats tend to view Washington's initial response as an exaggerated one. They see no new Soviet "hard line" in the Middle East, merely the same "hard line" Moscow has followed toward that area, doing everything necessary to shore up Egypt's defenses against Israel.

DOMINANT ROLE SOUGHT

In Europe, the Russians appear to have recovered from the setback caused by the invasion in 1968 and to have resumed their active courtship of Western European powers, including West Germany. Moscow's European policy seems primarily directed at reducing American influence on the continent and preparing the way for a gradual breaking up of the North Atlantic Treaty organization, leaving Moscow as the unchallenged power on the continent.

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These political moves, which include expansion of diplomatic ties in Latin America, have been accompanied by a major increase in Soviet military power, particularly in missile and naval forces.

But, perhaps more important, they have taken place within a framework in which Communism has been extolled as superior to capitalism. Thus, despite occasional gestures of goodwill to the United States, Soviet policy, by a combination of ideological and political considerations, has become quite anti-American.

TRIBUTE TO DR. WILLIAM PECORA

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. REIFEL. Mr. Speaker, throughout my 8 years of service on the Appropriations Subcommittee on the Interior it has been my pleasure to work with Dr. William Pecora in regard to appropriations for the Geological Survey. During this period, I have always been favorably impressed with Dr. Pecora's vast knowledge and administrative ability regarding the Geological Survey. He is quick in adopting the latest scientific techniques and in utilizing such developments in their practical application.

One such program is the earth resources observation satellite project. Sioux Falls, S. Dak., is most fortunate with its designation as the major reception center for the EROS project. This facility will enable our State to combine the advances in agriculture with the advances of the space age to promote not only our own development, but the continued development of our Nation. Recently, Dr. Pecora was in Sioux Falls in conjunction with EROS project activities. He was most favorably received there.

I would like to thank Mr. Al Schock, president of the Sioux Falls Industrial and Development Foundation, for bringing to my attention an article written in the Sioux Falls Suburban News by Pablo, an anonymous columnist, about a brilliant administrator and my good friend, Dr. William Pecora.

The article, which was published April 30, 1970, follows:

FROM PABLO'S PATIO

Sioux Falls had a visitor last week. That is not news because Sioux Falls has lots of visitors every week. He was a distinguished visitor. So what! Many distinguished persons have visited our City. This man, though, had something about him that to O' Pablo made him strangely different from all the other visitors I have seen and heard and met. He is a very rare type of individual composed of, it seems, several differing characters all maintained in a close and delicate balance.

This visitor is recognized as one of the world's leading scientists in his field, a highly trained expert—yet he is able to communicate to laymen, to translate his technical knowledge and ideas into terms understood by Mr. Average Citizen. He heads up the United States Geological Survey Division of the Department of the Interior—yet, in appearance and action, he could be the operator

of the corner grocery or owner of the local drug store. He is a dreamer of almost impossible dreams, or an acceptor of someone else's dream—yet he possesses a down-to-earth practical-type approach that translates these dreams into possibilities, then into probabilities, then into problems whose solutions convert the dreams into realities. He lives in a world of space technology, of rapid scientific advancement, of politics, of project funding, of unending pressures—yet his vision of the goal of all our progress in the realm of science and technology is how best to apply these things for the betterment of life for every man, woman and child living on the face of this old world of ours.

This is the Dr. William Pecora that O' Pablo saw last Thursday as some 450 persons attended a luncheon meeting of the Industrial Foundation to hear some of the details of the EROS project outlined by Dr. Pecora. I was particularly impressed with the manner in which he closed his discussion of the project's ultimate development. He evidenced a deep and sincere conviction that the technical data and information that will be amassed here in Sioux Falls will be capable of being used to change the "have not" nations of the world into "have" nations with an acceptable standard of living, a comfortable economy, and a happy citizenry, which will remove the tension spots that are now troublesome areas. This will help generate the element of dignity in and for every individual member of the human race; it will help restore respect for the United States in all countries; and it could make possible the complete elimination of wars of all sizes and kinds. This is a dream that Dr. Pecora is convinced can become a reality, and each of us is being allowed to have a part in the process.

"Til Next Time—be thankful we live today where things happen.—Pablo.

VENEREAL DISEASE: A PLAGUE ON OUR HOUSE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. SCOTT. Mr. President, venereal disease has reached epidemic proportions throughout the country and in some cities is reported to be out of control. Lack of public awareness about the causes of venereal disease, its prevention, and the availability of treatment are factors contributing to the current VD crisis.

A special television program entitled "VD: A Plague on Our House" probes the growing menace of venereal disease to the health of the Nation and explores the efforts of public health authorities, physicians, and medical research in helping to combat this crucial problem.

Pfizer Pharmaceuticals is sponsoring this important television documentary as a part of a nationwide VD education and information program designed to focus public attention on the rapidly growing VD epidemic. I urge all Senators to view this important program which will be broadcast in the Washington area Friday, May 15, from 10 to 11 p.m. on WRC-TV Channel 4.

TEXARKANA HIGH SCHOOL
STUDENT CLEANUP DAY

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, today I want to take the opportunity to commend the young people of America for taking up our national concern for environmental-control and making it a cause for which they are willing to work in a constructive manner. I am referring, in particular, to the efforts of more than 1,100 Texarkana high school students from both Texas and Arkansas.

Mr. Speaker, these hard-working high school students both initiated and organized a community-wide trash pick-up day for Saturday, April 19. With the young men and women swarming the city in a manner described as "a giant vacuum cleaner," the all-out campaign against litter saved local residents an estimated thousands of dollars, according to figures released by the Texarkana, Ark., Public Works Department and the Texas Highway Department. According to one highway official, the litter pick-up along Bowie County highways in Texas cost more than \$23,000 in tax dollars in 1969. This is the same money that could have been used in that county to better roads or even to build new highways.

The project was an all-day event. Students on one side filled up a truck which was 14 cubic yards square, an amount which does not include the litter that many of the students took directly to the landfill.

Texas students filled 1,000 large plastic bags before running out, while Arkansas students filled more than 750 of the disposable sacks. Although students were assigned to areas all over town, many areas were not covered because the students ran out of time and supplies. However, participants were go-getters, expressing their desires to extend the project beyond that single day in April. Actions such as this show how much young people do care about their community.

Mr. Speaker, we must continue to encourage such cooperative and aggressive efforts on the part of our teenagers. At this beginning of a new decade, they have adopted America's national conscience. These students realize that there is a pressing need to work to preserve all of nature's beauty so that it might continue to complement the beauty of our manmade edifices. There is no place for litter on our highways nor is there a place for trash in our gutters.

The student leaders of Texarkana have been commended repeatedly since the project began on their deep, sincere enthusiasm for doing a job that needs to be done. But the way that they have handled the details and the actual work deserves an even bigger round of applause from the adult community.

It is now our responsibility as adults

not to allow their efforts to be wasted. We cannot allow these students to be discouraged by their efforts. We must follow the example set by the Texarkana students. We must work together to keep both our community and rural areas clean and free of litter.

SBA AND NATIONAL DISASTER
RELIEF

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PRICE of Texas. Mr. Speaker, on April 23, 1970, I discussed the President's efforts to reform national disaster relief assistance. I also discussed some of the national disaster relief efforts being directed to the Texas Panhandle to help that area recover from the devastating effects of two killer storms.

Yesterday disaster struck again in Texas. The south plains city of Lubbock, the home of the distinguished chairman of the House Appropriations Committee (Mr. MAHON), was devastated by the most destructive tornado to hit the area in recent memory. According to current reports, the storm killed at least 28 individuals, injured more than 300, and left approximately 10,000 people homeless. Damages to personal and real property may well exceed \$30 million.

The President has focused Federal national disaster relief efforts by declaring that several north Texas counties have been subjected to a major natural disaster and that he is authorizing the use of Federal funds to supplement State and local relief measures. Federal, State, and local coordination will center on several north Texas counties damaged by tornadoes during the last 30 days.

On another front, the Small Business Administration, under the capable leadership of Hilary Sandoval, has declared the stricken areas to be eligible for disaster loans and is accepting applications for long-term, low-interest loans for housing, small businesses, and nonprofit institutions affected by recent tornadoes. Residents of Texas have come to expect such immediate and effective responses from the Small Business Administration, because Hilary Sandoval and his fine staff have dedicated themselves and the SBA to responsive community service.

The activities of Mr. Sandoval have been the subject of a recent editorial appearing in the Lubbock, Tex., *Avalanche Journal*. I commend the remarks of this fine paper to the attention of my colleagues.

The article of April 23, 1970, follows:

A STOUT FELLOW

Although he has come and gone after doing his job on the ground, it is not too late to give a friendly slap on the back to Hilary Sandoval, head man of the Small Business Administration.

He didn't call on an assistant to come to West Texas and investigate the losses of the

twin tornadoes which spread death, injury and destruction over a wide area last week. He came, himself, and personally traveled the affected places.

He didn't leave it to aides to set up temporary SBA offices so storm victims could get the same service right at home that they could get in the Lubbock Regional headquarters. He did that job himself, too.

Stout fellow, Hilary Sandoval, who accepts his responsibilities as they come.

This young, personable El Pasoan who holds the highest government post yet assigned an American of Mexican ancestry, Mr. Sandoval is tireless when it comes to keeping up with his job. He goes where the action is, whether to New York to cancel out a loan to a Mafia-dominated business approved by a predecessor of earlier administrations, or to investigate whether or not discrimination has been practiced following a Gulf Coast hurricane. Mr. Sandoval doesn't "let George do it." He does it—and he does it well.

All of us who live in West Texas may be proud that our area has contributed the services of this young man to the nation. Unafraid of critical commentators, willing to tangle with power-hungry politicians if that must be and preferring to go back to his own profitable business rather than do something he knows isn't right, he is a breath of fresh air in official Washington.

He's quite a guy and he shows it at every turn.

ON THE CONSTITUTIONALITY OF
CONGRESS LOWERING THE VOTING
AGE TO 18 BY STATUTE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RAILSBACK. Mr. Speaker, recently President Nixon sent a letter to leaders of the House of Representatives in which he questioned the constitutionality of Congress lowering the voting age to 18 by statute. I would remind my colleagues that this is not a new question. The constitutionality of proceeding to accomplish the result of lowering the voting age by act of Congress has been debated, researched, and discussed during Senate hearings and during the floor debate in the Senate. The final upshot was that after considering the question, the Senate passed the statutory provision by a nearly 4-to-1 margin of 64 to 17. Mr. Speaker, experts disagree on nearly every bona fide question. I wish to share with my colleagues my disagreement with the President and those who share his views on this particular question.

First, I would like to call to the attention of my colleagues the testimony presented on March 10, 1970, to the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee by Assistant Attorney General William H. Rehnquist. In his testimony, the Assistant Attorney General stated as follows:

Certainly constitutional law, especially that pertaining to the Fourteenth Amendment, has changed substantially in recent years, and no informed observer could state

unequivocally that the statutory approach would not pass muster with the Supreme Court. But even more surely, no informed observer can affirmatively state that the statutory approach would pass muster with the Supreme Court. Characterizing the chances of success as best I can, in my opinion, I would have to say that they are uncertain and dubious.

Later in his testimony Mr. Rehnquist summarized the situation facing Congress in the following words:

The practical question facing this Committee, and which will ultimately face the Congress as a whole, is whether to proceed by the statutory route because of the shorter time involved, rather than proceeding by the constitutional route because of the greater certainty involved.

I accept such a summary of the question which will face my colleagues. And I will candidly state that, like the lopsided vote in the Senate clearly stated its decision, my decision is that the "practical" answer to this "practical" question is to support the statutory route.

I do believe that a strong case can be made for the constitutionality of all of the provisions of the Senate-passed Voting Rights Act, including the nationwide uniform residency requirements, the nationwide literacy test ban, and the provision to lower the voting age. Prof. Archibald Cox, a former Solicitor General of the United States, testified before a Senate committee that Congress could lower the voting age by statute. Prof. Paul Freund likewise is of the opinion that Congress has the power to lower the voting age by statute. And 64 U.S. Senators are on record in support of this judgment.

In his letter to you, Mr. Speaker, the President says that Congress cannot act because the Constitution vests such power in the States. To quote from the President's letter:

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise; within certain specified limits, this power belongs to the States.

And the President advises that accordingly only the States can act unless Congress acts by constitutional amendment. I would remind my colleagues that the President seemingly limits this rationale to the voting age portion of the pending legislation. That voting qualifications are to be left to the States is his message. Yet there is a portion of this same legislation, the residency requirements, dealing with voting qualifications which was offered on behalf of the administration, and it is apparently permissible for Congress to act by statute on this item. I suggest to my colleagues that if Congress, in its wisdom, determines to act by statute with regard to voting qualifications, whether such qualifications pertain to literacy, residence or age, the judicial branch of our Government will give proper recognition to the act of the legislative branch. If the administration's residency requirement provisions are a proper statutory exercise of congressional power, then so also with respect to the voting age provisions.

In two memorandums which the Jus-

tice Department presented to Congress to justify the administration amendments concerning literacy tests and residency requirements, the Department relied upon a Supreme Court case, *Katzenbach v. Morgan*, 384 U.S. 641. As the Justice Department states:

The Court held that the power of Congress under Section 5 of the Fourteenth Amendment to enact legislation prohibiting enforcement of a state law is not limited to situations where the state law is unconstitutional.

I believe the very same case and the very same principle provides the very same justification for the constitutionality of lowering the voting age by statute as it does for changing other voting qualifications by statute. In its opinion in the *Morgan* case, the Court ruled that Congress has broad power to exercise its discretion in determining the need for and the nature of legislation to secure 14th amendment guarantees. In the *Morgan* case, the Supreme Court took notice of section 5 of the 14th amendment, which states: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." The Court stated at page 649 that:

Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under Section 5 of the Fourteenth Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by Section 5, appropriate legislation to enforce the Equal Protection Clause.

By including Section 5 the draftsmen sought to grant to Congress, by a specific provision applicable to the Fourteenth Amendment, the same broad powers expressed in the Necessary and Proper Clause, Art. I, Section 8, clause 18. The classic formulation of the reach of those powers was established by Chief Justice Marshall in *McCulloch v. Maryland*, 4 Wheat 316, 421:

"Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional."

The Supreme Court went on to state, at page 651, that:

Thus the *McCulloch v. Maryland* standard is the measure of what constitutes "appropriate legislation" under Section 5 of the Fourteenth Amendment. Correctly viewed, Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment.

The issue then which would be before the Court in a test of the power of Congress to lower the voting age by statute will be analogous to that in the *Morgan* case; that is, whether the congressional action is "appropriate legislation" under section 5 of the 14th amendment. If, therefore, Congress finds that the equal protection clause is best served by extending the voting franchise rather than restricting the franchise, and if there is a reasonable basis for this finding, the

Congress has the power to change the law by statute and grant the vote to 18-year-olds, even though, in the absence of action by Congress, the Supreme Court might have upheld State laws setting the voting age at 21.

In its opinion in the *Morgan* case, the Supreme Court stated at page 652 that section 4(e) of the Voting Rights Act of 1965 was, first, "an enactment to enforce the equal protection clause," and, second, "plainly adapted" to furthering these aims of the equal protection clause. Continuing, at page 653, the Court stated:

Section 4(e) thereby enables the Puerto Rican minority better to obtain "perfect equality of civil rights and equal protection of the laws." It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did."

The President suggests that if Congress passes the pending legislation (H.R. 4249 as passed the Senate) and the 18-year-old vote provisions are later declared unconstitutional by the courts, it will have "immense and possibly disastrous effects." I do not agree with such a conclusion. In fact, I would caution my colleagues that needing only to simply agree with the Senate-passed language, we would probably bring forth far more dissent and disruption among our already frustrated young people if we failed to act favorably at this time. It is no secret that constitutional amendment proposals for lowering the voting age have languished in this Congress and previous Congresses. I am a sponsor of such a proposal, House Joint Resolution 865.

It is perfectly clear to me that the Voting Rights Act is the only realistic hope of challenging our youth to work within the system rather than turning them aside to be picked up and used by those who seek to destroy the system through violence. The youth of today are better educated, physically superior, and better prepared to take the responsibility of the vote at 18 than ever before. We have before us the chance to challenge them to participate or we can say that we are sorry, but we prefer to go about our business in the same old way and someday they may be given the vote. I believe it would be several years in coming, under the constitutional amendment route. It would be next January 1, under the pending legislation.

Finally, to those whose doubts remain, I would say that the legislation is ideally constituted to make possible a prompt review of the constitutionality of the action by Congress. Section 303 provides for an expeditious review of the cases brought, and I frankly feel that the Attorney General can take appropriate action to bring a test case which could be presented to the Supreme Court for final determination of the constitutional issue

without substantially jeopardizing any National or State election, particularly the presidential election of 1972.

I commend to the attention of my colleagues an editorial which appeared in the Washington Evening Star on April 29. The Star concludes that:

Given the present circumstances, the best course would be to pass the bill and to force a court test at the earliest possible moment. If the law survives the judicial test, the job is done. If it is thrown out, then the slow but sure method of amendment can be adopted to reach the goal that the House, the Senate and the President all profess to seek.

I insert the editorial in its entirety at this point in the Record.

NIXON AND THE TEENAGERS

The President's suggestion to the House leaders that legislation giving the vote to 18-year-olds should be rejected as based on the proposition that a constitutional amendment would be a surer and quite possibly a faster route to the same goal. Mr. Nixon is half right.

There is no doubt that the legislative route raises serious constitutional questions. Respected legal opinion differs over whether or not the Supreme Court will accept so massive a federal invasion of the constitutionally sanctioned right of the states to set voters' qualifications. No prudent man would wager heavily that the legislation could survive its first court test.

But the presidential argument that a constitutional amendment could be the quickest way to deliver the vote to the teenagers is something less than sound.

An amendment requires a two-thirds approval of the House and Senate and ratification by three-fourths of the states. Congressional approval of an amendment seems sure enough, but the approval by 38 state legislatures before the 1972 elections is doubtful. Many states will resist the federal intrusion on their sacred preserve. Most legislatures are not now in session. And the fact that the amendment giving the vote to the District passed in 11 months is no guarantee that as has been suggested, the 30 months remaining before the 1972 election is ample time. The D.C. vote was of no great concern to the legislators; the vote within their own states is.

The President also argued that the questionable legality of the Senate bill could, if voted into law, drag on through the courts beyond the 1972 elections, leaving the outcome of the election in doubt for months. The prospect is a chilling one—no doubt about that. But the likelihood of its ever being realized is approximately nil.

The Senate bill provides for an immediate test of the legislation in District Court. In addition, it would be possible for any state, as soon as the legislation takes effect on January 1, 1971, to initiate action directly in the Supreme Court. And there is no reason at all to suppose that the court would refuse to hear without delay a case of such obvious national importance.

It might have been wiser, at the outset, to go after a constitutional amendment. But now the 1972 election is drawing near. The legislation has passed the Senate and will, if allowed to reach the floor, pass the House. Given the present circumstances, the best course would be to pass the bill and to force a court test at the earliest possible moment. If the law survives the judicial test, the job is done. If it is thrown out, then the slow but sure method of amendment can be adopted to reach the goal that the House, the Senate and the President all profess to seek.

SPAULDING ADVOCATES MORE BLACK REPRESENTATION ON BOARD OF DIRECTORS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. DIGGS. Mr. Speaker, Asa T. Spaulding, retired president of the North Carolina Mutual Life Insurance Co., and a director of W. T. Grant Co., a bank, and a trustee of two universities and a technical institute, is pushing for more black representation on the board of directors of the Nation's leading business and industrial corporations.

In a letter to the president and/or chairman of the board of 109 of the country's leading and most respected corporations, Spaulding said:

I can think of nothing which I believe would be a more convincing proof of your total commitment in this area (equal opportunity employment), and increase minority and public confidence in your determination to provide forward looking leadership all the way, than for your company to put a competent and responsible Negro on its Board of Directors.

Such action would definitely place your company in the *vanguard* of the major corporations on the *wave* of the future. Furthermore, such a person could bring to your deliberations a point of view and interpretation which might not otherwise be adequately understood, and considered in proper perspective.

Good racial attitudes and relations may well be one of the *essential* keys to the stability of our form of government and to the economic progress of the country in the years ahead.

Spaulding has already received replies from 62 of the 109 companies written. The first two replies came within a week and read in part as follows:

Number 1. I suspect that every member of our Board would agree with the sentiment expressed in your letter of February 4. Would you be good enough to suggest six or more able and responsible Negroes whom I might bring to the attention of the Board?

Number 2. If you have in mind any Negroes who you think are worthy of consideration, I would be delighted to have their names.

Mr. Spaulding says the responses have been so favorable that he senses the need for developing a kind of "bank" of qualified blacks and other minorities for corporate directorships and other top level positions, and from which business and industry might draw. This is now being considered.

He also says:

It is anticipated that only capable, knowledgeable, and otherwise qualified persons with balanced judgment for making policy decisions would be considered for Board memberships. An unqualified person would not only be a disservice to a corporation but would also defeat the objectives and purposes envisioned.

On the other hand, a well qualified minority member might bring an additional dimension to a Board. And his "input" during these times of social upheaval, which threaten our form of government as well as

the private enterprise system, might help Board deliberations and decisions to be more relevant and result in better protection of shareholder and consumer interests.

Spaulding says he is not certain as to how imminent action is but that many of the corporations have indicated serious intentions, and several have requested the submission of from three to six names of persons for review and for a determination if a suitable selection might be made.

KATYN MASSACRE MEMORIAL HELD IN HAMMOND, IND.

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MADDEN. Mr. Speaker, on Sunday, May 3, I addressed the 30th Anniversary Memorial Observance of the Katyn Forest Massacre, one of the great international crimes in world history. This observance was sponsored by Thomas Sech, president of the Indiana Division of the Polish American Congress.

In the 82d Congress, the House of Representatives created a select congressional committee to investigate this massacre of over 14,000 Polish leaders at the beginning of World War II during the winter of 1939 and 1940. This special congressional committee, of which I had the honor to be chairman, held hearings in this country, London, and Europe and recorded for posterity testimony which established and revealed to the people of the world the barbarous methods used by the Communist leaders in exterminating innocent victims in order to establish Communist domination and tyranny over all the nations on the globe.

It has been estimated that since the days of Lenin, over 40 million humans have been murdered, massacred, and starved to death by reason of the insane methods of Communist tyrants to inflict tyranny upon free people.

Mr. Speaker, I include with my remarks a resolution which was unanimously adopted at the 30th anniversary ceremony by the Polish American Congress mass meeting at Hammond, Ind., on the afternoon of May 3, 1970.

I also wish to call the Members' attention to a dispatch in this morning's Washington Post announcing the death of Gen. Wladyslaw Anders, one of the most outstanding Polish military leaders and statesmen of this century. He passed away yesterday in London, suffering from a heart attack.

At the time of the Katyn Forest massacre, General Anders was incarcerated, in solitary confinement, in a Moscow prison where he had spent 20 months. He was freed after the German invasion in 1941 and became commander of Polish forces in Russia for the remainder of the war.

General Anders organized an army of freed Polish war prisoners and brought

the troops to the Middle East. The Polish II Corps, as the army was called, fought alongside the Allies in Africa and Italy.

General Anders was honored by the American, English, and French Governments for his service.

In 1946 the Polish Communist government stripped General Anders of his nationality, accusing him of "activities detrimental to the state."

Mr. Speaker, General Anders devoted his life to the cause of Poland and he was a great aid to our committee when we held hearings in London and Europe exposing the true facts regarding the Katyn Forest massacre.

Mr. Speaker, I include with my remarks a letter written to me on June 8, 1959, by General Anders which further reveals his patriotic devotion to a Free Poland and the necessity of continuing the fight for future freedom.

Resolution adopted at the 30th Anniversary Observance of the Katyn Massacre.

Assembled at the commemoration of a tragic event, which has become known throughout the civilized world as the Katyn Massacre, we submit the following:

1. In accordance with the Soviet-German treaty of August 25, 1939, the Russian Army invaded Poland on September 17, 1939, when the Polish Army was bleeding in its valiant struggle against the armored might of Germany.

After the complete occupation of Poland by the German and Soviet forces, approximately 250,000 Polish soldiers were made prisoners of war in the Soviet zone of occupation. 15,000 Polish officers were placed in the prisoner of war camps in Ostashkov, Starobielsk and Kozielec in Russia.

These officers were wantonly murdered on the orders of the Soviet government—4,500 at the Katyn Forest, the remainder in heretofore unknown locality.

The International Tribunal of Nuremberg punished Germans guilty of crimes of genocide, but failed to hold hearings and pass judgement on the crimes of genocide perpetrated by the Soviet Union, which to this date enslaves smaller nations.

Indeed, the Soviet leaders guilty of genocide were instead accorded wide ranging concessions at Yalta, where these Soviet war criminals were given the right to conquest in East Central Europe. This in turn, enabled them to organize a vast empire, which today threatens the security of the free world.

2. According to press reports, confirmed by the State Department, NATO has worked out a strategic plan which provides for a nuclear attack on Poland and Czechoslovakia in case of Soviet aggression against Western Europe. Its purpose is to induce them to discontinue their invasion of Western Europe. The plan precludes nuclear attack against Russia itself.

Thus a nation guilty of genocide and conquest of many peoples, a nation which wages war against this country in Viet Nam and which openly declared its intention to destroy America, is to be saved from nuclear attack at the cost of the people of Poland and Czechoslovakia, who have always demonstrated their friendship toward the United States.

The nuclear barrage across Poland and Czechoslovakia would in effect be the complete destruction of both nations, innocent as they are.

Within this context, the nuclear strategy of NATO constitutes planned genocide, this time conceived by the nations which proudly proclaim the superiority of ethical values of our Christian heritage and Western culture.

3. We Americans of Polish descent, assembled here at the solemn commemoration of the 30th Anniversary of the Katyn Forest Massacre, request the President, the Senate and the House of Representatives of the United States of America, and the entire American nation:

To implement the Congressional Resolution of 1952, which established Russia's responsibility for the Katyn Massacre;

To disavow the NATO nuclear plan against Poland and Czechoslovakia; and finally

To initiate United States policy, which would lead to the liberation of the people of Poland, Czechoslovakia and all other nations of East-Central Europe, from Soviet enslavement.

THOMAS SECH,
President, Indiana Division, Polish
American Congress.

HELEN RZEPKA,
Chairman, Civic Alertness Committee,
Polish American Congress, Indiana
Division.

JUNE 8, 1959.

HON. CONGRESSMAN R. J. MADDEN,
House of Representatives, Congress of the
United States, Washington, D.C.

DEAR MR. MADDEN: I read with great interest that you have raised the Katyn question in the Congress and that you are "preparing information for the State Department and the President concerning the Katyn Forest Massacre which will be helpful in a Summit Conference tentatively planned for this Summer."

At this occasion, may I express my most sincere gratitude for your constant effort in the pursuit of truth and justice as regards the tragic lot of Polish prisoners of war who, in the Spring of 1940, were murdered by the Soviets in Katyn and other as yet undiscovered places of execution.

I also wish to assure you that my countrymen, as well as myself, are well aware of the gravity of issues resulting from the work of the Congress Katyn Committee under your most efficient Chairmanship. We also attach great importance to the conclusions submitted to the President of the United States by this Committee following its valuable investigation of the case in 1952. Those conclusions, quite rightly and in accordance with the laws recognized in the World of today, requested that the Katyn case should be directed first to UNO and then to the Hague International Tribunal.

Next year, in the Spring of 1960, twenty years will have passed since the Katyn murder. The memory of this anniversary will be present in the minds of all Poles and we shall appeal again to the public opinion of Free Nations in order that justice should be applied to the criminals. We do not doubt that our American friends, and you Mr. Congressman in the first place, will raise their greatly valued voices in this important matter.

With kindest regards and all best personal wishes,

Yours very sincerely,
GENERAL W. ANDERS.

TORRANCE FIRM SELECTED AS
SMALL BUSINESS SUBCONTRACTOR
OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ANDERSON of California. Mr. Speaker, each year the Small Busi-

ness Administration selects a Small Business Subcontractor of the Year. For the first time, a California business—Thiem Industries, Inc.—has won the award.

Thiem Industries, Inc., a firm located in Torrance, Calif., was rated first among the nominees of the west coast and later competed against entries in nine other SBA regions for the national honor.

Thiem Industries, Inc. was founded by Henry J. Thiem in March 1955 and incorporated in December 1955. The business was organized for the manufacture of precision metal assemblies and operations were begun in a small, leased building in Gardena, Calif., with five employees. In the first 12 months of business, Thiem Industries had sales of less than \$75,000. Today, 15 years after its modest beginning, the company employs nearly 200 people and has sales of \$5 million per year.

Thiem Industries has enjoyed a steady growth over the years as a result of industrious and conservative management, a team of talented and dedicated employees and customers who have been loyal to a firm that has supplied them with quality products on a timely basis.

This company has been honored on numerous occasions in the past by its customers for its quality and performance. Among the outstanding honors bestowed upon the company was the nomination by the Norair Division of the Northrop Corp. for the 1967 Small Business Subcontractor of the Year Award and the nomination by the Fullerton Division of the Hughes Aircraft Co. in 1968. The high point of honors, of course, is the nomination for 1969 by the Aircraft Division of the Northrop Corp. which resulted in Thiem Industries being selected for the national award as the Small Business Subcontractor of the Year.

Mr. Speaker, I am exceedingly proud of Mr. Thiem and his firm and the quality products that they produce. In addition, I am proud of the contribution he and the members of his business have made to the community.

I would like to join with those who admire initiative, hard work, and pride in accomplishment in saluting the management and employees of Thiem Industries.

IT IS TIME TO END APPEASEMENT
ON COLLEGE CAMPUSES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. HUNT. Mr. Speaker, an editorial appeared in the May 5 issue of the Camden Courier-Post clearly spells out the dangers to our educational system and calls for the restoration of order on college campuses if academic freedom is to prevail. I urge your attention to the message contained in the editorial.

No editor could have written a more

sensible editorial. I commend him for it—straight forward to the point.

The editorial follows:

ORDER ON THE CAMPUS

Pampering of demonstrators on college campuses, with calls for amnesty for even the most violent radicals, had gone far enough, we thought, as weak-kneed administrators seemed to compete among themselves for quickest capitulation.

But now comes a phenomenon in which a college president not only capitulates but seemingly joins the ranks of the protesters.

Kingman Brewster, president of Yale University, got right into the disorderly swim as students and others showed their support of the Black Panthers charged with murder in an impending trial in New Haven.

"I am appalled and ashamed that things should have come to such a pass that I am skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States," said this college head.

In large part, Brewster says, the atmosphere has been created by police action and prosecution against the Panthers in many parts of the country. For all that he makes it sound like a reign of terror, it has been noted that there hasn't been a single federal conviction of a Black Panther.

The agitation in New Haven is in protest of the trial of Bobby Seale and eight other Panthers charged with murder and kidnapping in the slaying of Alex Rackley, an alleged Panther turned police informer whose body was found in a swamp last May.

Yale University, which had no part in the sponsorship or organization of the rallies, opened its doors to the demonstrators who were fed and housed, and treated for tear gas irritation.

Bob Hope had a light-touch answer for Brewster's fear over a fair trial in this country. Why don't they go to Russia and try to get a fair trial, Hope wanted to know. But the question also had been answered adequately earlier in another Panther trial. ABC commentator Howard K. Smith wondered if the Panthers disrupting the New York court were white right-wingers instead of black left-wingers there would not be summary actions against their disruption.

So the Yale president's statement is pretty silly. He can sympathize with the defendants if he wants to. But the trial in New Haven is not a political trial and in no way equates with the Chicago 7 trial. In New Haven it's murder.

A fair trial comes with calm, dispassionate reason, not with the kind of hullabaloo demonstrators have raised at Yale. That's more dangerous in precluding a fair trial.

The time indeed has come for an end to appeasement on the college campuses. Hard answers don't come through appeasement and capitulation. A concise and clear set of rules for campus conduct might well be established. And suspension or ultimate expulsion for violators would be precisely in order.

There certainly should be no amnesty for lawlessness and violence. Penn State University president Eric Walker held his ground on that score recently even after he and his wife were driven from their home by rock-throwing students.

Such courageous administrators, along with the majority of professors and students on college campuses who practice good order and want to get on with the process of education, are to be commended and supported.

This is not to say there isn't a place for demonstrations. Anti-war feelings obviously are high on many campuses, with young men the ones who face the prospect of fighting in Southeast Asia in a war they do not support.

But their feelings are not best demonstrated when they turn to violence. Their concern does not permit them to burn down ROTC buildings. Attacks such as these smack of despised fascist tactics.

The death of four students and wounding of 11 others at Kent State University tragically points up the dreaded end result of demonstrations which turn to violence. Reason must come to the Ohio campus and to others where sporadic outbreaks of disorder have occurred.

Order must be restored on the campuses if academic freedom and the right of free—and peaceful—expression are to prevail.

THE DONKEY STILL KICKS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROONEY of New York. Mr. Speaker, much has been made of late of the malaise affecting the Democratic Party. In some circles it is known as a severe case of the shorts and while it is inconvenient, to say the least, it is rarely fatal. The Honorable James A. Farley, one of the greats of the American political scene, apparently thinks this way, too, and is not hesitant about saying so in print. Under the permission heretofore unanimously granted me I include a newspaper article carried in the Sacramento Bee, the Fresno Bee, and the Modesto Bee, written by Edward H. Dickson, entitled "The Farley Way in Politics":

THE FARLEY WAY IN POLITICS
(By Edward H. Dickson)

DEBT

Much ado is being made these days about the \$9 million debt inherited by the present Democratic National Committee from the close-but-still-losing 1968 presidential campaign.

Some are going so far as to predict the party's death like that of the Whigs.

But there are dissenters who say that while the Democratic donkey might have a severe bad financial glanders or heaves, there is a potent kick in the old boy yet.

VETERAN

One of those who is not ready to roll over and play dead for the benefit of the Republicans is Rep. John J. Rooney of Brooklyn, NY, a congressional pepper pot if there ever was one.

"The pundits around the country," Rooney told his colleagues, "are trying to bury the Democratic party without even a decent wake."

"They say the party is leaderless, out of touch with the people and broke—that it cannot win in 1970 or 1972 and in fact may not even be in existence by then."

"This, like most punditting, is just pure bunk. The party owes money but it can win in 1970 and 1972 and once again prove it is the party of the people."

WITNESS

As a supporting witness for his viewpoint, Rooney cited James A. Farley, still sharp and active in the business world and one of the political geniuses of United States history.

It was Farley who packed a suitcase in the 1930's and traveled throughout the nation

gathering delegates for Gov. Franklin D. Roosevelt, a fellow New Yorker, for the Democratic presidential nomination in 1932.

Farley has an almost uncanny memory for names and faces, boundless energy and a high regard for political loyalty.

FDR appointed Farley postmaster general at the same time he was serving as chairman of both the Democratic National Committee and the New State Committee.

He performed all his tasks well but the hostile Republican press referred to him as "three-job Farley" which disturbed the amicable Farley not in the least as he enjoyed wearing all three hats.

There was a story around Washington during early New Deal days that while Farley was not vindictive about punishing any of the administration's enemies, he thoroughly enjoyed rewarding his friends.

KEEN INTEREST

All things being equal as to qualifications for a job, Farley showed keen interest in knowing whether the favor seeker was "BC"—meaning not the calendar but a supporter of FDR "Before Chicago" where he was nominated.

Anybody who might have doubted Farley's political ability had to be thoroughly convinced by his management of Roosevelt's 1936 reelection campaign which he won by carrying every state except the then traditionally Republican states of Maine and Vermont.

Rooney pointed out Farley remembers 1928 when Democrat Alfred E. Smith was defeated badly by Herbert Hoover in an election which saw several of the then "Solid South" states go into the Republican instead of Democratic column. The political wiseacres expressed the belief the Democrats would be out of power for 25 years.

RECALLED

But Farley also recalled the Democrats bounced back in 1932 and it was they, not the Republicans, who held the White House for 20 years.

As to the leadership, Farley had kind words for both Hubert Humphrey and US Sen. Edmund S. Muskie of Maine.

He observed the election was close, that the McCarthy and Kennedy camps delayed too late in aiding the ticket and that Humphrey and Muskie would have won if the campaign had gone another week.

He said Muskie made an "extremely good impression, is knowledgeable and a good public speaker who never makes extravagant statements."

NATIONAL COLLEGE OF ECOLOGICAL AND ENVIRONMENTAL STUDIES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population, of which I am chairman, has spent the past year studying the population growth problem, and related environmental issues. One of the most salient observations that we have made during this past year, is the necessity for increased programs that will enable our young people to deal with the problems that threaten the environment.

On April 21, Mr. Skip Spensley, the

director of Environment in Washington, appeared before our task force, and presented an excellent description of the work done by his group. Mr. Spensley aptly demonstrated the interest expressed by young people in the problems of our environment, and their desire to provide responsible action and leadership. At the Environment Teach-In on April 22, our staff was once again impressed by the seriousness and urgency with which young people have approached these problems. Later that week, one of our task force staff members delivered a speech at Ritchie Elementary School and was surprised that even children at this age have a foreboding concern for the future of the earth, and eagerly await the chance to make contributions to a saving effort.

On April 8, I introduced H.R. 16847, a bill to establish a National College of Ecological and Environmental Studies, which I strongly feel will aid in providing our young people with the opportunities that they so earnestly desire. The college would be established within the National Science Foundation for the purpose of encouraging the pursuit of ecological and environmental studies and vocations. It would be funded with seed money from Federal funds, but the bulk of the cost would be provided by the private and commercial sectors of the country. The bill has been referred to the Committee on Science and Astronautics, and we are hoping to receive a favorable report from this committee in the near future.

NEW HOPE FOR THE DEAF

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, I am calling to the attention of the Congress, HEW, our educators, and the medical profession the amazing results under new methodology of Dr. Petar Gubarina for erasing deafness developed at the Dr. Guberina Rehabilitation Center for the Deaf and Hard of Hearing at the University of Zagreb in Yugoslavia.

I submit in my remarks the two excellent letters on this program, and the recommendations of our outstanding Pennsylvania official, Dr. Neal V. Musmannus the competent and highly respected deputy secretary of the Department of Education of the Commonwealth of Pennsylvania.

The letters follow:

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION,
Harrisburg, Pa., April 9, 1970.

HON. RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

MY DEAR MR. PRESIDENT: You will be pleased to know that twenty-one American educators just returned from an education mission to three selected European countries—Poland, Romania and Yugoslavia—with stopovers in Hungary, Austria and

Switzerland. Among the twenty-one educators were nineteen chief school administrators from that many states throughout our Nation, one college professor and one Deputy State Secretary of Education.

This special education mission was sponsored by the American Association of School Administrators with Dr. Arnold Salsbury as President and Dr. John Wilcox as Associate Secretary, planned and arranged by the National Education Association's Division of Educational Travel under the direction of Mr. William C. Becker; Mr. Gilmer R. Terry, Assistant Director; and Mrs. Lois M. Weinbach, Registration Manager.

It was my pleasure to serve as director of this educational mission and I respectfully write you to let you know of the wonderful reception we received in all these countries.

Wherever we went in Poland, Romania and Yugoslavia and where we stopped briefly in Hungary, Austria and Switzerland, we were received with genuine devotion and respect for the United States of America. They inquired about our President and asked us to extend our best wishes. They were especially enthusiastic in Romania where they remember your special visit with love and admiration.

We not only spoke with the ministers of education and other leading education officials in these countries, but conversed with the school administrators, teachers and students in the many schools we visited and with citizens in the cities and villages as well.

In each of the countries a small American flag was provided to grace our tables when we dined. This not only filled each of us with great pride for our beloved country but elicited respectful attention and admiration from the natives and others in the many dining rooms as well.

It is our feeling that this education mission sponsored by the American Association of School Administrators and the National Education Association did much to encourage friendly relationships and good will with our neighbors across the seas. I would particularly like to commend Mr. Becker, Mr. Terry, Mrs. Weinbach and others of the National Education Association staff, as well as Dr. Salsbury and Dr. Wilcox who made this rewarding experience possible. Special commendations are also due the educator members of the education mission for the exemplary manner in which they conducted themselves to bring increased admiration and respect for our beloved country. We were privileged to visit the American Embassies and speak with the Embassies' staffs in several of these countries and we were always received and treated most cordially.

This education study mission provided an introduction to the educational systems in these Central and East European countries, as well as to exchange ideas and methodology which would be of mutual interest and value to all of us.

We were particularly impressed and overwhelmed by an innovative program to rehabilitate the deaf and hard of hearing and actually erase deafness in children and adults as well which we had the opportunity to observe in Zagreb, Yugoslavia. This fantastic, unbelievable, new methodology referred to as "Verbotonal" was invented and developed by a distinguished professor in the University of Zagreb and truly a new genius in the world today—Dr. Petar Guberina. We shall make every effort to bring his findings and methodology to America for the benefit of so many handicapped children and adults.

I apologize for writing you at such great length but we know of your devoted interest in education and how much you would personally appreciate hearing about our education mission and the great respect the na-

tives of these Central and East European Countries have for American educators and the President of the United States, Richard M. Nixon.

I am also writing to the Honorable William P. Rogers, Secretary of State; Honorable Hugh Scott and Honorable Richard S. Schweiker, the senior and junior United States Senators from Pennsylvania; our Governor, the Honorable Raymond P. Shafer; and to our State Secretary of Education, Dr. David H. Kurtzman so that they may know of the extraordinary, wonderful treatment we received and also of the devoted expressions to you.

Most respectfully,

NEAL V. MUSMANNO.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION,
Harrisburg, Pa., April 10, 1970.

Dr. JAMES E. ALLEN, Jr.,
Assistant Secretary of Education and U.S.
Commissioner of Education, Wash-
ington, D.C.

DEAR COMMISSIONER ALLEN: With the thought that it may be of interest to you, I am pleased to send you a copy of a letter I have written to the President concerning a special Education Mission to three European countries—Poland, Romania and Yugoslavia.

As director of this Education Mission, from which we have just returned, I am happy to share this with you.

I especially refer you to the third from the last paragraph on the second page of my letter to the President in which I write about Dr. Petar Guberina and his unbelievable methodology for erasing deafness. You will recall my discussions with you, with Dr. James Gallagher and with others of your staff concerning this new technique which has finally been designed and cast into a project proposal from the State of Pennsylvania and, as you recall from my personal visit to your office Monday morning, March 9, 1970, presented officially to your Bureau of Education for the Handicapped under the title *An Investigation of the Verbotonal Method With Preschool Deaf Children*. The proposal has been designated as No. 23-2322, and the project officer assigned from your staff is Mr. Melville J. Appell as indicated by Mr. L. J. Capossela, Grants Management Specialist, Division of Research, Bureau of Education for the Handicapped.

I write this letter to you not only as a courtesy and with the utmost admiration for your educational leadership in our Nation, but also as a report on this unbelievable new methodology in the treatment and rehabilitation of the deaf and hard of hearing. I would be most grateful if my letter might be used as an addendum to our Project Proposal No. 23-2322 and could be circulated to the readers you select for our proposal.

As indicated in my letter to President Nixon, 21 American educators participated in this special Education Mission to Central and Eastern Europe, which is described in my letter. Although the visit to the University of Zagreb in Yugoslavia and the Dr. Guberina Rehabilitation Center for the Deaf and Hard of Hearing was not officially on the original schedule of the Education Mission, once we visited there, all of the chief school administrators, the college professor and myself were absolutely overwhelmed by the results of what we saw. Specifically, profoundly deaf children ranging in age from two through ten years—in fact, Dr. Guberina treats persons at early age to age 90 in adult groups—are now not only able to hear their language and understanding is impeccable. You would be thrilled, I am sure, to see and hear a deaf child speak so clearly, so plainly and so perfectly without any off-key

intonation. After the profoundly deaf children are with him for periods of time ranging from two to three years, they are placed in regular classroom situations and can hear and speak beyond belief.

I should like to quote briefly from some of the reports of the chief school administrators who were members of the official Education Mission.

Dr. G. E. Ebbertt—Chief School Administrator, Anderson, Indiana: "The highlight of the entire tour was the visit to the 'School for the Rehabilitation of the Deaf' in Zagreb, Yugoslavia. Dr. Petar Guberina has introduced the theory of 'Verbo-tonal' in rehabilitating deaf students and adults. His patience in providing the time to demonstrate his work and success was most generous. Dr. Guberina is one of the great geniuses of this day. We Americans should do everything possible to help expand the work of this great man. Many children relegated to a life of audio darkness can be restored to a near normal status and will be able to enjoy the normal way of life. To see this great display of a genius at work with little children and to see them changed to happy normal children was emotionally disturbing."

Dr. H. M. Landrum—Chief School Administrator, Spring Branch School District, Houston, Texas:

"We found an innovative practice in Yugoslavia that should be broadly introduced in the U.S. This is the method and technique of instructing deaf children to the point to which they can attend regular classes after a few years training under this program. It was developed by Professor P. Guberina who has both a superior talent and determination. We saw the program in action and the success achieved appeared far superior to anything now existing in the United States. H.E.W. should immediately develop a sustained interest in both Professor Guberina and his technique."

Dr. R. Thomas Jannarone—Chief School Administrator, Hazlet Township Public Schools, Hazlet, New Jersey:

"Although the visit to Dr. Petar Guberina's school for the deaf was not on the official itinerary, I feel obliged to report my amazement at the results of this theory and system. I saw the results as the children answered the teacher in a clear voice that is not typical of deaf children taught to speak by other means. Dr. Guberina's theory seems so reasonable after one sees it work. I would suggest that our government make funds available on expansion of the program in the U.S. Dr. Guberina and his staff were so enthusiastic and dedicated to their work that it is contagious. It was probably the most important thing we saw on our entire mission in Europe."

Dr. Peter Vukad—Chief School Administrator, Hamilton, Montana:

"One of the highlights of our tour was the visit to Dr. Guberina's Rehabilitation School for the Deaf. Certainly this should be pointed out to the AASA and our congressional delegations in Washington as a very worthwhile effort that will bear watching."

Dr. Clarke N. Johnsen—Superintendent, Tooele School District, Tooele, Utah:

"I was overwhelmed with the work being done by Dr. Guberina and his staff at the Center of Rehabilitation for the Deaf at Zagreb. The system and the techniques of teaching were tremendous."

I trust that I have not imposed too much on your valuable time with such a lengthy letter, but I wanted to share with you some of the enthusiastic expressions of the American chief school administrators on the Education Mission regarding this outstanding innovative educational program to help handicapped children and adults. Knowing of

your devotion to these matters, I am sure you will be interested in the strong impressions made by Dr. Guberina's work on all of us.

I am indeed grateful for the interest and attention that you and your staff have given the Pennsylvania State proposal. I know that Dr. Kurtzman and Governor Shafer feel the same way. We look forward hopefully to an affirmative response, as we are most anxious to get this important work under way as soon as possible.

Sincerely,

NEAL V. MUSMANNO.

ROOT-TILDEN SCHOLARS OPPOSE WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, the recent actions in Indochina have caused great concern and alarm among many college students. The gravity of that concern is shown by this letter from the Root-Tilden Scholars of New York University School of Law.

These students see the need for a more drastic form of protest than that they have previously supported. They commit themselves and urge other students to enter the political system more directly. They fully support the many organizations designed to alter the direction of U.S. involvement. I am pleased to place this letter in the RECORD. It was endorsed by the student body of the law school. The letter follows:

ROOT-TILDEN RESOLUTION

We, the Root-Tilden Scholars at New York University School of Law, have been asked to dedicate a major part of our lives to the ideal of serving the public interest. We met last night because that ideal required it.

The escalation of this war in Cambodia and Vietnam, undertaken without public discussion or consultation with the Congress, without legal or constitutional authority, and after a national election in which the electorate indicated its desire for an end to the war, seems to us to strike at the heart of democratic government and the rule of law.

For the past five years, the Vietnam war has continued unabated in the face of every form of traditional dissent. Faced with this major new escalation, we therefore cannot recommend merely public statements, or letters to the editor, or teach-ins and workshops, or even marches. Those methods have already been tried and each time have been discounted or ignored.

For us the time has come when we can no longer meet our obligation to public service by sitting in the library with friends and legal niceties. That obligation now compels us to devote our time to action where it will be effective—in the communities, in Washington, or in organizations designed to change the tragic direction our nation has taken.

After the most serious discussion, we have concluded, by a vote of 38-7-4, that the school should be closed and our efforts directed full time along the channels we propose below. For us to recommend a form of protest as drastic as closing the school is itself an indication of how serious our situation is, and how inadequate our efforts in the

past have been. But for us to propose something less than this is to urge the adoption of methods which have proved ineffective in the past, and thus, in effect, to propose nothing.

Great demands upon the time of both faculty and students are now being made by the pressures of the approaching examination period. But to devote even minimal time to those examinations now is to be derelict in our obligations as citizens. The intellect and the manpower of this great faculty and student body must be brought to bear upon this most severe national crisis. This can only be accomplished if this institution now takes the step of freeing that faculty and student body for duties which far transcend routine legal work as contributions to our national well-being.

MAY 4, 1970.

Root-Tilden Scholarships are awarded annually to two students from each judicial circuit in the country who show promise of becoming lawyers dedicated to public service. The Program currently includes students from the following states:

Alabama, California, Colorado, Connecticut, Florida, Kansas, Illinois, Indiana, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, Washington, West Virginia and Wisconsin.

THE ANTIWAR LOBBY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RYAN. Mr. Speaker, for the last week students from throughout the country have been filling the Halls of Congress to lobby against the President's policy in Vietnam and the extension of the war into Cambodia.

These students have remained in Washington to convey to their Senators and Congressmen the concern of college students and faculties about the administration's present course in Southeast Asia and recent events in the United States.

The young people are attempting to achieve their goal of ending the war in Vietnam by making use of our present political system.

I hope that all Members of the House will join me in praising the responsible work of these young Americans.

I am inserting in the RECORD a letter which was delivered to my office on behalf of the students, faculty, administration, and staff of Bryn Mawr College.

We in Congress should acknowledge the views of those lobbying in the Nation's Capitol this week. They represent an important part of our constituency, and their voices should be heard.

The letter follows:

MAY 5, 1970.

DEAR CONGRESSMAN: Many members of the Bryn Mawr College Community are deeply distressed at the decision of President Nixon to send American armed forces into Cambodia. We think that one of the most effective means of expressing our concern is through a petition, which we circulated

among the College Community from Monday morning, 4 May 1970, through Tuesday evening, 5 May 1970. The statement of the petition follows:

"We, the undersigned members of the Bryn Mawr College Community, as members of that Community and individually, deplore the decision of President Nixon to send members of the armed forces of the United States into Cambodia.

"His action, taken without prior consultation with Congress, raises serious questions concerning the abuse of Presidential power. To many Americans, this decision disregards a basic principle of the Constitution, namely that of representative government.

"We therefore call upon the members of

Congress to exercise their lawful authority, in this time of national stress, in curbing Presidential decisions which commit United States armed forces to Southeast Asia. The war in which we are there engaged can surely no longer be called the "War in Vietnam," but the "War in Indochina." We, the undersigned, believe that the Congress of the United States will meet its responsibility in this respect."

We intend to present the original petition, with its 785 signatures, to the office of President Nixon. We have tabulated the numbers and percentages of those members of the Bryn Mawr College Community who have signed the petition. They fall into the following categories:

	Undergraduate students (472)	Graduate students (121)	Faculty members (73)	Staff (63)
Total number of students.....	718	485	180.0	Alumnae on campus 3.
Percentage who signed.....	66	21	40.5	Status not indicated 9. Administration 3.

¹ Approximate.

Note: Percentages for staff, alumnae, administration, and those whose status was not indicated are not available.

We feel that these figures are particularly impressive, because the petition was circulated within such a brief period of time. We are not attempting to make a statement for the entire College Community, but rather we have allowed individuals within the Community to express their opinion through this petition.

We ask that you consider carefully the statement of this petition as the expression of 785 individuals within a small college who would like to see the policies of President Nixon challenged by each member of Congress.

Please direct your responses to: Jean Eros, '71 (undergraduate), Pembroke West, Bryn Mawr College, Bryn Mawr, Pennsylvania 19010.

(Home address: 355 Tyler Avenue, Washington, Pennsylvania 15901).

PESTICIDES—SOME ALTERNATIVES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. OBEY. Mr. Speaker, as more research is completed, and more evidence comes rolling in showing the chilling effects to our environment from the massive use of hard chemical pesticides, it is obvious that action is needed to curb the indiscriminate use of these hard pesticides throughout the Nation.

As a well researched and thoughtful article in the recent issue of Bio-Science points out, approximately 300 pesticides were in general use in 1966, in 10,000 different formulations. That article summarizes many of the facts which we now know about pesticides: How they affect even the outer reaches of the earth like the Antarctic, far from the sites where they were first used, how they concentrate in the tissues of man and animals, and how they have seriously impaired the reproductive capacities of numerous species of birds. That article also estimated that pesticides may poison up to 30,000 persons each year seriously enough to require medical attention.

Pesticides, of course, are not all evil. They have increased crop productions, controlled nuisance pests, and freed millions of persons throughout the world from insect-borne diseases.

But the use of hard pesticides for many years has made many insects highly resistant to certain compounds. As a result we must use more and more of them, in higher and higher concentrations, or we must devise alternative methods to deal with the problem. The knowledge we have gained in the past few years about pesticides and how they affect our environment clearly indicates that it would be foolish to simply increase our use and concentrations of them.

There are alternatives.

Certainly less harmful pesticides can replace more harmful ones in some instances. Research should be accelerated in the biological control of pests. At the present time the USDA has admitted that its budget for the next fiscal year lacks more than \$7 million that could effectively be used for research on improved means of nonchemical pest control. Such pest control research is currently underfunded by at least \$4 million for this fiscal year.

One such method of pest control is sterilization of pests to prevent their reproduction. As another article in the recent Bio-Science points out, it is certainly feasible and to our advantage economically and ecologically to begin to use sterilization control methods on pests which now pose a problem to man.

Sterilization and other types of biological control programs are now being studied at the USDA and elsewhere. Clearly, it is incumbent upon us to continue and even accelerate this type of research. If increased funding is needed, it is well worth the cost.

The articles mentioned appear below:

TOWARD SAFER USE OF PESTICIDES

(By Sheila A. Moats and William A. Moats)

The widespread use of new synthetic organic pesticides has introduced an unprecedented array of chemicals in the environment. According to Mitchell (1966), in 1966,

approximately 300 organic pesticide chemicals were in general use—as insecticides, miticides, herbicides, fungicides, and for other miscellaneous purposes—in 10,000 different formulations. These chemicals were developed for control of specific pests and with so great an array of compounds, it is impossible to fully evaluate their effects on all possible nontarget organisms. It may be expected that in so diverse a group of chemicals, the undesirable biological side effects will be quite variable. Information is gradually accumulating which enables us to appreciate the nature of these side effects.

The general public first became aware of the potential hazards of pesticides in 1962 from Rachel Carson's book *Silent Spring* (1962). This book aroused a storm of criticism but did bring public awareness of a need for more study of the possible hazards of these compounds.

Pesticides are generally recognized to be indispensable in modern agriculture although the benefits may sometimes be overestimated. The spectacular successes of insecticides in controlling diseases spread by insect vectors are also well established. Despite progress in biological control, pesticides are likely to remain our first line of defense against various types of pests for some time to come. However, Headley and Lewis (1967) point out that all too many discussions of the use of pesticides are written from a defensive point of view, and they point out the need for a more sophisticated economic approach to the use of pesticides.

SOME COSTS AND BENEFITS OF PESTICIDES

Benefits of pesticides may fall into several categories: increases in crop production resulting from applications of insecticides, herbicides, fungicides, etc.; preservation of other materials from attack by insects, fungi, etc.; control of nuisance-type insects; or reduction of deaths and illness from diseases through control of insect vectors.

Costs include the cost of the pesticide itself plus the cost of application, deleterious effects to human and nontarget plant and animal life, costs of monitoring for residues, and losses from destruction of foods which contain levels of residues considered to be excessive. Some costs and benefits may be estimated economically while others may be difficult to evaluate in monetary terms but are perhaps no less important. It is, for example, difficult to set a monetary value on human lives saved or lost through pesticide use or even on the positive or negative effects on human health.

Wild mammals, fish, birds, and other wild creatures are attractive esthetically and are perhaps of more economic importance than is generally realized. Apart from purely esthetic considerations, annual expenditures of hunters and fishermen are estimated by the U.S. Fish and Wildlife Service to be of the order of four billion dollars (Headley and Lewis, 1967). To put this figure in proper perspective, it approximately equals the farm value of all the corn produced in the United States and is nearly twice the farm value of cotton (USDA, 1967a). We can add to this the substantial expenditures of birdwatchers, hikers, and other nature-centered activities of millions of people. In addition, wild game and fish may provide an important source of quality protein food. Therefore, it is evident that fish and wildlife must be given adequate consideration in any cost/benefit analysis of pesticide use.

INJURIOUS EFFECTS

Examination of the literature indicates that injurious effects of pesticides are confined mainly to a limited number of compounds. Environmental contamination and most of the injurious effects of fish and wildlife reported result from the use or misuse of a small number of organochlorine insecti-

cides. Although the older arsenicals apparently still cause more deaths annually (Hayes and Pirkle, 1966), most human illnesses and deaths from the newer synthetic pesticides are attributed to parathion and other highly toxic organophosphate insecticides through accidents or misuse, suicides, etc. The organochlorine insecticides and parathion also happen to be the cheapest to use and are, therefore, used extensively (Mitchell, 1966). It may appear that more injurious effects are found with these compounds simply because they are used so widely. However, they have certain properties which make them inherently more hazardous than many other insecticides. Parathion, which is highly toxic to warm-blooded animals including man (Mitchell, 1966; USDA, 1967b), is a significant hazard to agricultural workers. It breaks down rapidly, however, and seems to present little hazard in the environment or in foods. Many organochlorine insecticides are quite persistent and break down slowly. Their main hazard is not that they are persistent, as often stated, but that they are biologically concentrated. Were it not for this concentration, trace amounts in the environment would be of little concern. With the potential for concentration, very low levels may build up to injurious levels in certain organisms.

EFFECTS ON HUMAN HEALTH

Data on human illnesses and deaths from pesticides are not systematically tabulated for most areas. Hayes and Pirkle (1966) showed 111 accidental deaths attributed to pesticides in 1961 in the United States. This figure may be compared with 323 accidental deaths in one year from barbiturate poisoning (Headley and Lewis, 1967). More than half of the deaths attributed to pesticides were caused by pre-DDT pesticides, mainly arsenicals, and a substantial portion of the deaths occurred among small children. Dade County, Florida, reported 68 deaths from pesticides in the period 1956-65, 40 of which were caused by organophosphate insecticides (Davis et al., 1966). Some of these deaths were homicides or suicides, and the rest resulted mainly from accidents or misuse. For 1960-63, California reported 800-1100 cases annually of occupational illnesses from pesticide use among agricultural workers. These data do not cover the one-third of agricultural workers who are self-employed and do not include illnesses caused by pesticides among the general public.

In California, the rate of occupational illness among agricultural workers is reported to be higher than for any other industry (West and Milby, 1965). Many factors other than pesticides are involved; however, the incidence of workman's compensation awards for conditions resulting from inhalation, absorption, and swallowing of pesticides was three times higher than for all industry in 1961 (Kay, 1965). A quotation from Barnes (1966) gives an idea of the situation in some other parts of the world.

"A recent report to WHO indicates what is happening in one small country of Central America where parathion and methyl parathion are being used on cotton. To quote an excerpt:

"The Departmental Hospitals at U- and S- each see up to 300 serious intoxications a month during the cotton growth season (about 6 months) with 2-3 deaths per month. Still more cases are treated in the field by foremen, administrators, and friends. . . ."

While most accidental deaths and illnesses result from carelessness and misuse, West (1966) cites about 400 illnesses among fruit pickers reported to have been caused by parathion residues on the leaves. In this case, the parathion was presumably applied according to accepted procedures.

From the California data, we may hazard a guess at the incidence of pesticide poisoning cases nationwide which required medical treatment. California uses about 10% of the total pesticides used in the United States (Andrienas et al., 1969). There are 15,000 cases of poisoning among agricultural workers reported annually in the nation. Since the California data do not cover the one-third self-employed agricultural workers, we can assume that rather than the previously stated 800-1100 figure, there are about 1500 cases of poisoning that occur annually in California. About half the reported accidental deaths attributed to pesticides are among nonagricultural workers (Headley and Lewis, 1967). Therefore, it is reasonable to suppose that as many cases of serious poisoning occur among nonagricultural workers, giving us a total of 30,000 cases nationwide sufficiently serious to require medical attention. Considering that California makes a more active effort to control pesticide use than many other areas (Rudd, 1964; West and Milby, 1965), the figure of 30,000 illnesses requiring medical treatment annually appears conservative. West and Milby (1965) describe a special study made in Dade County, Florida, which showed 13 deaths from pesticides in 1963 alone—eight accidental and five suicides. If the special study had not been made, eight of the 13 deaths would have been attributed to causes other than pesticides. These figures, if representative for the nation, suggest that the number of 111 accidental deaths annually reported by Hayes (Hayes and Pirkle, 1966) for 1961 may be low by a factor of 2-3. It is difficult to reconcile a report of eight accidental deaths in one Florida county in one year with a nationwide total of only 111 annually.

It has been reported that acute or chronic poisoning by organophosphate insecticides sometimes results in long-term neurologic disorders (Faerman, 1967; West, 1968). West and Milby (1965) report that agricultural workers heavily exposed to pesticides are considered poor risks around machinery even if they do not show obvious symptoms of poisoning.

While few, if any, illnesses or deaths occur among users of pesticides who follow instructions and wear proper protective clothing, there is little margin for error with the highly toxic organophosphate insecticides. These compounds are frequently handled by people who have no appreciation of their toxicity (West and Milby, 1965). In selecting pesticides, one must consider their safety under actual, as well as ideal, conditions of use. Allowance should be made for the possibility that they might be handled carelessly or misused.

HUMAN LOADS OF CHLORINATED PESTICIDES

Great emphasis has been put on pesticide residues in foods with the results that they are generally relatively low (Hayes, 1966). Loads of pesticide residues in human body fat have been estimated to be 12 ppm for DDT and related compounds in the United States (West, 1966) and about 3 ppm of these compounds in Great Britain (Abbott et al., 1968) and Belgium (Maes and Heyndrickx, 1966). Small amounts of several other organochlorine pesticides were also found. Average levels of DDT and related compounds have remained constant in the United States since 1950 (Hayes, 1966) and have decreased slightly in recent years in Great Britain (Abbott et al., 1968). A summary by Robinson (1969) of human residue loads shows the wide variations found in different individuals. Human residue loads are generally far below levels known to cause intoxication (Hunter, 1968). Data from Hayes et al. (1958) indicate that levels of DDT and related compounds were only about 25% of the average in strict vegetarians, indicating

that animal products are the main source of residues in human body fat. The only pesticides occurring in significant amounts in animal products are organochlorine compounds.

There is no direct evidence that present levels of pesticide residues in the human diet or in human body fat are harmful. However, it has been found that comparatively low levels of DDT and dieldrin in the diet induce an increase of microsomal enzymes (Durham, 1968; Kupfer, 1968) in the liver, which affect drug and steroid metabolism. These effects have been noted at levels of as little as 2.5 ppm DDT in the diets of rats (Fillette, 1968). The increases in microsomal enzymes are produced by many other chemicals besides pesticides and are evidently detoxification mechanisms. (The main significance in man appears to be that an increased rate of drug metabolism can reduce human response to the drugs.)

The o,p isomer of DDD has been found to depress the functioning of the adrenal cortex in a number of species, including man. The compound has been used successfully to treat Cushing's syndrome, a condition characterized by oversecretion of adrenal cortical hormones (Kupfer, 1968). The pesticide o,p-DDD was found to block the action of vitamin D₃ in mobilizing calcium in rachitic chicks, (Sallis and Holdsworth, 1962) which may be significant in light of recent evidence, discussed further on, of disturbance of calcium metabolism in some species of raptorial birds. Reports that o,p-DDT has estrogenic activity were recently confirmed by Bitman et al. (1968). Technical DDT contains about 20% of the o,p isomer (Gunther and Jeppson, 1960). The pesticide p,p-DDT can be converted to p,p-DDD in rat livers (Datta et al., 1964), and it is likely that the o,p isomer can undergo similar conversion. Unfortunately, most published residue analysis for DDT, DDD, and DDE are based on the p,p isomers so there is no way of assessing the practical importance of residues of the o,p isomers in biological systems.

EFFECTS OF FISH AND WILDLIFE

Most reported injurious effects of pesticides to fish and wildlife have involved a small group of organochlorine insecticides. In considering hazards to wildlife, we may distinguish the effects of wildlife in areas directly treated with pesticides from those resulting from general environmental contamination. Direct treatment may be disastrous to wildlife in the area treated but does not endanger wildlife generally. If treatment is discontinued, and the area treated is not too large, complete recovery may be expected in a few years. Where more extensive areas are treated, as was the case in the fire and control program, recovery may be slow (Rudd, 1964). Effects on wildlife from general environmental contamination, on the other hand, could be more serious since much larger areas are involved. The very existence of affected species may be threatened, and the contamination cannot be controlled.

The classic example of the effects of treating an aquatic ecosystem with an organochlorine insecticide (DDD) was described by Hunt and Bishoff (1960) and has been summarized by a number of authors. Clear Lake, California, was treated with low levels of this pesticide to control midges. Extensive contamination of this pesticide occurred in the food chain resulting in levels of up to 2500 ppm in the visceral fat of fish and extensive poisoning of grebes (*Aechmophorus occidentalis*) inhabiting the lake. Concentrations of pesticide in the edible flesh of some fish approached 200 ppm, far above legal tolerances. There have been numerous reports of severe poisoning of birds, particularly robins (*Turdus migratorius*), in

areas heavily treated with DDT to control Dutch elm disease. These are summarized by Wurster et al. (1965). Poisoning is thought to result mainly from accumulations in insects and worms on which the birds feed. On the other hand, purple grackles (*Quiscalus quiscula*) and red wing blackbirds (*Agelaius phoeniceus*), both of which may be agricultural pests, were reported to be unaffected in areas heavily treated with DDT (Walley et al., 1966).

Carson (1962) and Rudd (1964) have summarized the adverse effects on wildlife and domestic animals of heavy pesticide treatments used in fire ant and Japanese beetle control programs.

Organochlorine insecticides are quite stable in the environment and are readily transported in air, on dust particles (Cohen and Pinkerton, 1966), or in water, either dissolved or adsorbed on particles of suspended organic matter (Keith, 1966). Their dissemination in the environment is, therefore, widespread and uncontrollable. Living organisms have a tremendous capacity to concentrate organochlorine pesticides, especially in food chains where successive concentration occurs as small organisms are consumed by larger ones. Therefore, low concentrations in the environment cannot be assumed to be harmless. Hunt (1966) cites a number of examples of such concentration in natural systems to levels injurious to organisms at the top of food chains, mainly fish-eating birds. In the Clear Lake example (Hunt, 1966) mentioned previously, concentrations in the fat of fish-eating birds were 100,000 times those applied to lake water; a number of instances have been noted where organochlorine insecticides have been concentrated several thousandfold. The dynamics of concentration of organochlorine pesticides have been discussed by Robinson (1967) and involve an equilibrium between intake, metabolism, and excretion. The equilibrium level attained at a given intake of pesticide depends on the physiology of the particular organism involved. Aquatic ecosystems are particularly susceptible since the food chains are more complex than in terrestrial systems and the opportunity for biological concentration of pesticides is, therefore, greater. Wide dissemination of organochlorine insecticides—particularly DDT and metabolites—and dieldrin is shown by findings of substantial concentrations in seals and porpoises in the North Atlantic (Holden and Marsden, 1967), in seabirds of California (Risebrough et al., 1967), and even in penguins and seals in the Antarctic (Sladen et al., 1966).

Robinson et al. (1967) observed that only HEOD (dieldrin) and p,p-DDE were found in significant amounts in marine organisms. They observed seasonal fluctuations in storage of these compounds, showing that results of single analyses from one season must be interpreted cautiously.

Consideration of DDT to near-toxic levels has been reported in a Long Island salt marsh, and the biota of this area might be significantly affected (Woodwell et al., 1967). A number of fish kills have been observed resulting from pesticide runoff into streams (Rudd, 1964). Ferguson (1967) has found that some organisms such as mosquito fish (*Gambusia affinis*) have become resistant to endrin and can accumulate sufficient pesticide in their bodies to poison predators feeding on them. He notes that large-mouth bass have disappeared in areas where such resistant fish occur, indicating that the effect may be ecologically significant. Resistance to endrin has also been found in sunfish (*Lepomis* sp.), thus presumably presenting a potential hazard to anyone unfortunate enough to eat one.

EFFECTS ON REPRODUCTION

Where animals are not directly poisoned, reproduction may be affected, this can be as

serious as direct poisoning. DeWitt (1955) found that viability of pheasant (*Phasianus colchicus*) and quail (*Colinus virginianus*) eggs was affected by levels of DDT and dieldrin in the diets which did not harm the adults. Where eggs hatched, chicks frequently died a few days after hatching. Environmental levels of organochlorine insecticides appear to be high enough to have effected the reproduction of some species of birds. The evidence is summarized by Wurster and Wingate (1968) and by Hickey and Anderson (1968). Declines in reproductive rates have been noted in gulls (*Larus argentatus*), the Bermuda petrel (*Pterodroma cahow*), and several species of hawks and eagles. The existence of some species of hawks and eagles including the osprey (*Pandion haliaetus*) and the bald eagle (*Haliaeetus leucocephalus*) appears threatened by these reproductive failures. One species, the peregrine falcon (*Falco peregrinus*) has already been exterminated over a large portion of its former range (Hickey and Anderson, 1968). The declines began coincident with large scale use of DDT. A concomitant decrease in eggshell thickness occurred concurrently with this decline indicating derangement of mineral metabolism (Hickey and Anderson, 1968; Ratcliffe, 1967). DDT and other organochlorine insecticides are known to affect steroid metabolism in various species (Kupper, 1968) and are thus prime suspects (Hickey and Anderson, 1968). Residues of p,p-DDE in eggs of peregrine falcons and sparrow hawks (*Accipiter nisus*) in Great Britain, both species which are declining, were found by Walker et al. (1967) to be higher than for most other species sampled. These results may reflect differences in metabolism or greater exposure from food sources. Declines in reproduction with ospreys were shown to be proportional to pesticide levels in the eggs (Ames, 1966). The evidence, therefore, points to chlorinated hydrocarbon pesticides as prime factors in the recent declines of these species. The species affected are all predators at the top of food chains; thus, the opportunity for exposure to concentrations of residues magnified biologically is at a maximum. It has been noted recently that polychlorinated biphenyls, industrial chemicals, are also widely distributed in the environment and also induce proliferation of microsomal enzymes. Risebrough et al. (1968) have found that concentrations of polychlorinated biphenyls in living organisms are somewhat lower than p,p-DDE, but these chemicals may also be involved in the declines noted in raptorial birds.

The viability of fish eggs was also found to be affected adversely by DDT. Losses of newly hatched fry of lake trout in a New York State hatchery were traced to DDT residues in the eggs (Burdick et al., 1967). The effects on reproduction of wild fish populations have not been reported but could be significant in some cases.

Crayfish are a by-product of rice growing and sometimes are more valuable than the rice. However, residues of aldrin and dieldrin in the crayfish (*Procamberus clarkii*) were found to be higher than could be permitted in interstate commerce. Residues appeared to result from environmental contamination rather than treatment of rice seeds used in the fields studied (Hendrick et al., 1966).

SOME PROS AND CONS OF DDT

The spectacular results obtained by using DDT to control insect disease vectors have been well documented (Jukes, 1963) and one can scarcely criticize this use of DDT. At the time these programs were undertaken, there were few alternative pesticides and there was no other feasible method of controlling these diseases so rapidly and effectively. However, because DDT was the best method of controlling insect-borne disease in the 1940's, does not necessarily imply that it is still the method of choice. The diseases

have been reduced greatly but not eradicated; resistance of insects to DDT is widespread, and many alternative pesticides are available today.

Use of heavy DDT sprays to control Dutch elm disease is an example of benefits that are purely esthetic. Elm trees provide neither food nor fiber, and human illness is not involved. Elm trees are merely pretty to look at. The value of birds is also mainly esthetic, though it may be argued that they eat insects. It is difficult to justify saving elm trees by a method known to kill large numbers of birds (Wurster et al., 1965). The use of an alternative pesticide, methoxychlor, has been reported to be as effective as DDT in controlling Dutch elm disease with much less hazard to birds and other wildlife (Whitten and Swingle, 1964). Prompt destruction of dead or dying elm trees has been reported by Mathysse (1959) to be effective in control of the disease. Whitten and Swingle (1964), however, conclude that this method was of little value. Consideration of benefits vs. costs would indicate to us that the use of DDT was unjustified in this case because of its injurious effects. Use of methoxychlor is more expensive but is largely free of injurious effects. Sanitation, if successful, would be cheaper than a method using pesticides because dead or dying trees would have to be removed sooner or later anyhow. Of course, sanitation is completely free of injurious side effects.

SOME SUGGESTIONS FOR ACTION

We have considered, up to this point, some of the most serious examples of injurious effects known to be caused by pesticides, or for which there is strong evidence that they are caused by pesticides. Can these injurious effects be reduced or eliminated without losing the benefits of pesticides? It is likely that they can be, in many cases, simply by selecting alternative pesticides. The alternative pesticides are likely to be more expensive when only the cost of the pesticide material is considered and they may be slightly less effective against given pests. Realistic consideration of the true costs of any pesticide must consider any injurious effects, accidental or not, as part of the true cost of use of a pesticide. With organochlorine insecticides, costs of monitoring for environmental residues must be considered. With highly toxic pesticides, the costs of medical treatment and time lost through illness must be considered. A realistic cost/benefit assessment using this approach will tend to favor the use of nonpersistent pesticides of low toxicity to man. We have already discussed the substitution of methoxychlor for DDT for control of Dutch elm disease. The USDA Guide to the Use of Insecticides (1967b) lists several alternative insecticides for most applications, showing that it is frequently feasible, on the basis of present knowledge, to substitute pesticides of low persistence and toxicity. The dairy industry has successfully eliminated the use of persistent organochlorine insecticides in production of feeds and forages and in the control of insects affecting dairy cattle. The USDA (1965) has also eliminated broadcast applications of organochlorine insecticides from many of its pest control programs; for example, low-volume malathion sprays have been substituted for dieldrin for grasshopper control. In many cases, it has proved necessary to find alternatives to organochlorine insecticides because target insects have become resistant to them. Ample information is now available on problems of pesticide usage to provide a basis for specific action to reduce injurious effects. Some specific suggestions for action are:

- 1) Restrict use of DDT and dieldrin, which are the most serious environmental contaminants. Regulatory agencies should restrict their use of these compounds to situations where such usage is of significant

benefit to human welfare and where it can be shown that no alternative method of insect control is feasible. Cautious use in public health programs might, for example, be justified. Protection of purely ornamental plants would not be essential. Such action would significantly reduce environmental contamination without totally precluding the use of these compounds where such usage is absolutely essential. Similar action should be considered for other chlorinated pesticides. Steps to implement this approach have already been taken by the U.S. Department of Agriculture and several states.

2) Restrict use of highly toxic organophosphorus insecticides, such as parathion, until it is demonstrated that they can be used reasonably safely under actual conditions with some margin for error.

3) The Public Health Service should systematically collect data on pesticide poisonings which are clearly a significant public health problem. Such data would provide a more accurate appraisal of the magnitude of the problem and provide a rational basis for corrective action.

4) While steps are taken to reduce pesticide hazards, research on biological control should, at the same time, be accelerated. The question arises as to whether we can safely and effectively eliminate the use of pesticides. At the same time, we must substitute biological control cautiously, making sure at every stage that the balance of nature is undisturbed.

Analysis of costs and benefits of pesticide use is very complex, and judgments must be continually modified on the basis of experience and new research findings. Where evidence is presented, indicating that pesticides may be producing injurious effects, it seems reasonable that the burden of proof of safety should lie with the user or those who advocate the use of the pesticide in question. We believe that public policy can best be developed through free and open discussion of controversial issues from various points of view and hope that this paper will make a contribution toward the safer use of pesticides.

SUMMARY

About 300 pesticide chemicals with very diverse properties were reported to be in use in 1966. Some are inherently more hazardous to fish and wildlife and to man than others. Highly toxic organophosphate insecticides are very hazardous to agricultural workers since they allow little margin for carelessness or misuse. Human illnesses and deaths from pesticides could be reduced by substituting less toxic compounds where they will serve the purpose. Reported injurious effects of pesticides to fish and wildlife result mainly from a limited number of organochlorine insecticides, especially DDT and related compounds. Heavy applications of DDT to control Dutch elm disease have been shown to cause severe losses of birds in the area of application. Use of the less toxic pesticide, methoxychlor, or sanitation, to control the disease, can reduce or eliminate the hazards to birds. Environmental contamination by organochlorine insecticides is of concern because these compounds can be, and have been, biologically concentrated to injurious levels in a number of cases. Levels harmless to adults can adversely affect hatchability of eggs of birds and fish. There is considerable evidence linking environmental contamination with DDT and derivatives to reproductive failures in certain species of hawks and eagles, resulting in sharp declines in numbers. In many instances, alternative pesticides are available, which may be used with substantially less hazard to man and his environment.

NOTE

Chemical names of pesticides mentioned in this paper are: p,p-DDD—1,1-dichloro-2,2-

bis(p-chlorophenyl)ethane, o,p-DDD—1,1-dichloro-2-(o-chlorophenyl)-2-(p-chlorophenyl)ethane, p,p-DDE—1,1-dichloro-2,2-bis(p-chlorophenyl)ethylene, p,p-DDT—1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane, o,p-DDT—1,1,1-trichloro-2-(o-chlorophenyl)-2-(p-chlorophenyl)ethane, Dieldrin—1,2,3,4,10,10-hexachloro-*exo-6,7-epoxy*-1,4,4a,5,6,7,8,8a-octahydro-1,4,5,8-*endo, exo*-dimethanonaphthalene, Endrin—1,2,3,4,10,10-hexachloro-*exo-6,7-epoxy*-1,4,4a,5,6,7,8,8a-octahydro-1,4,5,8-*endo, exo*-dimethanonaphthalene, parathion—0,0-diethyl 0-p-nitrophenyl phosphorothioate, methyl parathion—0-0-dimethyl, 0-p-nitrophenyl phosphorothioate, methoxy-chlor—1,1,1-trichloro-2,2-bis(p-methoxyphenyl)ethane.

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SUPPRESSION OF PEST LEPIDOPTERA BY RELEASING PARTIALLY STERILE MALES: A THEORETICAL APPRAISAL

(By E. F. Knipling)

Scientists at many institutions are investigating the effects of atomic radiation and chemosterilants on reproduction in Lepidoptera. These insects include some of the most destructive pests of agriculture. The ultimate purpose is to utilize sterilized insects to control populations as is now being done with the screw-worm fly, *Cochliomyia hominivorax*, and certain tephritid fruit flies. Early attempts to sterilize Lepidoptera and other orders of insects emphasized methods that would assure 100% sterility in the insects intended for release.

However, the adverse effects of high doses of radiation on the mating competitiveness and behavior of many insects, including Lepidoptera, have caused researchers to concentrate greater effort in recent years on the use of minimum doses that produce a high degree of sterility but not necessarily complete sterility.

Proverbs (1962) first observed that substerilizing doses of gamma radiation administered to male codling moths, *Laseyrisca pomonella*, and subsequently mated to normal females resulted in reduced numbers of F_1 progeny that were predominantly males possessing a high level of sterility. Other investigators working on Lepidoptera have since obtained similar effects on F_1 progeny and have conducted studies to determine the effects of substerilizing doses to subsequent generations. In such studies, North and Holt (1968a, b), Proshold and Bartell (in press), Walker and Quintana (1968), Walker (1968), and others have shown that substerilizing doses of radiation to male parents can cause various levels of sterility in the F_1 progeny that do complete development. In addition, the writer has been furnished with unpublished data on delayed sterility

in Lepidoptera obtained by D. T. North, G. G. Holt, F. I. Proshold, and M. T. Ouye. These data show that substerilizing doses of gamma radiation are capable of producing genetic damage in the cabbage looper, *Trichoplusia ni*, the tobacco budworm, *Heliothis virescens*, and the pink bollworm, *Pectinophora gossypiella*, that may be transmitted as sterility effects to F_1 progeny that are successful in completing development to the adult stage. Of special significance, the level of sterility and other lethal factors are higher in both sexes of the F_1 progeny than in the treated male parent. (Investigations by Bauer (1967) offer an explanation of the cytogenetic mechanisms involved in the delayed sterility effects of irradiation on Lepidoptera).

Calculations by the writer, based on the published and unpublished data obtained by the cited investigators at Fargo, N.D., indicate that high levels of sterility in F_1 populations resulting from the release of males receiving only a moderate sterilizing dose of radiation would, theoretically, produce more effective suppression of populations than the release of 100% sterile moths. The higher level of suppression would be in addition to the greater suppression that can be expected because of increased mating competitiveness and greater competitiveness of sperms of moths receiving the lower doses.

It seems important to record the results of these calculations and then make an appraisal of the significance of these genetic effects in suppressing reproduction in natural insect populations subjected to the release of partially sterile insects.

The practical significance of basic data on sterility in insects can easily be overlooked or remain obscure unless such data are carefully evaluated in terms of practical use for the control of insects. The theoretical biomathematical approach can project the general magnitude of effects to be expected if released insects carrying known lethal genetic factors are programmed into hypothetical normal insect population models. However, if such calculations are to be realistic and meaningful, they must be based on a reasonably good understanding of the biology, behavior, population dynamics, and natural densities of the insects that are to be controlled by the suppression method under consideration.

There are obvious limitations to such a theoretical approach since detailed information on important parameters, such as the natural population density and relative behavior of released and natural moths, may be lacking. Yet, the theoretical approach may be the only feasible way to make initial appraisals of the potential value of different methods of insect control. Research resources are generally inadequate to undertake a series of large-scale field experiments that would be desirable or necessary to determine the impact of various suppression methods, especially when the methods involve genetic manipulations that may not have maximum impact until one or more generations have elapsed. Many of the insects in question are capable of flying hundreds of miles during their lifespan. Thus, testing has to be done in very large areas or with isolated populations to determine what degree of suppression will result. Even when testing on small islands is feasible, there may be no comparable island populations to use in comparing the effects of different types of treatments, including untreated populations. Thus, the theoretical biomathematical approach, though limited, is an important way to appraise the merits and limitations of different methods of insect suppression and can guide laboratory and field investigations to the methods that are most likely to be effective and practical. Of course, adequate field trials will still be essential as a final

step in the development of any insect suppression method.

This paper appraises the role that releases of partially sterile insects capable of transmitting sterility effects to the F_1 generation can play in the suppression of certain pest Lepidoptera. Population models will be used to calculate the theoretical suppression of reproduction achieved by introducing insects carrying certain assumed sterility factors. The calculated degree of suppression will be compared with the reproductive potential of a hypothetical normal population and also with a population subjected to the release of moths treated with a conventional 100% sterilizing dose. Similar theoretical calculations have been used previously (Knipling, 1964, 1966; Knipling and McGuire, 1966, 1968) to appraise the potential value of methods of suppressing insect populations.

ASSUMED EFFECTS OF SUBSTERILIZING DOSES OF RADIATION

As noted, information on inherited sterility in *H. virescens* and *T. ni* obtained at the Metabolism and Radiation Research Laboratory indicates that substerilizing doses of radiation applied to males will cause genetic damage in progeny that result from mates with normal females. Additional information on the nature and magnitude of these effects is needed, but current information indicates that 15 kr doses of gamma radiation applied to male insects will cause of the order of 60% sterility. However, the progeny that result from eggs that do hatch are virtually 100% sterile. Some egg hatch may occur when the F_1 moths mate with normal moths of the opposite sex, but the mortality in larvae, pupae, and adults is higher than for normal insects. Moreover, any adult progeny that are produced show some sterility when mated to normal moths. For the purpose of this theoretical appraisal, complete suppression of reproduction is assumed for F_1 moths that develop from mating between treated male parents and normal female parents.

It is also assumed, for the purpose of the study, that all treated moths, regardless of the dose of radiation, and all progeny carrying inherited genetic damage have mating competitiveness equivalent to that of normal insects. Moths receiving low doses of radiation are known to approach the mating competitiveness of normal moths, but some reduction in competitiveness is likely to occur even with the reduced doses. Therefore, in releasing moths for practical control, it may be necessary to increase the number of released moths to overcome any decrease in competitiveness that would result from the treatment.

TREND OF A NORMAL POPULATION OF MOTHS

Before calculating the suppressive effects of releasing insects that transmit sterility to the F_1 progeny, it is first necessary to establish a reference model that depicts the trend of a normal population. The writer assumes a fivefold increase per generation for several successive generations as reasonably representative of the average normal rate of increase of an uncontrolled low density population. The hypothetical population is assumed to start at a density level of 1000 moths per square mile in the first generation. Although a constant rate of increase in each generation cannot be expected to occur in nature, it will simplify calculations to apply a constant fivefold increase rate until the population stabilizes at the maximum density that the environment will maintain. If a normal low density is 1000 moths per square mile, we might expect the maximum density to be of the order of 125,000 moths per square mile per generation.

With certain multigeneration Lepidoptera, the density of a population that causes

economically important damage to a crop (the economic threshold) is not likely to be reached until about the third generation. Therefore, the assumption is made that for practical suppression, the populations must be kept well below 25,000. The normal uncontrolled population is assumed to develop as follows:

Generation	Number of insects of both sexes
Parent.....	1,000
F ₁	5,000
F ₂ (economic threshold).....	25,000
F ₃ (maximum density).....	125,000
F ₄	125,000

TREND OF A POPULATION OF MOTHS RECEIVING A RELEASE OF 100% STERILE MALES

As already noted, past appraisals of the feasibility of the genetic approach to the control of insects have been based largely on suppression to be expected from the release of completely sterile insects. It, therefore, seems appropriate to first project the theoretical effect to be expected from release of 100% sterile moths for one generation. For suppression of 90% of the reproduction in a population consisting of 1000 insects, it would be necessary to release 900 fully competitive sterile insects of both sexes or 4500 sterile males. (When insects are completely sterile, it is generally accepted that the release of both sexes has the same effect as the sterile males only.) The theoretical effect produced by releasing these completely sterile but fully competitive moths during the first generation is shown in the following model:

Generation	Natural population number of insects of both sexes	Number of 100 percent sterile males released
Parent (500 males and 500 females).....	1,000	
F ₁	500	None.
F ₂	2,500	None.
F ₃	12,500	None.
F ₄	62,500	None.

The calculations necessary to estimate the trend of a population after the release of sterile insects are rather simple. If 4500 sterile males are competing with 500 normal males for 500 normal females, which results in a 9:1 sterile to fertile male ratio, only 10% or 50 of the normal females will be expected to mate with normal males. However, according to our basic parameter, the insects that do make normal matings will produce a fivefold increase in their number. Thus, if 50 normal females mate with 50 normal males in the initial natural population, 500 normal progeny can be expected. Since no additional releases are programmed and since the sterile moths that are released will not survive to affect the next generation, the surviving fertile population can be expected to continue to increase fivefold per generation.

The release during the first generation of 100% sterile males that are fully competitive from the standpoint of mating behavior and sperm activity will have a marked suppressive effect compared with an uncontrolled population. However, unless such releases are continued in subsequent generations, the population increases quickly after the initial reduction. By the F₄ generation, 62,500 moths will have developed, and maximum density can be expected by the F₅ generation. In contrast, and as already noted, the uncontrolled population will reach maximum density in the F₅ generation.

TREND OF A POPULATION OF MOTHS RECEIVING A RELEASE OF PARTIALLY STERILIZED MALES DURING ONE GENERATION

The trend of a hypothetical population of moths receiving a release of partial sterile males to compete with the parent generation will not be projected. The number released is the same as the number of completely sterile moths released. The theoretical population through the F₄ generations is calculated on the basis of the assumed suppressive effects already discussed. Partially sterile males are assumed to suppress reproduction by 60% when they mate with normal females, and the eggs that hatch are assumed to develop into moths of normal vigor and competitiveness. The F₁ progeny developing from 40% of the eggs that hatch are assumed to be completely sterile because of the accumulative suppression of reproduction due to sterile eggs, increased larval mortality, increased pupal mortality, increased ratios of males to females, and finally a substantial level of sterility in adults that do survive.

The trend of the hypothetical natural population of 100 moths (500 males and 500 females) receiving a release of 4500 60% sterile males is as follows:

Generation	Natural population Number of insects of both sexes ¹	Partially sterile males released
Parent (500 males and 500 females).....	1,000	4,500
F ₁	2,300	None
F ₂	540	None
F ₃	2,700	None
F ₄	13,500	None

¹ See explanation in appendix of the method followed in calculating the results presented in each generation.

The natural moths subjected to the release of 100% sterile males, as already noted, would reach a theoretical population of 62,500 by the F₅ generation. In marked contrast, the population subjected to the release of partially sterile males would reach a theoretical population of only 13,500 by the F₄ generation. The reduced population is due to the suppressive effects in both the parent and F₁ generations. On the basis of the parameters established, 1800 of the 2300 moths in the F₁ generation would be sterile. The regular fivefold increase rate is assumed to occur in the F₂ and F₃ generations because of the absence of competing sterile moths in the populations.

The greater suppressive effect produced by the release of partially sterile males can perhaps be more readily appreciated by pointing out that it would be necessary to release about four times as many completely sterile as partially sterile males during the parent generation to have the same suppressive effect. It is emphasized that the higher degree of suppression of reproduction is calculated for the release of partially sterile males does not take into account the greater mating competitiveness of moths receiving of the order of 15 kr radiation as compared with moths that receive of the order of 35 kr radiation required to assure 100% sterility.

TREND OF A POPULATION OF MOTHS RECEIVING RELEASES OF PARTIALLY STERILIZED MALES DURING TWO GENERATIONS

In the suppression of multigeneration moth populations for the purpose of assuring protection of crops from significant damage, the release of treated moths for one generation only probably would not be adequate. A number of important lepidopterous insects, especially in warmer climates, may have five generations or more during a crop-growing season. Therefore, another hypothetical model is established to show the

suppression to be expected from the release of partially sterile moths for two generations. The releases will be programmed for the parent, or first generation, and for the F₁, or third generation. The partially sterile males will be released at the rate of 4500 during each of the two generations. The trend of a hypothetical population through the F₄ generation when partially sterile moths are released during the parent and F₁ generations is shown below:

Generation	Natural population, number of insects of both sexes ¹	Partially sterile moths released
Parent.....	1,000	4,500
F ₁ (500 normal, 1,800 sterile).....	2,300	None
F ₂	540	4,500
F ₃ (150 normal, 1,020 sterile).....	1,170	None
F ₄	90	None
F ₅	450	None

¹ See explanation in appendix of the method followed in calculating the results presented in the table.

If the results show for the hypothetical population are reasonably representative of the results that would be obtained in practical release programs, a noneconomic population would be virtually assured by releasing partially sterile insects in ratios indicated. The maximum number of fertile moths present in the release area would remain far below the assumed economic damage threshold throughout a season. Calculations are not shown, but if 100% sterile moths were released for two generations (release during the parent and F₁ generations would produce the greatest impact), the F₂ population could be expected to reach a level of about 16,500 moths. While this, too, would be below the assumed economic density threshold of 25,000 moths, the theoretical number produced is much higher than for the hypothetical populations subjected to the release of partially sterile males. These results further confirm the potential superiority of the partially sterile males over completely sterile males for the suppression of moth populations.

POSSIBLE PRACTICAL USE OF DELAYED STERILITY FOR THE SUPPRESSION OF LEPIDOPTEROUS INSECT PESTS

As noted earlier, certain species of Lepidoptera are among the most destructive insects affecting agriculture and forestry. Broad spectrum insecticides are currently used for their control, which cause adverse side effects to insect parasites, insect predators, and other beneficial organisms. Moreover, some species have become resistant to insecticides, which makes the continued use of such insecticides costly and uncertain. There is, therefore, an urgent need to strive for more effective, more economical, and more acceptable methods of control.

Such pests as the corn earworm (bollworm on cotton), the tobacco budworm, the cabbage looper, and the fall armyworm, *Spodoptera frugiperda*, are capable of spreading into regions several hundred miles from known areas of winter survival and increasing there into economically important populations. Thus, more and more of the attention of the Entomology Research Division is now being devoted to ecological research designed to determine where the adults migrate, how many moths are present in a given area, and how far they spread in a season. The ultimate goal is to apply suppressive measures against the populations when they are at their lowest level and when the range of distribution and the host plants, both cultivated and wild, are most restricted. Otherwise, control must be applied later on larger acreages of crops and also when the insects are likely to be more abundant. The intent

of such an approach is not eradication but suppression to the extent necessary to prevent or substantially reduce economic losses.

Information about the distribution and abundance of many of the more important Lepidoptera during periods of scarcity is obviously of special importance to the concept of population suppression by sterility or by other genetic manipulation. Luginbill (1928) reported many years ago that in the eastern United States, the fall armyworm survives the winter only in southern Florida, although in the summer and fall it often spreads throughout the entire eastern United States. Recent studies also indicate that the area of winter survival of the cabbage looper in the East may be restricted to Florida and the warmer coastal areas along the Gulf Coast and the southern Atlantic seaboard. The cotton leafworm, *Alabama argillacea*, a potentially important pest of cotton in the United States, especially in the southwest, has long been known to survive the winter only in Mexico and Central America. Even the widespread and damaging corn earworm and tobacco budworm may overwinter in an area that is only one-half as large as the range these insects occupy as pests during the warmer months of the year. Catches in light traps and studies of egg and larval abundance indicate that during the early spring months populations in these areas are generally less than 5% as high as during the periods of greatest abundance in the late summer and early fall.

These features of the population densities, distribution, dispersal behavior, and population dynamics of some of the lepidopterous insects are highly relevant to the practical application of the genetic approach to the control of these insects. The new findings on delayed sterility in lepidopterous insects could be of special significance in utilizing the sterility approach to the suppression of some of our strong flying lepidopterous insects.

Additional information is needed on the magnitude of the effects of delayed sterility in different species of Lepidoptera. There is also a need for more precise information on the size and distribution of overwintered populations of many of the more important species. However, the genetic approach to population suppression seems to offer sufficient potential to justify an appraisal of the possibilities based on available information. As examples, we will consider the feasibility of using partially sterile male releases to suppress the cabbage looper in the eastern United States and the corn earworm in California.

CABBAGE LOOPER IN THE EASTERN UNITED STATES

The cabbage looper, one of the important vegetable pests in the United States, also attacks other crops including cotton and tobacco. Insecticides are presently the only practical means of control. Precise information is lacking about the costs of control in the eastern United States and the extent of crop losses. However, conservative estimates would be \$5 million annually for control and an annual loss of \$20 million. Moreover, the insect is highly resistant to certain insecticides, and alternate methods are urgently needed. Thus, if virtually complete suppression of the population in the East could be achieved, an annual investment of as much as \$25 million would be justified. The possibilities of achieving control of the insect in this area by using inherited sterility are therefore examined.

Efforts being made to obtain reliable estimates of the abundance and distribution of the cabbage looper in the Southeast during the period of greatest scarcity are not yet complete. However, preliminary estimates made in consultation with T. J. Henneberry and C. R. Gentry suggest that an average

density of 500 adult cabbage loopers per square mile would be a reasonably conservative figure for the generation of lowest abundance and most restricted distribution. In addition, there are indications that the cabbage looper in the East survives the winter only in Florida and possibly in parts of adjacent states. Thus, we will assume a winter survival area of 100,000 square miles with an average density of 500 moths per square mile. If these estimates are realistic, it would be necessary to deal with a natural population of 50 million insects—25 million males and 25 million females.

The hypothetical model (p. 467) suggests that an initial overflooding ratio in the parent generation of nine partially sterile males to one natural male, followed by the release of a like number of partially sterile moths in the F_1 generation, will keep a population suppressed to a relatively low level through five generations. If 500 million cabbage loopers were reared to provide 250 million partially sterile males for the releases during the first generation, this would provide an initial ratio of 10 partially sterile to one normal fertile male. Then if the same number were reared and released during the F_2 generation, the total requirements for moths would be one billion. This would provide 500 million males for partial sterilization and release. On such large scale, it is believed that it would be possible to rear, treat, and release the moths at a cost of \$2.5 million. The separation of sexes, if necessary, would probably increase the estimated cost, but there is a good possibility that differential sterility methods for the females by the use of hormones or other sterility agents could be developed.

It must be emphasized that these hypothetical projections are based on limited information concerning the overall suppressive effects that would result from the release of partially sterile males. Also, precise information about the size of the natural population and the cost of rearing and releasing moths is lacking. Therefore, the projections on requirements and costs could be too low. On the other hand, there is probably an equal chance that some projections are too conservative. It may not be necessary to release the projected number of insects to hold the population below the economic threshold. Also, it may be possible to employ other suppressive measures the first year to reduce populations in limited areas of high concentrations so as to lower the overall population to a level that could then be more readily managed by the release of moths. If the entire natural population can be effectively suppressed throughout the first year, it should be possible to maintain suppression in subsequent years at much lower cost because of the reduced natural population. Thus, if the cost for the first year is higher than estimated, the average costs over a period of several years might be lower. It should be noted, however, that even if the average annual cost of this genetic approach to the suppression of the cabbage looper in the eastern part of the United States were two times as high as projected, the total cost of \$5 million would still be no higher than the estimated annual cost of control with insecticides. More important, if the insects were suppressed to subeconomic levels throughout the area, the estimated \$20 million annual loss to crop owners in the eastern states would not occur, and the environmental pollution resulting from the use of insecticides would be avoided.

CORN EARWORM IN CALIFORNIA

The corn earworm (*H. zea*) is perhaps the most damaging insect in the United States. It has wide distribution and becomes abundant throughout most of the nation during favorable seasons. The number of insects existing in an area during the generation of

lowest abundance is not known. However, investigators in the Entomology Research Division have obtained sufficient information to suggest that a population density estimate of 1000 moths of both sexes per square mile would be a reasonably valid estimate (Snow et al., in press). Therefore, in this appraisal, an average density of 1000 moths of both sexes per square mile will be assumed for the generation having the lowest density and the estimate will be applied to a reasonably well-isolated ecological region, the Central Valley of California, where California agriculture is largely concentrated. The Valley and the foothill regions comprise an area that probably does not exceed 25,000 square miles and is bounded on the west by mountains and the ocean, on the north by mountains and forests, on the east by mountain ranges, and on the south by extensive semi-arid lands.

According to estimates issued by the California Department of Agriculture in 1967, the corn earworm in that state caused losses to agriculture aggregating \$31,378,940. In addition, an estimated \$12,962,708 was spent for control with insecticides. Therefore, the total loss to agriculture due to this pest in California in 1967 was about \$45 million. Against this background, the possibility of achieving and maintaining suppression of the insect by the use of reared and released moths that transmit sterility will be considered as before.

On the basis of an average density of 1000 moths per square mile in an area of 25,000 square miles, the initial natural population is 25 million moths of both sexes. The insects are probably concentrated in specific localities within the total area where they survive the winter, but an assumed average density will be used as a basis for the calculations. The production, treatment, and release of 125 million male moths for the initial releases would provide a 10:1 ratio of released native males. A like number will be projected for release during the F_1 generation. Thus, 500 million moths would have to be reared to release 250 million males for one season. The rearing of corn earworm moths is likely to be more costly than for the cabbage looper. If rearing, sterilizing, releasing, and other costs amount to \$5.00 per 1000 moths or \$5000 per million, the total cost would be \$2.5 million. As with the cabbage looper in the eastern United States, an extra investment might have to be made in other means of control on a regional basis to reduce the national populations to manageable levels during the first year. However, as with the looper, if the population can be largely suppressed for one season, continued suppression should be possible at substantially less cost in subsequent years. If complete economic control of *H. zea* could be achieved in California for an average annual investment of as little as \$2.5 million, the savings in this state alone would be over \$40 million per year. Perhaps such efficiency is too much to hope for, but even if the estimated average annual cost of suppression is low by a fivefold factor, an average annual cost of \$12.5 million per year would contrast with the approximately \$13 million now spent for control with insecticides. Moreover, if this method suppressed the insect below the level of economic damage, the net savings to the agricultural industry of the state would be about \$30 million per year, and there would be the additional benefits of a method of control that is highly selective and thus would avoid the side effects that result from the use of insecticides. On the basis of this appraisal, the genetic approach to the area suppression of the corn earworm offers unusual promise, and adequate support of the intensive research still necessary to develop the method would seem to be justified.

OTHER LEPIDOPTEROUS INSECTS

Two important species of Lepidoptera in two different ecological situations were chosen as examples to appraise the potential of the partial sterility technique for suppressing populations on a regional basis. If the technique can be perfected for practical application and control of these species at costs that even approach those estimated, there is every reason to believe that the same approach could be developed and applied, with comparable advantages over current methods of control, to other important Lepidoptera including codling moths, pink bollworms, sugarcane borers, tobacco budworms, tobacco hornworms, and fall armyworms, as well as others. The development of the conventional 100% sterility method to control the codling moth and the pink bollworm moth is already well advanced. The release of partially sterile moths to transmit sterility factors to the F_1 generation may increase the chances of success in the use of the sterility method for controlling these two important pests.

Losses to the agricultural economy in the United States due to Lepidoptera probably amounts to a billion dollars per year. Obviously, all the species may not be amenable to genetic control and even with species that appear to be candidates, much additional research will have to be done on sterilization and other genetic effects and on mass rearing methods and various ecological investigations before it can be perfected and applied. Nevertheless, the results of the appraisals made here indicate that the sterility method offers outstanding possibilities for the suppression of a number of the most damaging pest Lepidoptera.

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APPENDIX

In calculating the suppressive effects that would result from the release of partially sterile moths that transmit sterility to the subsequent generation, it is necessary to consider the type and number of mating combinations expected to occur each generation. The number of progeny in relation to normal matings are calculated on the basis of the suppressive effects assumed for each mating combination. Although some females of most species of moths mate more than one time, this factor is not considered because it is assumed that sperms are fully competitive and multiple matings will not change the overall suppressive effects in a population.

The basic assumptions are as follows:

- (1) The natural parent population consists of 1000 moths (500 males and 500 females).
- (2) Release for one generation consists of 4500 males that have received a substerilizing treatment.
- (3) Treated parent males mating with normal females produce 60% fewer progeny than normal parent matings.
- (4) F_1 progeny of treated males \times normal females are assumed to be completely sterile or if immature progeny are produced, they

will not survive. Intra-matings between F_1 moths carrying the inherited sterility factors will also produce no progeny.

(5) Matings between normal moths result in 10 normal adult progeny (fivefold increase). The number of progeny from matings between males receiving the 60% sterilizing dosage will be 40% of the number produced from normal matings. Thus, each mating between a treated male and a normal female will result in the production of four sterile moths.

(6) Symbol designations: N = normal moths; T = moths carrying the genetic lethal factors either induced as in the parent males or inherited from the parent male.

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whose concepts of social responsibility soared far beyond his role as a trade union activist.

I knew Walter Reuther as a vigorous union leader, a warm friend, and a far-sighted and compassionate human being.

Walter Reuther devoted his life to the trade union movement attempting to get an ever expanding share of the national wealth not only for his own auto workers but for all unionists. He pioneered in securing profit sharing agreements, employer contributions to unemployment compensation, and other supplemental benefits to the point where senior employees can now have a guaranteed annual wage.

The development of a management-paid pension plan in the auto industry and greatly improved retirement system were the direct results of Mr. Reuther's energies and negotiating skills. His expertise and competence in negotiating agreements were immense.

Walter Reuther was an exceptionally gifted man, but to me perhaps his most outstanding asset was a sense of social sensitivity and concern. He took time to concern himself with the daily problems facing his workers and set out to raise basic living standards while at the same time increasing the workers' sense of self-respect and dignity.

The role of the labor movement, as Reuther saw it, was to become significantly involved in social issues and problems affecting not only itself but workers, students, minorities, and the less affluent who find themselves without a powerful voice to redress their grievances through the existing establishment.

The effect which Walter Reuther has had on the scope and direction of labor-management relations in America is almost immeasurable. If some of his ideas have not yet been accepted, he has at least established a solid platform from which others can continue to debate the merits of the direction in which Reuther felt labor should move.

Mr. Speaker, as this House continues to discuss labor-management problems, student concern, and the plight of the less affluent Americans, I hope we shall continue to bear in mind the goals and ideals set by Walter Reuther for himself, the labor movement, and indeed for all America.

JESSE BESSER

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RUPPE. Mr. Speaker, on May 3, the leading citizen of Alpena, Mich. and one of the great citizen-leaders of the State of Michigan died, just a few days before his 88th birthday. Jesse Besser was an engineer and inventor, a civic leader, a major benefactor, and an humanitarian of rare vision.

At the age of 22 his creative mind

TRIBUTE TO WALTER REUTHER

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, the plane crash that took the life of Walter Reuther has deprived America of a forceful, effective leader

brought the world the concrete block machine, which revolutionized the construction industry throughout the world. Over the years his inventiveness did not diminish, and he proceeded to refine his machine and to develop better machines for the production of high-quality concrete masonry units. His contribution to the housing and construction industry cannot be over-emphasized.

His fortune made, Mr. Besser turned his attentions to civic and philanthropic activities, along with those of his growing business. With his late wife Anna, he looked for ways to share his fortune and established the Besser Foundation. The record of achievements, both by the foundation and by Mr. Besser himself, is great. Hospitals have been built and added to; schools have seen completion and expansion, and the Community College in Alpena received all the land and the majority of its funds from Mr. Besser. His philanthropy was also felt by churches of all denominations, by scouting groups, and by conservation organizations. He contributed more than just his means and often was the leader and chief organizer of a given community project.

While Mr. Besser's hometown of Alpena was the chief beneficiary of his largesse, his presence was felt all over the State. In 1960 he was named Michigan Citizen of the Year. In 1963, he received the Michigan Citizen Leadership Award from Governor Romney. The awards and recognition of his services to the community and to the State are too numerous to list.

Mr. Besser was a man of great achievement and great humility; he had great vitality and energy, yet he, in a certain sense, was serene. He was a great competitor and businessman and became known for his warm spirit and generosity. Jesse Besser was, in the words of his good friend, Phil Richards, editor of the Alpena News, "The man of the century in this part of the world."

I join with the citizens of Alpena and northern Michigan in mourning his death.

NO NEWS TO BLACK PEOPLE— NIXON RETREAT ON CIVIL RIGHTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CLAY. Mr. Speaker, the black population of America has never required an explanation of the Nixon policy on civil rights. Since the President himself requested he be judged by his deeds and not by his words, we have so evaluated him.

His action on the Voting Rights Act, his position on school desegregation, his Supreme Court nominations of two Southern racists, his veto of Federal education funds, and his refusal to place a priority on the domestic concerns of hunger, housing, poverty, and employ-

ment testify to his position not only toward black people—but toward poor people. In this stint of the Nixon reign, if you are both poor and black, which is a high probability then you do not need to be told that you are at the bottom of the totem pole so far as this society under the leadership of the Nixon administration is concerned.

It is interesting, nevertheless, that one administration spokesman recently made the policy official. I commend to the attention of my colleagues the following editorial from the St. Louis Post Dispatch of April 29, 1970:

PROUD OF RETREAT

A speech by Assistant Attorney General William H. Rehnquist acknowledges what must be the worst-kept secret in Washington: that the Nixon Administration and Attorney General John Mitchell are leading a deliberate retreat on civil rights and individual liberties.

As reported by James C. Millstone, Mr. Rehnquist told a University of Arizona audience that public opinion supported backing up on aggressive civil rights policies. He deferred similarly to the elective process as reason enough for Mr. Mitchell's other notions such as preventive detention and, we would suppose, broader wire-tapping and no-knock police raids.

It takes some doing to turn such repressive measures into reasons for boasting, but that is what Mr. Rehnquist appears to be doing, evidently on the ground that that is what the public wants. This seems questionable enough; even so, it is strange to hear a Federal officer subject equal rights, invasions of privacy and trial procedures to a test of opinion. That may be good politics, but it is rotten legal policy.

MOSCOW'S MILITARY MACHINE: THE BEST OF EVERYTHING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CRANE. Mr. Speaker, the editors of Time magazine devoted a large portion of their May 4 issue to a consideration of various aspects of the contemporary Soviet Union. One of these articles dealt with the military capability of the Soviet Union. This article was particularly significant because it appeared in a general circulation news magazine, rather than a specialized publication of limited readership. Another noteworthy aspect of this article is the accompanying color photographs, which very graphically portray the military might of the Soviet Union. I regret that the Congressional Record cannot reproduce photographs, as it seems to me that in a case such as this a picture is indeed worth a thousand words.

Several points are particularly worthy of comment:

First. While the United States has been spending a decreasing share of its budget on defense needs, the Soviet Union has been "engaged in a massive and costly military buildup."

Second. In foreign policy, the Soviets are relying ever more on military pres-

ence and displays of armed might to tighten their control over East Europe and to influence uncommitted countries farther afield.

Third. The Soviet Union's annual military budget is estimated at \$70 billion. This is an almost dollar-for-dollar match with what the United States is currently spending, but the crucial difference is that the gross national product of the Soviet Union is only two-thirds that of the United States. Thus, the Soviet Union is proportionately spending more than the United States on defense.

A conclusion which Time draws from this graphic presentation is that the Russians, with their new power, "may be emboldened to become less wary about facing down the United States in isolated instances abroad."

I commend to my colleagues this very penetrating and sobering article on the growing military might of the Soviet Union:

MOSCOW'S MILITARY MACHINE THE BEST OF EVERYTHING

While Moscow was celebrating Lenin's centennial with pomp and rhetoric, the Soviet military marked the occasion in a more dramatic way. Fanning out across three oceans and nine seas, more than 200 Soviet warships staged the greatest naval maneuvers in the world's history. At the same time, hundreds of medium- and long-range Russian bombers ventured far beyond the borders of the Soviet Union. The U.S. reported 500 separate sightings as far apart as Japan and Iceland.

It was an impressive display. As part of Operation Okean (for ocean), an attack force of eight vessels built around the new 18,000-ton helicopter carrier *Leningrad* moved through the North Atlantic toward the Norwegian Sea. There, two larger Soviet task forces lay in wait to conduct a mock defense near the straits of Skagerrak and Kattegat, the approaches to the Baltic. In the Mediterranean, 45 ships conducted antisubmarine exercises. From the icy Barents and Okhotsk seas to the warmer reaches of the Indian and Pacific oceans, sleek Russian cruisers and black-hulled submarines carried out simultaneous exercises.

During the past eight years, the Soviets have been engaged in a massive and costly military buildup. They have been motivated both by a desire to overtake the U.S. and by deep fear of a possible war with China, an anxiety that is certain to intensify with the launching of Peking's first satellite (see story, page 47). At home and abroad, the Russian military has become an increasingly important factor. In foreign policy, the Soviets are relying ever more on military presence and displays of armed might to tighten their control over East Europe or to influence uncommitted countries farther afield. Within Russia, the military's immense influence has been greatly enhanced by the threat of war with China and the Czechoslovak invasion. The importance of the military was only underscored when Communist Party Boss Leonid Brezhnev flew to Minsk recently for the massive Dvina maneuvers, and stood on the reviewing stand alongside Defense Minister Marshal Andrei Grechko, 66. The unmistakable message for Soviet televiewers was that all was harmonious between the chiefs of the Communist Party and the military establishment.

GUARANTEEING ALLEGIANCE

An austere, erect, onetime cavalry commander, Grechko has become the Kremlin's

most effective enforcer. As Soviet commander in East Germany in 1953, he put down the first East bloc revolt against Communism. In 1968 his forces put an end to Czechoslovakia's "Springtime of Freedom," and he personally visited Prague the following year to oversee the removal of Reformer Alexander Dubcek from the leadership of the party. Czechoslovaks bitterly refer to the bullet-pocked facade of Prague's National Museum as "a fresco a la Grechko."

From his office in the former Czarist Cadets College just off Moscow's broad Kallinin Prospect, Grechko directs a mammoth military machine that employs 3,220,000 people, commands the talent of the Soviet Union's best technical brains, and annually spends an estimated \$70 billion. Thus, even though the Soviet gross national product is only two-thirds as large as the U.S.'s, Russia virtually matches the U.S. ruble for dollar in defense outlays. Through a network of some 15,300 advisers, Soviet military influence reaches directly into many countries far beyond the East bloc, including the two main U.S. trouble spots, North Viet Nam and Cuba (see map). Under the Warsaw Pact, Soviet troops are stationed in four Eastern European countries to guarantee their allegiance to Moscow.

Within the Soviet hierarchy, Grechko speaks directly to the political leaders without any civilian intermediaries to challenge his recommendations. At least once a month, he meets with the Politburo's defense subcommittee headed by Brezhnev. Their relationship is believed to be extremely cordial, if not close.

Today, 90% of the officers are members either of the party or of the Communist youth organization. Grechko and 22 other top commanders serve on the party's Central Committee as well. In the outlying districts, the commanders almost always participate in the top party leadership of those areas.

Every company size unit of 150 or so men has its own political officer, who reports through a separate chain of command to General Aleksel Yepishev, the party watchdog. Each week the political officer conducts at least four hours of indoctrination for both officers and men. The KGB (secret police) also keeps a close watch on the military.

AN ELITIST ELEMENT

Within Soviet society, the army remains a distinct and elitist element. Its role is greatly augmented because of the public's overriding preoccupation with security. Of course the Russians, who lost 20 million people in World War II, have a legitimate concern about defense. But the Soviet government and especially the military publications have intensified Russian fears by purposefully keeping alive the memories of World War II and the specter of a rearmed, vengeful West Germany. The Russians still regard themselves as endangered by enemies, notably China. Given such a national psychology, the military understandably gets largely what it wants for the country's defense.

One look at the shape of the Soviet military machine shows that Grechko and his colleagues get quite a lot, indeed. The lineup:

The Strategic Missile Force, an independent branch in the Soviet setup, has grown dramatically. In 1965, the Soviets had only 220 ICBM's and were outnumbered more than 4 to 1 by the U.S. While the number of U.S. intercontinental missiles has grown only slightly to 1,054, the Soviet total is now roughly 1,350 and is still increasing by about 250 a year. The workhorse is the 1-megaton SS-11 (800 operational or under construction). But the Soviet missile that most alarms U.S. defense planners is the awesome SS-9 (220 operational, 60 launch sites under construction). The SS-9 is so powerful that it can carry a single 25-megaton warhead or

three separate 5-megaton warheads, each capable of knocking out a hardened American underground silo. Thus, U.S. Defense Secretary Melvin Laird warns that 460 SS-9s with triplet warheads could knock out 90% of the U.S.'s ICBM force. However, though the Soviets lead in the number and megatonnage of ICBMs, the U.S., with its larger fleets of H-bombers and Polaris subs, retains a substantial edge in the overall number of deliverable warheads.

DUTY AND SACRIFICE

Brezhnev's concern with the military is understandable, because the Soviet military establishment exerts a far greater influence on Russian life and on the formation of Soviet public opinion than is generally realized in the West. The Soviet Defense Ministry runs one of Russia's largest publishing houses, which turns out 15 million copies of pamphlets and books each year. In Moscow alone, the Defense Ministry publishes no fewer than 40 periodicals and newspapers. *Red Star*, the official army newspaper, trails only *Pravda*, *Izvestia* and the trade union paper *Trud* in circulation in the entire Soviet Union.

From his earliest years, a Soviet child is exposed to the influence of the military. Soviet schoolchildren are raised on films that glorify the concepts of duty and sacrifice for the homeland. Sample: During World War II, a 13-year-old boy runs away to the front, and by the time his age is discovered, he has become a hero by spying behind German lines. His reward? Despite his tender years, he is allowed to remain at the front. Schoolchildren are regularly escorted by military guides on tours of World War II battlefields.

PARTY CONTROLS

The 1967 draft reform, which reduced the length of service by one year, expanded compulsory military training for teen-agers. During the last four years in high school, Soviet officers and reservists teach Russian youngsters how to put on a gas mask, attack a bridge and kill a sentry. The students also learn how to fire automatic rifles and perform basic infantry tactics. In addition, they master at least one handy military skill, such as operating a radio or riding a motorcycle. Some boys even learn how to parachute, fly aircraft and use scuba diving gear.

With its vast organization and rigid hierarchy, the Soviet military is a glaring contradiction of the early Communist belief that armies, like the state, would soon wither and die. When Lenin founded the Red Army of Workers and Peasants in 1918 under the command of Leon Trotsky, the force reflected its revolutionary origins. Rank was abolished, leaders were elected, recruitment was voluntary and orders could be questioned. Even so, as Washington Sovietologist Roman Kolko-wicz points out in *The Soviet Military and the Communist Party*, some military characteristics asserted themselves, and all clashed sharply with Communist doctrine: the army's elitism v. the party's egalitarianism, professional autonomy v. subordination to ideology, nationalism v. proletarian internationalism, heroic symbolism v. anonymity.

From the first, the Communist Party regarded the army as both a vital necessity—and a potential rival. During the civil war, political commissars had the power to countermand orders made by the military commanders, a practice that was not completely abolished until 1943. Grechko was chosen largely because he showed no signs of political ambition. In fact, Marshal Georgy Zhukov is the only general who ever openly expressed political ambitions—and the only military professional who ever served on the Politburo. He lasted a bare four months as full member of the Politburo before Khrushchev fired him for "Bonapartism" in 1957.

The U.S. holds an ever greater edge in the latest breakthrough in missile weaponry. That is the development of multiple warheads that are carried by a single missile. There are two types. The simpler ones are called MRVs (for multiple re-entry vehicles). They land in a pre-planned pattern, but they cannot be steered to widely separated targets. The SS-9 is of this type, carrying three warheads designed to land in a "footprint" similar to the layout of U.S. Minuteman silos. But the U.S. is already installing a much more advanced version of these weapons called MIRVs (for multiple independently targeted re-entry vehicles). Since each MIRV warhead has its own guidance system, a cluster of the weapons carried by one missile can hit an array of targets scattered over a wide area. While the Pentagon has evidence that the Soviets are testing MIRVs, it will probably take Moscow at least two or three years to perfect and install the devices. If the U.S. speeds up the conversion of its land-based ICBM and Polaris force to MIRVs, it can virtually triple its offensive capacity, but such action is certain to evoke a Soviet countermove, thus adding more momentum to the arms spiral.

The Navy, the world's second largest, has 465,000 men sailing 25 cruisers, 77 destroyers, 400 seagoing and coastal vessels, 280 minesweepers, 150 Osa- and Komar-class boats, and 350 patrol craft. In addition, the navy has two new helicopter carriers, the *Moskvi* and *Leningrad*. The Soviets also possess by far the world's largest undersea force—350 submarines, 80 of which are nuclear-powered. At the present rate of construction, the Soviet fleet or twelve missile-bearing nuclear subs could outnumber the U.S. fleet of 41 Polaris subs by 1973-74. The Soviet navy's ships are newer and often faster than the U.S. navy's; only 1% of Russian naval ships are 20 years old, while 60% of American vessels have been in service for two decades or more. Nonetheless, U.S. craft have superior electronic devices to detect and destroy enemy ships and planes. The Soviet navy's air arm, operating from land bases, includes 300 TU-16 Badger medium bombers and 60 TU-20 Bear reconnaissance planes.

The Army, which was neglected by Khrushchev, has climbed back to 1,500,000, partly because of the China border dispute. Khrushchev's successors, who reversed his one-sided reliance on rocketry, have placed great emphasis on the modernization of the army. Now a mobile, fast-striking force, the army is fully motorized and possesses the world's largest array of tanks—about 40,000. Geared to fighting over vast continental masses laced by countless rivers, the Russians have far better mobile bridge-building equipment than the U.S., and many of the tanks are equipped with six-foot snorkels for fording rivers.

The Air Force is composed of 9,900 planes and 400,000 people. The Soviets have 200 strategic bombers that can make round trips to the U.S. There are some 700 medium bombers (range: 3,000 miles); the U.S. has had none since the B-47 was phased out. The Soviet tactical air force includes 4,800 planes, mainly attack bombers such as the YAK-28 and fighters (MIG-21s and SU-7s), which can be used for lowlevel bombing and strafing missions. There are also some 1,700 transport aircraft, including an estimated 20 of the monstrous Antonov-225, which can carry 720 troops. Despite the Soviet advantage in numbers, most experts rate the U.S. Air Force superior to the Russian in every important category because of superior U.S. equipment and pilot combat experience.

The Air Defense Command, also a separate branch, has 500,000 men. It has 3,400 interceptor aircraft, mostly MIG-19s and MIG-21s, and a number of giant TU-114s, which patrol Soviet borders as early-warning ra-

dar aircraft. Long-range anti-aircraft SA-5 missiles are installed on the Tallinn Line along the Gulf of Finland. Around Moscow the Soviets have deployed the world's first ABM system, consisting of 64 Galosh missiles, which carry a 1- or 2-megaton warhead and have a range of several hundred miles. Because the Soviets halted deployment of the Galoshes three years ago, many Americans felt that the system was being abandoned as technically unfeasible. The Pentagon maintains, however, that the Soviets have developed an improved version. In addition, the Russians have embarked on the nationwide installation of their Hen House radar stations (so called because they look like large rectangular cages), designed to track incoming missiles for the Soviet ABM system. The Pentagon cites the Soviet developments as a reason for pressing ahead with the next phase of the U.S.'s Safeguard program. Should one side develop an effective ABM system first, it would upset the balance of nuclear terror. In the dreadful scenario of nuclear war, the country that first has ABMs might be tempted to launch a nuclear attack against the other side, since it would itself be protected from the stricken foe's retaliatory strike.

FILCHING APPLES

In research and development, the Soviets now spend \$16 billion v. the U.S.'s \$13 billion. Much of this effort is defensive. To blind American radar, the Soviets have developed a metallic radar chaff that forms an impenetrable curtain in the air. When the invasion of Czechoslovakia began, the Russians used this "metallic mist" to blind Western radar while Soviet transports swept into Prague airport. The Soviets are working on an anti-satellite that can examine U.S. spies-in-the-sky and knock them down. They are putting into service a Mach 3 twin-finned MIG-23, primarily a bomber killer, and are developing three classes of quieter and faster attack submarines whose mission will be to seek out and destroy submarines. Also under development: a second-generation "coasting" or "loitering" ABM, which would linger in the anticipated flight path of an incoming enemy missile and pounce on it from above.

But the Soviet R&D effort is not all defense-oriented. The Russians have developed a swing-wing bomber and a fractional orbital bombing system (FOBS), using ICBMs that are fired on a low trajectory and would approach the U.S. from its blind side: the Southwest, where American radar coverage is still scant. At the Sary-Shagan test site in Kazakhstan, the world's largest missile impact range, the Russians are also developing a longer-range sub-fired missile for its new Yankee class submarines: one of them is already on patrol off the U.S.'s Atlantic coast.

Impressive as it is, the Soviet military has serious deficiencies. It lacks an efficient logistics system, as Czechoslovakia proved when Moscow had to press civilian trucks into service and when Soviet soldiers ran out of rations and water after a few days. Russian soldiers are trained, however, to live off the land; some did so in Prague by trying to filch apples from the garden at the American embassy.

Despite improvements, Soviet submarines do not run as deeply and quietly as U.S. subs and are thus easier to detect and catch. Soviet surface ships lack air cover when they venture outside Russian waters. The Soviet navy is now trying to remedy that falling through the installation of shipboard anti-aircraft missiles.

The Soviets have two other severe handicaps. One is the questionable reliability of their Warsaw Pact allies, who in the event of an emergency might not prove too help-

ful to the Communist cause. An even more serious failing is lack of experience. For better or worse, the U.S. has fought two major wars in the past two decades. An entire generation of Soviet officers and N.C.O.'s, however, have never been subjected to the crucible of combat.

For all its ominous overtones, the Soviet military buildup has had one positive result. If the Soviets had not gained parity with their old rival, they undoubtedly would have refused to participate in the Strategic Arms Limitation Talks (SALT), which started in Vienna two weeks ago. For the U.S., however, the question is when—or whether—the Soviets will halt their missile momentum. In his speech last week, Laird emphasized that if Soviet strength were to level off, Washington would not be alarmed. But if the Kremlin sought to move from parity to superiority, the Secretary of Defense added, the U.S. would have to launch its own buildup. It is no secret that Gerald Smith, the chief U.S. negotiator at SALT, and Secretary of State William Rogers would have preferred not to draw public attention to the Soviet buildup. But President Nixon felt otherwise and, as Laird explained privately, "If I don't give this speech, the President will have to."

Critics of the Pentagon, who recall past U.S. overreaction to a supposed Soviet bomber threat in the late '50s and an imaginary "missile gap" in the early '60s, fear that Laird is overdramatizing the Soviet menace. Senator William Proxmire, for example, accuses the Defense Department of resorting to scare tactics to coax more funds out of Congress. Many critics regret that the Nixon Administration refused to heed the Senate's advice to propose to the Soviets an immediate mutual moratorium on the deployment of defensive and offensive strategic weapons, including MIRV and ABM. As these critics see it, this approach would have involved no serious risks for U.S. security. Their argument is that the U.S. deterrent is capable of dealing with any contingency and that the Polaris fleet remains invulnerable to Soviet countermeasures. Thus, Moscow's missile buildup has not yet approached the point where it could alter the nuclear balance.

Yet, if a new action-reaction cycle is set in motion with the deployment of ABMs and MIRVs, the present balance of terror could be upset. Warns M.I.T.'s George Rathjens: "The American deployment of the MIRVs is not in our own national interest and is a threat to both countries." His point is that, as a countermeasure, the Soviets may feel compelled to link the firing of their own ICBMs to a radar warning system. That would leave the decision to launch with a machine, which could suffer a short circuit and set off World War III. Rathjens and many other American intellectuals, notably Columbia's Marshall Shulman, feel that U.S. security would be better served by holding off on MIRV deployments while trying to seek a mutual ban on the weapons with the Soviets at SALT.

Aside from SALT, the Soviet military surge worries U.S. and NATO defense planners because of the new flexibility it gives the Kremlin. Present Soviet military doctrine warns that the imperialists are plotting to unleash a nuclear war and stresses that the Russians must be ready to deliver "a timely rebuff to the aggressors." Despite this purposely vague formula, the Russians reject the idea of starting an unprovoked nuclear war themselves. As Sovietologist Raymond L. Gathoff, now an adviser to the U.S. delegation at SALT, pointed out in his 1966 book, *Soviet Military Policy*: "Communist doctrine does inject unusually strong hostility and suspicion into Soviet policymaking, but Marxism-Leninism does not propel the Soviet

Union blindly toward war or the witting assumption of great risks." Communist doctrine does, however, impel them toward a global competition short of direct U.S.-Soviet warfare.

ECONOMIC DILEMMA

What will the Russians do with their power? For one thing, they may be emboldened to become less wary about facing down the U.S. in isolated instances abroad. Equally important, the U.S. may become more cautious about situations that could lead to a confrontation. With Soviet ships all over the Mediterranean, a U.S. landing in Lebanon of the 1958 variety would be virtually out of the question today. The main thrust of Soviet power, however, is almost certain to be toward undermining the confidence of U.S. allies in the value of American protection and to move into areas where the West's influence is either marginal or declining.

In Western Europe, the Soviets are attempting to capitalize on fears about the declining effectiveness of the U.S. nuclear umbrella and the likely departure of large numbers of U.S. troops. In this anxious situation, the Soviets obviously hope that their own growing power will persuade the Western Europeans to be less closely aligned with the U.S.

In the Middle East, the Russians now have some 12,000 advisers, and they have supplied the Arabs with at least \$3 billion in arms aid since the 1967 Arab-Israeli war. Earlier this month, Soviet landing craft loaded with Egyptian and perhaps Syrian troops simulated a landing south of Tel Aviv, while some 50 Soviet warships were strung out across the Mediterranean from Libya to Greece as a blocking force against NATO fleets. A Soviet flotilla regularly patrols the Indian Ocean, until recently a British and American preserve, and Soviet naval activity in the Pacific has doubled in the past few years. Along the Sino-Soviet border, the Russians have doubled their troops to 300,000, brought up medium-range missiles (MRMs), and established a new area command to coordinate the defense efforts.

The Soviets have paid a high price for their military buildup. Though they have assembled an impressive array of military might, they have done so at the cost of neglecting important sectors of their economy. The heavy emphasis on defense spending is one main reason why large sectors of Soviet industry have lagged so far behind in modernization. The Soviets have given up a whole array of consumer goods that other people in other countries, even within Eastern Europe, take for granted.

In the coming months, Russia's military machine may well pose a crucial dilemma for Leonid Brezhnev. If he does indeed depend on the generals for vital support, he will naturally be extremely wary of cutting into military expenditures. On the other hand, since he has staked his political reputation on his ability to improve the Soviet economy, he will be under increasing pressure to carry out a reordering of Soviet priorities.

LIFE IN THE SOVIET ARMY

"A standing army is an army divorced from the people."

That statement by Lenin referred to the czarist forces of Nicholas II. The Soviet army of today is still isolated, though not much more so than armies of other major powers. Perhaps the greatest difference is that it enjoys far higher prestige and power within its country than its Western counterparts do in theirs. Though bureaucracy and inertia beset much of Soviet society, the highly trained military is less inefficient than many other sectors of Soviet life.

By law, every able-bodied Soviet youth becomes eligible for military duty at 18, and can be called any time until he reaches 27. Deferments are rare. In any army, a recruit's life is uncomfortable at best. The Soviet army is no exception. The new recruit sleeps in tents in summer. In winter he sleeps in bleak barracks where he has a bunk, night table and a tiny cupboard for toilet articles. Once a week, many platoons visit the nearby steam bath (the traditional Russian form of bathing).

With a starting wage of three rubles a month (\$3.33), the recruit usually spends most of it at his unit's *bufet* on candles and cookies to liven up his nourishing but dull diet. Breakfast usually consists of *kasha* (cereal porridge), bread and tea. Lunch, the main meal, may include herring, onions, a bowl of potato or vegetable soup with a chunk of meat in it, macaroni or beans, and more bread. Supper may be mashed potatoes and perhaps cabbage or cauliflower—and more bread. A Russian soldier consumes an average of 1½ lbs. of bread a day, one reason that most draftees put on six to eight pounds during their tour of duty.

The soldier's day begins at 6 a.m., ends with lights out at 10 p.m., and is filled with rigorous training, physical exercise and equally vigorous political indoctrination. Each unit has a "Lenin room" in its barracks, where there are propaganda displays, such as pictures of racial troubles in the U.S. and political literature. The Soviet soldier is instilled with a sense of dedication to the Communist cause, a readiness to defend the motherland and a xenophobic dread of foreign subversion.

In their few hours of spare time, soldiers are put through a wide variety of well-organized activities such as acrobatics, choral groups, folk dancing and sports. Draftees are allowed to leave the camp on Sunday, and get a ten-day leave once during a two-year tour. While off base, they are forbidden to drink anything stronger than beer. The punishment for tipping is ten to 15 days in the stockade. Though the sentence may be suspended after a day or two of confinement, the unexpired term is tacked onto the tour of duty. Heavy drinkers have been known to serve 50 or 100 days beyond their discharge date.

Whereas the draftee returns to civilian life, the Soviet officer is a professional soldier. The officer corps tends to be proud, cliquish and self-perpetuating. There are special cadet schools for all services, where the sons of officers are trained to take their place in the military elite. Officers are paid about 25% more than civilians of similar age and skill. A senior lieutenant earns 140 rubles (\$155) a month, a colonel 500 rubles, a marshal 2,000. Along with the money goes the right to shop in special military stores; some generals and marshals and their wives are also entitled to use the exclusive Section 200 in Moscow's GUM department store, which is reserved for top party and government officials.

Nearly 50% of all officers are either engineers or technicians, and the officers pride themselves on a high degree of competence. In Moscow the armed forces have their own theater, ice-hockey rink, officers' club and special park with basketball and tennis courts and boating facilities. Throughout the country, the military maintains special hunting lodges, ski resorts and summer vacation houses. The rigid strictures against drinking do not apply to officers. One marveling U.S. officer remembers a dinner in East Germany during which Marshal Grechko's first deputy, Marshal Ivan Yakubovskiy, drank 18 successive vodka toasts.

The officer corps is itself highly stratified. Generals are given cars and drivers as well

as large apartments and summer dachas at nominal rents. While Grechko was Soviet Commander in East Germany, for example, he and his wife Klavdiya had a town house in East Berlin and a secluded complex of five villas in the East Berlin suburb of Wunsdorf, attended by a small army of Russian maids and orderlies. Now he owns a spacious dacha in the Moscow suburb of Arkhangelskoye. When his schedule permits, he also indulges his love for hunting with frequent trips to military duck-hunting lodges. To be sure, the prerequisites of the officer corps are no greater than those enjoyed by officers in many other armies. Still, the Soviet military is not doing badly at all for an organization that until 1946 humbly called itself the Red Army of Workers and Peasants.

Balance of power

NUCLEAR

ICBM:		
United States.....	1,054	
U.S.S.R.	1,350	
SLBM:		
United States (Polaris).....	658	
U.S.S.R.	280	
Long-range bombers:		
United States.....	550	
U.S.S.R.	200	
Medium-range bombers:		
United States.....	0	
U.S.S.R.	700	
MRBM and IRBM:		
United States.....	0	
U.S.S.R.	700	

CONVENTIONAL

Army		
United States (millions).....	1.4	
U.S.S.R. (millions).....	1.5	
Navy		
Attack carriers:		
United States.....	15	
U.S.S.R.	0	
U.S. helicopter and support carriers.....	10	
U.S.S.R. helicopter and support carriers.....	10	
U.S. cruisers, destroyers, and frigates.....	185	
U.S.S.R. cruisers and destroyers.....	96	
Nuclear-powered submarines:		
United States.....	88	
U.S.S.R.	80	
Other submarines:		
United States.....	60	
U.S.S.R.	270	
Air Force		
Tactical:		
United States.....	8,500	
U.S.S.R.	4,800	
Transport:		
United States.....	647	
U.S.S.R.	1,700	
Air Defense		
Interceptors:		
United States.....	1,000	
U.S.S.R.	3,400	

PHYSICS DEPARTMENT OF NYU AGAINST INDOCHINA POLICY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, I would like to place in the RECORD a letter signed by both students and faculty of the New York University physics department. They express their dismay at the recent actions in Cambodia and on the campus

of Kent State. This letter is an excellent example of the depth of feeling that is to be found on our campuses. Congress should respond by asserting itself in altering the present U.S. policies in Southeast Asia.

The letter follows:

NEW YORK UNIVERSITY,
New York, N.Y., May 8, 1970.

DEAR REPRESENTATIVE: The undersigned members of the All-University Department of Physics of New York University (faculty, staff, and students) would like to express their deepest opposition to the war in Viet Nam and to its recent escalation. We believe that this war is a violation of the U.S. Constitution, and we are certain that it violates civilized international behavior and moral law.

We are appalled at the insensitivity of some government leaders towards the ideals and well-being of students. The tragic events at Kent State University are an outgrowth of a policy which does not comprehend the justified anguish of youth. We endorse the statement of President Hester and of other university presidents, and in the name of humanity we urge our national leaders to make an immediate change of policy.

To this end we strongly support the recent initiatives in Congress to repeal the Gulf of Tonkin Resolution, reaffirm the constitutional prerogative of Congress to declare war, and put a swift and immediate end to the war.

A. Sirin (professor of physics), L. Spruch (professor of physics), Steven A. Winter (student), Martin Pope (research scientist), Paul T. Kilauga (student), Sidney J. Fox (student), E. L. Schucking (professor of cosmology), Faith Novick (secretary), George Basbas (research scientist), Kenneth Stanton (student), Jacqueline Ellis (administrative assistant), Jay Newman (student), Leonard Yarnus (associate professor of physics), Frank Bloomfield (administrative assistant), A. E. Glassgold (head of the department), Joseph Buschi (student), Robert W. Richardson (associate professor of physics), Robert L. Jennette (student), Jonathan Cross (secretary), Sherry S. Bass (secretary), Benjamin Bederson (professor of physics), Thomas DeCanlo (student), Solomon S. Goldberg (student), J. Melamed (lecturer), Y. Solowiejczyk (student).

M. Lieber (associate research scientist), Otto Hinckelmann (student), J. Rosenthal (associate professor of physics), H. Hartmann (associate professor of physics), Freda Robbins (student), Irving Robbins (student), Hulan E. Jack, Jr. (lecturer), John H. DuHart, III (student), Domenic G. Pepe (student), Diana Norton (student), Lee Brevard (secretary), Ronald Mueller (student), Gary Weissman (student), M. Baum (student), James Frost (student), Joseph F. Becker (student), David Friedlander (student), Ryness A. Doherty, Jr. (student), Harvey Weinstein (student), Pat Myers (secretary), Phyllis Kronhaus (student), Roman Laubert (student), Werner Brandt (professor of physics), Hsi Fong Waung (student), Sheldon Roth (student), Steven Meyerson (student).

Joseph P. Wright (student), Lily Galdi (student), Gottfried Durr (student), William J. Marclano (student), Kenneth Dunkley (student), Robert Simon (student), Edward Light (student), Robert Pat (student), Stephen

Tolchin (student), Stephen A. Myers (student), Robert Molof (student), Howard H. Brown (associate professor of physics), Irving Poss (student), Abraham Kasdan (student), Robert Kogan (student), Carlos Marino (student), Ronald D. Winter (student), Arthur Luger (student), Edward B. Brown (student), Louis Uffer (student), Paul Moskowitz (student), Richard Dobrin (student), Leonard Rosenberg (associate professor of physics), Peter M. Levy (associate professor of physics), Jerome S. Epstein (student), I. L. Klavan (student).

R. Alan Fox (student), Lawrence A. Bornstein (chairman, University College physics department), Morris H. Shamos (chairman, Washington Square College physics department), Edward J. Robinson (associate professor of physics), B. A. Lippmann (professor of physics), T. Miller (instructor), Madeleine Green (secretary), Jason Wilkenfeld (student), A. W. Landers (student), E. Mejia (student), R. Granet (student), Alfredo A. Monge (student), Heins-Zieter Carstianjen (student), Paul Otterson (associate research scientist), K. F. Etzold (student), James T. O'Neill (student), Art Jaimides (staff).

A TRIBUTE TO WALTER REUTHER, LABOR STATESMAN

HON. RICHARD L. OTTINGER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1970

Mr. OTTINGER. Mr. Speaker, along with Americans in every walk of life, I mourn the tragic passing of one of the outstanding labor leaders of our times. The accident that snuffed out Walter Reuther's life took away from the working people of this Nation an individual who has been in the forefront of every battle for human welfare and dignity in the last three decades, and he will be deeply missed.

There was no cause concerning the quality of life which did not enlist the talents and dedication of this formidable man, who set standards of conviction for us all by unhesitatingly placing his life on the line time after time for what he believed in. There can be no question that the high standard of life of the workingman in America today, of the dignity and productivity of countless lives has been profoundly influenced by Walter Reuther, whose career and principles have drawn the highest praise from even those who were his adversaries across the bargaining table.

Walter Reuther's breadth of action on behalf of social causes—the elimination of poverty, improved health care for all Americans, a decent wage, pension plans—has enriched the welfare of all of us. No monument in stone is needed, for this progressive national leader will live in the hearts of those he led up from the indignities of sweatshop toil in the 1930's to a share in the national affluence. We can pay Walter Reuther no

higher tribute than to carry forward the work of enhancing the quality of life for all Americans which he so ably championed.

PITTSBURGH'S PLAN FOR RAPID TRANSIT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1970

Mr. MOORHEAD. Mr. Speaker, Pittsburgh and Allegheny County are anxiously awaiting the green light from the Department of Transportation to implement the early action program of the Port Authority of Allegheny County.

In an excellent series of articles, April 12-17, 1970, the Pittsburgh Press narrated the merits of this innovative system and how it would work to serve the needs of the commuter.

I am proud of Pittsburgh's response to meet the challenges of urban mass transit and ask unanimous consent to include the series of articles at this point in the Record for the attention of my colleagues:

PROJECT: SKYBUS—"IT WILL WORK," TRANSITMEN SAY

[Preliminary engineering reports indicate the controversial Skybus will work as a passenger line. This is the first in a series of articles condensing the engineers' findings and discussing possible effects on riding habits of Pittsburgh area commuters.]

(By Ralph Brem and Sam Spatter)

A fast, light modern "train" will glide out of South Hills Village some time in the summer of 1975, and head for downtown Pittsburgh, about 10.5 miles away.

The trip should take about 23 minutes, even with nine stops along the way.

This will be the start of the Transit Expressway Revenue Line, sometimes known as TERL, but called Skybus by most.

And if all goes well, part of Allegheny County's transit woes may be answered.

At least that's the picture conjured up in the \$494,000 preliminary engineering plan released last week by the Port Authority of Allegheny County (PAT).

OPTIMISM VOICED

According to the firms which conducted the study—started in 1968—Skybus will work.

And its impact on the area will be great . . . especially by the year 2010.

To start off, PAT has been told the area will receive \$2.10 in benefits for each \$1 invested in the system.

Skybus, once it is in full operation in the South Hills, will furnish fast round-the-clock service daily to 24,718 one-way passengers in 1976.

These passengers—there should be 28,717 one-way trips daily by 1985—will save thousands of hours of commuting time. And this saving also will be felt by other PAT bus riders, motorists and truckers, now trapped in daily congestions on roads throughout the South Hills.

BUSES AS "FEEDERS"

The report predicts new bus routes will be developed by PAT, since buses will not be needed to carry all of the South Hills commuters into town. Instead, they will feed passengers into Skybus, and go back to pick up more.

Since 6,345 autos are expected to stay home instead of adding to the downtown congestion, about 500 to 625 tons of pollutants will not enter the atmosphere each year.

And the noise level should be reduced with fewer autos converging toward town.

There will be an estimated \$25 million in savings on new parking garage construction, because of fewer autos entering downtown.

And downtown will be able to continue its growth as a major office employment center, instead of being choked by endless lines of auto traffic.

Downtown now provides 103,000 jobs and with an increase yearly of 2,000 jobs, the total could climb to 125,000 downtown jobs by the end of the 1970s.

The South Hills is expected to benefit—as did San Francisco, Montreal and Toronto—with extensive real estate developments along the line.

The authors of the report expect the Skybus route will stimulate \$160 million in new investments by 1980, primarily at or near the 11 stations.

There will be improved transportation service available for college students, teachers and other persons—particularly those with low or modest incomes—to local colleges and educational institutions.

FEW IF ANY FIRINGS

Just building the line will be a financial boom for both workers and local suppliers of equipment.

During the 5½-year period of Skybus construction, an average of 860 craftsmen and general laborers, with wage payments of about \$72 million over the term of construction, will be generated.

Top work force year will be in 1973 when 1,220 are on the job.

The unattended feature of Skybus will not mean loss of jobs for present PAT drivers or employees. This work force will be distributed to handle other duties such as shuttle bus operations, surveillance and inspection functions as well as systems maintenance.

And Skybus will open the employment door to many of the area's unemployed or underemployed persons. It will permit them to reach job opportunities in the South Hills.

FEWER CAR CRASHES?

While there are slide rules and calculators to determine measurable benefits from a Skybus transit system, the study's reporters also found some non-measurable types.

Such as how it might counter the negative features of urban sprawl and help preserve the viability of downtown Pittsburgh.

Or how TERL will reduce costs arising from auto accidents and tend to slow the rise in insurance costs.

The Skybus ride itself could well be a recreational opportunity for local residents all over the community—and for tourists.

Views from the aerial structures and the varied terrain could match, at times, the attraction of the cable cars in San Francisco.

TRANSFERS TO PARK

Through use of transfers, people could ride Skybus and then go by a bus to South Park.

The Midtown Plaza downtown terminal of Skybus will be within walking distance of three downtown universities—Duquesne, Robert Morris and Point Park.

Perhaps the biggest financial matter to be considered by taxpayers is how much new investment Skybus will generate. After all, taxes from these investments will help pay the local government bill.

Outside Pittsburgh, at six stations along the line, an increase in demand for up to 1.5 million square feet of office space, 350,000 square feet of apartment space and 230,000 square feet of retail space will be created

within a 10-year period after the system is operating.

Put into money, that means about \$60 million in new developments.

TAX REVENUE BOOM

As for Pittsburgh, about \$100 million in new real estate projects are anticipated by 1985. This does not include the air rights above the tracks.

Based on the 1969 millage picture in the county and city, this \$160 million in new development would bring back \$5,484,000 in taxes alone.

Over a 35 year span the study said a conservative estimate indicates there will be about \$50 million in increased tax revenues within Pittsburgh and \$28.5 million along Skybus stations outside of Pittsburgh.

In conclusion, the report adds that one of the greatest advantages of Skybus is its dependability. It will run in all weather and on time.

PROJECT: SKYBUS—TWO, FOUR, AND 15 "WINNERS" FOR RAPID TRANSIT COMMUTERS

[Preliminary engineering reports indicate the controversial Skybus will work as a passenger line. This is the second in a series of articles condensing the engineers' findings and discussing possible effects on riding habits of Pittsburgh area commuters.]

(By Ralph Brem and Sam Spatter)

The old picture of a commuter standing in a station fumbling with a timetable to see when the next train leaves will die here in the next few years.

If Skybus comes off the drawing boards and onto its own right-of-way, the need for time schedules will be obsolete.

All the rider will have to remember is the numbers two, four and 15, according to the engineers who have reported the rapid transit expressway concept is sound.

6 TO 10 IS "2"

If he rides between 6 a.m. and 10 p.m., the magic number is "Two." There'll be a train coming along every two minutes—or less.

Between 5 a.m. and 6 a.m. and from 10 p.m. to 2 a.m., the number to recall is "Four" That'll be the time span between comfortable, airconditioned, lightweight trains.

If he's on the go between 2 a.m. and 5 a.m., the waiting time will be 15 minutes.

In future years, the trains could run every 90 seconds in complete safety during the peak hours. And if the operators want to make it every two minutes around the clock, they can do so with a modest increase in cost, the engineers maintain.

Maximum speeds for the trains on the Transit Expressway Revenue Line (TERL) would be 55 miles an hour.

Average speed, including the times the trains are stopped in stations, would be about 27 miles an hour.

SOME WILL STAND

The top speed was picked as best for the trains after the engineers considered such things as distance between stations, size and cost of motors, power consumption and terrain over which the system would run.

Each car on the train will have 26 seats, and it will take 25 trains—which could be anything from one to 10 cars—to run the system on an every-two-minutes time schedule.

It doesn't mean everybody will get a seat, however.

Each car is designed with standing room only space for anywhere from 26 to 40 passengers.

"Normally, passengers will be required to stand only during the weekday peak hours," says the preliminary engineering report.

In its first phase, on the South Hills run, Skybus would be a "stub-end" system.

This means that the trains would reverse direction in the yards at South Hills Village and the Penn Central station downtown.

The engineers took in all sorts of ideas in making their preliminary studies.

Taking part were Westinghouse Electric Corp., Richardson, Gordon and Associates, Kaiser Engineers, Inc., Okamoto-Liskamm, Parsons, Brinckerhoff, Quade and Douglas, and MPC Corp.

One thing they were quick to point out was that TERL—wonder how long it will be before someone nicknames it 'Tertle?—needs a link with surrounding neighborhoods.

FEEDER BUSES

"PAT has designed an extensive feeder bus network to accomplish this, and TERL stations have been designed to accommodate feeder and through buses," the report, which contains detailed maps of this feeder system, says.

Also, absolutely essential, the report says, will be ample parking space at the outer stations.

These should provide, ultimately, 200 parking spots at the Beechview stop; 200 at Shiras Avenue; 200 at Dormont; 450 at McFarland Road; 200 in Mount Lebanon; 930 at Castle Shannon; 1,000 at Bethel Park, and 1,725 at South Hills Village.

Those at Mount Lebanon, Castle Shannon, Bethel Park and South Hills Village should be surface lots, while the others should be parking structures.

Recommended would be 3,000 spots when the line first opens; 4,905 later.

One goal was paramount as the engineers designed the line—passenger safety.

If anything goes wrong, the engineers maintain, the system will "revert to a state known to be safe."

PROJECT: SKYBUS—COME RIGHT ALONG FOR A (SIMULATED) RIDE ON DISTRICT'S PROJECTED RAPID TRANSIT

(By Ralph Brem and Sam Spatter)

Let's take a 22-minute ride on the Transit Expressway Revenue Line (TERL) from Upper St. Clair to downtown Pittsburgh.

Your guides will be the engineers who did the preliminary planning report.

First off, you'll either park in one of the 1,725 spots provided for you near South Hills Village, hop off a feeder bus, or give your favorite chauffeur a kiss and run for the train.

It's in the station two floors above the parking lot; in time it could be in a lobby of an apartment building. The trains run so quietly—and there aren't any exhaust fumes—so it's possible.

The station attendant—there'll be one on duty at all times in all stations—will greet you as you pay your fare, and bump through the turnstile.

FREQUENT RUNS

"No need to rush, sir. There'll be another along in two minutes," says the attendant. But you make this one.

You slip through doors similar to those on elevators. If anything touches the leading edge, they bounce back.

And you pick a seat so you can look out the window; other seats face inward.

Now, with scarcely a whisper, the train moves out of the station as you sit in air-conditioned comfort. A television camera keeps an eye on the passengers.

You notice that there's a phone to call train control in an emergency, and a voice comes over the loudspeaker:

"Next stop, Bethel Park, in three minutes."

As you look out the window, the train goes over Fort Couch Road, and accelerates along a 3,000-foot stretch before swinging onto the old PAT trolley right-of-way.

AN AERIAL STATION

The train goes under Highland Road after passing north of the Bethel Park School and pulls into the Bethel Park station just south of Connor Road and the Castle Shannon Borough line.

After leaving the station, the train runs along the old PAT right-of-way into Castle Shannon and you look down on Connor Road, Smith Street, Rockwood Avenue and Willow before turning left into Castle Shannon station.

Castle Shannon, like Bethel Park, is an "aerial station," and it sits above the ground near the intersection of Castle Shannon and Mount Lebanon boulevards.

And, as with most of the stations, the waiting platform is relatively small. Since the trains run so often, there's little need for vast platforms to stack up passengers.

The train moves on as it crosses over Mount Lebanon Boulevard and Cooke Lane and "comes to earth" again for about a half mile before going above Poplar Street and Castle Shannon Boulevard.

A SHOWPLACE STOP

It makes a gentle swing to the right and slides into the Mount Lebanon station which is partly elevated at the Alfred Street end.

You've been under way about seven minutes, now; and as the train leaves that station and tunnels 400 feet under Washington Road and Shady Drive West, you start wishing you had taken an express.

Almost as if the control center could read mind, the announcement comes that the next stop will be Beechview in "six minutes and 33 seconds."

The stores and buildings west of Washington Road flash by and you fly over Florence Place, Oak Way, Bower Hill Road, Church Place and McFarland Road.

Now you feel the car bend into a left turn and outside your window is the ultra-modern McFarland Road station.

This is one of the showplaces on the \$180 million system.

A FEEDER LINK

Dormonters are among the best mass transit riders in the area, and this station is the jumping off spot for several feeder bus lines.

And the station, above the street and an integral part of new development in the area has helped revitalize the district.

There's a new 450-car parking structure here and new shops and offices.

But you swing on through, over Biltmore Street, Raleigh, Park Boulevard and Dormont Avenue.

The train—now hitting close to its top speed of 55 miles an hour—rushes over Dell Street, Alabama and Hillsdale Avenue and into the Dormont station over Potomac Avenue.

Quick as a wink, that's behind you as the train skims on along the PAT right-of-way down the center of Broadway, then goes over Lasalle and Wenzell avenues.

You're now crossing the border into Pittsburgh.

You're still on the old right-of-way as the train crosses over Neeld Avenue and joins a new right-of-way that takes it into the Shiras Avenue station above Crosby Avenue.

A FEW STAND

You're through the station and into a quick right turn onto a new, steep hillside run of track.

And you're looking out on Boustead, Belasco, Rutherford and Coast avenues as the train slows.

"Beechview, Beechview station next," says the voice on the speaker, and you see that the last three streets are closed to cars and trucks for pedestrian safety.

The car coasts along the 350-foot platform and stops. The doors slide back and people come aboard.

By now, a few are standing.

There's room for 26 to stand, 26 to sit. In a rush hour, 40 can stand comfortably, according to the engineers who designed this.

"Next stop, Midtown Plaza, Midtown Plaza. In seven minutes and 34 seconds."

That's about four miles away. And you do it in less than eight minutes. Downhill all the way.

Over Dagmar and Cape May avenues, along Andich Way, and into a 450-foot tunnel under the Beechview playground.

You feel like you're in a lowflying airplane as the car shoots out of the tunnel and you're 100 feet above Crane Avenue.

It's still downhill as the train skirts Seldom Seen, crosses over the Norfolk & Western Railroad tracks and Saw Mill Run Boulevard on a high trestle and shoots into the old Wabash Railroad Tunnel.

Seconds later, you're out of the tunnel.

There's the Monongahela River and the Golden Triangle on your left as the train slows down in a hard right turn and curves back over the Penn Central tracks and glides into the Carson Street station.

This is another major stop as the Monongahela River Incline is a big passenger deliverer. Puts them right in the station.

Today, though, you don't stop.

The train goes through and turns out over the river onto the old Panhandle Railroad Bridge and goes underground into the new Midtown Plaza.

You get off and walk past the shops and up onto Grant Street.

Behind you, the train pulls out and runs another minute into its terminal at Penn Central.

PROJECT: SKYBUS—NEW RAPID TRANSIT HERE TO SPEED IN AIR, VIA TUNNELS, OVER RIVER
(By Ralph Brem and Sam Spatter)

It will take three new, short tunnels and the use of two existing railroad tunnels—one of them abandoned in the late 1940s—to make the proposed Skybus system work. According to the engineers who wrote the preliminary plans, the three new tubes will be handled by the "cut-and-cover" method.

That means they dig a ditch, put the tracks and other gear in place and roof the whole thing over much like the tunnel between Gateway Center and the Hilton Hotel was "dug."

There's no need for any new bridges, the engineers maintain.

One of the new tunnels would be a 400-foot double-track cut under Washington Road just north of the Mount Lebanon station at Alfred Street.

While building this, the diggers would also put in a separate pedestrian passageway running parallel to the Washington Road tunnel.

USE WABASH TUNNEL

Another new tunnel—a 450-foot double-track job—would go under Beechview Playground.

Getting through Mount Washington means using the abandoned 3350-foot Wabash Railroad tunnel.

This tunnel used to handle a double-track, standard-gauge, steam railroad line which crossed the Monongahela River to serve warehouses and a passenger depot where Gateway Four stands now.

Even with a new 18-inch concrete tunnel liner, the old tunnel is wide enough to take

a double-track road carrying the Transit Expressway Revenue Line (TERL).

Once into—or under—the Golden Triangle, the lightweight, air-conditioned trains will use the Penn Central tunnel.

But it's strictly a one-way deal at present since the section running through the basement of the new U.S. Steel Building won't take a double track.

NEW BY-PASS TUNNEL

So, the inbound roadway will go around the building in a new by-pass tunnel.

Both the U.S. Steel section and the new by-pass tunnel will join up with the existing Penn Central Co. tunnel which will need rehabilitation.

No new bridges will be needed since the system will use the existing Penn Central Co. Panhandle Division bridge to get across the Mon.

Now a one-track bridge, it will be made two-way to take Skybus.

Working on the report were the MPC Corp.; Westinghouse Electric Corp.; Kaiser Engineers, Inc.; Richardson, Gordon & Associates; Okamoto-Liskamm, who handled the preliminary station design, and Parsons, Brinckerhoff, Quade and Douglas.

Kaiser Engineers and Michael Baker Jr., a firm in Rochester, Pa., are designing the final system on which work should start later this year.

It's estimated that it will take 5½ years to build the South Hills Expressway segment at a cost of about \$180,716,000.

TERL—or Skybus, as it has become known—will be a major transit link in the South Hills as it serves passengers south of the Mon between Saw Mill Run Boulevard and Banksville Road.

Presently, passengers in this area ride four street car lines, eight bus lines that go downtown and six feeder or local bus routes.

The engineers figure there'll be 36,000 riders a day on TERL in the first full year of operation; and 50,700 by 1985.

The controversial "switch" that has been much debated in planning will get a real workout in the new system.

There will be at least 22 of them on the line—and more if you count the ones in the yards—all "concealed within the roadway structure so that the TERL's clean and unobtrusive appearance is not impaired," says the report.

Trains will be put together in the yards just beyond South Hills Village.

It will be done automatically with no passengers on board, the report maintains, and off the main line.

THE NERVE CENTER

This yard is the nerve center, and the storage yards.

Here, too, cars should be cleaned daily, inside and out, the engineers say.

There'll be room enough to store 90 vehicles in one section and 111 in another.

And all yard roadways will be heated to break up snow delays.

No de-icing compounds will be used on any of the roadway running surfaces.

Because of the frequent passage of trains, very little snow should pile up on the running surfaces.

This has been proved already in experiments at the South Park testing grounds.

LANDSCAPING, TOO

It won't make much difference in critical section of the roadway—electric heating elements buried in the concrete will melt the ice and snow.

Some structural statistics:

If a train is disabled, passengers can walk to safety on walkways either in or alongside the roadbed.

About 60,000 lineal feet of the roadway will be aerial—on "slim, tapered columns"—and

range from eight feet above the ground to 105.

The engineers believe most of the aerial routes will be 30 feet or less above the ground and will blend into the neighborhoods.

And areas under the high trackways will be "landscaped with smooth contouring, and planted to minimize any intrusive effects on the neighborhoods," the report says.

PROJECTS SKYBUS—A SEAT FOR (NEARLY) EVERY RIDER ONE OF BIGGEST RAPID TRANSIT AIMS

(By Ralph Brem and Sam Spatter)

Skybus may be near a breakthrough of Pittsburgh's old rapid transit problem of providing a seat for every passenger.

The secret is simply to keep the cars running every two minutes. And when peak rush hours are present, add more cars to the Skybus train.

Planners of the Transit Expressway Revenue Line (TERL)—best known as Skybus—contend the no-standing possibility probably won't hold true during peak rush hours.

But those who stand will find they have more space than they do today on Port Authority's Transit's (PAT) buses and trolleys.

Each Skybus vehicle will have 26 seats, arranged in a pattern that reminds one of the Montreal trains and future San Francisco cars. Double seats will face either forward or backward with some single seats facing the center aisle.

WILL AVOID JERKS

During peak rush hours, the planners believe each Skybus car can accommodate 52 passengers, including 26 who stand. They've provided each standee with 6.4 square feet of floor space.

The cars have the capacity to carry 66 passengers, and this would give standees only 4.2 square feet of space.

Stanchions and handrails will be on the cars so that standees will have adequate support as the train runs along the Skybus trail.

In off-peak hours, there should be seats for all.

And built into the car's power package is a control that will hold acceleration and jerks to a minimum of passenger discomfort, the planners have stated.

Their views are listed in a feasibility report issued last week by PAT.

DOORS WILL LOCK

A closer look at the vehicle itself shows two sets of doors rather than the one now evident on the demonstration model which has been circling the Skybus test track at South Park.

Because a second door was added, the car South Hills residents ride will be longer than its present prototype.

Doors will operate quietly and smoothly, according to the report.

When closed, the doors will be secured with a locking device. But when the Skybus reaches the station, the doors will open automatically and remain open for the predetermined stop time, then automatically close.

For those rushing to get through the door before it closes, just touch the leading edge of the door and it will swing open again.

And through the equipment placed along the route, power to start the Skybus on its way won't be unleashed until the doors are closed and locked.

A maintenance man will be able to open and close each door from both inside or outside, using a doorkey switch or other appropriate means.

There will be a way to open the doors if power fails. Inside the vehicle will be an emergency lever near each door.

This lever, placed behind a small door to discourage tampering, will allow manual operation of the doors.

NONGLARE LIGHTS

Once the lever is used, the train stops and the doors can be pushed open. The lever overrides all other power systems.

Uniform temperature is automatically maintained inside the car regardless of the weather outside.

And filtered air will circulate throughout the car with a huge chunk of the fresh air pulled in from outside.

Non-glare fluorescent lighting will brighten up the interior. In case of power failure, battery-operated incandescent lights will switch on automatically.

In case of an electrical fire, every car will have a fire extinguisher. And all material used in the car is fireproof or fire resistant, cutting down the risks of accidents or fires.

Noise will be at a whisper. Engineering advances will permit even the air-conditioning units to be quiet.

And vibrations of all kinds—from doors, windows and even seats—are expected to be absent.

The cars will be clean, the report states, because plans call for daily use of cyclone-type cleaners inside the vehicle.

For the passenger who must talk with Skybus control, each car will be equipped with a handset or speaker box with a push-to-talk button. This permits the passenger to speak to the man on duty.

SAFETY GUARDED

Communications will be a major part of the security and safety features of TERL.

All stations will have a public address system to serve the public.

Closed circuit TV cameras and monitors will be located at each passenger station. The cameras will include in their vigil remote fare-collecting areas and bus and auto loading areas.

As has been noted before, the Skybus will be locked to the roadway. Steel safety discs, mounted above pneumatic, rubber-tired guide wheels, will tie into the roadway guide beam and provide the positive lock-on feature, the report adds.

Fully automatic vehicle braking will be done through a combination air and electric dynamic system.

A WALKWAY, TOO

Friction brakes are used at low speeds to achieve precision stopping during all weather conditions, the planners state.

Since the Skybus will be automatically controlled—without the need of a driver or attendant—extra safety precautions have been instituted to insure safe operation.

To prevent possible collisions of trains, the system has the wayside (at the roadway bed) controls which monitor each car, controlling its speed, and forcing it to stop if there is any malfunction or problem ahead.

There is also protection built in to detect and stop any train roll back.

Electronic detectors also will stop trains if doors are opened or certain key functions fail either on board or in the wayside equipment.

And in case the passenger has to get off Skybus and walk to the station, a continuous walkway will be built along the roadway structures.

To prevent anyone from falling off the aerial roadway sections, the walkway is between the two inner roadway slabs in double roadway sections, and on one side of the structure in single roadway sections.

TRANSIT CONSTRUCTION DELAY BLAMED IN DRIVING UP COST

(By Ralph Brem and Sam Spatter)

Port Authority of Allegheny County (PAT) is nearly four months behind its projected

construction time schedule on the Early Action Program.

And every day that construction is delayed means higher costs.

The planners projected their financing and construction program on a "go ahead" date of last January, according to a feasibility study just released on the Skybus program.

AWAIT U.S. APPROVAL

And until that "go ahead" is given by Washington with approval of federal funds, the \$33.6 million put aside for "escalation" may evaporate before the entire 10.6 mile Skybus line is built.

Even the \$18.1 million set aside for contingencies—those unexpected structural and financing charges not anticipated today—might not be enough to finish the job.

But looking at the Skybus costs—\$180.7 million—the breakdown in financing shows:

Federal, \$120,477,333 (two-thirds); state and county, \$30,119,500 each (one-sixth each).

The entire Early Action Program will cost \$228 million when the PATway system is included. These are the South and East PATways—those exclusive bus-only lanes.

PAT's cash obligation of \$30,119,394, plus about \$385,000 working capital in 1975, will be financed through a \$31 million bond issue, the study states.

AMORTIZATION PLAN

The plan calls for issuing \$15 million of the bonds this June to be amortized serially over 25 years beginning in 1971. A \$16 million issue will be let in January, 1973, and amortized serially over a 25-year period beginning 1974.

These bonds would be retired from annual appropriations by the county—a commitment which already has been confirmed by the commissioners.

The draw on the funds will leave some unused money at the end of each of the first five years and these funds will be re-invested in short-term notes to offset partially interest requirements on the bonds.

Under the present arrangements, the flow of construction cash should run as follows: 1970—\$11,381,000; 1971—\$16,186,000; 1972—\$38,033,000; 1973—\$64,783,000; 1974—\$49,037,000 and 1975—\$1,296,000.

WILL BE PHASED IN

Construction of the Transit Expressway Revenue Line (TERL)—the official name for Skybus—will be phased with the building of the South PATway (exclusive bus-only lane) and various highway projects.

This phasing will be done to provide through-service during construction between Library, Drake, Castle Shannon and downtown Pittsburgh.

Based on 1969 prices, the study reflects the cost of building the system as \$41,375,000 for just the structures and roadway. Next highest expenditure is for passenger stations, \$17,829,000.

The cost to buy 145 Skybus vehicles is projected at \$16,238,000. Right-of-way acquisition has a \$14 million tab and the Port Authority's board chairman, William Henry, said PAT will follow federal regulations and not permit any family to move until a replacement home is available.

OTHER COST ITEMS

PAT has said it would spend about \$1.1 million to buy 271 residential (including 20 trailers) homes and 64 businesses for Early Action.

Other top cost items for Skybus include \$10.6 million for electrification; \$8.8 million for engineering; \$7,245,000 for automatic train operation and communications; \$6.6 million for maintenance shops and storage yards and \$4.6 million for construction management.

The study's planners anticipate a sharp

cost increase over the next five years. And they believe it will run from 5 per cent annually for vehicles and automatic operation and control to 8 per cent yearly on rights-of-way costs.

Also tied up in the financing is the cost for engineering services on both the Skybus and PATway lines.

Kaiser Engineers, which will handle the Skybus, will be paid on the basis of 2.1 or 1.8 times its wage and salary costs, depending on the type of service rendered. The sum, however, will not exceed \$15,480,000.

Michael Baker Jr., PAT's engineering consultants, will get 1.25 per cent of the estimated construction costs of Skybus during the period of design and ¼ per cent during actual construction—with the total not to exceed \$2,564,500.

Baker also will get 2.1 per cent or 1.8 times of its wage and salary costs on the PATways, but the total can not exceed \$3.1 million. However, their total compensation on PATways will be reduced to the extent to which the Pennsylvania Department of Highways participates in the project.

INCOME EXPECTED

But the best financing news is pictured in the projected income PAT believes Skybus will bring into the authority.

The study contends the only losing years will be the first two—1975 and 1978. A loss of about \$85,662 is expected in '75 and \$90,025 in '78.

After that—with the cost of the feeder bus service to Skybus included—the income is expected to exceed expenses.

By 1985, income should reach one million dollars and by 1991 the two million dollar mark will have been attained.

The income will be closing in on \$3 million by mid-1990's, according to the report.

Westinghouse Electric Corp., sponsor of the Skybus system, headed the team which prepared the technical study on which this series was based.

Others involved were Richardson, Gordon and Associates; Kaiser Engineers; Okamoto-Liskamm; Parsons, Brinckerhoff, Quade and Douglas and MPC Corp.

COMPANIES ESTABLISH PUBLIC PARKS, RECREATIONAL AREAS AND WILDLIFE PRESERVES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GOLDWATER. Mr. Speaker, in recent times, the question of environmental improvement has been a key issue on the tongues of nearly every public official in America. I think that it is sometimes important to point out the fine work that private enterprise is doing to preserve our environment and making lands available for the public to enjoy. I, therefore, wish to insert in the Record an article from the action report of the Chase Manhattan Bank. It describes the things that major corporations have done to provide more parks for the public. This kind of action certainly deserves our congratulations; the article is as follows:

COMPANIES ESTABLISH PUBLIC PARKS, RECREATIONAL AREAS AND WILDLIFE PRESERVES

From coast to coast this year, thousands of Americans will be camping, fishing, hiking, swimming, and sight-seeing on land

prepared for public use by manufacturing companies. Until recently, most of these companies never considered themselves in the recreation business and had not organized for it. Now several of them have established recreation development divisions. The new trend is a response to the growing public demand for outdoor recreational facilities—a demand that budget-burdened cities and states can only partially satisfy.

Weyerhaeuser Company, which was the first large tree-farming corporation to set up a formal organization for public recreation, maintains some 20 parks on its vast timberlands in the northwest and other parts of the country. It supervises hunting and trapping in the parks as well as family recreation.

In 1967 Boise Cascade Corporation undertook a five-year recreational development program. In wooded canyons in Washington, the company maintains a series of campgrounds, and hundreds of miles of logging roads are open to hunters and fishermen the year round except during periods of extreme fire danger or in active logging areas. These company-built roads provide access to 700 miles of streams and 84 lakes—all in all, more than 152,000 acres of fishing waters. "We don't pretend to compete with the many federal and state agencies which manage vast areas of timberland for recreational use," said Don Coldwell, the company's timber and logging manager, "but we try, along with many other responsible industrial timber owners, to do our share on our own land."

One of the most extensive snow-mobiling areas in Minnesota is a 60-mile network of 27 marked trails maintained by Boise Cascade on the Kabetogama Peninsula. The company is also developing many miles of streams to 17 interior lakes on the Peninsula so that canoers can reach them.

Not all the parks and recreation areas contributed by industry are in open lands. One leading wildlife preserve is located in an industrial section of Philadelphia, with heavy automobile and truck traffic along its sides and airlines passing overhead on their way to International Airport.

Tincicum Wildlife Preserve is on 205 acres of rich marshland teeming with muskrat, turtles and other inhabitants of watery lowlands. The area was donated to the City of Philadelphia by Gulf Oil Corporation, with the company retaining rights-of-way for its pipelines from tanker docks to inland storage tanks.

Gulf also played a major role in an unusual wildlife transplant. After conducting studies of waterfowl in the southern hemisphere Florida's Game and Fresh Water Fish Commission wanted to introduce *patos reales*, a black game duck in South America to the forested swamps of Florida.

Learning of the Commission's desire, executives at Gulf arranged for an expedition into the wilds of Venezuela in search of *patos reales*. With the help of local hunters, Gulf captured 100 of the prized ducks and sent them to Miami by air freight. Groups of them were then distributed to preserves in Florida for study and propagation.

In Tampa, Florida a well-known wildlife preserve is operated and maintained by Anheuser-Busch, Inc. This preserve, Busch Gardens, is stocked by colorful herds from the African veldt—lions, elephants, zebras, giraffes, rhinos, hippos, and many others. From a skyrail car, visitors can view the animals roaming free in lands similar to their ancestral habitats. Many varieties of tropical birds also live by pools in the Gardens or in the Adolphus Busch Space Frame.

Another company that has contributed to the establishment of parks and recreation areas in Georgia-Pacific Corp. In what was acclaimed as "the largest single gift ever made for conservation purposes" last year,

Georgia-Pacific gave two groves of California redwoods to Nature Conservancy, a conservation group in Washington, D.C. The gift, valued at about \$6 million is now a California state park.

GENERAL GELSTON: STRONG MAN OF PEACE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRIEDEL. Mr. Speaker, in these troubled times with so much unrest, violent dissent, and undesirable racial tensions, I wish to invite the attention of my colleagues in the Congress to a truly great man who knew how to handle them. That man was Maj. Gen. George M. Gelston, who, unfortunately, passed away a few months ago.

The late General Gelston was a model of a dedicated public servant who used his talents, intellect, and qualities of leadership to contain and resolve explosive situations in Maryland. In recognition of such significant achievements the Westinghouse Broadcasting Co.'s Group W station in Baltimore, WJZ-TV 13, presented an editorial by Mr. John Rohrbach, general manager, regarding his services to our State. Because of its importance today, I include it in the pages of the CONGRESSIONAL RECORD. It is as follows:

GENERAL GELSTON: STRONG MAN OF PEACE

In 1963 when a National Guard unit was sent to Cambridge, Maryland, few citizens had heard of Brigadier General George M. Gelston. As commander of the unit, his basic task was to keep the peace in the racially troubled city. Instead his quiet physical courage and his surprisingly acute sense of fairness thrust him into the role of mediator and peacemaker. Soon everyone had heard of General Gelston.

In 1966, promoted to Major General, he was appointed Adjutant-General of Maryland. He had barely taken over when there was another emergency. The Baltimore Police Department was wracked with scandal and Governor Tawes asked George Gelston to serve as interim commissioner. Immediately he took the necessary steps to restore public confidence in the department and its men. He acquired the respect of black leadership, both locally and nationally, at a time when they were becoming resentful toward the police. When Commissioner Donald Pomerleau took over, to begin a methodical upgrading, the crisis of confidence had been solved by the talents of General Gelston.

In 1968, Baltimore's ghetto was torn with riots. General Gelston moved in with the National Guard and Federal troops. Even in this most severe of crises, he remained the voice of reason, resisting the "shoot-first" extremists and yet moving firmly to shut off the torrent of rage.

In that same year Group W decided to devote three hours of evening television time to a study of the American racial problem, called "One Nation, Indivisible." One segment was to be on the role of the National Guard. The guard of any state could have been selected. The producers chose Maryland for one reason—the enlightened leadership of General Gelston.

This week Major General George M. Gelston died. The people of Maryland will long remember this fine soldier who won his greatest laurels as a strong man of peace.

EFFECTS OF POLLUTION ON OUR ENVIRONMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the American public is increasingly aware of the shocking and tragic effects of pollution on our environment. Most of these effects are all too obvious—we have only to look at the mountains of scrap and waste outside so many of our large cities, or the signs prohibiting fishing and swimming in our sewage ridden rivers and streams.

One pollution problem, which only becomes obvious when it reaches crisis proportions, is the pollution of the air we breathe. It has been predicted that Americans living in major metropolitan areas 30 years from now will have to wear gas masks when they venture from their homes.

Every 24 hours in the United States, over 390,000 tons of refuse are poured into the air, and this figure increases every year. Approximately half this waste is produced by the more than 80 million automobiles which travel our Nation's highways. The other half is largely produced by those industries which burn coal and oil products as sources of fuel.

The effects of air pollution may be obvious only when reaching danger levels, but they are nevertheless continuous and affect everything from buildings and garments, to trees and plant life—to say nothing of the effect on our health.

Medical studies have shown higher rates of lung cancer in those areas of heavy pollution, and plant life and vegetation in these areas have been visibly affected. In some instances, farmers have had to leave their farms because of the effects of air pollution on their crops.

Normally, air pollution goes largely unnoticed because the waste products are dissipated into the atmosphere. But certain weather conditions can prevent this dissipation and cover a particular area with a blanket of choking smog. This process is known as inversion, and basically occurs when a warm mass of air passes over a cooler mass of ground air and prevents it from rising.

When this happens, we become immediately aware of the volume of filth we pour into the air, because we are forced to try and breathe it. If this condition persists, illness and even death can result.

Is it always man's fate to realize his mistakes only when they reach such intolerable levels?

In relation to the growing economic losses and dangers to health caused by the problems of air pollution, an insuffi-

cient amount of money is being spent on its eradication. In 1966, it was estimated that only 58 percent of our urban population in the United States was served by local air pollution programs. Only 42 agencies spent above \$50,000 a year, "a bare minimum program budget." Of the total amount, 40 percent was spent in California, where the population growth quickly outpaced the amount of money being spent on pollution problems.

Another area demanding immediate attention is the systematic desecration of our lakes, rivers, and streams. The once lovely Lake Erie has become a gigantic cesspool, which would require decades to clean up even if we started today. Lake Michigan and Lake Huron are fast approaching the same condition. Other lakes and rivers throughout the country are choked and clogged with industrial waste and human refuse.

Admittedly, the past few years have seen forward strides in the direction of pollution control. The automobile industry has taken steps to reduce exhaust emissions from automobiles. The Federal Government has played a substantial role in providing research programs and reducing the pollution output of various Government-related agencies. And over \$300 million a year is being spent on control devices to reduce industrial pollution.

Still, a great deal needs to be done. Congress must realize the gravity of the problem. We must help in the development of new methods to cease pollution and begin repairing the damage already done. Industry must recognize its responsibility in sharing the burden of pollution control.

Local and State governments, acting in cooperation, can implement effective responses to regional aspects of the problems of pollution, and community action groups can play an increasingly important role in calling attention to their local needs.

The young people of this Nation, who must live in this polluted environment we have created, are already aware of the grim future they face. During the past few months, I have received thousands of letters from students of all ages, urging that action be taken now. They ask what they can do to help, and ask what is being done. What can I tell them?

The late Adlai Stevenson made a very perceptive analogy of the problems we face long before pollution became the issue it is today:

We travel together, passengers on a little spaceship, dependent on its vulnerable supplies of air and soil . . . preserved from annihilation only by the care, the work, the love we give our fragile craft.

Mr. Speaker, the time is late, very late. And the problem is very real. A nation that can spend billions of dollars to put men on the moon, and spend billions to fight a war in far-off Southeast Asia, can certainly allocate a larger share of its resources and energy to give future generations the clean and beautiful land that our fathers gave us.

VIOLATION OF RIGHT TO PRIVACY OF RETURNS OF FEDERAL INCOME TAXPAYERS DRAWS CRITICISM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the disclosure of examinations of citizens' individual income tax returns by officials of the White House is condemned and should be stopped.

Many feel that this is a violation of the right of individual privacy and of Federal law and Treasury regulations governing the confidential nature of such returns.

In this connection a news release setting forth the views of Chairman Lawrence F. O'Brien of the Democratic National Committee on this matter is herewith placed in the RECORD because of the interest of my colleagues and the American people in this matter.

The news release and a letter to Mr. O'Brien follows:

O'BRIEN CHARGES VIOLATION OF FEDERAL LAW BY NIXON ADMINISTRATION IN MOLLENHOFF ACCESS TO INCOME TAX RETURNS

WASHINGTON, D.C., April 11, 1970.—Lawrence F. O'Brien, Chairman of the Democratic National Committee, today charged that the Nixon Administration's practice of turning over confidential federal income tax returns to a White House aide violates federal law and Treasury Department regulations governing the confidentiality of tax returns.

"Federal law and regulations protect the individual taxpayer's right to privacy and such indiscriminate access by a political operative in the White House is a clear violation of the legal rights of American citizens," O'Brien said.

"I call upon President Nixon to terminate immediately this illegal access of his personal staff to confidential tax returns of 80 million Americans," O'Brien said.

"If this action is not taken voluntarily," O'Brien added, "we are prepared to initiate legal action that will end this practice."

O'Brien's statement was based on a legal opinion signed by Mortimer M. Caplin and Sheldon S. Cohen, former commissioners of the Internal Revenue Service, and Mitchell Rogovin, former Assistant Attorney General for Tax Division and former Chief Counsel, Internal Revenue Service.

The full text of the legal opinion submitted by Caplin, Cohen, and Rogovin to O'Brien is attached.

"I asked for this opinion upon learning of the Internal Revenue Service's practice of turning over confidential income tax returns to Clark Mollenhoff, special counsel to the President, on a 'need-to-know' basis," O'Brien said. "The views of these recognized tax experts leave little doubt as to the illegality of the procedures which now are being followed."

"It is particularly troublesome to learn of this practice when so many millions of Americans are at this moment poring over their individual income tax returns and are candidly disclosing personal information of the utmost sensitivity," O'Brien said.

"Only immediate action by President Nixon to stop these illegal procedures will restore the American people's confidence in the Internal Revenue Service, as well as demon-

strate the willingness of the Nixon Administration to obey federal law and regulations in the conduct of its own affairs," O'Brien concluded.

APRIL 9, 1970.

Mr. LAWRENCE F. O'BRIEN,
Chairman, Democratic National Committee,
Washington, D.C.

DEAR MR. O'BRIEN: It has been reported that an aide to the President currently has access to federal income tax returns upon his written request.¹ You have asked for a legal opinion on whether this reported arrangement with the Internal Revenue Service comports with existing law and regulations. It is our legal opinion that such access is not in conformity with existing law and regulations relating to disclosures of tax returns.

Section 6103 of the Internal Revenue Code sets up the statutory procedures necessary to insure that tax returns and the confidential information appearing thereon are not made available to people who have no legitimate interest in the return. First enacted in 1910, this central provision of our present law provides that returns will be open for inspection "only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President."² The inviolate nature of tax information is fundamental to our tax system, not only in the name of privacy, but also to insure increased and more accurate taxpayer compliance. As to the latter, more accurate reporting on income tax returns appears to bear a close relationship to the degree of confidence in which the information is held by the Internal Revenue Service.

The regulations promulgated under section 6103 provides in detail, the manner and circumstances under which tax returns may be legally inspected by the public³ state tax officials,⁴ Treasury officials,⁵ Executive Department officials,⁶ U.S. Attorneys and Department of Justice attorneys,⁷ Executive Branch agencies,⁸ and Congressional Committees.⁹ Specific requirements for inspection of federal income tax returns have been prescribed in the regulations to intentionally make it burdensome to secure inspection of such returns. This is in order to maintain the confidentiality of such returns except in unusual circumstances, melding the legitimate needs of government with the right to privacy of the individual. For example, with respect to inspection of returns by executive departments' officials other than the Treasury Department, the request must be in writing, it must be made by the head of the Agency requesting the opportunity to inspect the return,¹⁰ the request must relate to a matter officially before the Agency head, it must specify the taxpayer's name and address, the kind of tax reported, the taxable period covered, the reason why inspection is requested, and the name and official designation of the person by whom inspection is to be made.¹¹

The federal official in the news report is Special Counsel to the President and as such, he is an employee of the Executive Office of the President. Reg. Sec. 301.6103(a)—1(f) covers access to tax returns by such an employee. Under this regulation, the President would be the only Executive Branch official with the authority to request the Commissioner to make tax returns available to employees of the Executive Office of the President. Each a Presidential request would presumably have to comply with the various requirements of the regulations detailed above.

It has been suggested that since the employee in question acts as agent for the

Footnotes at end of article.

President in matters of investigation, no written request by the President is required. We are unaware of any theory of law which would support such an argument. Indeed, this type of argument has been specifically rejected by the very language of the regulation.

The criminal sanction relating to the disclosure of confidential tax information is found in section 7213 of the Code. It makes it a misdemeanor for any federal employee to divulge tax information except as provided by law.

If tax returns are made available in a manner not in conformity with section 6103 of the Code and the regulations, it would appear that such divulgence of tax information is not as provided by law.

A copy of section 6103 and the pertinent regulations are attached for your convenience.

Sincerely,

MORTIMER M. CAPLIN.
SHeldon S. COHEN.
MITCHELL ROGOVIN.

FOOTNOTES

- ¹ Washington Post, April 4, 1970, p. 2, col. 1.
- ² The Tariff Act of 1909, which imposed a corporate excise tax, provided that corporate returns were open to public inspection. Payne-Aldrich Tariff Act § 38, 36 Stat. 112 (1909). Congress quickly reversed this action and inserted a provision in the Appropriations Act of 1910 so as to allow inspection only upon the order of the President, under rules and regulations prescribed by the Secretary and approved by the President. Act of June 17, 1910, 36 Stat. 468, 494.
- ³ Reg. Sec. 301.6103(a)—1(d)
- ⁴ Reg. Sec. 301.6103(a)—1(d)
- ⁵ Reg. Sec. 301.6103(a)—1(e)
- ⁶ Reg. Sec. 301.6103(a)—1(f)
- ⁷ Reg. Sec. 301.6103(a)—1(g)
- ⁸ Reg. Sec. 301.6103(a)—102 to 106
- ⁹ Reg. Sec. 301.6103(a)—101
- ¹⁰ In the past, the Internal Revenue Service has denied the request of a Cabinet member to inspect returns when a written request bore a facsimile signature rather than the genuine signature of the Cabinet member.
- ¹¹ Reg. Sec. 301.6103(a)—1(f)

MISS ROSE MARIE TAMURA—"ABILITY COUNTS" ESSAY WINNER FROM HAWAII

HON. SPARK M. MATSUNAGA
OF HAWAII

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1970

Mr. MATSUNAGA. Mr. Speaker, a delightful interlude in which I indulge myself here on Capitol Hill whenever the opportunity arises is to meet with young people from Hawaii. I recently had this pleasure when I had as my guest for lunch in the U.S. Capitol an outstanding young senior at Kapaa High School, from my home island of Kauai, Miss Rose Marie Tamura.

Miss Tamura, the daughter of Mr. and Mrs. Misao Tamura of Kilauea, Hawaii, came to Washington after winning top honors in the 1970 "Ability Counts" essay contest sponsored in Hawaii by the Governor's Committee on Employment of the Handicapped. Miss Tamura was accompanied by Miss Josephine Malecke, her teacher who inspired and encouraged her to enter the contest.

The Governor's Committee on Em-

ployment of the Handicapped has done an impressive job in promoting employment opportunities for persons in our society who, though handicapped, are capable of doing top-quality work. The "Ability Counts" essay contest gives our students an opportunity to emphasize the benefits of employing the handicapped and it is indeed a most worthwhile project.

In her prize-winning essay, Miss Tamura focuses attention on the disabled veteran as a manpower resource in her community. It is interesting to note here that the Garden Island of Kauai, while abounding in beauty and natural resources, has experienced a decline in manpower resources in the last few decades in the 20 to 40 age bracket. It is this group which represents Kauai's labor force for the sugar plantations, the pineapple canneries, the skilled and service businesses, and the rapidly expanding visitor industry.

Miss Tamura's essay points to the need for the services of the disabled veteran in her community, and emphasizes the increasingly vital role that he can play in contributing to the manpower resources on Kauai.

I read Miss Tamura's essay and found it most informative and inspiring. I submit it for inclusion in the CONGRESSIONAL RECORD in order that others may also have the opportunity of reading her essay.

Our country builds its future on young citizens like Rose Marie Tamura. I know that my colleagues would wish to join me in congratulating this talented young lady on her accomplishment, and in wishing her well in her future endeavors.

The prize-winning essay, "The Disabled Veteran as a Manpower Resource in My Community," by Miss Rose Marie Tamura, follows:

THE DISABLED VETERAN AS A MANPOWER RESOURCE IN MY COMMUNITY

The wars that have raged for too many years have drawn much manpower from the national labor resources. Some men return alive and well, some draped in mourning and the rest hampered by service-connected disabilities. The concern, then, is for the disabled veteran who faces the problem of readjustment and acceptance into the working force of his community.

Kauai, Hawaii, in the last few decades, has experienced a decline in population—an especially critical decrease in the 20-40 age bracket. This group represents Kauai's labor force for the sugar plantations, the pineapple canneries, the skilled and service businesses, and the rapidly expanding visitor industry. There are presently 2,192 hotel units with an estimated increase of 100% expected by 1972 through the Blackfield Corporation and Eagle County Development Corporation resort development projects. With the acute labor shortage, hotels and their supplementary services are in great need of people to man necessary positions. The disabled veteran, then, with his skills and desire, has a valuable, potential contribution for Kauai.

Since 1920, the Disabled American Veterans (DAV) has been organized (and congressionally chartered in 1932) "to work for the physical, mental, social, and economic rehabilitation of the more than 2,000,000 wounded and disabled veterans who have returned from battlefields since World War I."

With the DAV, the Veterans Administration, and other state and federal agencies including the State Employment Service and the Department of Vocational Rehabilitation, anxious and ready to serve him, the disabled veteran has much guidance and counseling for his transitional period of readjustment into the community. When he is desirous to contribute his abilities, his "veteran preference" assures him extra help in location of a suitable position. Rehabilitation Unlimited of Kauai also works to help him through employment and training related to his interests and capabilities.

Motivation is essentially the major contributor to the disabled veteran's desire to work. It is more important than monetary gains for he is already awarded by the federal government. When he realizes that he is wanted, that he is needed and that, moreover, he is appreciated, the disabled veteran faces a more personally meaningful life. His work brings dignity and he triumphs over the challenge of a handicap. With understanding and respect, he will produce to his utmost. Employers have discovered that the handicapped are not more delinquent in areas of sick leave and absences than normal employees. All rests in motivation and a real desire to work.

Statistics from records of the State Employment Service on Kauai reveal that there are disabled veterans in the community that are willing to face the new life of employment. Below are listed the numbers of disabled veterans interviewed and placed by the Employment Service:

Number interviewed:	
1965	13
1966	19
1967	12
1968	19
1969	32
Number placed:	
1965	9
1966	13
1967	5
1968	6
1969	4

Figures on the right do not include those who sought and gained their employment or those who were referred to other agencies.

There is a need and a place for the disabled veteran on Kauai. His manpower contribution is of increasingly vital importance to the economy of an island that lacks the substantial human resources. Although the disabled veteran receives financial compensation for his disabilities, he shall never meet the challenge of overcoming his weaknesses until he has the chance to exercise and emphasize his strengths.

Employment and work are means of personal, spiritual compensation that teach men to accept their capabilities and produce their best by accenting their assets. Financial comfort and social dependability are a dear price to pay for the rewards of independence, self-sufficiency, and victory over total disability and uselessness. The future is bright and rewarding for the disabled veteran that takes his life into his own hands and lives it as a challenge!

RADICAL DEMAGOGS?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. WOLFF. Mr. Speaker, in this period of great national confusion, it is vital that we look to those who present sane and reasonable discussions of the

Nation's plight. Mr. Jack Valenti, former White House special consultant to former President Johnson, has offered us such a reason to give pause.

I would therefore like to extend my remarks today to include a most important article by this outstanding gentleman. I believe each one of us should consider carefully the thoughts he has to present.

The article follows:

RADICAL DEMAGOGS?

(By Jack Valenti)

There is an edge of the demagogue among the radical young as surely as it resides within their more traditional-minded elders. To cry "revolution" today is to make it known you are clear-eyed and idealistic, fed up to here with the "system" and therefore committed to its destruction. Ergo, revolution.

A number of men some of us might describe as wise have looked at this revolution thing and have some observations worthy of pondering. Albert Camus (whose credentials as an anti-establishmentarian are well known) put it this way: "The rebel begins by demanding justice and ends by wanting to wear a crown." This is a well known defect in revolutionaries who is well.

George Bernard Shaw, whose distaste for traditional procedures could never be described as mild, looked at insurrections and said: "Revolutions have never lightened the burden of tyranny; they have only shifted it to another shoulder."

The prime point in this line of reasoning is a truth which was ancient when Lord Acton gave it brilliant brevity and it is that power corrupts. It corrupts the young as it does their older kin. It is an elixir few men can drink without feeling the effect. That one starts out loving and kind of passionately involved in justice is of no matter. Every revolution in history that was started by those determined to pull down the city always ended in despotism and iron-handed power wielders, as brutal as what had been experienced before, sometimes more so.

To cite the American Revolution as an example of beneficent change through revolt is to disfigure facts. The American brand of revolution was unique, generated by the well-born and the high stationed, by those with the most to lose. The leaders of the American Rebellion had no intention of tearing down anything. They rather liked their society the way it was. They just wanted to order their own kind of government, free of non-resident arbitrary decrees. They fretted that the British government intruded on the colonies, and so they threw the rascals out. But by no stretch of historical or emotional imagery can one catalogue the American revolt as a revolution in the current accepted sense of the word.

The glorious revolution of 1688 in Britain came, according to Historian G. M. Trevelyan, not to overthrow the law, but to confirm it against a law-breaking king. It was at once liberal and conservative; Most revolutions, said Trevelyan, are neither one nor the other, but overturn the laws and then tolerate no way of thinking save one.

The French Revolution ravaged France. The mass of people, tired of Bourbon stupidity, triggered the revolt, but it quickly fell into the hands of demagogues and terrorists and we know what happened there.

The Russian Revolution needs no restirring to make the point that for whatever noble and understandable reason the revolution begins, when it savages the society and destroys both structure and rational good sense, the result is always more tyranny, more usually than what was once in authority.

When a tyrant first appears, said Plato in his "Republic," he is in the guise of a protector. This and no other is the form from which the dictator springs.

It seems strange that some of the most educated of our young people should be the loudest shouters for violent revolution. They need only investigate history to find what they are advocating is an illusion, a cruel, misshaped mirage, always shattered against reality. One can imagine what would happen if some of the weathermen types, really succeeded in revolting and winning. If they won't let speakers with an opposite view say their piece now, what, pray God would they do if they possessed total power?

If some of our educated young truly believe revolution is the answer, they are sadly lacking in historical perspective. And if they know the truth and still bloody their words with cries of destruction then demagoguery is a disease not limited to the old.

If we were all to be honest we would have to admit that playing at revolution is quite an exciting adventure. It is a form of togetherness, a sense of belonging to a special commune which is a powerful and beckoning force to sincere young people alienated from an unheeding (to them) civic authority, but, alas, to achieve change, change that is sorely needed, to construct new designs for more decent, saner living, demands work, tough, wearying, tedious work. It means canvassing a thousand neighborhoods to elect competent, compassionate public officials. It means giving these men the kind of support they need to do what needs to be done. It means patient endless explaining and incitement to those who are lethargic and set in their ruts it means putting in long days and nights to make the legislation work where it should, among those who need its hope and help.

That is why the wisest of the young (like Sam Brown, David Hawk and David Mixer and hundreds more like them) will surely surface as the most durable leaders because they are the ones who have inspected the future and found it hospitable to change, the ones who are not afraid or bored by the prospect of laboring for what they believe in within the rules and order of a lawful society. Only beasts and gods can live outside an organized society, and only fools would try to repeal this truth.

that we might discuss the recent developments in Southeast Asia and the suppression of anti-war demonstrators on United States campuses, the following resolution was passed by the Associated Students of the College of Notre Dame, Belmont, California.

The Resolution reads as follows:

Whereas, in view of recent developments in Southeast Asia, United States infiltration into Cambodia, and the subsequent deaths of four students at Kent State, Ohio;

Therefore, be it resolved, that the Associated Students of the College of Notre Dame, Belmont, California, request the Congress of the United States to adopt a resolution calling for complete withdrawal of American servicemen and personnel to begin immediately from Cambodia, Vietnam and all of Southeast Asia.

Sincerely,

LINDA DEMELLO,
ASCDN President.

**RESOLUTION TO PRESIDENT NIXON URGING
TIMELY STEPS LEADING TO WITHDRAWAL OF
AMERICAN MILITARY PRESENCE IN SOUTHEAST
ASIA**

Whereas, the continued commitment of American military forces in Southeast Asia is seriously draining the human and material resources of the nation and the community;

Whereas, a curtailment—rather than an extension—of this commitment is essential to avert a tragic disservice to the American people;

And whereas, any decision in this matter has a direct local bearing on the future of many present and prospective students of the Colleges of San Mateo Junior College District, as well as upon the welfare of the communities served by the Colleges;

Therefore, be it resolved that: The Board of Trustees of San Mateo Junior College District does hereby urge the President of the United States and the Congress to take timely steps leading to the withdrawal of America's military presence in Southeast Asia.

CLIFFORD G. ERICKSON,
Chancellor-Superintendent.
FRANCIS W. PEARSON, Jr.,
President.

ROBERT A. TARVER,
Clerk.

ELIO A. FONTANA,
Trustee.

ELEANORE D. NETTLE,
Trustee.

CARL E. WARD,
Trustee.

**STUDENT PETITIONS TO CON-
GRESSMAN McCLOSKEY**

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. McCLOSKEY. Mr. Speaker, there are three community colleges in my district, and also the Catholic College of Notre Dame.

In keeping with the general desire of the Congress to listen to today's students, I am pleased to insert in the RECORD at this point a petition recently adopted by the associated students of Notre Dame and a second petition, signed and transmitted to me by the students, faculty, and board of trustees of the College of San Mateo:

ASSOCIATED STUDENTS,
COLLEGE OF NOTRE DAME,
Belmont, Calif., May 8, 1970.

Congressman PAUL N. McCLOSKEY, Jr.,
House Office Building,
Washington, D.C.

HONORABLE CONGRESSMAN: At a Student Body meeting held on May 7, 1970, in order

We, students and faculty of College of San Mateo urge our board of trustees to petition the President of The United States and our elected representatives to prepare for an immediate withdrawal of our military presence in South East Asia. The spirit of this petition should recognize that this war is a mistake and a terrible drain on the human and material resources of the nation and community. This petition should tell the President that as administrators of a financially pressed educational system they, the board, feel that the urgent needs of our youth in San Mateo make the continuance and extension of this war a tragic disservice to the American people.

WHO SPEAKS FOR THE YOUNG?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GOLDWATER. Mr. Speaker, in the recent issue of Look magazine, Mr.

Leo Rosten has performed a valuable service by writing what I consider to be one of the most cogent and incisive articles written to date on student disorders. The article is as follows:

WHO SPEAKS FOR THE YOUNG?
(By Leo Rosten)

I have read a slew of articles by the young—about their (and our) problems. The writers are bright, articulate, unflinchingly earnest. Their grievances, as distinguished from either their knowledge or their reasoning, are often legitimate and moving.

But what strikes me is that those who speak "for" their generation, and extol "participatory democracy," are neither typical nor participatory nor democratic, as we shall see. This does not mean they are wrong (many a minority has turned out to be right); nor does it mean they are right.

We must not mistake noise for weight, anger for argument, militance for virtue, passion for sense, or gripes for principles. Hate makes more rebels than Hegel.

There is plenty wrong in this muddled, unjust, horrid world. But our problems are outrageously oversimplified by the glib (old or young), and by airy assumptions that money can solve everything, can solve it painlessly, can solve it swiftly. The panaceas of demagogues and self-dramatizers have proved so disastrous in this century, and have taken so tragic a toll in human lives and freedom, that only fanatics can rush to repeat both the mistakes and the horrors.

What idealists ignore are the objective consequences of their reforms. (Southern farm labor thronged North, into already explosive metropolitan slums, when relief payments were raised there; minimum-wage laws created unemployment among those—unskilled, dropouts, minorities—they tried to help.) Many noble-minded reforms fail because of the subterranean complexity of our problems; others, because of our God-given inability to obtain omniscience.

I hasten to add, for the benefit of those who read and run (or riot), that "solutions" to problems much simpler than ours have proven disastrous failures in "non-exploiting" Socialist heavens—Russia, China, Poland, Cuba, emerging Africa.

Youth is impatient; its "leaders," intractable. Do they have the faintest notion of the terrible punishment any revolution imposes—even on the faithful? While the faithful dream of the brotherhood of man, their idols institute the grim, deadly processes by which they can get what they want. This is done through killings, torture, propaganda and terror.

No one can foresee where violence will end. The Robespierres (and Madame Rolands) die on the guillotine; the Slanskys perish in dungeons; the Trotskys end in exile/murder. Revolutions do devour their own. After 53 years of total power, Russia sends pacific poets and novelists to slave labor; Castro has restored executions without trial, forces city "volunteers" into backbreaking harvests, and has failed to achieve every successive "plan"; and even sainted Mao now admits that iron and steel "could not walk" but needed transportation his lofty plan failed to anticipate.

Now: Who speaks for our young? According to every poll or study I have seen (Fortune, Adelson-Douvan, Harris, Lipset, Bengston, Nisbet, etc.) of college students or those under 30, the vast majority of America's young do not support self-selected "spokesmen." Militants make the headlines; they dominate television; they paralyze schools; they terrorize teachers; they force police to use force to make martyrs; but at the polls, youth's "leaders" are consistently rejected by their "followers." Item: in 1968,

the proportion of voters under 30 who voted for George Wallace (in and out of the South) greatly exceeded the proportion over 30. (God spare us extremists—left or right.)

"As for the 'generation gap,'" it is much smaller than we assume. Samuel Lubell's careful interviews with college youth revealed "around ten percent" in disagreement with their parents: "We found much less rebellion . . . than is popularly imagined."

Here are some typical charges of the young that cry out for rebuttal:

The cynicism of your generation divided fathers and sons.

Nonsense. Some sons say their fathers are "cynical." But fathers may not be so much "cynical" as sensible—or experienced or stupid or unsure or chastened by reality or wearied by their efforts to "communicate" with the dogmatic and impassioned young.

When the young say you are not "communicating," it may mean they do not understand what you are saying. Extremists think "communication" means agreeing with them. If you don't agree with them, you are not "communicating." If they don't agree with you, that shows you are wrong. In Logic, this is called *chutzpa*.

I, for one, can't be as cocksure about anything as adolescents are about everything. But it strikes me that what is tearing some parents and children apart is not the "cynicism" of the fathers but the unbelievable, savage cynicism of their children. We may blame fathers for their irresolution, their misguided proptitiation, their fear of losing Missy's or Junior's love. But to all the fearful questions of our tormented age, honest fathers can give only troubled, halting answers; slick, superficial ones are indefensible, and may prove catastrophic.

We are all battered by daily revelations of men's recurrent bestiality (whatever their color); by the horrors of Vietnam; by the persistent intractability of poverty and slums; by the discovery among American whites of the frightful price American blacks have paid for living in this land.

Yet our domestic problems are being ameliorated, and at a rate unprecedented in history. Our political temperature is made explosive by rabble-rousers who pander to the young, by neurotic orators who have neither the discipline, the knowledge, nor the judgment to comprehend, much less clarify or solve, problems of confounding magnitude.

"Cynicism?" Where is it more virulent than among the ill-informed young, who mock the efforts, despite the motives, ignore the heartbreak of their parents?

Material prosperity does not bring happiness!

Affluence has not brought happiness to many who assumed it would. But the discontents of the young are often the legacy of their parents (liberal or once-radical), who passed on to their children their own bitterness over ideals not realized, their disillusionment with gods who "betrayed" them (Stalin, Henry Wallace, Eugene McCarthy); above all, their guilt over having "sold out" their dreams or "compromised" their principles.

But the dreams were hopelessly utopian, and the principles were foredoomed because they rested on cockeyed economics and a startling blindness to the boundaries of what was possible. Crusaders for mankind are forever disillusioned by reality, or the "selfish" responses of men.

As for affluence: I, for one, doubt that money actually hampers happiness (except among masochists, a flourishing group). But money has clearly not suffused its possessors with that sublime peace of mind, that preening affirmation of virtue, for which they hunger. Men can be soured by success; as they are embittered by failure. For man

really does not live by bread alone. (That is a quotation. It is from the Bible, an "irrelevant" old book that might be scanned before you reach 30.)

We'll have no leaders who enjoy handing out medals to war widows.

Did John F. Kennedy enjoy handing medals to widows? Did Roosevelt, Eisenhower, Lincoln, Jefferson?

Che, Mao, Ho Chi Minh—whose goals and methods I detest—also gave medals to mothers and fathers and widows; but I would be ashamed to sneer that they enjoyed it.

We must free ourselves of the stereotypes, the greed, the anxieties and vapid status symbols of our society.

How noble. But what modern society, anywhere, does not contain "stereotypes, greed, anxiety, status symbols"? Social organization is a pyramid of power, status, respect—and resentment.

And where are stereotypes or status symbols more conspicuous than among our young? A mare's nest of vapid ideas characterizes youth's "spokesmen." They spout pacific idealism—with murderous egocentrism. How many factions split SDS? The lust for power drives radicals no less than dictators.

Planned obsolescents can no longer run the country.

But immaturity and inexperience must push an intricate economy into chaos. Not one country ruled by putative visionaries offers the slightest comfort to any who value their food and their freedom.

A rebel with a toothache goes to a dentist, not a demagogue. Rebels show less sense about politics, which is more complex than cavities.

We will not waste our time debating whether we should have a useless anti-missile system to protect us from imaginary enemies.

How, without debate, can you possibly know that an anti-missile system is "useless"?

As for "imaginary enemies": I shudder to think how many millions of human beings were starved, tortured, castrated, disemboweled, burned, slaughtered, from 1939-45 because sweet soothsayers assured us the Nazi threat was "imaginary." (See Leonard Mosley's remarkable *On Borrowed Time*. It will chill your blood. It should.)

I call it madness to assume that our enemies are "imaginary." Khrushchev said Communism would "bury" us—and threatened war if Hungary was helped, or Suez taken. Mao has said he can absorb 300,000,000 (!) casualties—and Red China will have 35 to 45 intercontinental missiles by 1975.

The writings of neo-Marxists burst with references to sabotage, revolution, "the annihilation of capitalism." Who would be fool enough to gamble our children's lives on daydreams about "imaginary" dangers?

Besides, enemies become more "real" as the defenses against them seem ineffective. Weakness invites (and sometimes guarantees) aggression. Ask any Austrian, Pole, Hungarian, Congolese. What happened to Tibet? Finland? Czechoslovakia?

You smash powerless children on the picket line, but it will be a new game when the children assume control of the country.

But when today's children assume control, will they still be children? Why do youth's mouthpieces assume their peers will never change, or learn anything? I think they will. I respect intelligence, experience and maturer response to future crises more than do the prophets of idiot nihilism.

If everyone got and gave a daily, loving massage, wars would be over.

The Romans adored massages and warred with gusto. Nero strolled from massages to arenas and fed unmassaged Christians to

lions. To correlate muscle tone with peace is nuts.

Pot is more harmless than whiskey. What hypocrisy to punish us!

Pot is illegal; whiskey is not. *I want pot made legal—to take it out of the hands of the monsters who are "pushers"; then marijuana's content and distribution can be supervised.*

But is pot "harmless"? Medical experts warn we do not know what pot's long-term effects will be. It took 30 years to demonstrate the effects, on some, of cigarettes. Many marijuana users insist pot led them to frightful, nearly fatal drugs. Today's pot often contains deadlier stuff. Beware.

We will call off the debate on the phantom political issues that divided us in the past.

Anyone who talks of "phantom" political issues knows nothing about American history. Or politics. Or economics. Or the democratic process.

This system sponsors violence: therefore, our violence is justified to overthrow it!

Not as long as the system has legal, flexible, peaceful (albeit slow) methods by which it can be changed—as, in fact, it has been changed, in the long, great bloodless revolution since 1932, and dramatically these past few years. Public protest stopped the bombing of North Vietnam. (Where, by the way, are those peace-making responses by Hanoi—in Paris, on the battlefields, in Laos—we were assured would follow?) Public pressure forced troop withdrawals in Vietnam.

Those who gleefully cite Jefferson's line about periodic rebellion forget that he also said: "It is the first duty of every citizen to obey the laws."

After what happened at Chicago in 1968, the "pigs" have to go!

I hold no brief for savagery—by the police or those who snipe, throw rocks, Molotov cocktails or bags of urine at them. Tom Wicker of the New York Times wrote a threnody on the Chicago demonstrations: "But these are our children!" True. And every Nazi had a mother. So do the policemen, firemen, students, bystanders hurt in planned "days of rage."

And if "the pigs go," who will protect you from the wrath of your opponents—many of whom are as violent and sadistic as you?

Your damn Reason has betrayed us! Intellect is not enough!

Reason "betrays" only those who do not reason well, or do not know what reason is.

Of course intellect is not "enough." But who says reason excludes compassion, decency, justice? And how can we know why and where we disagree if we reject reason? And what can we substitute for it? Vilification? Ignorance? Fanaticism? Concentration camps? Goring said, "We think with our blood." Think twice.

Man can no longer allow color television to suck his intellect down to the lowest common denominator.

Some TV is superb, most is as banal as its viewers. Was man's "intellect" higher before TV? Did "the people" spend their leisure discussing Plato, Mozart, Gresham's Law?

Five million preschool children who watched TV's *Sesame Street* made gains two-and-a-half times as great as children who did not—in understanding numbers, letters, geometric forms, etc. And the children came from poor homes. And the gains were made after only six weeks.

How it offends intellectuals that the masses love TV! Why shouldn't they? They are free men. And must TV cater to you? And why do you watch it?

Incidentally, who will no longer allow TV to show its programs? What a word for libertarians to use. Censors of the world, unite.

Our children will not be bound by the con-

straint of the mind that bind us. They will know instinctively what freedom is.

"Instinctively"? Dear God! Instinctively, children are greedy, aggressive, selfish, impulsive, intemperate. Any nursery school can edify the starry-eyed who can learn from evidence.

I did not say that is all that children are. Our capacity for learning, for sharing, for repressing our instinctual drives, for *deferring gratification*, has kept the human race going.

As for "constraints of the mind"—they are not unique to this system. Restraints make human societies possible; they are the core of civilization. Men must restrain their infantile demands. Freedom for Jack is possible only when Jill's instincts are "constrained." And vice versa.

We of the young generation still have not come to understand ourselves. We have been too nervous, too anxious, too guilt-ridden to really know what we are all about.

And knowing that you don't know what you are all about. O brave young knights, why not try to learn? Scorn is no substitute for insight.

Therapists tell us that many rebels are driven by a "social conscience" that masks their personal, inchoate rage, and try to deny their secret sense of unworth by the psychological mechanism called "projection." (Wife to husband at cocktail party: "Don't you think you ought to stop drinking, dear? Your face is already beginning to look fuzzy.")

This immoral system is run by nincompoops who are nothing but politicians.

In Venice, transportation depends on "nothing but" gondollers.

The politician serves an essential function in a free land. He represents groups and interests. He is a technician. He mediates between inevitable conflicts of interest. The alternative to politicians is what?

Every group seeks power or influence—at the final (if concealed) expense of others. "Politics" is not a demon spawned by "this wicked system." Politics is a process. It thrives in a labor union, a garden club, the Black Panthers or the Museum of Modern Art. In some lands, the political stakes are life itself. Here, the defeated are free to seek power again.

As for "nincompoops." I will match the intelligence (so say nothing of the common sense) of the Senate against that of any college faculty you choose. (I have taught at five.)

We sleep around; adults commit adultery. What's the difference?

Age. Emotional capacity. Risk. In the young, sex without love extracts a special price. A sense of "emptiness," and tormenting doubts about masculinity (or femininity), often follow when sexual partners are too easily available, or are, as the hippies proclaim, "indiscriminate." (I say nothing about venereal disease, illegitimate births, abortions, abandoned mothers.) What lifelong tragedies attend youth's harsh new "freedom"!

Those who fornicate without commitment, who spurn the "outmoded rituals" of love (and making love), do something perilous to their psyches. They split imagination from fulfillment, separate sex from love. They subject emotion to physiology. They sacrifice empathy to infantile narcissism.

How can you defend a system where there is so much misery?

Because the system does not create all the misery (and I can't find Eldorado): witness the suicide, alcoholism, divorce and delinquency rates in other systems or countries.

Misery (among young or old) not only loves company, it rages against irrelevant villains.

But not every discontent is the fault of "the system" or parents or schools or the mass media or the Pentagon or "blood-thirsty corporations" or laws against violence, terrorism and blackmail.

Some of the sources of your discontent surely fester within yourselves—through youth's inevitable frustrations and inadequacies.

SERMON

I find it tragic to see students rampage like mindless buffaloes. It is heartrending to see "mind-freeing" drugs induce—a premature senility. I think obscenity is neither art, liberation nor "honesty." ("Hypocrisy" is often only gentleness, compassion, decorum.) It is mind-boggling to see yammering young herds lockstep to the tyranny of gurus who say "Do your own thing," but mean "Conform to our eccentricities."

Tune in to truth. Turn on—to free yourself from the platitudes, the hysteria, the delusions of your sad and (I think) sick "spokesmen."

THE MERCHANT MARINE—STEPCHILD OF THE ECONOMY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GARMATZ. Mr. Speaker, for some years the members of the Merchant Marine and Fisheries Committee have been greatly concerned about our diminishing sea power and have endeavored to gain support for the rebuilding of our merchant fleet. A very strong case for this cause was made by the chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley, before the first annual President's Luncheon of the Committee on Women in Public Relations, in New York City, yesterday.

I strongly urge all Members to read these remarks very carefully, and to be guided accordingly when the bill recently reported out by our committee covering the long-range merchant shipbuilding program comes before the House, which we hope will be within the next few weeks.

Mrs. Bentley's remarks follow:

THE MERCHANT MARINE—STEPCHILD OF THE ECONOMY

I am delighted to be present and honored to have been asked to speak on this occasion, inaugurating as it does the "Presidents' Luncheon," to be held annually by the Committee on Women in Public Relations. My sincere congratulations go to those who conceived the idea and followed it through to today's culmination.

Glancing around this gathering, it is easy to see that "communication" is not lacking between the executive officers of many of America's top corporations and their women executives in the field otherwise for the essence of public relations is "communication," and the basis of successful management rests firmly on the ability to communicate with others.

Such a happy marriage, however, does not exist universally, for there are many areas in business, the professions and government where it can truly be said that "sex rears its ugly head" in discrimination where job equality is involved. This is a simple statement of fact in many instances in business,

but one I shall not pursue except to ask of those present that within their own organizations equal opportunity continue to be given the responsible businesswoman to develop her capabilities to their full potential, with the attendant rewards of promotion where it is deserved.

Under other circumstances, I might have considered confirming the subject of my remarks today to that of equality for women in business, the professions and government. With those present, however, I deem it neither appropriate nor warranted. Had I done so, the title of my remarks might have been keyed to catch the attention of the press—something like "Off With the Bras!"

This should have brought out the inevitable TV cameras and the newspaper photographers, to achieve national network coverage on TV and radio and make the front pages of newspapers across the country. What an opportunity missed!

But then the purpose of this luncheon is not to "get headlines or achieve sensationalism, is it? Rather, it is to honor the chief executives of the corporations of which the members of the Committee on Women in Public Relations are a part. That, and to spend a pleasant hour or two in "breaking bread" together, with no one sitting below the salt.

In view of this purpose and of the present company, to what, then, shall I address my remarks? In this I admit to having been in something of a quandry. Certainly, by choice of subject I do not desire to appear in the role of Banquos ghost, but neither can I confine myself solely to generalities or pleasantries when there is so much today that begs to be said for the future of the Nation.

Thus, ladies and gentlemen, with your indulgence I shall speak to a subject of which I have intimate knowledge—and which I hold to be of major importance not only to the Nation's overall economy, but to its defense posture as well. I refer to the American Merchant Marine, truly the stepchild of the American economy.

That statement could not be made in referring to the merchant marines of other nations, for big or small, they give full recognition to their reliance upon ships of their own flag. Certainly, among major powers it is only the people of the United States—our fellow Americans—who fall in such recognition of the vital role of our own merchant ships in maintaining and developing our peacetime economy, while serving to bolster our defense. Indeed, I have found that the average American, regardless of his position in the business world or his geographic locale, has little awareness of the national purpose served by U. S. flag ships.

It has not always been so. The very foundations of our history are built on and by shipping. America's economic and military strength were established, nourished and grew to greatness through our shipbuilding and shipping enterprise.

From the Arctic to the Antarctic, from Horn to Cape, for generations our ships ranged the oceans. The Bering Strait, the Baltic, the Mediterranean, the Bay of Bengal, the China Sea, all came in time to know them well. Yet there are those who say we have no "maritime tradition."

With passing time marking increasing trade, more ships were built and sailed with the products of this new continent, to return carrying the wealth of east and west, of north and south. The fortunes of war—blockades, embargoes, navigation acts, impressment of seamen—found our merchant seamen and the ships they sailed ready to meet the challenge. With guns mounted and their crews turned to privateering, they ravaged the enemy men-of-war that towered above them, gained and kept our freedom,

and taught the world to respect the new and doughty flag they flew. With salt water in the veins of its merchants and trade in the blood of the seamen, it is small wonder that this country's early fortunes followed so closely on the wake of its ships! No "maritime tradition", indeed!

But a people, a nation, and industry cannot live on tradition, unless that tradition is maintained. Sad to relate, our Nation has not maintained it, for decades letting the American Merchant Marine go by the board and losing our standing among maritime nations by default.

So much for the past, may it not be prologue to the future.

Nor need it be, for legislation proposed by the Nixon Administration intended to reverse the downward trend of our shipping is before the Congress, with every indication looking toward Congressional acceptance. The need is great, for over two-thirds of our privately owned merchant ships are pushing 25 years of age, or over. More than 600 of the 975 privately owned ships under our flag are heading straight for the shipbreakers. Without the reversal called for in the Administration's new program, we would drop from some 15,622,000 tons of privately owned ships to about 9,500,000 by 1975.

Yet we are the world's greatest trading nation, our exports-imports accounting for some 15% of the world total. Despite this, today we are no more than fifth in tonnage among nations, with Russia closely pressing us. Liberia, Norway, the United Kingdom and Japan out-tonnage us. While in number of ships, we rank seventh, behind the others named plus Greece and Russia. Indeed, Russia is now third in the world, with some 1,670 ships.

Of our better than \$70 billion in export-import trade—more than \$40 billion of which is oceanborne—we carry a bare 6% in ships of our own flag. The balance is carried by ships of other nations, a whopping 94%. In effect, American business has placed the delivery of its goods in the hands of its competitors. Would Macy's use Gimbel's trucks?

Yet there are those who say—some of them in high places—why do we need ships so long as foreign owners not only provide service but compete to carry our cargoes?

The reasons are many.

In raw materials, for example, we are a "have not" nation. Our whole economy, our productivity relies upon the raw materials we import from other countries—and 96% of that type cargo is carried aboard foreign ships. Our productive capacity and the jobs of millions of Americans is totally dependent upon our access to and imports of many basic metals in their raw state. Millions of tons of iron ore, bauxite, petroleum, manganese ore, tin, lead, copper, rubber, nickel, zinc and many other vital and strategic materials annually are imported to maintain our industrial output. Our steel mills, our auto, our electronic industries are dependent either directly or indirectly upon these imports. There would have been no U.S. moon shots, and our defense industries would be crippled without them.

So much for raw materials imported. Certainly the need for ships to maintain these imports is self-evident. It would also appear self-evident that wisdom dictates in today's world that total reliance for such imports should not be placed on ships of other nations, with no meaningful capacity of our own.

What, then, of the need for ships for our export trade? No one can question the importance of that trade to the peacetime economy of the Nation, or its importance of linking our economy with the economies of other Free World nations. Indeed, the goods we export provide the means by which we are able to purchase the raw materials we import,

and maintain our balance of payments position.

Granted that our export trade is essential, why then do we need ships of our own to carry it? Why not let the foreign flag ships continue to serve us? Ships cost money to build and operate, why spend our own?

Once again the answer should be based on what is the part of wisdom. Can we expect the relationship of the nations of the world to remain static, the attitudes and policies toward us to remain forever unchanged? If the answer is "yes," then there is no cause for concern. But if there is any doubt, then the part of wisdom is to provide against the time of need. And if we are going to need ships tomorrow, we must build them today. Besides, what guarantee have we of remaining competitive in world markets if we subject ourselves to the interests of our competitors by using their ships to deliver our goods? Again, would Macy's use Gimbel's trucks, and if so, which cost of delivery per package would be the cheaper, and which delivery would get priority?

All of the above mind you is apart from our defense needs. To supply our forces in Vietnam, for example, we have been forced to turn to our aging ships out of our reserve fleets, but the ships of many of our friends go to Haiphong. Indeed there have been instances where ships of friendly nations have been denied us. In other instances, crews of foreign flag ships have refused to sail them with our military supplies aboard. So, when the chips were down, on who could we rely? Our own ships, and our own American seamen!

Nor can cargo planes replace the ships. Indeed, with all the planes in service to the Far East, 97 per cent of our supplies for South Vietnam go by ship.

Apart from emergency need, however, a modern, peacetime American Merchant Marine composed of productive ships serves many national purposes.

First, in balance of payments, the use of our own ships provides either a gain or a savings. As such, shipping constitutes the export of a service. The British, for example, estimate carriage of cargo on their own ships equal to 4% of their total exports. Even the Russians turn to capitalistic terms when speaking of their ships earning foreign exchange.

Second, American ships contribute to the gross national product. They provide jobs for tens of thousands of Americans not only in the shipyards but in supplying industries in their building, and of course in their operation. They provide the U.S. Treasury with tax revenue, from both corporate profits and employee earnings. Unlike foreign flag ships, which pay the bulk of their taxes back home and purchase little in this country, American ships are major customers for foodstuffs, bunkers, light bulbs—your name it.

Third, American flag shipping companies maintain offices abroad to aid our exporters in developing new markets for their products, for new markets for their customers mean more cargoes for their own ships.

Fourth, U.S. flag ships guarantee access to our foreign markets at fair and reasonable rates. What is more, if we can gain them in sufficient numbers, they can also guarantee our access to the essential raw materials we import.

Finally, history shows that no nation achieves greatness nor maintains it without also being a major maritime power. In this regard, let me quote a passage from a book written by Dr. Edmund A. Walsh, the Vice President of Georgetown University and a recognized authority on maritime matters, back in 1934:

"History is . . . eloquent in demonstrating that any nation which takes the easy way

of permitting its commerce to be carried by foreign flag ships—which rents the service and space it is too lazy or too short sighted to provide—is embarked on a policy of dependency that has ended every time with the nation in question becoming a second-rate power.”

This quotation appears on page 12 of “Ships and National Safety—The Role of a Merchant Marine in a Balanced Economy.”

In this regard, it is not only a paradox, but frightening, that this nation, which was once a major seapower, has turned from the sea in its complacency, while Russia, a land power by tradition, has turned to the sea in the last decade. Competitors not only for the minds of men but for their adherence to our economies, we and the Russians during the last ten years have been 180 degrees out of phase in regard to the importance we attach to a merchant marine. They are 100% right and we 100% wrong in our positions, or they are wrong in counting a merchant marine of importance to their national purpose and we are right to have neglected it. It is to be noted that they now appear to agree with Dr. Walsh's assessment of the importance of one's own shipping capability.

The Russians should know, for they learned the hard way. Lacking in ships necessary to their national needs, at the time of the Cuban confrontation the Russians paid fantastic charter rates to others to carry out their Cuban adventure. At that time, Russia itself had only 5 million tons of merchant shipping. Today they have over 13 million and are continuing to build at the rate of one million tons a year. Officials of the USSR have stated their goal to be 16.5 to 18 million tons of new merchant shipping by 1975.

In shipping, they speak of the profits made by their ships in trade with the world. They speak of the “foreign exchange” their ships garner for Russia. They speak of the extension of their services to the ports of the world, and boast of the cementing of friendship with the people of other countries by Russian seamen, advancing the Communist ideology among the people of other nations. They speak of prestige for Russia of having their ships in the ports of the world. They speak of their ships serving to develop trade ties with the developing nations.

What they do not speak of is the extent to which they are now beginning to use their ships as an inherent instrument of national policy in undercutting world shipping rates. Their ships today are even engaging in third-flag trade, never touching Russian ports. They now maintain a service between Japan and Canada, undercutting American flag and other ships between Japan and the West Coast of the United States.

To bring the matter even closer home, within the last two weeks the Far Eastern Steamship Company, a Russian shipping line with headquarters in Vladivostok, filed a schedule of tariffs with the Federal Maritime Commission contemplating institution of service between Japan and the West Coast of the United States. The rates filed appear to be below those now offered by American or Japanese ships, or the vessels of other nations now carrying cargoes in that service who are members of the Trans-Pacific Freight Conference of Japan. The Russians indicate it is their desire to extend their present service between Japan and Canada to calls at Seattle, Portland and San Francisco effective June 1st.

I can speak no further to the matter at the moment, since there are determinations required of the Federal Maritime Commission. I do, however, note the fact that the schedule of rates published by the Far Eastern Steamship Company on their three ships contemplated for the trade appear to be

below those now in effect on the ships of our own flag and those of other nations now providing service.

Let me add one more point regarding Russia's massive maritime buildup. No nation builds ships merely for the sake of building them. Is it not logical then to assume that as its merchant fleet grows, its ships in turn will enter increasingly into economic competition with not only our own, but the ships of the other Free World maritime nations? What of the economic effect of such competition?

Nor should we ignore the evidence of growing fleets of modern ships under the flags of other nations. Of these, Japan is a prime example. By 1975, it is anticipated that Japanese merchant ships will carry 60% of the country's exports, and 70% of its imports. To provide the ships to meet this national desired target, Japan has been building ships for its own flag at an accelerated rate, and plans some 2000 additional ships of 29 million gross tons for construction in Japanese shipyards by 1975.

The determination for such an expansion was made as a matter of national policy, and followed the creation of a specially created industry advisory group, the Shipping Policy Division, to “conduct studies on a policy from the National Economic viewpoint for the growth of the Japanese shipping industry.” The special group was given the task by the Japanese Ministry of Transport and the Shipping and Shipbuilding Rationalization Council.

Among the conclusions reached, according to a Tokyo publication, were the following:

1. It is essential to expand the Japanese merchant marine for improvement of the shipping payments position. (What of our balance of payments position?)

2. It is necessary to work out measures for having access to funds needed for expansion of the Japanese fleet of oceangoing ships and for the training of more seamen. (Compare this statement with the comparative paucity of funds requested for our own merchant marine by the past two Administrations.)

3. Government subsidies are needed to strengthen the Japanese shipping industry's business standing and to augment its international competitiveness. (How does this jive with the position taken by many American economists that shipping is just an industry and should “go it alone?”)

The only logical conclusion I can come to is that we have been dead wrong and for too long!

Without any intention to beat a political drum, I can say with some sense of relief that the present Administration recognizes the dangers inherent in the policy of past years of drift and decay for the American Merchant Marine. As a candidate for the presidency, Richard Nixon said: “To overcome the present maritime crisis, I recognize that we have an opportunity and an obligation to reverse the gross deficiencies that have marked the . . . performance in this field.”

As President, in a message to the Congress prior to transmittal of proposed legislation to achieve this rehabilitation for American-flag shipping, he said in part: “We must begin immediately to rebuild our merchant fleet and make it more competitive . . . and restore this country to a proud position in the shipping lanes of the world . . . Our program is one of challenge and opportunity. We will challenge the American shipbuilding industry to show that it can rebuild our Merchant Marine at reasonable expense. We will challenge American ship operators and seamen to move toward less dependence on government sub-

sidy. And, through a substantially revised and better administered government program, we will create the opportunity to meet that challenge.”

In short, we are now on the move. It is anticipated that with the passage of enabling legislation we will build 30 new, modern, highly productive cargo ships a year over the period of the next ten years. Larger, faster, with major technological advances permitting fast turnaround in port, each ship will be capable of an annual carrying capacity three to five times that of conventional breakbulk cargo ships of the present fleet. The result of this program should give this nation a modern fleet equal to the productive capability of 1,200 to 1,500 of today's ships.

It is the Nixon Administration's intention that we not continue to be dead wrong much longer.

STUDENTS HAVE RIGHTS TO PURSUE ACADEMIC CAREERS

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BROCK. Mr. Speaker, over the past weekend the national television networks gave considerable attention to the rights of students to dissent, but little attention was paid to the rights of students to pursue their academic careers.

I was gratified to read in the Chattanooga, Tenn., papers that Chancellor William H. Masterson of the University of Tennessee at Chattanooga recognized and preserved this basic contractual right of students at the university.

On Friday, May 8, in the face of demands from a very small minority of the students that all classes be closed, Chancellor Masterson showed sound judgment in refusing to do so. The chancellor permitted the use of the university chapel for memorial services for the four students who died at Kent State University. However, he recognized the predominant wish of the great majority of the students to continue their education schedule without interruption, thus keeping the university open.

The admirable handling of this situation at the University of Tennessee at Chattanooga to preserve the rights of students to an education is typical of the actions at most institutions of higher learning, yet these have not been given national exposure. I, therefore, include the following article from the Chattanooga News-Free Press, May 8, 1970, at this point in the record:

35 STUDENTS PROTEST UTC CLASS MEETS

Some 35 students at the University of Tennessee at Chattanooga moved from a rally around the flagpole on the quadrangle into the hall of the administration building this morning to protest the recent deaths of four Kent State University students and their dissatisfaction with Chancellor William H. Masterson's refusal to close classes in observance of a day of mourning.

The students were orderly and took pains not to obstruct pedestrian traffic or interrupt administrative functions, Chuck Johnson

administrative assistant to the chancellor, pointed out.

The group seated themselves around the doorway to the chancellor's office and hummed "America the Beautiful" and "Taps."

The "sit-in" occurred after a small delegation of students conferred with Chancellor Masterson.

Dr. Masterson reiterated his previous announcement "that the predominant wish of the great majority of students" was "to continue their educational schedule without interruption" and again said that those who wished to do so would be permitted to attend a memorial service set for noon today in the university chapel.

The request for closing of classes was initiated nationally by the National Student Association to protest the deaths of the Kent State students and President Nixon's decision to send troops into Cambodia.

Yesterday 25 UTC students, planning to participate in the memorial services were denied a meeting with the chancellor to discuss his refusal to dismiss classes.

The students lowered the school flag to half-mast and congregated around the flagstaff before requesting a talk with the chancellor.

He refused, through an assistant, to join the students around the flagstaff for a discussion. He did offer to meet two or three representatives of the group in his office.

The attempt to get Dr. Masterson to dismiss Friday classes came as a result of his statement, released earlier in the day, in which he declared classes would be scheduled with attendance to be a discretion exercised by individuals.

The memorial service, scheduled for noon at Patten Chapel, and the lowering of the school flag to half-mast was approved by Dr. Masterson.

Some students claimed the language of the administration statement on memorial services for the slain Kent State students was appealing in tone and not as decisive as it should have been.

A university spokesman, in pointing out Dr. Masterson's responsibility to all students, said, "The chancellor has tried to balance his response to the situation appropriately for both sides. This faction (the students on the lawn) obviously isn't satisfied, but the chancellor has done what he felt he had to do."

The spokesman also said Dr. Masterson had refused to talk with the students on the lawn, "because he knew how they felt and knew he could not tell them what they wanted to hear."

WHAT EARTHLY GOOD IS SPACE?

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MILLER of California. Mr. Speaker, our colleague, the Honorable JERRY L. PETTIS of California, was recently invited to give the keynote address at the NASA conference on materials for improved fire safety, at Houston, Tex. The title of his speech was "What Earthly Good Is Space?"

I am honored and privileged to insert his remarks in the CONGRESSIONAL RECORD that all may learn from them.

Congressman PETTIS, until quite recently when he was elected a member of the Ways and Means Committee,

served on the Committee on Science and Astronautics where he did an outstanding job. I, together with many of my colleagues, are proud to call him friend.

The speech follows:

WHAT EARTHLY GOOD IS SPACE?

(Keynote address by the Honorable JERRY L. PETTIS)

Thank you, Mr. Bolger. Dr. Gilruth, distinguished guests, official representatives from Government and industry, ladies and gentlemen—

I am grateful for the opportunity to serve as keynoter for such a significant NASA Conference. I am vitally interested in the purpose and in the technological progress that is being revealed. This Conference is a major milestone. It is a very historic achievement—worthy of national—and international, recognition.

We live in an open society. The world audience knows our plans for space exploration. Even our failures are public domain and our detractors can make the most of them. They had a field day—for a while—on Apollo 13.

I was down here during the last hours of the Apollo re-entry and—together with your magnificent ground crew in Apollo Mission Control—I experienced the flawless splash-down and witnessed the recovery of our great astronauts.

Do you remember what President Nixon said about the Apollo 11 lunar landing—that for a few moments, the entire world was one? Well—Apollo 13 caused that global unity to be strengthened—and sustained for several days—until our astronauts were safe again. I believe more people prayed in a sincere and selfless global communion than at any time in history. And I also believe that Apollo 13—will probably turn out to be one of our greater blessings.

Ours is an open society. That policy pays off. We could ask no more of the correspondents who make such effective use of mass media around the world, than that they give equal time—and space—to our successes.

This conference is a major success (so you can relax, Mr. Bolger)—because it was planned, the plan was carried out—and you're all here to prove it. It is a "milestone" because it was conceived to make available to the public—a vital area of new technology, developed by NASA—new technology that NASA management realizes can have a revolutionary impact on society. Much of this new technology was paid for out of public funds. And it is appropriate that it be made available for the public good—as soon as possible.

This conference should set a new trend. It should make many good, new friends for research and development—and for NASA. And I might add—both R&D and NASA could use some good new friends.

My positions of responsibility over the years on several closely related Congressional Committees have provided me with privileged exposure to the many scientific discoveries and technical achievements resulting from the national space program.

At the same time, we who are friends of space science and technology are often hard pressed to justify the public investment in Space, in view of other urgent and competing national priorities.

The problems of our cities—poverty, crime, drugs, or militant unrest—the problem of environmental pollution—of adequate housing or equal educational opportunity—without neglecting our nation's security in a very troubled, sometimes explosive world—all these requirements have their champions. All get a share of publicity.

So more and more are asking "What Earthly Good Is Space?" And we must be able to answer. This conference—and others

in the future similarly organized and motivated—will provide eloquent and understandable answers. What Earthly Good Is Space?

Well! What good is new experience? Or new knowledge? None of it is any "earthly good"—unless it is applied to the common good.

And that's why today's conference is dedicated to the preservation of human life—through the development and application of more effective fireproof materials.

A breakthrough in fireproofing technology has been achieved. The successful R&D program conducted by NASA in the field of non-metallic fireproof materials has produced a "quantum jump" that can greatly affect many major industries and has profound life-preserving implications. This rapid development in materials technology is the result of NASA's dedicated effort to eliminate the possibility of any recurrence of the Apollo 204 fire.

Sometimes—it seems—it takes a tragedy to motivate our best effort—or to force us to focus talents and energies to solving vital human problems.

The progress being revealed here is impressive because it is so readily applicable to social need and to the increased safety of our daily lives. I am sure the entire world will recognize the enormous value of this new technology.

We believe that these developments in new materials will become a growing and everlasting memorial to Astronauts Chaffee, Grissom and White. The fireproofing technology—created in the wake of their tragic loss—can save the lives of many thousands in the future.

I know that many of you are interested in what these new materials can do for aviation. So am I.

It's interesting to me that we had to get into space to get a really good look at planet Earth. For the first time, we were able to see our globe—as a "heavenly body" against the backdrop of the stars. We saw planet Earth—as a beautiful "spaceship"—colorful—with oceans, lands and skies. It was meant to be a viable system—a living organism—when it was designed and developed by the Super Systems Manager—a long, long time ago.

We are just beginning to realize that we live on this planet together—and share its bounties. Lo and behold, we discover that it's a "closed ecological system" and we no longer want to litter it with beer cans, and oil slicks—or with corpses anymore.

We celebrate Earth Day. We are aware of a global environment. Why don't we see Space as an essential part of our earthy environment—or, more accurately, recognize this planet Earth as a living part of the Space environment? What's wrong with our perspective? Actually Space isn't outside "our environment". We are moving—at terrific velocity—on a "Grand Tour" through an unexplored area of the Universe that we call "Outer Space". We call it "hostile" too. But if it weren't friendly why are we still here—free to wonder and debate about it? Really it's bigger than we are.

But, in viewing Space—from a more down-to-Earth perspective where we compete daily for the dollar—too many critics still see the space program as just another "vast expenditure." They could see the pay-off—if they even looked as far as Houston—this morning.

Today, NASA is declaring a substantial dividend from our Space Investment. The profiting stockholders are the American taxpayers—who can share these benefits with our planetary neighbors if they want to—especially with our good neighbors. This is one kind of "sharing the wealth" that could make economic sense.

We can share what we have learned. We can make the knowledge available. We can identify useful applications. We can demonstrate the creative productivity of a free enterprise system. We can eliminate the necessity for anyone to re-invent the wheel—or to go without wheels altogether.

Wouldn't it seem that *everyone* would be interested in fireproof materials—for homes and automobiles, schools, boats or aircraft? Everyone would have something to gain—except fire insurance salesmen.

NASA's perennially optimistic prophet, Dr. von Braun, points out that never before in human history has a nation invested so much money for research and development—applied its finest scientists and engineers—and achieved so much technological progress in so short a time—for purely peaceful purposes.

We live in a competitive world. Unfortunately, throughout history, man has chosen, much too often, to express his competitive nature destructively—in costly combat. Could we discover, define and develop a *moral* equivalent to war?

Could we compete—or even better yet cooperate—in peaceful exploration of our space environment—and let humanity benefit from Space Age by-products? This would be the most profitable dividend that our space investment could possibly earn.

We've always been willing to risk a lot to save our way of life—or even lives in danger. We have risked much—we have risked men—to get our nation into space.

How much would we risk to make life on Earth worth living—and more secure—for more people on the planet? This is what the Space Age could make possible.

First, we viewed our Earth from Space—and really saw it for the first time.

Then we realized we had learned so many things of value in a short time that others could use too. We had even learned to discover and invent—on *schedule*.

Could we help to make our planet a more viable system—where people could live—and move around and have their being—in peace with freedom?

No? Haven't we reached that point in time—and Space? We can't do it by ourselves—not without cooperation. The potential is there—the vision has been seen. We can't keep on becoming more competitive—when cooperation is much more economical—and so much safer too.

We haven't all seen the vision. When Apollo 13 took off, many were complacent. The networks didn't give much build up—a half-hour before liftoff they picked up the countdown. The Apollo 13 launch didn't sell many papers. The headlines were small.

But something happened. Apollo 13 "made news." By the time "Lucky 13" came home—and the "global village" saw three billowing parachutes—and three courageous crewmen lifted from the spacecraft—it was the Age of Aquarius all over again. Of course, the method of landing was embarrassing—for pilots. Jules Verne had his "astronauts" splash down that way over a hundred years ago.

In a recent policy speech, President Nixon identified three main purposes for our continued national efforts in Space. The first was related to the tradition of exploration—the second acknowledged our continued need for new knowledge and the third involved the process of application—translating new knowledge into useful technology for the benefit of society. He stressed that all of these—like our initial lunar landing—would be pursued to "benefit mankind"—and, if possible, would reflect a growing degree of international cooperation.

Perhaps the most important of the three is the timely application.

Fortunately, the National Space Program and the impetus that it provides for advanced research, experimentation and development affords us a unique opportunity to translate knowledge and to transfer technology into social benefits. It does require imagination, an open access to new information, some "Yankee Ingenuity" and a desire to be of service to our fellow man. The last consideration may be the key to serendipity.

You hear a lot about manned vs unmanned space programs—and really we should view it as an integrated program—but when a man's life is involved, we in America have always tried harder, worked better and produced more reliably. For manned space systems, 99% reliability wasn't good enough. We care about the value of a life. If we'd lost an *unmanned* satellite in the Apollo fire, we wouldn't have achieved a breakthrough in materials for Improved Fire Safety.

It was *because* our men were involved in the mission that the state of the art has been pushed ahead so fast in so many scientific areas and technical disciplines. Our motive was to preserve the lives of the astronauts—and other lives are saved as a result. Because we had to be sure we have learned to improve our entire R&D management system—we have accelerated technical development and produced a broad spectrum of spin-offs to enhance man's life on Earth.

The subject matter of this conference is one example only of what NASA has produced in many fields. You will be thoroughly exposed to that example—in depth—so I'd like to identify briefly a few of the other areas of that new technology spectrum that have spun-off from National Space Programs.

The acceleration of scientific and technical progress, propelled by the space exploration mission, has touched every field of science, every body of knowledge, all aspects of civilization—and every human life on Earth will ultimately feel its impact. We hope this impact will be beneficial and that the weapon system technology that laid the foundation for the Age of Space—both for the Soviets and for us—will prove, historically, to be only the solid technical base upon which we could build for the benefit of all.

If we have learned from our experience we know that space exploration can increase human knowledge and enhance national prestige—as did Sputnik, and the Apollo program. We know that the challenge of Space when met and conquered, can uplift the minds and aspirations of mankind everywhere—and can provide an outlet for international competition which may serve to relieve the pressures that tend toward global war. Toward such an objective, space programs could provide the catalyst to encourage international cooperation on a scale unprecedented in history. Space exploration can provide dramatized examples of what man can do when properly motivated, organized, and supported to accomplish specific goals.

As a direct result, advances in science, technology, education, and industry will be stimulated to yield a new world of benefits.

Some critics ask "What Earthly Good is Space" in honest ignorance of all that has been accomplished. Other critics, who should know better, have chosen to disregard the spin-offs—or to assume that such spectacular progress "would have happened anyway".

Recently, one of my senior colleagues on the Hill rather irresponsibly implied that nothing of any real value had yet come out of the Space Program. He was answered with a long list of documented items—but the second speaker doesn't often make the headlines. Let's review part of the record.

There are some who don't consider national security as a "human benefit." Its difficult to understand their point of view. The space

program has greatly improved the development of electronics and communications, vital to any nation's defense. It has provided advanced communications satellites, both strategic and tactical, many types of early warning systems and new navigation satellites with possibilities for use by fast-moving aircraft—and with potential for the prevention of mid-air collisions as congestion of our air lanes and municipal airports continues to grow.

Jointly with the Department of Defense, NASA is developing a space shuttle system—in essence a reusable space vehicle that mates the airplane and the rocket in an operational spacecraft that will retain the best features of both. A shuttle could put satellites into orbit, service satellites operating in space, supply a manned space station or even assist in the rescue of astronauts from space emergencies. We became intensely aware of our need for such a rescue capability during the flight of Apollo 13. With the shuttle, for the first time, people other than astronauts, technicians and specialized observers will be able to fly into space.

The ability to forecast weather accurately two weeks in advance could result in savings to farmers, fuel producers and public utilities alone of about \$2 billion annually. Nimbus III can photograph and transmit pictures of cloud cover, and also record and transmit temperatures at various altitudes over 80% of the Earth's atmosphere. A later version will soon be measuring humidity as well.

The use of satellites in forest fire detection in the United States could save more than \$30 million annually. The source of water pollution can be located and monitored by satellite, mineral and fuel sources can be uncovered, helping to solve problems that could become acute within the next few years.

Perhaps no one has yet estimated the fantastic influence that computer technology has had on our civilization. The space mission requirements motivated development of computers with greater speed and reliability, as well as smaller size and weight, and caused advances in programming techniques.

The Chief of Army R&D, Lt. General Betts, told Congress recently that the Soviets might have beaten us to the Moon if they had possessed our computer ability. He testified "we know that the Soviet Union has caught up with us in most technological fields. Its generally agreed that only because of their lag in computer technology did they fail to beat us the Moon."

The emerging science and technology of management is still rather intangible to most of us—even to some managers. You might think of it as—our knowledge of applied leadership to accomplish desired goals.

Management technology has come of age with the Space Program. The Editor-in-Chief of Aviation Week and Space Technology magazine, Bob Hotz, wrote in a recent editorial, "This country seems slow to comprehend that the greatest asset it gained from the Apollo program was not the new technology it produced, valuable though that may be. The greatest asset was the development of new and effective managerial techniques and managers who were able to marshal a wide variety of talents and resources to solve a problem of unprecedented magnitude."

The quality of management is more apparent when the mission is less than "nominal". Apollo 13 was an outstanding example of creative, disciplined, courageous, and dedicated management challenged with unexpected problems and performing like inspired and mature professionals. To manage others we must first learn to manage ourselves. Our capability for applied leadership in the face of crisis was obvious to the world.

Prior to the space age we used the polar

regions and the deserts to test the "character" of our men and their machinery. The moon was a different matter. If life can be supported in Space it can survive anything the Earth has to offer—at its worst. So we have materials for heat shields that can withstand over 5,000° F, batteries that don't weaken at -100° and gloves enabling a man to hold an object for five minutes at any temperatures from -170° to 250°. Insulated clothing, made of flexible fabrics, had to be fireproof as well.

New sensors of all types—new sealants, super glues, now available in hardware stores—new lubricants to serve efficiently under unprecedented environmental conditions—new instruments for measurements unimagined a few years ago—testing techniques for materials, components and systems in simulated space environments.

Fresh meat is now packaged in polyester film 1/2000th of an inch thick, originally developed for the Echo satellites. The very popular heat and cold resistant pyroceram ware, originally a material for re-entering nose cones, is now used in our kitchens to cook vegetables. You've all heard of Teflon. Space is for the housewife too.

Tiny nickel-cadmium batteries to power electric watches—razor blade cutting edges from thin films developed through molecular electronics research—new fabrics—new chemistry—and new technical optics to revolutionize the printing industry.

What Earthly Good is Space? We have only just begun to discover how to apply what we are learning to improve our processes and standards of living. To the application process—the translation of information and technology—that's where we need to turn our attention and our talents. But we *have* begun.

Lt. General Sam Phillips, well known to you in the Apollo Program, now Commander of the Air Force Space and Missile Systems Organization, recently spoke to a management group in Chicago on the subject of "Space and the National Future".

General Phillips says: "Of some 12,000 new products and techniques which have come into being in the last decade, a very large percentage are directly attributable to space and missile developments.

The examples are legion; an electromagnetic hammer, developed for rocket production, which makes metals flow like soft plastic, allowing smoothing and shaping without weakening, is now being used widely in shipbuilding and auto production.

New fiber-reinforced composite materials being investigated not only for auto and truck bodies, but for stronger and lighter weight artificial arms and legs, longer bridges than now exist, even dental fillings and plates.

The fuel cell development which was dormant for many years, was reactivated as a source of power in space. Now 30 public utility companies have a \$27 million program for the adaptation of the fuel cell for home power units. It is also being developed for possible use in smog-free automobiles.

There is so much more. General Phillips even advertised today's Conference in his Chicago address.

Space technology is revolutionizing the global educational environment. Last September the United States signed an agreement with India for the use of an Applications Technology Satellite which we plan to launch in 1972. A special antenna and transmitter three times as powerful as those on present commercial satellites will broadcast—from a hovering orbit over 22,000 miles high—programs on family planning, hygiene, agriculture, basic production skills, etc., that can be received at a small cost in more than 5,000 widely scattered Indian villages.

Closer to home, table television, using

space satellite relays, could bring a college education into your living room for a cost of about \$61.00 a year.

The search for food to feed the planetary population can be greatly simplified by using orbiting satellites. Infrared photographs show the size and maturity of crops, spotting plant disease before it's visible to the farmer. Even schools of fish can be located and tracked by infrared sensors. Can you imagine detecting the heat given off by a lot of cold fish?

The launch of an Earth Resources Technology Satellite is planned for 1972. My colleague, Joe Karth of Minnesota, estimates that the economic benefits from this one system alone could add more than \$6 billion a year to our economy. Maybe NASA should be reorganized to permit it to pay for itself by licensing processes and products developed by public funds. That's free enterprise too.

I've saved for the last a few representative examples of what space research is doing for the field of health and medicine.

An EKG transmitting system using "spray-on electrodes" can transmit a heart patient's cardiogram from a moving ambulance to a hospital so that the receiving doctors and technicians can be prepared with a better understanding of the case. Now if they can just include documentation of the patient's "fiscal condition" as well, he'd be sure of a warmer reception.

A cardiac catheter, with a sensor smaller than the head of a pin, can be inserted into a blood vessel to measure pressure without interfering with circulation.

An "eyeball switch", designed for the astronauts when high G forces might limit arm and leg movement, has been adapted for partially paralyzed patients or for paraplegics to guide themselves in wheel chairs, turn on TV or turn book pages.

A valve designed by a NASA engineer is being adapted to relieve fluid build up in cranial cavities, as with hydrocephalus patients. An implantable model is being fabricated to restore urinary control to incontinent patients. A NASA Biomedical Application Team is testing a new method for the early detection and cure of cystic fibrosis.

To conclude the biomedical examples, perhaps you are aware of a recent disclosure by the Head of NASA's Molecular Biophysics Lab at Langley. Clarence D. Cone, Jr., described his theory on cell division to the Science Writers Seminar of the American Cancer Society in San Antonio about six weeks ago. It sounded like big news to me. Cone has devised and demonstrated a theory which helps to explain the source of uncontrolled malignant growth. The theory indicates short cuts to the development of chemical countermeasures against cancer and provides an explanation of the functional connection between two major features of cancer causing its deadlines—uncontrollable growth of cells and their ability to spread into normal tissue. Previously there had been no known relationship between the two characteristics, although they always occur together. Observations imply that the two are intimately related.

Langley studies concerned with space radiation blockage of cell division revealed that cells with large negative electrical voltages seldom divide, while cells with small negative charges divide at maximum rates.

Cone's theory proposes a central mechanism for control of body cell division which could provide a new basis for research on many problems such as human conception, birth defects, growth, aging and particularly cancer. What's that worth to the world?

To bring the conference back to today's subject of fireproofing materials is only to remind us once more of our search for the

improvement and the preservation of human life.

Those pre-space age skeptics who ask us to prove the social value of our research before we fund it—may just be the descendants of those doubters of the past who questioned the feasibility of the "heavier-than-air flying machine."

Let us continue to make the dividends of space investment available to the American stockholders—and to our friendly neighbors.

Perhaps the "spin-offs" from space technology will become the primary products of our effort. They will be essential ingredients to create an improved standard of living for the passengers on Spaceship Earth.

You are all trained members of the crew—managers and scientists—engineers, inventors and experienced technicians. You can all communicate.

If Spaceship Earth is to achieve ultimate mission success during its Grand Tour through space—we'd better man our stations, get on with the task and pass the word—with the same kind of intelligent dedication, resourcefulness, courage and faith that brought Apollo 13 home.

Become Space Age converts. Become believers in the social benefits of space spin-offs. Become disciples of space research and development. Be evangelistic about helping NASA find more creative ways to apply the new technology.

If you get a good idea, let someone know who will take some action. If you do—others will too—and the space program will become our "Mutual Fund" of the future, the most profitable investment that man has ever made.

LET US END THE FEAR OF TGE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RAILSBACK. Mr. Speaker, the May issue of *Prairie Farmer*, a widely circulated and respected farm publication, contains an editorial concerning the need to find a cure for the baby pig killer disease transmissible gastroenteritis—TGE.

My colleague from Illinois, PAUL FINDLEY, has taken the lead in working for greater funding for TGE research. In March, I wrote to the Secretary of Agriculture, Clifford M. Hardin, advising him that I shared Congressman FINDLEY's concern and that I supported the call for more USDA attention and support for research efforts concerning TGE.

The *Prairie Farmer* editorial adds that respected publication's voice calling for more intense research into this disease which has produced crippling financial losses for farmers. I call to the attention of my colleagues the editorial, which follows:

LET'S END THE FEAR OF TGE

Efforts are being made to find a cure for the baby pig killer disease transmissible gastroenteritis (TGE). But for farmers who have suffered severe TGE losses over the past couple of years present efforts are not adequate.

Pork producers have made personal appeals to the secretary of agriculture for stepped up research to find an answer.

Rep. Paul Findley (R-Ill.) has taken the

lead in investigating the possibilities of heavier funding for TGE research. And this may be the problem. With pressure on to curb spending, any requests for USDA funds is bound to get a cold reception.

"But," said Congressman Findley to Secretary Hardin, "somehow we must find immediate funding to finance the long past due research for a cure for TGE. A small project is being carried on by the USDA near Ames, Ia., and some research continues at the University of Illinois, but funds are very low."

We would like to add our voice to that of the producers and Congressman Findley. More intense research needs to be done on TGE. The crippling financial losses have been severely demoralizing to many farmers.

It is hoped that the department of agriculture will look with favor on these appeals and somehow find the money necessary to end the fear of TGE.

COLUMBIA LEGAL SOCIETIES CON- DEMN CAMBODIA INVASION

HON. BENJAMIN S. ROSENTHAL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1970

Mr. ROSENTHAL. Mr. Speaker, international law experts at Columbia University assert that the United States acted illegally when its military forces entered Cambodia. The Columbia Society of International Law and the Columbia Journal of Transnational Law have drafted a memorandum which outlines in detail the treaties and other international agreements that the United States violated.

The memorandum follows:

MEMORANDUM

Throughout history, and especially since World War II, the United States has been a leading proponent and defender of freedom and independence for all nations of the world. It has helped initiate and has supported efforts to establish a system and a world community based upon respect for international law, for the right of self-determination of all peoples of the world, for the peaceful settlement of disputes and for all the principles of the United Nations Charter.

UNITED NATIONS CHARTER

In the Preamble to the U.N. Charter we affirmed our determination "to save succeeding generations from the scourge of war . . . to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained . . . and for these ends . . . to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest. . ."

Article One states that one of the purposes of the United Nations is ". . . to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. . ." Most importantly, in Article Two we agreed to act in accordance with the principles that "All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. All

members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

By unilaterally sending United States military units into the neutral territory of Cambodia, without the invitation or consent of the Cambodian government, and without consulting the Security Council, the United States has committed a grave breach of international law. This decision seriously threatens the principles of the United Nations, the principles which in the past the United States has staunchly supported.

This intervention also violates the domestic law of the United States. After due ratification, the United States Constitution declares that a treaty becomes the "Supreme Law of the Land." No action short of total withdrawal from and renunciation of the Charter can terminate our obligation to act in accordance with every one of its terms. Since we have not renounced or withdrawn our ratification of the United Nations Charter, our actions are unconstitutional and unjustified violation of United States Law. Clearly, the U.N. Charter is in full force as law of the United States, and just as clearly, we have violated its provisions and its spirit.

SEATO TREATY

Under the South-East Asia Collective Defense Treaty, Secretary of State Dulles told the Committee on Foreign Relations in 1954 that action would be taken by the United States only "in accordance with its constitutional processes." This, he explained, meant that action would be taken only after consultation with Congress. In approving the SEATO Pact, it is clear that Congress expected to be consulted prior to each United States military intervention in a country covered by the Treaty.

Cambodia did not become a member of the SEATO pact. The SEATO signatories, however, included Cambodia as a protocol party and not as a member of the organization. Cambodia has renounced its protocol status and has proclaimed its neutrality for many years. But even the SEATO Treaty itself, which accords to its members a unique power of unilateral intervention in the territory of a protocol party as well as members, specifically states that "no action shall be taken except at the invitation or with the consent" of the government. The United States has violated this provision by initiating military action without obtaining Cambodia's prior consent.

UNITED STATES POLICY

The State Department has repeatedly justified our involvement in Vietnam on the basis of the SEATO Treaty, and has said that additional legal support was given to this position by the Joint Resolution of Congress of August 10, 1964 (The Tonkin Gulf Resolution). Section 2 of that Resolution, however, affirms that the minimum condition for military engagement on the soil of a non-belligerent nation is the request of the other government. It states that ". . . the United States is . . . prepared . . . to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

The fact that our administration has failed to cite any request for armed intervention shows that it has failed to satisfy the most basic requirements of the Tonkin Gulf Resolution as well as of the SEATO Treaty. It is inconsistent and hypocritical for this country to condemn the Soviet Union for invading Czechoslovakia and then to invade Cam-

bodia without the invitation of the Cambodian government.

It has been suggested that although Cambodia did not invite the United States to enter its sovereign soil in force, it has ratified our intervention by subsequent actions. The belated acquiescence in or "appreciation" or our intervention by the weak and unstable Cambodian government, faced with a military *fait accompli* by the world's greatest military power, cannot detract from the fact that the United States invaded a small country without its consent or invitation, in total disregard of its sovereign rights.

The United States is in fact applying the very kind of power politics for which we condemn the Soviet Union. But the consequences of their invasion of Czechoslovakia cannot compare to the devastation and prolonged civil war which will now engulf this defenseless country. Our latest military expansion is likely to lead to direct confrontation with the other major powers in an area in which China has particularly strong regional interests, at least as strong as those claimed by the United States in the Western Hemisphere.

If we are opposed to anarchy and contempt for the law domestically, we should also be opposed to it internationally. Recently, Under-Secretary of State Richardson announced the doctrine of spheres of mutual restraint. The breach of our own doctrine would encourage other powers to act unilaterally in the areas in which they have superior conventional power. What we do, we cannot expect other nations to refrain from doing.

The President has attempted to justify American actions as necessary to protect American troops and the Vietnamization program. It is clear, however, that this is not a valid exercise of the right of self-defense embodied in Article 51 of the U.N. Charter. It has long been accepted, and was affirmed by the Nuremberg Tribunal, that invasion of a neutral territory for self-protection is justified only if there is a necessity for self-defense, instant, overwhelming and leaving no choice of means and no moment for deliberation. The United States' massive, unannounced strike into Cambodia failed to meet this standard at the outset—and reports from Cambodia fail to disclose evidence of a threat sufficient to satisfy the requirement of overwhelming necessity.

The administration has made no effort to justify its actions in the light of international law. Not even lip service was given to law when our troops crossed the Cambodian border. Just five days before Operation Total Victory began, Secretary of State Rogers censured North Vietnam for violating its treaty commitments to respect Cambodia's neutrality. He went on to say, "A more explicit and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined." The Secretary's words describe exactly our invasion of Cambodia. This action is demonstrative of the administration's contempt for and disregard of international law.

CONGRESSIONAL RESPONSIBILITY

It has been asserted that the President has sole decision-making power in this area as Commander-in-Chief. Although, by an evolutionary process, the Executive has gained the power to use the military in the conduct of foreign affairs *short of war*, the Congress still retains the sole power to declare war and to appropriate funds to support any military involvement.

Inherent in the power to declare war is the power to limit war activities and to declare the end to wars. The recent Resolution on Laos and Thailand was an expression

of this power in declaring that the geographical extent of our ground involvement in Southeast Asia would stop at the borders of those countries. This was not an attempt to limit the Executive's power to conduct foreign in those areas, but was an expression of Congress' sole responsibility to declare and limit war. Congress has the power to exercise the same responsibility in regard to our action in Cambodia.

We request the Congress of the United States to resolve that United States forces be immediately withdrawn from Cambodia, and to reaffirm our intention to respect the principles of the United Nations Charter and of international law.

HOUSE BANKING BILL WOULD INCREASE RECORDKEEPING COSTS AND INVADE INDIVIDUAL PRIVACY

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BURTON of Utah. Mr. Speaker, a speech by the Assistant Secretary of the Treasury for Enforcement and Operations, the Honorable Eugene T. Rossides, has been brought to my attention by a concerned constituent. The speech is an excellent one pertaining to the administration reform program to combat the use of secret foreign bank accounts in order to violate our Federal Tax—and other—laws. The speech describes the administration action being taken in this area to circumvent the present use of foreign bank accounts as repositories for moneys representing income not reported on U.S. tax returns. However, the speech also details what Secretary Rossides believes to be an unnecessary increase in recordkeeping procedures contained in a bill reported by the Banking and Currency Committee, which procedures would increase costs and invade individual privacy. The speech follows:

THE NIXON ADMINISTRATION'S REFORM PROGRAM TO COMBAT THE ILLEGAL USE OF SECRET FOREIGN BANK ACCOUNTS

(By Hon. Eugene T. Rossides)

Tonight I want to discuss with you the Nixon Administration's reform program to combat the use of secret foreign bank accounts by organized crime and white collar crime to violate U.S. tax and other laws.

When this Administration took office, it decided to do something about this problem. We point out with pride that this is the first Administration seriously to study the matter and recommend action designed for correction of this long-standing problem area. We take further pride in the fact that the Treasury is in the forefront of this effort. Treasury organized a Task Force to attack the problem on a concerted basis. It is the first of its kind of which we are aware.

Our overall aim is to build a system to deter and to prevent the use of secret foreign bank accounts for tax fraud, their use to screen from view a wide variety of criminally related financial activities, and their use to conceal and cleanse criminal wealth. Our immediate aim is to combat organized crime and white collar crime in their use of foreign banks to achieve criminal objectives.

This Administration recognizes the wide-

spread moral decay that would result if these practices are permitted to continue and expand. We are determined to do something about them.

The Administration has acted in four interrelated areas:

First: The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

Second: The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

Third: The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

Fourth: The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

Before discussing our actions in these four areas, I must emphasize three fundamental concerns that predominate in formulating Treasury's enforcement approach to this problem.

First, the United States dollar is the principal reserve and transactions currency of the world. Foreign holdings of U.S. dollars are huge, amounting to some \$43 billion in liquid form. This fact itself is a mark of the confidence which others have in the political and economic stability of the United States and is a tribute to the success of the international trade and payments system we have been creating—a system of progressively fewer restrictions to the flow of goods and capital. The overwhelming bulk of the rapidly growing volume of international transactions by Americans and foreigners alike are not only legitimate business and personal transactions, but serve the larger interests of the United States in effective monetary arrangements and freely flowing trade and payments. It has, therefore, been of paramount concern to us that the proposals we are making will in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use the U.S. dollar.

The second consideration is that consistent with our determination to deter tax and other evasion by U.S. persons involving foreign financial transactions, we have sought to develop proposals under which the benefits to our tax collections and to our law enforcement objectives exceed the direct and indirect costs which these proposals bring about.

Finally, we have not lost sight of traditional freedoms, many of which are set forth in our Constitution, others which have become identified with our way of life. In strengthening enforcement, we must not jeopardize these principles.

BACKGROUND

Just what is a secret foreign bank account? It is an account maintained in a foreign banking institution in a country which has laws which strictly limit the conditions under which information concerning an account will be made known to governmental authorities.

There is no certainty as to the exact dimension of the use of foreign bank accounts by U.S. citizens and residents, or the number being used for illegal purposes or the size of the tax fraud and other criminal violations shielded by such accounts. Even though the number of persons involved and the amounts of tax fraudulently evaded by these means may be small in comparison to total U.S. taxpayers and tax collections, the principle involved is central to proper tax ad-

ministration: any tax fraud scheme must be attacked vigorously.

We all have the right to demand that all Americans pay their proper amount of taxes as determined under the revenue laws. If tax fraud fostered through the illegal use of foreign bank accounts is not curbed, our self-assessment system of taxation could be seriously impeded.

Rapid means of international transportation and communication have greatly facilitated the free flow of funds and commerce across what were once thought to be great distances. These technological advances have added to the problem of tax fraud through the use of secret foreign bank accounts.

The anonymity offered by foreign accounts has been used to conceal income made in connection with various crimes that have international features. They include the smuggling of narcotics, black market currency operations in Southeast Asia, and illegal trading in gold. These illegal undertakings frequently involve tax fraud.

USE BY ORGANIZED CRIME

Racketeer Money: There is strong evidence of a substantial flow of funds from racketeers in this country, particularly those associated with gambling, to certain foreign banks. Some of these funds appear to have been brought back into the U.S. under the guise of loans from foreign sources. This may be providing a substantial source of funds for investment by the criminal element in legitimate business in the U.S.

Money from Narcotics: In March, 1969, Treasury Agents of the Bureau of Customs broke up a major international heroin smuggling scheme by intercepting 115 pounds of heroin in New York City. Cash transfers of this organized crime enterprise were run through secret foreign bank accounts. One of the defendants alone admitted to forwarding half a million dollars from the United States to Geneva.

If adulterated at the usual ratio of five to one, the 115 pounds of pure heroin would have yielded 690 pounds of diluted heroin mixture. It is estimated that one such pound will yield 7,000 one-grain doses. The 690 pounds would have put 4.83 million one-grain doses into the hands of pushers on the streets with a total value of about \$24,000,000 (\$5.00 per dose). I am sure that you can understand why we feel so strongly that something must be done.

USE IN CONNECTION WITH WHITE COLLAR CRIME

Foreign bank accounts are opened to facilitate tax fraud by some people who otherwise appear respectable and law abiding. They are used in an effort to hide unreported income from commercial operations in the United States or income from investments made through a foreign bank.

Personal Accounts: Accounts in foreign banks are used as repositories for money representing income not reported on United States tax returns, much in the same way as bank safety deposit boxes have been used in this country. For information on the existence and nature of the accounts, dependence has been placed upon informants and the subsequent tracing of transactions through banks in this country.

"Arrangements" with Foreign Customers and Suppliers: In some cases, United States taxpayers have arranged with their foreign customers or foreign suppliers for the preparation of false commercial documents overstating amounts received from the United States taxpayers or understating amounts paid to them. The funds placed in the hands of the foreign conspirators as a result of these falsifications are deposited with banks in bank-secrecy countries for the credit of the United States taxpayers.

Transactions in Securities: Taxpayers, by

opening accounts with foreign banks and financial institutions, have been able to buy and sell on the United States stock markets without disclosing their interest in, or taxable income from, such transactions.

Let me now turn to the Nixon Administration's reform program.

FOREIGN POLICY—SWISS TREATY NEGOTIATIONS

The recent discussions with Swiss officials have centered upon the development of a proposed mutual assistance treaty to provide information and judicial records, locate witnesses and provide other aid in criminal matters. However, the U.S. and Switzerland already are parties to a convention for the avoidance of double taxation with respect to income taxes which is relevant to bilateral cooperation for obtaining bank records to prosecute tax fraud. Article XVI of this latter treaty provides for the exchange of information for the prevention of *fraud or the like* in relation to income taxes which are the subject of the convention.

We have only recently become aware that Swiss law makes an important distinction between simple tax evasion and tax fraud, which is an aggravated form of tax evasion. Whereas individuals guilty of simple tax evasion under Swiss law are not considered to have committed "crimes" as we know the term, and thus are not subject to jail sentences, tax fraud in connection with the Swiss federal withholding tax on interest and dividends and the income tax laws of sixteen of the twenty-five Swiss cantons, including the economically more important cantons, is deemed a criminal offense which can result in the imposition of jail sentences and which is handled in criminal rather than administrative proceedings.

This distinction between tax evasion and tax fraud becomes of essential importance because under Swiss law the obligation of a bank to observe secrecy about the affairs of its depositors is superseded by the duty to furnish information, give testimony, or produce documents in criminal proceedings which include tax fraud proceedings.

Speaking on behalf of this Administration, I can assure you that we are actively exploring with the Swiss authorities the obtaining of the same information, including bank records, as can be made available to Swiss authorities.

ADMINISTRATIVE REFORM

I believe that a primary responsibility upon taking office is to determine how current law is being administered and whether administration can be improved. In early 1969, in conjunction with work for discussions with Switzerland, I authorized a review of existing practice and statutory authority to see what improvements and additional action could be taken administratively. It was concluded that much along the following lines could be done to combat this problem even without legislation.

No matter what treaty, legislation, or regulations might be implemented, efficient and effective prosecution of law evaders is an important element in curbing the illegal use of foreign bank accounts. Law enforcement agencies are increasing efforts to uncover individuals who have made illegal use of foreign bank accounts. The new United States Attorney for the Southern District of New York, Whitney N. Seymour, Jr., has been in close contact with key officials in Washington to implement a vigorous attack against individual offenders.

The Internal Revenue Service presently is thoroughly reviewing its operations, including its audit procedures, to develop more effective internal procedures for uncovering cases of tax fraud involving the use of foreign bank accounts, as well as for compiling and constructing solid evidentiary records in

these cases. New guidelines are being established to aid Treasury Agents of the Internal Revenue Service in handling investigations of taxpayers who employ or are believed to employ secret foreign bank accounts.

New Regulations and Administrative Practices:

Another means of attacking the problem under existing law is to implement new effective regulations and administrative practices.

One significant measure that this Administration has already taken under existing authority will be to require on next year's tax return that U.S. citizens, residents, and certain other persons effectively doing business in the United States identify their direct or indirect interests in foreign bank accounts. I believe that this will be an effective deterrent to the use of these accounts to evade taxes, since the failure to reveal the existence of such interests will result in the imposition of criminal penalties apart from those otherwise applicable to the filing of fraudulent tax returns.

In conjunction with this disclosure requirement, this Administration has under consideration a proposal that, pursuant to regulations, taxpayers with interests in foreign bank accounts be required to maintain specified records of transactions they have with these accounts.

Another related proposal which is being given consideration is that taxpayers who report interests in foreign bank accounts on their tax returns at the same time personally would authorize the foreign financial institutions in which the accounts are maintained to forward any information which might be requested by U.S. law enforcement officers pursuant to the same legal process required to obtain bank records in the United States.

Still one more area being thoroughly considered by the Treasury Task Force is the extent to which evidentiary presumptions could be implemented through regulations which would make funds flowing through foreign bank accounts be deemed to be untaxed income unless taxpayers provided sufficient information and records to the contrary. This area is very closely related to comparable legislative proposals which I shall mention shortly.

I believe that this recitation of what already has been done by this Administration with respect to administrative measures and regulations, and to further international assistance to curb the illegal uses of foreign bank accounts clearly demonstrates our seriousness of purpose and that we have accomplished more than ever before. Even apart from the legislation on this subject presently before this Congress, administrative action and international cooperation hold promise of substantially curbing the illegal use of these foreign accounts.

LEGISLATION

This is the first Administration in recent history to support the concept of development of effective legislation which would provide valuable additional statutory tools to counter the illegal use of secret bank accounts. In this connection, this Administration has strongly supported the objectives of those aspects of the legislation of the House Banking and Currency Committee chaired by Congressman Wright Patman, H.R. 15073, that are intended to ameliorate this problem. However, in my testimony before the House Banking and Currency Committee on March 2, 1970, I pointed out several key changes of H.R. 15073 which were necessary to make it responsive to this problem, only some of which were implemented by the Committee before it reported the bill out at the end of March.

As originally introduced, H.R. 15073 suf-

fered from numerous and obvious shortcomings. In general, it maximized burdens upon the public and the economy while minimizing enforcement effectiveness. More specifically, the bill would have made mandatory the photocopying, at least once and possibly twice, of every check written in the United States—at least 20 billion and possibly 40 billion items annually—and it further would have permitted uninhibited official government rummaging through the records of certain banks without regard for the privacy safeguards provided by established discovery procedures.

We presented to the Committee amendments and, later, a substitute bill. Our proposals would have maximized enforcement and minimized burdens and offered further advantages of brevity, clarity, ease of application and flexibility not shared by H.R. 15073. Our proposals would have strengthened the bill in several ways, including amendments to lessen wasteful and counterproductive recordkeeping, and limit incursions upon the right of privacy.

Those amendments to the Patman legislation suggested by the Treasury, which were accepted, considerably improved H.R. 15073 as it was initially introduced. For example, key amendments of H.R. 15073 broadened recordkeeping requirements to encompass various types of other financial institutions engaged in international transfers of funds, as well as commercial banks.

In my testimony before the House Banking and Currency Committee on March 2, 1970, I specified records of types of international transfers which the Treasury Department recommended be maintained by these institutions pursuant to regulations issued by the Secretary of the Treasury for a period of six years. These included records of remittance transferring funds to and from the United States, both records of checks negotiated abroad and foreign credit card purchases in excess of \$1,000, records of foreign checks transmitted abroad for collection, records of foreign drafts, and records of international letters of credit and documentary collections.

I believe that the Committee should have adopted a number of desirable suggestions made by the Treasury which are needed to limit the scope of the legislation to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings.

The Treasury recommended recordkeeping, reporting and disclosure requirements which would have a high degree of usefulness in criminal, tax, or regulatory investigations, and which were directly related to the problem of the illegal use of secret bank accounts.

It has only recently come to the fore that the legislation is intended to deal not only to some extent with the problem of secret foreign bank accounts, but that a basically separate problem area with which H.R. 15073 also is concerned is the trend on the part of domestic banks not to maintain microfilm records of all checks drawn on them.

The Treasury Department urged amendments that would have limited all recordkeeping and reporting requirements of H.R. 15073 to those which are likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

However, the Committee adopted this significant limitation only in connection with the recordkeeping requirements imposed upon banks and other financial institutions. It failed to accept the same standard with reference to the reporting requirements imposed.

This refusal is significant, especially in view of the growing concern in America over possible incursions by Government into in-

dividual privacy. I believe it is generally accepted that the right of privacy is not absolute, but must be balanced against the need for information inherent in the governing process. For example, few of us would quarrel with the need for the Government to require individuals to file tax returns which, to some extent, of course, contain private information. Nevertheless, this right of privacy must be protected against any unnecessary incursions.

However, the reporting requirements of the Patman Committee legislation possibly could result in unnecessary inroads into this right of privacy. For example, consider the requirement of reporting domestic currency transactions in the Patman legislation. An analogy can be made between reporting of such transactions by financial institutions to the Government and searches through the records of these institutions without the transactions of a particular taxpayer in mind.

If such reporting requirements are limited, as the Treasury recommended, to those transactions likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, the potential unnecessary incursions on personal privacy would be limited; such might not be the case under the present H.R. 15073 language which permits the requiring of reports of any domestic currency transactions without any comparable limitation.

The Patman Committee testimony indicated that H.R. 15073 would require the microfilming of at least twenty billion checks per year. There have been conflicting and unsupported views expressed as to the cost of such a requirement, as well as to the additional number of checks which would have to be microfilmed, in addition to those presently being copied. However, there was no substantial testimony indicating that the records of such checks would be of sufficient value to counter the additional recordkeeping costs whatever they, in fact, may be. The cost of any burdensome recordkeeping or reporting requirements would be likely to be passed on to the public, including everyone with a checking account.

This apparent willingness of the Committee to enact legislation with only meager study or factual basis is even clearer with respect to Title III of H.R. 15073 which would extend the applicability of margin requirements under section 7 of the Securities Exchange Act to the purchasers of stock as well as to broker-dealers and financial institutions who lend money for that purpose. This significant provision was added to H.R. 15073 only in March, over three months after the original bill was introduced, and was accepted by the Committee without any testimony being presented on it by concerned parties.

One legislative proposal which the Treasury Department has been fully considering (if the remedy, as I discussed earlier, cannot be achieved administratively), which we believe could be of significant assistance in curbing the illegal use of foreign bank accounts, and which would not pose any conflict with a right of personal privacy, is the establishment in the Internal Revenue Code of rebuttable presumptions that U.S. citizens, residents, and certain other taxpayers engaging in certain foreign transactions, and not furnishing upon request adequate information to the Secretary of the Treasury or his delegate, are dealing with their own untaxed income. As an alternative proposal, Treasury also has under consideration an excise tax which would be applied in situations where no adequate information of the foreign transactions is provided by the taxpayer.

The presumptions would be in the nature of evidentiary presumptions which could

form the basis for a determination of civil tax liability (including interest and penalties) unless the taxpayer establishes by the clear preponderance of the evidence that his untaxed income is not involved.

It is the Government's understanding that most persons who use foreign financial institutions, even in countries where bank secrecy is strictly observed, can themselves obtain full information about their accounts and transactions. Therefore, it is assumed that U.S. taxpayers will be able, without difficulty, to satisfy the Secretary of the Treasury or his delegate as to his foreign transactions so as to avoid the application of either the presumption or excise tax if either is implemented.

COOPERATION OF THE PRIVATE SECTOR

As is true in developing any public policy as expressed by legislation or administrative rule-making, final action is taken only after securing views, information, and—hopefully—cooperation from those sectors that would be primarily affected. In the instant case, in developing a legislative and administrative approach to this problem affecting primarily the financial community, we believed it incumbent upon us to work with representatives of the banking industry, brokerage houses, and other related businesses involved in the transmittal of funds to and from foreign secret bank accounts. As stated in a December 27, 1969, *Washington Post* editorial referring to the Patman bill as originally introduced:

"This is a subject, of course, on which bankers ought to have their say. The strange thing is that they had not been consulted while the bill was being drafted. Though it is of great importance to curb the misuse of hidden bank accounts abroad, it is equally vital to protect the free flow of international commerce and to avoid the imposition of unnecessary burdens upon the banks."

I would be remiss not to publicly thank these members of the business community for the high level of cooperation we received, and I would especially like to thank the large banks which are members of the New York Clearing House. They provided us with much valuable background information on possible avenues of illicit activities, on foreign banking operations, and they offered many new and constructive suggestions on more effective legislative and administrative approaches that would benefit our enforcement efforts.

Clearing House member banks further indicated that on a voluntary basis, even before any legislative or regulatory action, they will comply with almost all of the recordkeeping requirements in connection with international transfers of funds that we desire, which records would, of course, only be available to governmental representatives in accordance with existing discovery procedures. I believe that this spirit of cooperation between the public and private sectors will continue to grow, and that working together we shall effectively meet this priority enforcement problem.

To sum up, the Nixon Administration has acted to attack this critical enforcement problem in four interrelated areas:

First: The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

Second: The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

Third: The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

Fourth: The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

This is the first Administration to support the development of effective legislation which would provide additional authority to deal with the illegal use of secret foreign bank accounts. My major concern is that the legislation should be responsive to the problem and be limited in scope to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings. If limited as I have stated, there should be no concern over possible incursions by government into individual privacy.

In closing, I also wish to restate the three fundamental concerns of the Treasury which are foremost in its consideration of this issue:

1. The proposals should in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use U.S. dollars.
2. The proposals should deter tax and other evasion by U.S. persons in such a way that the benefits to law enforcement objectives exceed the direct and indirect costs that the proposals would bring about.
3. In strengthening enforcement, the proposals should not jeopardize traditional American freedoms.

THE DEATH OF MRS. ANNA KIRZON

HON. JACOB H. GILBERT
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GILBERT. Mr. Speaker, the residents of my district, the 22d Congressional District, Bronx, recently suffered a grievous loss with the death of Mrs. Anna Kirzon at the age of 70 years.

Few people suffered the tragedies that beset Mrs. Kirzon in her lifetime, yet few would have been able to recover sufficiently to accomplish all that she did during her long and useful life.

The mother of a young daughter, Ruth, who was stricken with a brain tumor and who died after two extensive operations during which she remained crippled and blind before dying at the age of 12, Mrs. Kirzon dedicated the rest of her life to helping crippled and handicapped children.

Organized as the Ruth Kirzon Group in 1946, the volunteer organization had more than 400 members when Mrs. Kirzon died on April 29.

These women gave of their services selflessly to young people suffering from physical or emotional disabilities. Members went into homes of severely handicapped children and spent time with them, giving them comfort and helping them to laugh. For some of the children, it was the first real pleasure they had known during their first early years.

There is no doubt, Mr. Speaker, that the good works of the Ruth Kirzon Group will continue without their organizer and spiritual leader. But no one has ever talked with Mrs. Kirzon could go away without being inspired and deeply moved. I would think that the best memorial Mrs. Kirzon would like to

be remembered for are the happy faces of the children as the volunteers arrived each day to brighten their sheltered lives. I would like, if I may, to recite just some of the many projects undertaken by the group.

The Ruth Kirzon Group has a visiting children's service. Members go into the homes of severely handicapped children and spend time with them. They take the children out in groups for a day in the country, for a picnic or a boat ride, or for the joys of a circus or a rodeo. They take children to movies, planetariums, or the theater. They introduce these handicapped young people to opportunities they perhaps never had in their lives. They bring these children out of the shells in which many of them live and expose them to the outside world.

Twenty years ago the Ruth Kirzon Group established a scholarship committee, to enable talented high school graduates to go on to higher education, despite their physical or emotional handicaps. The scholarships have assisted in maintenance, books, equipment, transportation, and tuition for young people. The group is proud that, among its scholarship recipients, there are now doctors, lawyers, accountants, speech therapists, engineers, journalists, and commercial artists.

I would also note that the Ruth Kirzon Group sends more than 100 children each summer to specialized camps for handicapped young people for not less than 3 weeks. Under the proper supervision, the children learn to play ball, swim, and participate in other activities, though hobbled by crutches or confined in wheelchairs. The group has also provided therapeutic swimming pools, special equipment, and made other major physical contributions to its summer program for handicapped children.

Born out of tragedy, the Ruth Kirzon Group attracted the best talents available within my district. Mrs. Kirzon, of course, was highly beloved of all those who knew her but it is in tribute to her that her work will continue. And the many handicapped children living today and those yet to be born, will learn to live better lives because of Mrs. Kirzon.

The least that can be said of her is that she lived a life devoted to those less fortunate than herself. Her work brought her joy but it brought hope to thousands of our young handicapped people.

AMERICAN LEGION EXPRESSES
"WHOLEHEARTED SUPPORT" OF
PRESIDENT NIXON'S CAMBODIA
DECISION

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I take pride in inserting in the *CONGRESSIONAL RECORD* the resolution adopted last week by the national executive committee of

the American Legion expressing "wholehearted support" of President Nixon's decision with respect to the Communist military sanctuaries in Cambodia.

The resolution follows:

RESOLUTION No. 26—STATEMENT OF POLICY ON
VIETNAM

Whereas, Negotiations with the North Vietnamese and Vietcong delegations in Paris for a political settlement of the Vietnam conflict have failed to produce any results whatever; and

Whereas, The enemy has not only greatly stepped up its offensive military action in South Vietnam, but has also expanded the area of its aggressive operations into Laos and Cambodia; and

Whereas, The enemy's intensification of the conflict in the whole of Indochina seriously endangers the success of our Vietnamization program and threatens the safety of the remaining American and allied troops in South Vietnam; and

Whereas, The President of the United States has initiated a program for the elimination of enemy sanctuaries presently enjoyed and utilized to a high degree, thwarting our efforts to achieve victory in Vietnam; Now, therefore, be it

Resolved, That the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 6-7, 1970, express the wholehearted support of The American Legion of the President's decision to eliminate Communist military sanctuaries in Cambodia and we call upon the members of Congress and the American people as a whole to give it the same support; and, be it

Further resolved: That The American Legion urges the President to take further action, as and when he deems it essential to the safety of our troops in South Vietnam and to the successful prosecution of that conflict, to eliminate, by military action all enemy sanctuaries, installations and areas wherever situated that afford actual or potential bases for enemy action against our forces and those of our allies; and, be it

Further resolved: That the necessary military action be taken for the sole purpose of hastening the cessation of fighting and inducing the acceleration of those political conversations that will secure a lasting and honorable peace.

AID TO ISRAEL IMPERATIVE SAYS
REPUBLICAN LEADER GERALD R.
FORD

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CELLER. Mr. Speaker, on Monday, May 11, 1970, Republican Leader GERALD R. FORD made a most cogent address at the American-Israel Affairs Committee luncheon wherein he demonstrated U.S. vital interest in the Middle East. I commend Representative FORD's statement to the thoughtful attention of every Member.

The text of the statement follows:

Last year I had the honor of standing before a similar luncheon of this committee here at the U.S. Capitol. We then commemorated the 21st anniversary of Israel's independence. A year has passed.

Many changes have transpired. We are

living in a time of anxiety, tension, and transition. But there are some factors that remain constant. The main factor that I would like to reaffirm today is the continuing sincerity of American friendship for the State of Israel. Last year I told this group that "I firmly believe that the fate of Israel is linked with the national security interests of the United States." Today I reiterate that conviction.

Last year I said that I could not conceive of a situation "in which the U.S. Administration will sell Israel down the Nile." That will not happen—now or in the future.

We are well aware of the dedication of the Administration to withdrawal from Indo-China under conditions of peace with honor. We have also carefully noted that our recent pre-occupation with the "privileged sanctuaries" in Cambodia is being exploited by the Soviet Union. Moscow is cynically escalating tensions in the Middle East. The Russians have committed the Soviet Air Force to an active role in Egypt along with missile troops, SAM-3 missiles, and other elements of military power. The Russians appear determined to screen the Nasser regime with a protective umbrella, creating a privileged sanctuary from which Egypt might sally forth with continued violations of the United Nations cease-fire.

I noted that Israeli Defense Minister Moshe Dayan a few days ago announced that Israel has halted deep penetration raids into Egypt to avoid possible clashes with Soviet air and anti-aircraft forces. He asserted readiness to re-establish an unconditional and unlimited cease-fire.

The only response the Arabs have made is an increase in artillery barrages and guerrilla attacks. Soviet Premier Kosygin has now confirmed Soviet military involvement in Egypt. The commitment of Russian military forces is a negation of the Soviet pretensions to pursuit of peace in the region. The commitment of weapons and troops is no way to reduce tensions.

Our government announced on March 23 that additional jet sales to Israel would be temporarily withheld. It was indicated by the Department of State that this policy of restraint was really a signal to Moscow that the United States wanted to cool down the arms race; we were taking the first step so that the Russians would know our peaceful intentions and similarly exercise restraint. Instead, the Russians ignored our example. An entirely new and dangerous role was undertaken by Russian military forces in Egypt.

The Soviet aim is exploitation of the Arab-Israeli conflict in a bid for Communist penetration and predominance in the Middle East. Moscow has arrogantly and flagrantly embarked on a drive to dominate the Mediterranean, undermine the southern flank of NATO, and expand Russian influence across Africa from the Indian Ocean to the South Atlantic. Moscow's moves coincide with American preoccupation in Indo-China. We are trying to end one war. They are cynically escalating another war and introducing new elements, bringing dangerous risks of expansion of an already tragic conflict.

Let me state my own opinion. We cannot permit a situation in which the Russians would cover by its own military forces the unrelenting war of attrition by Arab military and guerrilla forces, the war of liquidation against Israel. The Russian military power play is a matter of grave concern. It is vital that Moscow avoid a fatal miscalculation.

I use the words "grave concern" with careful deliberation. President Nixon stated on February 18 that "the United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern." He warned against the exploitation of local conflict by an outside

power for its own advantage. He pledged arms to friendly states as the need arises.

It is now apparent to me that the Soviet escalation has changed the balance of power. Need now exists for the immediate sale of additional Phantom jets and other arms to Israel. This is one action that will notify the Russians that we are neither copping out on our friends nor surrendering the region to the forces of aggression.

Israel must not become another Czechoslovakia . . . or another Hungary. Our prompt action to provide additional jets would help restore a deteriorating situation, avert the spreading of the war, and serve notice to the Kremlin that we will confront Communist aggression in the Middle East as well as in Southeast Asia.

We have witnessed dangerous brinkmanship by the Soviet Union in Egypt. I would urge the Russians to heed with special care a certain portion of President Nixon's remarks of April 30. I would also urge the American people to pay heed. I refer to the President's statement that "small nations all over the world find themselves under attack from within and without. If when the chips are down the world's most powerful nation—the United States of America—acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world." This strong statement I would interpret as having worldwide application.

I place great emphasis on the need for early action to provide the additional Phantom jets required by Israel. It would allow Israel to maintain a strong defensive capability without the need for involvement of American personnel. I do not think the Russians will be too ready to tackle an armed, and determined, and courageous nation—especially if that nation is the State of Israel, a symbol of man's hope and redemption.

If we were to allow the Soviet Union, through brutal application of its own military force, to crush Israel, this would mean the end of hope for all free nations of the Mediterranean and even Western Europe.

Russia has involved herself with no intention to preserve the cease-fire. This is more than a threat to Israel. I have no patience with those who say that we must appease Russia by abandoning Israel. Israel is an asset to America, not a liability. The Russian target today may be the aircraft of Israel. Tomorrow the target of the new Soviet Egyptian air bases is obviously the United States 6th Fleet. Moscow is converting Egypt into an unsinkable aircraft carrier.

There is a whole new ball game in the Middle East. It is a very grim kind of game. Human lives and human freedom are involved. The balance of power has been altered in a drastic manner. A wider war is threatened. The best way to avert such a catastrophe is to immediately redress the balance of power.

We must dramatize the credibility of American intentions. I believe that our naval vessels should, from time to time, pay courtesy calls at the ports of friendly foreign nations. I would be delighted to hear that a powerful ship of the U.S. 6th Fleet made such a call on an Israeli seaport. It would reassure our friends and might prevent our enemies from miscalculating.

We believe in peace and are dedicated to promoting peace in the Middle East and throughout the world. We remember the horrors of World War II and—when we think of the Warsaw Ghetto and the concentration camps—we recall the price paid for appeasement and vacillation. I say to you today: *Israel must not become another Warsaw Ghetto!*

President Nixon is well aware of the need to preserve freedom in the Middle East. He

pointed out that Israel's enemies can afford to fight a war and lose. They can come back to fight again. But Israel cannot afford to lose even once. President Nixon said, "America knows that, and America is determined that Israel is here in the family of nations to stay."

The real interests of Arabs and Israelis, of Russians and Americans, require peaceful coexistence. The United States is committed to peaceful and honorable dealings with all men, at home and abroad. We are doing everything we can as men of conscience and integrity, to promote peace.

And in Israel, that land where the prophets dreamed that nation should not lift up sword against nation, let there be peace.

For Israel, a nation of people whose suffering merits a life more creative than perpetual service in an armed camp, let there be peace. For the Arabs, whose poverty and frustration require schools and hospitals and a decent life rather than the endless purchase of jets and guns, let there be peace.

Israel could be a light unto the nations of that region if the Arabs would accept fellow human beings of the Jewish faith as entitled to nationhood as any other people. The genius and productivity of the Israelis could help others make their deserts blossom.

Instead of the cradle of civilization becoming its grave, let the cradle of civilization give rise to two peoples, Arab and Jewish, each in their own countries, with commerce and travel flowing across peaceful borders, and with a new sense of mutual respect in keeping with our dream of the brotherhood of man under the fatherhood of God.

I want to add a special and very personal word to this audience. Many of you have devoted your lives to the Israeli cause. You have seen in Israel a redemption of freedom and human dignity, the rebirth of a people. But we are now witnessing painful days, tragic days, in which the powers and political trends and pressures of the world appear to be converging on the Middle East.

Israel is reborn in blood and fire. Israel is today struggling in an ordeal of blood and fire. But this time it is different. The State of Israel has proved its mettle. Israel is a nation among the nations.

You can take pride, as dedicated supporters of Israel, in the nation you have helped build. But the watchman of Israel does not sleep.

Trying days lie ahead. Yet, in your heart of hearts, you can draw faith and sustenance and reassurance from one fact: this is the United States of America. This is our country and we, Jews and non-Jews, peoples of all parts of this country, the silent Americans and the articulate Americans, will not let Israel down.

INTERNATIONAL PAPER CO. ANNOUNCES MAJOR POLLUTION CONTROL EFFORT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BENNETT. Mr. Speaker, I am pleased to learn that the International Paper Co. will spend \$101 million over the next 4 years to complete its program to control air and water pollution at all of the company's U.S. mills and plants. The announcement was made by Edward B. Hinman, president and chief executive officer today at the annual meeting of shareholders in New York City.

International Paper Co., is the largest

paper company in the world and is one of the largest landowners in the State of Florida. My former legislative assistant, John Tyson, is now assistant director of government relations for the company, which makes this action to help clean up our environment doubly pleasing to me. Mr. Tyson brought these matters to my attention.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99 percent of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last 5 years alone the company has spent more than \$23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital investments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a \$76 million pulp and paper mill in Ticonderoga, N.Y., to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States. These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling \$33 million of the \$101 million program have actually started. As a result of programs conducted in past years, I-P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at six mills. Projects now underway include secondary treatment systems to be installed at I-P mills in Georgetown, S.C.; Panama City, Fla.; Mobile, Ala.; Moss Point, Miss.; Corinth, N.Y.; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Ark.

Programs related to air improvement to be started this year will involve mills at Natchez, Miss.; Tonawanda, N.Y.; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water

and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the \$101 million program announced today the company expects that a total of \$45 million will have been invested in water treatment systems and that an additional \$56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman has told the company's shareholders:

All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth of adversely affecting achievement of our profit objectives.

In discussing I-P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice," Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: The role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

FREEDOM'S CHALLENGE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GUDE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary sponsors a Voice of Democracy Contest. This year, more than 400,000 students participated by writing speeches on the theme "Free-

dom's Challenge." The winning address from the District of Columbia was delivered by Joanne Renee Crosson, a student at Theodore Roosevelt High School. She concluded with the thought that acceptance of freedom's challenge means doing justice to one's brother. I am pleased to commend her remarks to the attention of my colleagues, as follows:

FREEDOM'S CHALLENGE

Today, my good friends, it is my privilege to give you my views of "freedom's challenge".

To many people, "freedom" has many different meanings. To a child, and to those with childish, immature minds, "freedom" may mean having the privilege of doing the countless things that children do, without restraint. To a mother, "freedom" may mean the right to watch and guide her offspring as they grow and mature under her guidance. The challenge of loving and protecting his family in any manner in which he sees fit, may be "freedom" to a father.

But, these definitions are only those of people who live in a "free" country. How would a person who lives in a country where "freedom" is only a long dead myth, define "freedom"? Would he die for his country, of his own "free" will? I think not, for such a person would never have felt the joy of saying: "This is my life, I am free to live it in any manner in which "I" see fit! This is my mind, I am "free" to think what I wish, for my thoughts are my own!" Such a person would never be able to say: "I am born free, I will stay "free", and I will die free." How could such a person accept the challenges of "freedom"? How could he accept that which he has never known?

Are the challenges of "freedom" accepted by waging battle, are they accepted by instituting protective governments, or are they accepted by opening one's heart, one's mind to his brother? Is there really a specific way to accept "freedom's challenge", and then to win "freedom"?

Examine the countless battles that have taken place since the beginning of time. In most cases there were the oppressed and the oppressor. The oppressed were accepting "freedom's challenge" in the best manner in which they knew. The way of warfare, which was and still is a method of accepting "freedom's challenge". When the oppressed did gain "freedom" they then instituted a government among themselves. By this action, they, the oppressed became the oppressor, for how does one rule his subjects completely if he does not "control" them to some measure?

I think, that time and many deaths have shown, or are trying to show us that warfare, and harsh undemocratic governments are not the most effective methods of accepting "freedom's challenges". We still have not learned how to accept these challenges but we have learned how not to accept them.

In my opinion, the only method for man to accept "freedom's challenge" is; to attempt to love his brother, to open his heart, his mind to his fellow man, to live his life, and let others live theirs without his interference, to be just toward all, and bear malice toward none, to give liberty to all, and not force his will on others. When we are ready to accept these challenges, we will be able to accept "freedom's challenge" of doing that for which we are to be qualified, of giving in sound mind that which we are able to give. Only when we have accepted these challenges, of controlled "freedom", can we accept what freedom—real freedom has to offer. These, my friends, are "freedom's challenges". They challenge you—accept these challenges, and they will accept you.

RUSS NEUGEBAUER HEADS NATIONAL SCHOOL OF CONSERVATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1970

Mr. REUSS. Mr. Speaker, one of the prime needs in this environmental decade is the need for dedicated men and women to work in the field of conservation. It is estimated that, in this decade alone, as many as 100,000 new jobs in the field of conservation will be opening up.

The National School of Conservation in Washington is training men and women to fill these jobs. A description of the National School of Conservation by its Director, Russ Neugebauer, follows:

THE NATIONAL SCHOOL OF CONSERVATION

All who have just joined the fight for conservation have a vast welcoming committee waiting to greet them.

The concerned citizen, state and local officials, the industrial companies which are finally doing something about pollution—all owe a debt of gratitude to the conservation workers who have been on the job for years.

By the thousands, men from every state have dedicated their lives to the cause of conservation. Game wardens . . . forest rangers . . . range and soil conservationists . . . and many other categories of outdoor men are working to keep streams clean . . . and to prevent the erosion of valuable land. They are planting and protecting green woodlands and actively improving both the quantity and quality of America's fish and game.

We may not realize how numerous these unsung heroes are because we seldom rub shoulders with them on crowded city streets. They work close to nature, under the sun and stars, within sight and sound of rushing streams and hooting owls.

Many of these outdoor men are receiving their training through highly respected correspondence schools. Typical of these schools is one right here in Washington, the National School of Conservation. From its headquarters at 2000 "P" Street, Northwest, this school trains men in every state of the nation. Lesson material is mailed direct to the students' homes, then returned for careful grading.

The National School of Conservation supplements its homestudy program with actual field training on a conservation area in the northwoods of Wisconsin. The school issues diplomas and maintains a placement service which is performing valuable work in filling job openings with Federal and State agencies throughout the nation.

Right at this minute there are millions of acres of waters, parks, forests and rangelands sorely in need of immediate and intensive conservation programs. America must rely on an adequate corps of trained, dedicated conservation workers to safeguard our green areas while progress goes on and to return badly marred resources to usable condition.

Plans already drawn up by the Department of the Interior and by farsighted state and country officials lay the groundwork for the preservation and development of countless thousands of acres of recreational land. At least 60,000 new jobs in conservation should be opening up in this decade. Some experts say the figure is closer to 100,000 jobs. There should be no shortage of men of goodwill to fill these jobs. Protecting America's natural resources is not only the

highest form of patriotism; it is also personally and financially rewarding to those who work in the front lines of conservation.

ALL WE WANT IS EVOLUTION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday I received a letter from a constituent of mine, a 21-year-old college student named Marcia Cass. Her letter was obviously written shortly after the tragedy at Kent State University and I think it is fair to say that it reflects the sentiments of a vast majority of our responsible young college students who are deeply upset about the state of the world they will soon inherit. Miss Cass writes in very moving terms about her concern for our country, her belief in peaceful dissent, her abhorrence of violence, and her dedication to evolutionary change as opposed to revolution.

The thoughts which she expresses are not unlike those conveyed to me by scores of students over the past week—students who believe in working through the system, students who do not want to see our country torn apart, students who are begging us to listen and help bring our country back together.

At this point in the RECORD I include the letter from Miss Cass and urge all my colleagues to read and ponder its message. The letter follows:

DEAR CONGRESSMAN ANDERSON: I am a college student, 21 years old, and am very concerned with what is happening to our country.

I am active in demonstrating and saying what I believe in, but I am definitely against violence, as are most kids. All we wanted was to be heard but the government did not listen until four . . . innocent people died at Kent U.

I feel bad that older people do not consider me and others like me as the "All-American Girl or Boy." Just because I do not fit the profile of "my country right or wrong," or "Mom, apple pie, the flag," or "Love America or Leave It," I am then considered against my country and a hippy radical. An "All-American" kid should be one who is involved and concerned in what's happening, not satisfied.

All we want is evolution, not revolution. This system's process is too slow for the complexity that this society is now faced with. We wait til people die before we act or listen. It's been the same for the black people.

Please, Congressman Anderson, curb the war machine. We kids aren't stupid. Most of us read about South East (Asian) history and our involvement since the 80's. Tell us the Truth. This war is not and cannot be justified, thus my fiance and I, along with many others, can not and will not support a war of injustice and ignorance of the American people.

Please listen and talk or write us. Do not alienate us any more.

Thank you for reading this sir. . . . Peace be with us All.

Sincerely,

MARCIA CASS.

ROCKFORD, ILL.

KANSAS CITY'S SECOND CONSTRUCTION STRIKE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. WINN. Mr. Speaker, last year the Kansas City area was paralyzed for a period of 4 months by a construction strike and the economy of Greater Kansas City has really not fully recovered from that extensive walkout. Yet, today the second Kansas City construction strike goes into its second month. It is time for the Department of Labor to reevaluate its "handsoff" attitude in what it prefers to term an "area dispute" because in the final analysis the solution, if there is one, must come from Washington. A recent editorial in the Kansas City Star points out the problem we are facing and more important the problem facing Kansas City's construction workers who will be the real losers in this annual battle.

The editorial follows:

IT IS TIME TO ASSESS CITY'S STAKE IN CONSTRUCTION TIE-UP

In less than a week the second Kansas City construction strike in a year will be a month old. Worse, no end is in sight. It is beginning to look more and more as though each side in the dispute has resigned itself to the kind of paralysis that closed down the building industry here for four months last year.

Labor and management are talking—but only when the federal mediation service calls a meeting. The first meeting in two weeks with the unions considered to be the key to the impasse, the Laborers, will be held Tuesday morning. Since bargaining takes time, it is doubtful that this session will produce any dramatic results. Particularly in view of the fact that the status of the key union leader, Jerry Irving, business manager of Laborers local No. 264, remains unsettled, since he faces re-election in June.

Is it any wonder then that many here are asking questions about what this strike is going to cost and who is going to be hurt by it?

It is clear that virtually all construction workers will feel the impact of the strike first, since the absence of laborers slowly strangles jobs. Already between 10,000 and 12,000 workers—more than a third of the total construction work force here—are out of work. Ultimately up to 30,000 workers and their families could suffer economic hardships.

When that many residents of an area suffer, so does the entire area. A long strike almost certainly would be worse this year than last because of the nationwide belt-tightening that has been going on during the last 12 months. This suggests that not as many Kansas City construction workers would be able to find out-of-town jobs now as they did in 1969. This would be particularly true of the least skilled, the striking laborers.

The economic impact of another long strike could be even more disastrous to area business than the marathon dispute a year ago. The economy of Greater Kansas City has not recovered from that traumatic experience. It is all too obvious that another prolonged construction shutdown so soon would be terribly costly to the community.

By settling just for the sake of ending the walkout could be as costly in the long run.

Meeting the present demands of the Laborers, who are the low men on the wage totem pole, would leapfrog them over such highly paid skills as the Iron Workers. It is unlikely that the Iron Workers and other trades near the top would stand still for this. They have already said as much.

Thus giving the Laborers what they are asking would undoubtedly mean restructuring wage scales of all the crafts so that the old pay differentiations would be maintained. This could virtually price the construction industry—and the employees in it—out of business. Or at least cripple it to a critical point.

The dilemma of Kansas City is widely shared. More than 70 construction unions are off their jobs in at least nine major cities, the nearest being St. Louis. In short, the zooming wage-price spiral of the building industry affects the entire nation. Surely this alarming trend requires a close watch by the Nixon administration for its nationwide implications. Meanwhile, the time nears when local civic leaders and city officials ought to start assessing the situation and consider what pressure might be brought to bear in the public interest.

WALTER REUTHER

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. O'HARA. Mr. Speaker, the following editorial needs no introductory comments. It is from the Detroit Free Press and it is about Walter Reuther. I am glad to share it with my colleagues:

WALTER REUTHER'S STAMP IS ON HIS MEN, HIS CITY

It would be hard to name any one single person who has had a more profound effect on Detroit and the American labor movement in the last 30 years than Walter Reuther. The stamp of his personality and ideals is on the city. He was more than a mighty man of labor. He tried to be the city's conscience and many times he succeeded.

Not everyone loved him, of course. He was a tenacious adversary and he never hesitated to lead his people out on the bricks when the bargaining seemed to require it.

But he will be long enshrined in the affections of those for whom he labored. He got them a living wage, job security, pensions and improved working conditions. He brought them dignity.

Reuther was somewhat of an enigma to those who had to tangle with him. They could never figure out what was in it for Walter. He lived for years in an unpretentious Detroit home until he was shot in his kitchen and decided to move to a rural area where security could be more easily enforced.

His salary was modest by industry standards. The United Auto Workers under his leadership was run almost puritanically. There were no sweetheart contracts. No deals. Union officials whose conduct was suspect found themselves back tightening bolts.

In the field of race relations there are few unions who can claim to match the record of Reuther's UAW. He flung open the doors of union membership to white and black alike and there were no double pay scales, either.

Reuther was no enigma, really. He was pretty much what he appeared to be; an idealist, a man with a mission to help the

working man, a man with an overpowering sense of social conscience.

He thought about his people all the time. He wanted them to have that little bit of extra, so the poets and the philosophers and the artists could rise above grubbing for a living. How many of them did, nobody knows. But many a man put himself through school on factory wages, and many more were able to educate their families.

Reuther was interested in more than the economic issues.

His UAW has worked for years on running night schools, conducting art contests. The UAW was deeply involved in such things as the salvation of Belle Isle's Blue Heron Lagoon, the fate of the Rouge River and the quality of the atmosphere long before ecology became a household word.

But most of all those who saw Big Red in action will never forget his zest for the struggle, his good humor under trying circumstances. He could even come up with some wry jests about being manhandled by Ford's company police in the old days.

He would stumble out of an all-night negotiating session, change his shirt, take a shower, and be back in an hour with the light of battle in his eye and a go-to-hell smile on his face. Sometimes he ground down the opposition merely by being able to stay on his feet longest.

The auto worker in Detroit can justly look around his home and smell the chicken in the kitchen and think of the car in the driveway and the clothes on the backs of his kids and say under his breath, thanks, Walter.

And because his vision was so much broader than narrow self-interest, Detroit and the nation say thanks too.

FACTSHEETS ISSUED BY COMMITTEE OF CONCERNED ASIAN SCHOLARS AT HARVARD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, three factsheets on Cambodia have been issued by the Committee of Concerned Asian Scholars at Harvard University. As these scholars point out the United States has been guilty of violating the neutrality of Cambodia for the past decade. The invasion of Cambodia has been the latest act in a history of direct and indirect attacks on Cambodian neutrality. The action has served to pave the way for Communist gains in rural Cambodian public opinion.

The factsheets also summarize the general arguments for each alternative for U.S. policy in Southeast Asia. I include these valuable documents in the RECORD at this point:

CAMBODIA
HISTORICAL BACKGROUND

For centuries, Cambodia has sought to preserve its independence and neutrality. Since the 1600's Cambodian territory has been the center of big-power rivalry in Southeast Asia. In 1884, King Norodom was compelled to abandon independence by placing his country under the control of France in order to prevent Cambodia's partition between Vietnam and Thailand.

It was not until 1953 that Cambodia, un-

der the leadership of Prince Norodom Sihanouk, became free. Sihanouk abdicated his throne in 1955, organized a political party, won an overwhelming majority in national elections, and brought his country into the United Nations.

Sihanouk was convinced that too close an association with one side in the cold war would entail the risk of provoking hostilities from the other side as well as diminish Cambodia's independence in foreign and domestic affairs. He therefore waged a ceaseless and brilliant political effort to repel the advances of both the Communists in Indochina and right-wing forces encouraged by the US. As a result, Cambodia survived and acquired prestige and influence far in excess of what the mere size and strength of the country would seem to have justified.

In the process of maintaining neutrality, Sihanouk found it necessary to sever relations with the US when it appeared that the CIA was seeking to overthrow him. He renounced US aid, even though he thereby ran the risk of increased domestic pressure due to the resultant economic austerity. On the other hand, Sihanouk in 1967 denounced Communist Chinese intervention into Cambodian affairs and announced the withdrawal of the Cambodian embassy in Peking. In 1968, he rejected an offer of substantial direct aid from China because too many strings were attached. Last year, after prolonged negotiations, Sihanouk resumed diplomatic negotiations with the US after Washington finally agreed to recognize Cambodia's frontiers and territorial integrity.

In carrying out this balancing act in order to preserve a policy of virtually unarmed neutrality, Sihanouk unwillingly was forced to submit to a modicum of foreign military intervention. On one hand, the Viet Cong used portions of Cambodia's eastern provinces for logistical purposes. On the other hand, the CIA and Green Berets recruited, paid, and trained Cambodian mercenaries to fight the Communists in Vietnam.

RECENT DEVELOPMENTS

From 1966 on, Sihanouk's policies came under increasing attack from the right-of-center General Lon Nol, who exploited the Cambodian Army's discontent with economic austerity necessitated by Sihanouk's rejection of foreign aid. For the Army, this policy meant aggravating outbacks in military spending. To strengthen his hand, Lon Nol played up the issue of the Viet Cong in Cambodia in order to force Sihanouk to abandon neutrality in favor of a more militaristic approach which would step up the flow of funds into the hands of Cambodia's generals.

In the absence of any American or international support for his policy of neutrality, Sihanouk felt compelled last summer to establish Lon Nol as premier of Cambodia. Once in a position of political power, Lon Nol soon took steps to increase Army salaries and attempted to remove foreign policy from Sihanouk's control. This past March, in an attempt to further Cambodia's neutralism, Sihanouk traveled to Moscow and Peking to seek support for reducing the Viet Cong presence on Cambodian soil. While he was away, Lon Nol instigated riots against the North Vietnamese and Chinese Embassies in Phnom Penh in an attempt to embarrass Sihanouk. Then, aware of Washington's long-standing coolness toward Sihanouk, and relying upon the US to support an anti-neutralist coup, Lon Nol overthrew Sihanouk's government and launched a massacre of Vietnam residents of Cambodia (most of whom were not Communists, but nationals of the Saigon government).

The US response to the end of nearly two decades of Cambodian neutrality was to mount an invasion of Cambodia.

WHERE DO WE STAND IN CAMBODIA?

By relying, as we have for the past ten years, on arms rather than diplomacy, we have destroyed the possibility of Cambodian neutrality—which, for all its shortcomings, was greatly in our interest.—Sihanouk has been forced to accept the support of Peking and Hanoi for an all-Indochina front against the U.S.—The Lon Nol regime, unable to remain in power without outside help, has discredited itself internationally and has turned to us for support.

The invasion has exposed our troops and our nation to greater danger. If we leave Cambodia, the border areas will be reoccupied by the other side. If we stay, they will simply move a few miles west, while our forces are spread even thinner. In the meantime, our invasion has not destroyed or even located the alleged enemy headquarters, but instead has devastated the Cambodian countryside, paving the way for Communist mobilization of rural Cambodian opinion against the U.S.

THE GENEVA CONFERENCE OF 1954

The conference met from April to July 1954. Participants were France, Great Britain, Russia, China, Cambodia, Laos, and Vietnam (Communist and non-Communist representatives). The U.S. participated in observer status.

The Agreements consisted of two parts: (1) *ceasefire accords* between France and the Vietminh in relation to Vietnam, Cambodia, and Laos. Temporary zones for military regroupment were established at the 17th parallel. A ban was instituted on the introduction of military supplies or personnel, the establishment of military alliances or bases. (2) An unsigned declaration was issued noting the political conditions of the ceasefire—no permanent political division of Vietnam, elections to reunify the country in two years.

Comments: The Vietminh on the verge of a military victory accepted a political compromise forced on them by Russia and China with the understanding that reunification would come after elections. The U.S. disliked the conference results but pledged not to disrupt them by the threat or the use of force. Laos and Cambodia were recognized as independent, non-Communist neutral states.

SOUTHEAST ASIA TREATY ORGANIZATION

The treaty was signed in September 1954 by Australia, France New Zealand, Pakistan, the Philippines, Thailand, Britain, and the U.S. Its purpose was to counter alleged threat of Communist aggression in Southeast Asia through collective self-defense. Cambodia, Laos, and South Vietnam were designated by SEATO as areas of concern where aggression would trigger response.

Comments: Conceived by Dulles as a link in the chain of anti-Communist alliances, SEATO has long been moribund. The Treaty has served as a legal cover for American intervention in Southeast Asia.

THE GENEVA CONFERENCE ON LAOS, 1962

The conference met from May 1961 to July 1962. Fourteen nations participated including the U.S., Russia, Britain, France, China, and Laos.

The Agreements consisted of two parts: (1) A *Declaration* respecting the independence and neutrality of Laos and pledging no military intervention. (This followed the establishment of a coalition government under Souvanna Phouma); (2) A *Protocol* regulating the withdrawal of foreign forces (U.S., North Vietnamese) from Laos.

Comments: The settlement represented a great-power effort to defuse an explosive situation in Laos where internal factions were receiving foreign support (U.S., Soviet,

North Vietnamese). The settlement was abortive, however, because the coalition government was unstable and soon broke down. Political and military conflict resumed. The U.S. and North Vietnam soon became actively involved militarily in Laos.

CAMBODIA'S INTERNATIONAL RELATIONS

Under Sihanouk from 1956 to March 1970 Cambodia sought to maintain its independence in a position of neutrality by balancing between the U.S. and its allies (Thailand and South Vietnam which were Cambodia's traditional enemies) and China and North Vietnam. Cambodia broke off relations with the U.S. in 1964 because of alleged American support for internal dissidents and the failure of U.S. allies to guarantee Cambodian independence and territorial integrity. Relations were resumed last year.

Cambodia tolerated the existence along its borders of Vietnamese Communist bases which did not pose a threat to internal peace. Since the March coup Cambodia has abandoned its neutrality and moved to align itself with the anti-Communist position in Southeast Asia. In response China has broken relations with the Lon Nol regime and recognized Sihanouk's government-in-exile. Russia is expected to follow. North Vietnam and the Viet Cong has also severed relations with the Lon Nol regime.

The CCAS will provide further fact sheets, as well as orientation seminars for canvassers, as needed: CCAS, Room 305, 1737 Cambridge Street, Cambridge, Mass. 354-1959.

ALTERNATIVES FOR U.S. POLICY IN INDOCHINA

What are the alternatives for the U.S. in Indochina today? What are the pros and cons of the various alternatives?

1. Step up military pressure on the Communists, bombing or invading their sanctuaries, to force them to respect South Vietnam's territorial integrity.

Pro. The U.S. should not accept a military defeat. We have overwhelming power which can be brought to bear in order to save our world prestige. Anything less than victory will encourage communists around the world to attempt aggression and subversion.

Con. The U.S. has no national interest in Vietnam. The only reason to step up military investment in that area is to save face. The cost in lives and money, in domestic dissent and inflation is too great when the purpose is so minor. Bombing has proved to harden rather than weaken the resolve of the North Vietnamese while an invasion of the North is likely to cause China to enter the war against us, a war we could never win. It is not true that our withdrawal from Vietnam would cause other nations to lose respect for us; rather our present policy is losing us friends throughout the world. The loss of Vietnam or all of Indochina does not affect one way or another the problem of aggression and subversion elsewhere in the world.

2. Withdraw most of the U.S. forces in Vietnam, leaving about 200,000 U.S. troops to support the South Vietnamese army to fight the communists (Vietnamization).

Pro. This will prevent a communist takeover of South Vietnam. It will demonstrate the U.S. determination to keep its commitments around the world and will enhance our national prestige.

Con. This policy will simply mean an indefinite continuation of the war in Vietnam. Despite U.S. government propaganda, Vietnamization has been shown to be a failure by the use of U.S. troops to invade Cambodia even though the III Corps area from which the invasion was launched was supposedly fully Vietnamized. The South Vietnamese army has proven incapable of defeating the Viet Cong and the North Vietnamese with U.S. help and so could hardly do so without

it. The continued U.S. presence will simply add to the Viet Cong's nationalist appeal. The open-ended involvement will constitute a continuing drain on our national resources and will continue to cause domestic dissent. Furthermore, the 200,000 young Americans in Vietnam will be hostages to the Viet Cong and the North Vietnamese army, who might eventually outnumber and surround them.

3. Withdraw slowly (over two years or so) and completely.

Pro. This will give the South Vietnamese an adequate opportunity to pull themselves together and thus demonstrate that the U.S. will keep its commitments to its allies. By withdrawing slowly, we can plan our moves in such a way as to guarantee the safety of the U.S. troops who remain near the end. Even if the National Liberation Front does win as a result of this policy, it will not harm the national interest. Fears of a bloodbath are highly exaggerated since there was no bloodbath when the Viet Minh took over North Vietnam, rumors to the contrary notwithstanding. If South Vietnam cannot stand on its own within two years, the U.S. cannot do anything about it.

Con. 1. The ultimate result of this policy will be a communist takeover and a bloodbath of those South Vietnamese who associated themselves with us. This will harm U.S. prestige around the world.

2. There is no point delaying our withdrawal for another two years unless this is going to lead to a better result than would an immediate withdrawal. But Vietnamization is a sham. The South Vietnamese have had their chance and they obviously are not interested enough in defeating the Viet Cong to get together and do it. Meanwhile the cost in lives and dollars continues to mount. (See also *Pro* argument for alternative 4.)

4. Withdraw immediately.

Pro. We lost the war in Vietnam long ago and there is no way to win it now. It is not worth a single life to prolong our presence there as a way of trying to paper over the fact that we have lost. The Vietnamization policy simply prolongs the destruction of Vietnam's society and people which has been the result of U.S. policy all along. China and North Vietnam have a legitimate concern with South Vietnam because it lies on their borders; the U.S. intervention has always been unjustified. The sooner we recognize this and get out, the better. The South Vietnamese people are now concerned only with peace and security and not with the specific nature of the regime which rules them.

Con. The U.S. will suffer a severe loss of face if it withdraws from South Vietnam immediately, and our friends in that country will be purged by the communists.

5. Seek a negotiated settlement.

Pro. The U.S. seeks no territory in Southeast Asia but only wished to guarantee the South Vietnamese people the right to live under a regime of their own choice. The North Vietnamese ought to be willing to agree to this. Furthermore, it is only in the context of negotiations that the U.S. can withdraw from Vietnam without a severe loss of prestige.

Con. Our government has not negotiated in good faith. The National Liberation Front suggested a coalition government but our negotiators have insisted on backing the Thieu-Ky regime. Our military policy convinces the North Vietnamese that the negotiations are merely a sham, an attempt to buy time in which to strengthen the Saigon regime. The North Vietnamese have already defeated us on the battlefield in the sense that we have not been able to defeat them. Negotiations could only succeed if our government recognized that it has no way to force the North Vietnamese to give up at

the conference table what they have already won in South Vietnam.

The CCAS will provide further fact sheets, as well as orientation seminars for canvassers, as needed: CCAS, 1737 Cambridge Street, Room 305, Telephone 354-1959.

STANLEY CUP CHAMPS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today in praise of the Boston Bruins hockey team, who I am sure my colleagues are aware, on Sunday, May 10, 1970, won the Stanley Cup for the first time in 29 years. Eight months to the day that Boston began training for this hockey season, the championship was brought home.

Throughout the season the Bruins showed the results of hard work, team spirit, and unexcelled talent which brought them and Boston this well-deserved victory.

The St. Louis Blues played a valiant game and they are a good team, but never for a moment did any of us doubt that Boston would win the coveted award.

This faith was well rewarded when after 40 seconds of overtime Bobby Orr thrilled all of those watching by smashing in the winning goal.

The pride and heartfelt gratitude of all of us go out to Bobby and his teammates who gave us a job well done.

Mr. Speaker, at this time I include several articles which appeared in local papers describing this momentous game as well as a list of the players for the Bruins, each of whom deserves mention and thanks:

BOSTON BRUINS HOCKEY CLUB: 1969-70
STANLEY CUP WINNERS
SINDEN CONFIDENT

The Bruins have shown steady improvement in the three years since Harry Sinden took over as coach. They finished, last, third, and second in the East Division, and took Montreal to six games in the East's Stanley Cup final round, a year ago.

Harry is looking for the B's to continue that improvement this year by topping the East Division and making the Stanley Cup finals.

At 35, Sinden is the second oldest coach in the NHL, from point of service. Only Chicago's Billy Reay has been at the job longer.

Although he never played in the NHL, Harry was an outstanding amateur defenseman and starred for the Whitby Dunlops, the last Canadian team to beat the Russians and win the world's amateur title back in 1958.

He joined the Bruins organization as a defenseman for Kingston in the old Eastern League, later became playing coach and moved with the team to Minneapolis and Oklahoma City in the Central League, before coming to Boston in 1966.

MEET THE BRUINS

Ed Johnston, goal, No. 1

Eddie Johnston, now in his seventh season with the Bruins, obtained from the Montreal farm system in 1962-63, a 33-year-old veteran, is happy to be around.

A year ago his career almost ended when he was hit on the head by a puck in pre-game warmup at Detroit, Oct. 31. Eddie was out of action for two months. It was feared for a time that he might not play again.

But, he made a great comeback and enjoyed another fine training session this fall.

Gerry Cheevers, goal, No. 30

Gerry Cheevers certainly should be well-known to Bruins fans after his great performance in the play-offs against Toronto and Montreal.

He registered consecutive shutouts against Toronto to put the Bruins into the East Division finals, against Canadiens. He took the eventual Stanley Cup winners into three overtimes before they successfully defended their title against St. Louis.

In the off-season Cheevers is a keen student of horse racing, hoping eventually to become a trainer. He worked the past summer as a public relations man for the Ontario Jockey Club, at Woodbine and Fort Erie Tracks.

Bobby Orr, defense, No. 4

Bobby Orr was only 19 when he was awarded the Calder Trophy as Rookie of the Year, in 1967. New York's Harry Howell was named the winner of the Norris Trophy as the outstanding defenseman.

"I'm very happy," said Howell, "because after this it will be known as the Bobby Orr Trophy."

Howell was quite a prophet. Despite knee injuries, two operations and limited to 46 games in his sophomore season, Orr was named to first all-Star team and voted the Norris Trophy. Last year, he came back from his knee problems to play in 67 games. He set scoring records for a defenseman, 21 goals and 43 assists for 64 points, retained his all-Star rating and repeated as Norris Trophy winner.

Phil Esposito, center, No. 7

Phil Esposito can claim the sorest feet in hockey but also can claim the greatest scoring feat, in N.H.L. history after last year's 126 points.

This made the Bruins' center the first player ever to score more than 100 points in the N.H.L. He set a new mark for assists, 77, and 144 points for regular season and playoffs. With linemates Ken Hodge and Ron Murphy he shared in most points by a line with 263. His 49 goals and his 77 assists were most by a center. He won the Hart Trophy as N.H.L. Most Valuable Player and first all-Star center.

Ken Hodge, right wing, No. 8

An appendectomy the fourth day of training camp threatened to delay Ken Hodge's bid to break his personal scoring record of 45 goals of last year. But, the handsome 200 pound right wing made a rapid recovery.

In his first two years as a pro with Chicago, Ken totaled only 16 goals. But in his first year with the Bruins after the big trade of 1967-68 he blasted home 25 goals for the Bruins and, after a slow start last year, he almost doubled that output. Only three players in the league outscored him.

John Bucyk, left wing, No. 9

After 12 years in a Bruins uniform, Johnny Bucyk sets a record every time he steps on the ice. He holds several all-time club records. He has played the most games of any player in Bruins' history and has scored more goals and assists than any other Bruin player.

To earn these records, he had to erase the marks set by B's general manager Milt Schmidt and he has become one of the most popular players ever to wear a Boston uniform.

Two years ago, the fans gave him a "night" that turned out to be one of the biggest ever given a local hockey player.

Rick Smith, defense, No. 10

Four years ago, when the Bruins had Detroit's choice in the first universal junior draft, they had the Red Wings pick Rick Smith. Although he had two years of junior eligibility remaining, the Bruins thought he had NHL potential and he showed it last year.

He started the season with the B's, when Ted Green was late reporting to camp. He went to Oklahoma City when Green was in condition to return to the lineup. Rick returned to the B's when Gary Doak was sidelined with mononucleosis and a bad back. He proved he could handle himself against more experienced opponents.

Wayne Cashman, right wing, No. 12

Versatility could make Wayne Cashman one of the Bruins' key players this season—provided he escapes injury.

The 24-year-old forward can't be termed injury prone, but in past two seasons he has been victimized by freak accidents.

Two seasons ago he suffered a broken collarbone and last year in the Stanley Cup playoffs he was sidelined with a fractured right hand.

Although a right hand shot, he also can play left wing and filled in both spots during emergency last year.

Garnet Bailey, left wing, No. 14

This is Garnet Bailey's third year as a professional and the 21-year-old, left-hand shot from Lloydminster, Sask. is rated an outstanding prospect in the Bruins' organization.

The 5-11, 180-pound wing made an instant hit with Boston fans last November, when he was called up from Hershey and showed an aggressive style of play.

Sent back to Hershey, he scored 21 goals and had 32 assists for 53 points. Returning to the Bruins late in the season he scored two goals and two assists, in the 11-3 rout of Toronto.

The Bruins picked up Bailey from Detroit three years ago when he was 17 years old and playing for the Edmonton Oil Kings Juniors.

Derek Sanderson, center, No. 16

Derek Sanderson is becoming one of the most colorful players in the N.H.L. Not only because Sandy has preference for mutton-chop sideburns and mod clothes, but he's one of the league's outstanding centers as proved the past two seasons.

He was named Rookie of the Year, scoring 24 goals and 25 assists his first year and last year was credited with 26 goals and 22 assists, breaking the sophomore jinx.

This year he has set a goal of "around 40" goals for himself but, really just wants to play as much as possible.

Fred Stanfield, center, No. 17

Probably the most underrated of the Bruins in 1968-69 was Fred Stanfield. The 25-year-old center came to the Bruins from Chicago with Ken Hodge and Phil Esposito. Stanfield scored 25 goals and 29 assists last year. But, he is such a quiet and unspectacular workman there is a tendency to overlook his contributions to the team.

A good two-way skater, Fred also is an outstanding playmaker. When necessary he uses his 175 pounds with effectiveness, but spends little time in the penalty box.

Ed Westfall, right wing, No. 18

A jack-of-all positions and master of the "shadowing" technique, Eddie Westfall finally established himself as regular right wing for the Bruins last season.

Westfall came to Bruins in 1961, an outstanding defenseman from Niagara Falls Flyers. He was up and down for a year at Kingston and Providence.

Finally joining the Bruins in 1964-65 he

was mainly a penalty killer and general utility man.

Three years ago Harry Sinden put him on right wing for Derek Sanderson. In the play-offs he and Sanderson teamed to score five times while the Bruins were a man short. Eddie scored two of the goals.

John McKenzie, right wing, No. 19

The big deal for the Bruins in recent years was the swap that brought Phil Esposito, Ken Hodge and Fred Stanfield from Chicago. But there is another deal that should not be forgotten. That's the trade of Reg Fleming to New York for Johnny McKenzie.

In the 3½ years he has been with the Bruins, McKenzie has scored 87 of his 124 lifetime goals in the NHL, despite the fact that is only 5-9 and weighs but 170 pounds.

Johnny gave up his off-season hobby of roping calves at rodeos around Calgary two years ago at the request of the Bruins front office and spent the past summer as an instructor at several hockey schools in Western Canada.

Dallas Smith, defense, No. 20

Dallas Smith, the most underrated of the Bruins regulars is paired on defense with Bobby Orr and so, receives little attention from fans or press. But, he is well-appreciated by Harry Sinden and his teammates.

So, steady and cool at his position he actually permits Orr to play the style of game that has made Bobby one of the most spectacular in the NHL. Dallas is one of the toughest men in the league for a rival puck-carrier to beat, he is an exceptional skater and can carry the puck out of his own zone as well as anyone in the league.

Jim Lorentz, center, No. 22

Jim Lorentz, a prize newcomer to the Bruins is a native of Niagara Falls, Ont. The 5-11 center dominated Central League scoring the past two seasons for Oklahoma City. He paced the individual scorers with 110-plus points in both seasons, even though last year he spent some time up with the B's and was ill the last few weeks of the season.

He was the CHL's Rookie of the Year in 1967-68 and last year was named the league's Most Valuable Player and all-Star center. He has moved up the Bruins' ladder from Waterloo Junior through Junior A, at Niagara Falls.

Bill Speer, defense, No. 24

Bill Speer came to the Bruins unexpectedly last June, after Pittsburgh drafted Glen Sather from the B's. A 27-year-old native of Lindsay, Ont., Speer played 68 games for the Penguins in 1967-68.

Last year he spent much of his time traveling between Pittsburgh, Baltimore and Amarillo, Texas. He made his presence felt in the Bruins training camp after Teddy Green was seriously injured.

A sturdy 5-11, 210-pounder, Speer has a reputation as a "hitter". Because of this, he may be caught out of position at times but, he keeps the opponents honest.

Gary Doak, defense, No. 25

Injuries and illness have plagued Gary Doak ever since he joined the Bruins. But, this season the 23-year-old defenseman is hopeful of breaking the hex and justifying the Bruins' confidence in protecting him from last summer's draft.

In 20 games with the B's, after coming from the Red Wings in 1965-66 Doak showed great potential. Before the start of the following season he fractured an ankle. He played only 17 games that year, at Oklahoma City.

Last season he was plagued with a nagging backache, followed by mononucleosis and was sidelined for the season, after appearing in but 22 games.

Don Awrey, defense, No. 26

Durability is the trademark of veteran defenseman Don Awrey. In the last four seasons, three with the Bruins and one with Hershey in the A.H.L. the 26-year-old, 195-pounder has missed only three games, due to injury, or illness.

Oddly enough, he was sidelined in all of those games last season when the Bruins made their strongest bid for the Stanley Cup in 10 years. A shot on his ankle sidelined him for three games.

Don was first spotted by the Bruins playing Junior B hockey at Waterloo and sent to Niagara Falls. After two seasons with the Bruins he went to Hershey, 1966-67, and finally found himself.

He came back to play and stay.

Ron Murphy, left wing, No. 28

With 16 goals and 38 assists for 54 points Ron Murphy enjoyed the most productive of his 15 seasons in the N.H.L.

He hit the 200-goal figure and, teaming with Phil Esposito and Ken Hodge, he helped smash the previous NHL scoring record for one line. Having passed his 36th birthday the veteran left wing from Hamilton, Ont., decided to call it quits.

He had done this before, after being traded to the Bruins, but over the summer he once again reconsidered and reported to training camp at London, Ont., in September.

Don Marcotte, left wing, No. 29

Don is only 23 and last year was considered the outstanding left wing in the American League, playing at Hershey. At 5-10 and 183 pounds he has reached physical maturity and still is improving as a hockey player.

In Junior A with Niagara Falls he was teamed at left wing for Derek Sanderson and Sandy still is one of his greatest boosters. In his first professional season with Hershey he scored 31 goals. Last year he added four more to that total.

OFFICERS OF BOSTON BRUINS HOCKEY CLUB

- Weston W. Adams, Chairman of the Board.
- Weston W. Adams, Jr., President.
- Charles W. Mulcahy, Jr., Vice Pres. and General Counsel.
- Edward J. Powers, Vice Pres. and Treasurer.
- Shelby M. C. Davis, Vice President.
- Milt Schmidt, General Manager.
- Harry Sinden, Coach.

Board of directors

- Weston W. Adams, Chairman.
- Weston W. Adams, Jr.
- Shelby M. C. Davis.
- John H. Knowles, M.D.
- Charles W. Mulcahy, Jr.
- Harold H. Woollard.
- John Wallace.
- Edward J. Powers.

BOSTON BRUINS 1969-1970 ROSTER

No.	Players	Height	Weight	Age	1968-69 Club	1968-69 record			
						Goals	Assists	Points	
Forwards:									
14	Garnet Bailey	5'11"	192	21	Boston-Oklahoma City	24	35	59	
9	John Bucyk	6'0"	214	34	Boston	24	42	66	
12	Wayne Cashman	6'1"	192	24	Boston	8	23	31	
7	Phil Esposito	6'1"	208	27	Boston	49	77	126	
21	Jim Harrison	5'11"	196	22	Oklahoma City	13	13	26	
8	Ken Hodge	6'2"	216	25	Boston	45	45	90	
22	Jim Lorenz	5'11"	195	22	Oklahoma City	33	68	101	
19	John McKenzie	5'9"	177	32	Boston	29	27	56	
28	Ron Murphy	5'11"	192	36	Boston	16	38	54	
16	Derek Sanderson	6'0"	168	23	Boston	26	22	48	
17	Fred Stanfield	5'10"	184	25	Boston	25	29	54	
18	Ed Westfall	6'1"	200	29	Boston	18	24	42	
Defensemen:									
26	Don Awrey	6'0"	194	26	Boston	0	13	13	
25	Gary Doak	5'11"	188	23	Boston	3	3	6	
6	Ted Green	5'10"	200	29	Boston	8	38	46	
4	Bobby Orr	5'11"	180	21	Boston	21	43	64	
20	Dallas Smith	5'11"	180	28	Boston	4	24	28	
10	Rick Smith	5'11"	196	21	Boston	0	5	5	
						Min Pl	GA	SO	Avg.
Goalkeepers:									
30	Gerry Cheevers	5'11"	193	29	Boston	3112	145	3	2.80
1	Ed Johnston	5'10"	190	34	Boston	1440	72	2	3.00

General Manager—Milt Schmidt.
 Coach—Harry Sinden.
 Trainers—Dan Carney and John Forristall.
 Colors—Black, Gold and White.

[From the Boston Herald Traveler, May 11, 1970]

"I TOLD THOSE GUYS TO DO IT," BEAMS BUCYK

(By Tim Horgan)

"I told those guys," said Johnny Bucyk, "I didn't want to go back on the ice again. Fifteen years is long enough. Fifteen years is a long, long time."

And so "those guys," Bobby Orr and Derek Sanderson, saluted the Chief smartly, wheeled onto the Garden rink and in just 40 seconds combined to beat the incomparable Glenn Hall in the first sudden death overtime period of the fourth game of the third round . . . aw, forget it.

The Stanley Cup is back in town after, not 15, but 29 years. And if that's an unconscionably long time between drinks from this mug, it was clearly worth the wait.

If the Red Sox locker room after the final game of the 1967 season was sheer bedlam, the Bruins' quarters yesterday was all of that plus utter chaos.

The way they slugged champagne from the huge silver bin they'd just won, the Bruins' 29-year drought will be followed by a 30-year hangover.

"I never thought it would happen," said Milton Conrad Schmidt, who as player, coach and general manager, has been plugging after this loving cup all of those 29 years.

"But it did," said Milt. "And now they can't take it away from us, ever."

Not that anybody would dare try, the way the B's clutched the Cup from hand to hand, mouth to mouth. But Milt had fallen into the embrace of Weston Adams, Sr., who as co-owner, president and chairman of the board, had also lavished 29 years of his life in pursuit of this goal.

That's the beautiful part of the odyssey that ended yesterday with Orr slamming the puck, point-blank, past Hall and then himself sailing head-first across the goal mouth and into a corner.

No team ever worked harder for any prize than the Bruins did for the Stanley Cup. No team ever suffered more years in the dun-

geons of the NHL, in the tundras of Canada looking for raw material, in the vestibule of the throne room while the Montreal Canadians hoarded the treasure.

And even this final victory came hard. The St. Louis Blues, to their everlasting credit, fought the Bruins for this game before they finally yielded, 4-3.

"But that's the way to win it," said Ted Green, radiant in a raspberry jacket and a huge grin. "If the score had been 8-1, we wouldn't enjoy it as much."

The Bruins couldn't have enjoyed it more. Two hours after Orr's shot slid past Hall, the celebration raged, slobbered, splattered through their jam-packed quarters.

"It's been such a long time, I'm going to enjoy this a long time," said Eddie Westfall, who has spent nine years chasing the Cup up and down the Garden ice.

"I still can't believe it," said Eddie. "I keep waiting for the coach to go to the blackboard and write, 'Practice 10 A.M. Tomorrow.'"

The Bruins, however, will spend today parading around town, reliving the season, re-playing that goal.

"I didn't even see the puck go in," said Bucyk, who was handed the Cup by NHL President Clarence Campbell in honor of spending 13 of his 15 NHL seasons with the Bruins. "But I saw Bobby's stick go up in the air, and that was enough for me. I knew we'd won it."

Bobby didn't even know his stick had flown into the air, didn't know much of anything except sheer ecstasy.

"I think I was tripped from behind after I shot," he bumbled, resplendent in a golden jersey bearing the Bruins' emblem, and the legend "1970 Stanley Cup Champions," which all the players wore during the game. "But I really don't know what I did."

What Bobby did was put the finishing touch, the coup de grace, on a saga that'll be remembered as long as ice hockey is played.

[From the Boston Herald Traveler, May 11, 1970]

BRUINS WIN STANLEY CUP—15,000 ROAR IN HOT GARDEN

(By Jack McCarthy)

The Cup is back. At 5:10 p.m. yesterday in the steaming Boston Garden, Bobby Orr flew horizontally past the St. Louis Blues' net, the puck flew past goalie Glenn Hall and the Bruins had won the Stanley Cup, 4-3, at 40 seconds of overtime.

This flashing goal, on a pass from the other Bruins' kid, Derek Sanderson, gave the Bruins the final series over the Blues, four games to none.

The Cup was home after 29 years. And, as 15,000 people went berserk and organist John Kiley belted out "Paree," Capt. Johnny Bucyk accepted the Cup from League President Clarence Campbell and skated it around the ice in absolute bedlam.

The Bruins had to come from behind twice to win, and Bucyk had tied it once and Phil Esposito had tied it once. Ricky Smith had saved his first goal of the playoffs to give Boston an early lead, but despite some out-of-this-world stuff by Gerry Cheevers in the Boston net, here it was in overtime.

The Bruins forced the play in the Blues' end, and the puck came loose along the boards to Hall's left. Larry Keenan was after it for the Blues when Orr made the decision to go for it. He beat the Blue, passed to Sanderson at the backboards and broke for the net.

The Turk gave him a perfect return pass and as Orr flashed past Hall, he flipped it in, even as he was tripped by Noel Picard. Orr landed on all fours and slid along the ice with a wide grin on his face. He was then subjected to the most severe punishment as the Bruins steamed from their bench and leaped on him, body piled on body.

It was a tough loss for the Blues, who

failed to win a game in the final for the third straight year. St. Louis played its best game of the series and at times it seemed the series would move back West. The Blues forechecked well, pressed the Bruins hard, and it was only some great work by Cheevers that kept Boston in the game over the first period and a half.

The Blues' scorers were Red Berenson, Gary Sabourin and Keenan, and once again St. Louis got a fine game from the veteran Hall in the cage.

It was the 10th straight play-off victory for the Bruins and for Cheevers, and it brought them \$3,000 per man to add to the \$4,000 won previously by victories in earlier rounds over the Chicago Black Hawks and the New York Rangers. The Blues got \$1,500 as runners-up, after earlier victories over Minnesota and Pittsburgh.

Boston also preserved the Eastern division's record of never having lost a game in the Cup final to the expansion West. St. Louis lost in the past two years to Canadiens in the final 4-0 each time.

The Bruins set a few records in their match to the Cup. Cheevers won 12 games and lost 1. The Bruins and Cheevers won 10 straight. This is believed to be a record for a goaltender. The total for the team is only one off the Canadiens' 11 straight. Esposito's goal gave him 13, a record for a playoff year. Orr's goal gave him nine and 20 points, adding to records for a playoff for a defenseman, already set by him. The Bucyk-John McKenzie-Fred Stanfield line got two points yesterday, giving them 52 points—a new line mark.

This was the fourth Stanley Cup for the Bruins, and their first since the Schmidt-Dumart-Bauer days of 1940-41. The others were 1938-39, and 1928-29.

The first score of the game came on a three-on-three situation with Orr, McKenzie, Ecclestone and Picard in the box for a roughing spree. Sanderson made one of his patented sweep checks to get the puck to Ricky Smith on Hall's right about 30 feet out. Rick found the upper left hand corner over Hall's shoulder at 5:28, and Boston led, 1-0.

Cheevers dominated the rest of the period after an early glitterer off Berenson, in alone. Along the way, Gerry stopped Berenson, again. Bill McCreary, Tim Ecclestone, Phil Goyette and Bob Plager. He came way out on a breakaway by McCreary to catch a hard shot in his glove for the gem of the day.

With 1:43 left in the first, and Andre Boudrias and Stanfield off for roughing, Bob Plager's sweeping backhand was saved by Cheevers, but Berenson was close up to poke in the rebound at 19:17 and tie it.

The Bruins did not look anything like world champs during this spell. They were uncertain and tight against the good forechecking of the Blues. And when Sabourin pounced on a free puck to tie it at 3:22 of the second period, things did not look good. St. Marselle rushed into the Boston end and Dallas Smith rode him off the puck, which was left unattended. Sabourin stepped up and whanged a 35-footer into the far corner to give the Blues a 2-1 lead.

Boston apparently scored at the seven-minute mark, but referee Bruce Hood ruled that on Espo's tip of Stanfield's slap shot past Hall, Phil's stick was too high.

The Bruins now began applying heavy pressure, but couldn't get the good shot until Espo won a faceoff in the Blues end and the puck went to Ken Hodge. The big wing slid it back to Espo, who snapped a 20-footer into the near side at 14:22 to tie it again and break the record.

Still fighting, the Blues took the lead again with only 19 seconds gone in the third period. They swarmed in the Boston end, and Ab McDonald fanned on a great chance just outside the crease. Keenan grabbed the puck and backhanded it in off Cheevers' face mask for

the 3-2 lead. Cheevers went down on the play, but continued after treatment.

In the third period, Hall made a fine stop off Sanderson and felled Bucyk on a great chance when John couldn't lift the disc over him.

But the Chief was back again in a moment on the end of a nifty scoring play with Ricky Smith and McKenzie. Smith flipped the puck off the boards on the right to little John and he made a perfect feed to Bucyk in front of Hall. John got this one up and in, and the score was tied.

Neither team could put it in thereafter and the overtime was set up, and with it, Orr's finishing touch to Sanderson's pass and a big season for Boston.

Scraping the ice—The humidity was high in the Garden and everyone was in shirt sleeves. Many women wore summer dresses . . . The thermometer registered 93 degrees on the Garden roof . . . The last overtime goal for Boston in a Cup final was by Jack McIntyre against Terry Sawchuk of Detroit at the Garden, March 29, 1953. Boston won that game, 2-1. . . Jean Belliveau beat Boston in the second overtime of the sixth game here last year.

The city will fete the Bruins today with a parade at 12:45. The route will be from the Statler-Hilton in Park Square to City Hall . . . The NHL board of governors will announce today the winner of the Conn Smythe Trophy, given to the outstanding player in Stanley Cup play.

Milt Schmidt was thrown in the showers by the players, new suit and all.

[From the Boston Herald Traveler, May 11, 1970]

HAPPY BEDLAM HITS THE CITY

(By Jack Kelley)

The lighted billboard atop North Station blinked 95 degrees. That in itself might have been sufficient reason for the crowd on the sidewalk below to be bathing one another in cold beer.

But the temperature would have made little difference to the thousands of "Garden faithful" cascading down the concrete ramp to Causeway street.

It was a Christmas-carnival mood. Everybody loved everybody else. Strangers embraced, pounded one another on the back and shook every hand in sight.

In the bars the shirtsleeved, shouting fans watched televised locker room interviews, drowning out the audio with tumultuous salutes to their hockey-playing heroes.

In the Iron Horse everyone from Bobby Orr's mother to the man who clears the Garden ice was toasted by a burly fan pouring champagne with the abandon of a millionaire.

Outside, the familiar shout of "We're Number One!" echoed through the streets, taverns and restaurants of the North End, eclipsing even the rumble of the trolleys passing overhead.

The crowd surged into the street thumping cars and reaching in open windows to ruffle the hair of the passengers and drivers.

When a Cadillac and Oldsmobile slammed bumpers amid the tangle, the two drivers stopped just long enough to back off, exchange victory signs and roll away.

Sidewalk merchants hawked Bruins buttons and color photos and the crowd gobbled them up.

Fathers boosted poster-waving children to their shoulders and as each picture appeared above the crowd, a new roar rocked the streets.

The cheering, chanting crowd pressed into a circle and fans of all ages hopped and danced around the fringes like Indians wishing for rain.

Residents of nearby apartments filled the

air with makeshift confetti. One woman emptied a quart bottle of orange soda out her third-floor window.

Before long, police moved in and cleared the clogged streets. The men in blue formed a circle and the fans ringed them, worked up another frenzy, and swarmed back into the roadway.

Several arrests were made, mostly for "over-exuberance" on the part of fans who had apparently quenched their thirsts excessively. "We've waited 29 years for this" shouted one barroom fan, who looked like he had indeed been waiting that long.

Another carried a cardboard and tinfoil mock Stanley Cup from table to table, happily draining the creation as fast as generous patrons could fill it.

But even jubilation has its moments of irony. "The Red Sox will go all the way, too," exulted one glass-waving celebrant, to which another promptly rejoined: "Who the hell are they?"

[From the Boston Record-American, May 11, 1970]

BRUINS CHAMPIONS, 4-3, ON ORR'S OVERTIME GOAL

(By Joe Driscoll)

Happy hysteria gripped some 800 Cup-crazy Bruins fans yesterday as the clinching victory sent them shouting and laughing into the echoing, girder-lined canyon that is Causeway st.

Those who shouted themselves hoarse with the chant of "We're number one," augmented their joy with noisemakers rapidly being sold by the souvenir vendors outside Boston Garden.

The rumbling of the MBTA trains overhead seemed to lend an unexpectedly gay bass to the impassioned singing of "Bobby Orr, Bobby Orr," to the tune of "Wyatt Earp."

The crucial role of the Bruins' great defenseman had been anticipated by fan Edward Butryn of Cambridge.

"When it went into overtime," Butryn said, during the after-game celebration, "I was thinking to myself, 'I hope Orr gets the puck and makes one of his tremendous rushes and scores'.

"And that's just what happened."

The word "fantastic" was repeated over and over again by Bruins' followers almost dazed by the magnitude of their heroes' accomplishment.

Bruce Roberts of Chatham opined. "This is the greatest thing that ever happened to Boston." "The Chief (Bruins player John Bucyk) is finally getting the credit he deserves."

As the bars filled to overflowing with cheer-thirsted celebrants, some of the team's longtime loyalists remembered the lean seasons when the Stanley Cup seemed as remote as the Golden Fleece.

"I've waited a long time for this," said Frank Newton of Quincy, "and then to win it in a sudden-death overtime—well, you couldn't ask for a more exciting finale."

John Kaminski of Cambridge, agreed: "I've followed the Bs through the lean years and this makes it all worthwhile."

[From the Boston Record American, May 11, 1970]

ONLY ORR COULD HAVE DONE IT—SINDEN

(By Pat Horne)

"No other defenseman in hockey could have made that play," coach Harry Sinden declared of Bobby Orr's Stanley Cup-winning goal.

Forty seconds into the overtime period Orr and Derek Sanderson combined to do the trick. The most important goal in nearly 30 years for Boston.

The much-decorated Orr conceded this to be the "greatest day of my life."

Sinden was all smiles. His happy warriors had soaked him with a mixture of champagne and beer. He tried to wipe his face dry and blurt out a word picture of the crucial tally.

"He saw the opening . . . the only defenseman in the league who could have done it . . . Derek fed it to him just perfect . . . Bang . . . That was it," the coach declared as he slapped his hands together like a set of symbols.

The Boston coach agreed it was a big gamble for his ace defenseman to be buried so deeply in St. Louis territory.

He continued, "Yeah it was a big gamble . . . for any defenseman except Orr.

"If he didn't get the shot he still could have recovered in time to get back there on defense."

In answer to Sinden's plea that they not lay back and wait for a break, the Bruins roared into overtime play with fire in their eyes. "We lost two overtime games to Montreal in the playoffs last year because we waited," the coach recalled.

The flamboyant Sanderson was much better at recreating the situation than Orr. Mr. Everything of the NHL, was straining against the tears of happiness, retaining his ultra-modest character.

"Bobby took the puck away from Larry Keenan and passed it in to me . . . I saw him break for the cage so I just flipped it over Picard's (defenseman Noel) and Bobby was right there . . . perfect. He did it," the mod-leader of the Bruins recalled.

Explaining the payoff end of the goal that made it a 4-3 victory, Orr bubbled, "I didn't know if it was going to get in there. I was flying through the air and when I pushed the puck . . . it went between Glenn's (goalie Hall) legs as he came out . . . I didn't know if it would get in there."

Within seconds, Orr was enveloped in a sea of teammates.

"Once Espo (Phil Esposito) got that goal which broke the record, every guy on the team wanted Orr to get the winner," Sinden said.

It didn't make any difference to the modest defenseman. Just as long as the Bruins won the Stanley Cup.

Engulfed in the outburst of enthusiasm, it took Orr a few moments to gain his freedom. Just as soon as he did, he skated for the boards near the Boston bench. Why?

"My father was sitting there and I wanted to see him. But, he ran out because he was crying," Orr explained and then wiped at each eye with the back of his right hand.

It was poetic justice that Orr scored the game winning goal. He's done just about everything else for the Bruins during this explosive 1969-70 campaign.

Forgetting the emotional overtime goal for a second, Orr thought about what went on in the Bruins' dressing room at the end of regulation time.

"We didn't talk about anything special . . . but I couldn't help thinking about the fact we lost two overtime games to Montreal last year and I didn't want that to happen again," he offered.

Beyond this, Orr said, "I thought about how things were when I first joined this team and all the talk in the newspapers about what I was going to do.

"I was scared stiff . . . I didn't know if I would play with these guys . . . I was scared. I went to my room and these guys came after me and made me stay with them . . . they're the greatest bunch of guys in the world."

Getting back to the bedlam of the present, Orr was back in character. He was thinking about the other guys, but jumping up and down in an unusual emotional display.

"This is fantastic . . . just fantastic. But isn't it great for guys like Eddie Westfall . . . 'n Johnny McKenzie . . . 'n Espo . . . 'n Chief (Johnny Bucyk). They've been around for a few years and it's just great to have the Stanley Cup for them." Orr suggested.

Bobby Orr vows he will never forget the goal that brought Boston its first Stanley Cup in 29 years. There is no way Boston can ever forget Bobby Orr.

[From the Boston Record American, May 11, 1970]

ORR'S OVERTIME SHOT WINS CUP FOR BRUINS

(By D. Leo Monahan)

Bobby Orr, ah, that Bobby Orr, he sure does get to a guy. It was Robert Gordon Orr, the pride of Parry Sound, Ont., and hockey's Golden Boy, who streaked in from the blue line to convert Derek Sanderson's goal-mouth feed for an overtime goal that brought Boston a 4-3 victory and the Bruins the Stanley Cup for the first time in 29 years.

Orr's goal, scored just 40 seconds after the game went into overtime, triggered one of the wildest, pulsating demonstrations this town ever has known in sports and the champagne corks popped happily in the jubilant dressing room. Thus the Bruins swept the St. Louis in four-straight, but they had to struggle for their 10th playoff victory in a row; since 38-year-old Glenn Hall, playing his 112th playoff game in the Blues' nets, gave them one very rough time indeed.

The dressing room? It was sheer chaos. Wayne Cashman kept tossing champagne out of the treasured Stanley Cup as if it were a birdbath. Coach Harry Sinden, his tie askew and a big grin on his kisser, was soaking wet; his players tossed him and B's President Weston Adams, Jr., into the shower.

Johnny "Pie" McKenzie had a magnum of champagne, let it fizz and then showered all and sundry with it as if it were a fire hose. Gerry Cheevers, his Long Johns soaked with perspiration from a very trying afternoon, had a cigaret in one hand and a bottle of giggly in the other.

All over the room, players tripped over equipment, reporters and television cables in an effort to hug teammates. Goodness, the celebration could last for days.

Orr's goal came with amazing quickness. He broke in from his own blue line and headed straight for the net. Sanderson adroitly held his pass until the 22-year-old defenseman was expertly positioned. Then he slipped him the puck.

Orr rapped the shot between Hall's legs and the 14,835 fans let loose a great roar that shook the North Station and Boston Garden to its very foundations.

"I don't know where the shot went," said Orr. "I just know it was in."

"Look," he said, displaying a shirt he had on under his jersey. It read: "Boston Bruins, 1970 Stanley Cup Champions."

"Should be pretty good, eh?"

Around Bobby swirled his teammates. Garnet "Ace" Bailey sat on a hamper dumping beer on anybody's head that happened to pass by. Phil Esposito, who set a NHL record with his 13th playoff goal in one year, was drenched in beer and champagne.

Orr fell over a St. Louis defenseman an instant after the red light went on. He was still sprawled on the ice when all hell broke loose. His teammates swarmed him and fell on him. Sinden came skidding out to join the celebration. So did a swarm of youngsters.

The ice was littered with hats, streamers, beer cans, cups, papers, and a lot of other bric-a-brac. Name it and it probably came raining out of the stands.

Clarence Campbell, president of the National Hockey League, presented the Cup to the four alternate Boston captains: Esposito, Johnny Bucyk, who scored the goal to tie the game at 3-3 late in the contest; Eddie Westfall and Teddy Green, who was in civvies.

Bucyk, 35, the senior member of the staff, then was given the enjoyable chore of carrying the Cup—the oldest trophy in North

American sport—around the rink. He received a thunderous ovation and a big grin creased his dark features. It has been a long, long wait for The "Chief," Westfall, Eddie Johnston and a few of the other Old Guard who knew the trying last-place days of Boston's hockey fortunes.

The best way to describe the dressing room and the building itself is chaos, sheer and absolute chaos. There are people who have been coming to hockey games in this town for 12, 15, 25 years hoping for this day. Yesterday they had their celebration—and how!

Sid Solomon III, vice-president of the Blues, came in to pay his respects and won a well-round of good wishes from all. St. Louis fought the good fight. It just didn't have enough ammunition to keep the Bruins from sweeping.

Game No. 4, however, was a helluva lot tougher than the first three for the B's.

"The Bruins," said a Toronto writer after the second period, "have a bad case of the slows."

That they had. They had to rally from a 2-1 deficit on Esposito's goal and then Bucyk scored at 13:28 to keep the game "alive," just when it looked like the Blues' defense would cling tenaciously to its one-goal lead.

Rick Smith opened the scoring for the B's on a 3-vs.-3 situation at 5:28 of the first period. Sanderson—who else?—made the big play on this one, too, as he swept the puck out from behind the St. Louis net to Rick, who rifled a 25-ft. shot into the top right corner.

"Red" Berenson tied the score at 19:17 when he converted Bob Plager's rebound.

Gary Sabourin created a 2-1 lead at 3:22 of the second period. Frank St. Marselle and Dallas Smith were tangled along the boards. Sabourin picked up a loose puck at St. Marselle's feet and drilled a low slap shot to the far corner.

Esposito's record-breaking goal came at 14:22 of the second period to tie the game, 2-2. Espo won a faceoff with Andre Boudrias and slid it over to Ken Hodge. Big Ken made the return pass and Espo beat Hall to the far corner (stick side).

Previously, Espo had been tied with two of the all-time greats, Maurice "Rocket" Richard and Jean Beliveau, both of Les Canadiens, for the most goals in a single playoff year. His 13th snapped that deadlock and Hodge obliged by getting the puck for Phil as a keepsake.

When Larry Keenan scored on a backhand after just 19 seconds of the third period, it looked like curtains for the B's. Keenan, an injury-prone winger, has had a knack of getting big goals in the playoffs. This time his backhand caromed off the head of Goalie Gerry Cheevers and popped into the cage. Phil Goyette was screening the netminder at the time.

It was tug and haul, and for an agonizing long time it didn't seem the Bruins were going to pull off the big job. However, Little Johnny McKenzie took care of that. He did some deft digging and stickhandling along the right boards and finally snapped across a pass that Bucyk deflected into the rigging at 13:28.

Mr. Orr took it from there.

Today there will be a ticker-tape parade in downtown Boston and the winner of the Conn Smythe Trophy as the Most Valuable Player in the playoffs (Orr) will be announced.

But that, as they were saying about this series anyway, will be an anti-climax.

ICE PICKINGS

Bruce Hood worked a rather odd game, but nobody's complaining. He called some needless penalties—Boudrias and Fred Stanfield for roughing—but he then let another go. For instance, Tim Ecclestone rapped Don Awrey in the head with his stick and dazed

the B's defenseman late in the game. No penalty . . . There were a number of new signs about the building. One of the biggest read: "Bruins We Luv Ya." . . . Mrs. George Page and Mrs. Sam Videtta of Colonial CC showed up wearing Bruins' jersey with guess what number on the back? No. 4, you silly goose . . . Bob Plager hit Sanderson with a jolting check almost at the outset to establish the game . . . Esposito scored another goal on the power play in the second period, but Hood disallowed it. He claimed Espo tipped in Stanfield's shot while his stick was held above his shoulders.

BRUINS PLAYOFF SCORING

	GP	G	A	Pts.	PIM
Phil Esposito.....	14	13	14	27	16
Bobby Orr.....	14	9	11	20	14
Johnny Bucyk.....	14	11	8	19	2
Johnny McKenzie.....	14	5	12	17	35
Fred Stanfield.....	14	4	12	16	6
Ken Hodge.....	14	3	10	13	17
Wayne Cashman.....	14	5	4	9	50
Eddie Westfall.....	14	3	5	8	4
Derek Sanderson.....	14	5	4	9	72
Wayne Carleton.....	14	2	4	6	14
Don Awray.....	14	0	5	5	32
Dallas Smith.....	14	0	3	1	19
Dan Marcotte.....	14	2	0	2	11
Rick Smith.....	13	1	3	4	4
Bill Spear.....	7	1	0	1	4
Jim Lorentz.....	11	1	0	1	4
Gerry Cheevers.....	13	0	1	1	2
Dan Schock.....	1	0	0	0	0
Bill Lessuk.....	2	0	0	0	0
Gary Doak.....	8	0	0	0	9
Eddie Johnston.....	1	0	0	0	2

St. Louis.....	1	1	1	0-3
Boston.....	1	1	1	1-4

First period: 1, Boston, R. Smith 1 (Sanderson) 5:28; 2, St. Louis, Berenson 7 (R. Plager, Ecclestone) 19:17. Penalties—Sanderson 0:40; Fortin 4:41; Picard 4:41; Ecclestone 4:41; Orr 4:41; McKenzie 4:41; McKenzie 7:13; Picard 8:07; Stanfield 12:58; Awrey 16:04; Boudrias 18:36; Stanfield 18:36.

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Overtime period: 7, Boston, Orr 9 (Sanderson) 0:40.

Shots on goal by:

St. Louis.....	14	7	10	0-31
Boston.....	10	8	13	1-32

A-14,835.

[From the Boston Record American, May 11, 1970]

WE'VE WAITED A LONG TIME—SCHMIDT
(By Ed Gillooly)

Hysteria, pandemonium, lunacy. Call it what you will because no words can come close to aptly describing the wildest and wettest scene that took place in the Bruins dressing room for more than two hours yesterday after they captured the elusive Stanley Cup.

Beer and champagne were sprayed endlessly as the players drenched one and all with the foamy and bubbly stuff in an unbelievable display of uncontrolled joy and ecstasy.

"The celebration in 1941 was a wake compared to this," exclaimed Gen. Mgr. Milt Schmidt who was a member of the last Bruins team to win the coveted Stanley Cup.

"But you have to consider we've waited a long time (29-years) for this one," he added.

When the beer and champagne supply was nearly exhausted about an hour after the celebration began, the players then started dunking everyone in the shower and Schmidt, fully clothed, was one of the first.

One by one, from Weston Adams, Jr., to the writers who covered the team all season, everyone was carried to the showers by the players, especially Wayne Carleton and Rick Smith.

Bruins captain Teddy Green who missed the season because of the brain injury entered the dressing room neatly attired but before long he was running around in his tee shirt and undershorts.

The four-foot tall sterling silver Stanley Cup was passed from player to player and each took a turn drinking champagne from the top of the trophy.

It would be impossible to single out any one player who was more excited than Mr. Excitement himself, Bobby Orr, the B's super-star who scored the winning goal.

The young super-star, who kept pounding his fists on the lockers and praising his teammates, had the numerical experts working.

"Number four scored the winning goal at 40 seconds of the fourth period of the fourth game in his fourth season with the Bruins," one explained as though he were going to play all fours in the number Monday.

"If they wrote a script, you couldn't have asked for a better ending," goalie Eddie Johnston remarked referring to Orr's scoring the winning tally.

"We finally got it," Eddie Westfall chanted as he poured a bottle of beer on his pal Johnny (Chief) Bucyk, a couple of veterans who have waited a long time for a beer and champagne celebration.

"It felt just great," Bucyk replied when asked his feelings while carrying the Stanley Cup around the ice for the fans to view.

Coach Harry Sinden, dunked in the showers twice, summed up the bedlam in the dressing room stating, "Nothing can compare with the feeling you get winning the championship the first time."

Orr almost gagged when he was drinking champagne from the Stanley Cup and Westfall said, "Bobby, if you could only skate and shoot, you might make this team."

Garnet "Ace" Bailey, who missed the playoffs because of an injury, also stripped to his shorts and tee shirt and joined in on the celebration.

After a while, he raced from the main part of the dressing room spraying beer and shouting, "These guys aren't nuts, they're crazy."

Down the hall in the Celtics dressing room, the champagne was flowing freely but none of it was being wasted. The wives were toasting their champions.

LIFT SUSPENSION ON B'S GREEN

Ted Green, the Bruins' defenseman who underwent brain surgery after a high sticking incident with Wayne Maki on Sept. 21, has finished his 13-game suspension and is eligible to play next season.

NHL President Clarence Campbell informed B's Gen. Mgr. Milt Schmidt of the news in a letter.

"This will confirm my oral advice to you that I have received the reports of Dr. Michel Richard, neurosurgeon of Ottawa who was in charge of Green following his injury and of Dr. Robert Gojemann, head neurologist of the Mass. General Hospital, who has examined and tested Green on several occasions during the past six months.

"Both these medical experts have expressed the opinion that Green was physically fit to play hockey at the end of March. Accordingly, I have established April 1, 1970 as the date on which Green's suspension of 13 games took effect."

Since that date the B's have played three regular season games and 14 playoff games.

[From the Quincy Patriot Ledger, May 11, 1970]

ONE MORE TROPHY FOR ORR MANTEL

BOSTON.—Bobby Orr, the Boston Bruins spectacular defenseman, became the first

player in National Hockey League history to win four major trophies today as he was awarded the Conn Smythe trophy as the most valuable player in the Stanley Cup playoffs.

Earlier, Orr received the Art Ross trophy for leading the NHL in scoring with 120 points, the Hart trophy as the league's most valuable player and the Norris trophy for a third straight year as the league's top defenseman.

Orr's scoring of the Stanley Cup winning goal in overtime yesterday, which gave the Bruins a 4-3 victory over the St. Louis Blues, dispelled uncertainties in the minds of several voters because of the number of worthy candidates.

The modest Orr remained a modest man yesterday, even after the most thrilling goal of his career. He insisted that the part he played in the win was secondary to that of the rest of the team.

"They did all the work," he said, "Like on that winning goal. Derek Sanderson made the play, all I did was just put the puck in the net."

[From the Quincy Patriot Ledger, May 11, 1970]

NO DISPUTING BRUINS' POSSESSION OF STANLEY CUP

(By Roger Barry)

BOSTON.—There's no dispute about the Bruins' right to the Stanley Cup, but there'll be controversy indefinitely about tactics used by their last two opponents, the Chicago Black Hawks and St. Louis Blues.

First Billy Reay, the Chicago coach, permitted the Bruins to put the handcuffs on Bobby Hull, the heavyweight forward who scores more goals per season than anyone ever.

The Bruins' Ed Westfall checked Hull so thoroughly, with help from his teammates, that he outscored the great scorer as well as outshooting him.

Then Scotty Bowman, the St. Louis coach, did two things which will continue to be questioned:

He used both Jacques Plante and Ernie Wakely as goalkeepers before using Glenn (Mr. Goalie) Hall in the third game of the four-game final series.

And before using Hall, he committed himself to a one-on-one defense against Bob Orr which seemed destined to failure from the start because of the inferior St. Louis personnel. It failed.

Why didn't Bowman play Hall against the Bruins from the start? Before the start he said, "I'll continue to rotate my goalkeepers as I have been, which means I'll probably use Plante, Wakely and Hall in that order."

Said Montreal coach Claude Ruel yesterday, "In a series like this you go with your best. You have to go with your best. Who is their best goalkeeper? Hall is."

The Blues played their two best games—yesterday's was their best—in front of Hall, even though both games were played in Boston Garden. Had Hall been in the series from the start, he might have made a difference.

How much difference? The series might have gone six games, but the Bruins probably would have won, anyway.

Reay, who was here yesterday, has been questioned so much about the Hull business he's not interested in hearing any more about it. Bowman will probably be as fed up with questions about defending Orr and not using Hall more before long.

ICE CUBES

The winner of the Conn Smythe Trophy as the outstanding player in the playoffs, by vote of the National Hockey League's Board of Governors, was scheduled to be announced this noon. The winner was scheduled to be Mr. Orr. Bob's scoring of the Cup-winning goal dispelled uncertainty in the minds of several voters, because of the number of worthy candidates. Harry Sinden, the Bruins'

coach, admitted after the game he was concerned early in the first period when Noel Picard came off the St. Louis bench to grab Orr in a flareup caused by Don Awrey and the Blues' Tim Ecclestone. "I was afraid maybe Picard was being sent out to get him," said Sinden. Picard is a 225-pound former police officer acquired by St. Louis in 1967 primarily for his fighting ability, but he has become a pretty good defenseman. He didn't get Orr.

Bob beat Larry Keenan to a loose puck, passed to Derek Sanderson against the end boards, then flipped Sandy's return pass between Hall's pad for the winning goal at 40 seconds of the overtime period. It was the Bruins' first overtime win in a playoff game since March 27, 1958, when Jerry Toppazzini scored at 4:46 to beat the Rangers in New York by the same score, 4-3. It was their first overtime win here since March 29, 1953, when Jack McIntyre scored at 12:29 to beat Detroit and Terry Sawchuk here, 2-1. And the Bruins' all-time playoff record for overtime games is now 17 wins, 24 losses and three ties. So there.

Ted Green to Eddie Johnston: "This is the only way to win something like this, with a real smash ending. This is something to remember. A 6-1 game or something like that wouldn't mean as much." The Bruins have been informed by NHL president Clarence S. Campbell that Green's 13-game suspension for his fall altercation with Wayne Maki of St. Louis has been completed. Ted will remain here the remainder of this week for the team's parties and some golf before returning to his home in Transcona, near Winnipeg.

Sinden: "I'm glad for guys like the Chief (Johnny Bucyk) and Eddie Jay (Johnston) and Eddie Westfall and who else—Greenie. They're good hockey players, and after my first year here (1966-67), when we finished away down in the mud, I said to them, Your day will come. This is the way it should be for guys like them." . . . Bucyk: "It took me a little while (15 seasons) to get a piece of it, but I was sure we would this time. We're a good team."

Don Awrey: "This was by far the best game St. Louis played. Boy, they were tough. I'd say maybe this was the toughest game of all we've had. But we weren't completely surprised. They were pretty tough to play during the season, too." . . . Phil Esposito deflected a Fred Stanfield shot into the St. Louis goal at 7:30 of the second period, but referee Bruce Hood ruled no goal, that Esposito's stick had been above his shoulders. Thus Phil's record-breaking goal four minutes later was a more satisfactory way for him to make the record book. "That's now," said the long-armed center. "At the time (of the deflection) I was just thinking about winning, not records."

Detroit Coach Ned Harkness and Gordie Howe were here for television roles with Red Kelly. Also here were two Bruins of the 1940s, Bep Guldolin and Ken Smith, and Toronto's Mike Walton. The girls wearing Bruins' No. 4 jerseys were Mrs. George Page and Mrs. Sam Videtta, wife of the hospitalized Colonial Country Club goal professional. "Bobby dared them to wear them," said Page, "and they took him up. They were both melting after one period."

[From the Quincy Patriot Ledger, May 1, 1970]

MAY 10 WAS THE GREATEST DAY FOR ALL OF THEM

(By Joe Gordon)

BOSTON.—Harry Sinden stared at the small gathering in his office, just outside the main dressing quarters of the Bruins' dressing room.

He stared, but he didn't see who was there. "What day is this," he asked. Somebody told

him it was May 10, 1970. He turned slowly and a smile began to form on his lips.

"May 10," he repeated. "That's eight months to the day that we started training camp this season. This is a day I'm never going to forget. It's the greatest day of my life."

"It's the greatest day in their lives, too," he said, pointing toward the Bruins who were on a wild celebrating rampage in their dressing room.

"It's the greatest day for everybody on this team because none of them have ever had their name engraved on that thing before."

"That thing" was the Stanley Cup. Now Ken Hodge ran through the corridor leading to trainer Dan Canney's room carrying the massive piece of silverware on his shoulders. Now Wayne Carleton poured a mixture of beer and champagne into the bowl perched atop the trophy that is so important to every professional hockey player.

Now Milt Schmidt (Bruins' general manager) and Sinden are carried with all their clothes on into the shower room for the traditional dousing.

Sinden came back to his office, the joyous mob still gaining momentum in the background saying, "Sure, there are going to be many more of these kinds of days in Boston, but none of them will ever be like this one and that's because it's the first one for them." And for Sinden, as well.

"I feel so happy for guys like Chief (Johnny Bucyk) and Eddie Westfall," Sinden went on. "They went through so much hell when they were losing year after year, especially Bucyk. He deserves this. I know what it's like because I was through it one year, too."

"But not now. I think this is the best Boston Bruins team that there ever was. What other team had a guy like Bobby Orr? What other team had a guy like Orr and then a guy like Phil Esposito on top of that."

The "mob" had run out of people in the main room to throw in the shower. They infiltrated the peaceful confines of Sinden's office. Carleton carried the TV voice of the Bruins, Don Earle of Channel 38, into the shower and then came back for Doug Orr, Bobby's father, Harold Sanderson, Derek's father, along with Fred Stanfield's father, already had had their trips.

In contrast to the wild scene in the Bruins' room, the scene in the St. Louis Blues' room was funereal.

Of all the players on the Blues, only rookie goaltender Ernie Wakely was in a talking mood. Wakely played extremely well during the season for the Blues, with Glenn Hall and Jacques Plante as "tutors".

"There's no way of actually telling how much it has helped me to come up with a team that has two of the best all-time goalies playing on it," said Wakely, who played 30 regular-season games and then lost all four playoff games he appeared in.

"All I know is they have been very helpful," he went on. "Especially Jacques. He has pointed out things that I've been doing wrong and tries to help me straighten them out."

"I have tried to pattern myself after the best part of each one's style." If Wakely should succeed in attaining that goal of picking up the best of both goalies' styles, the Blues won't have to worry about losing any more Stanley Cup finals in four straight games.

Eddie Johnston, one of the veterans of the lean years with the Bruins, had nothing but praise for the job turned in by Gerry Cheevers during the playoffs. Johnston and Cheevers split the goaltending chores during the regular season, but Cheevers was 12-1 and Johnston 0-1 in the playoffs.

"He was great and he's one of the big

reasons we won this thing," said Johnston. "He kept us in there when he had to. Of course, Bobby Orr was the big one again."

Orr doesn't say very much in the way of quotable quotes. He's not the flashy personality that Sanderson is, and yesterday was no different. He insisted that the part he played in the win was secondary to that of the rest of the team.

"They did all the work," he said, "like on that winning goal. Sandy made the play; all I did was just put the puck in the net."

There are those who hope Bobby never changes. They hope he remains modest and keeps putting the puck in the net.

Score by periods

St. Louis	-----	1	1	1	0-3
Boston	-----	1	1	1	1-4

First Period: 1, Boston, R. Smith 1 (Sanderson) 5:28; 2, St. Louis, Berenson 7 (R. Plager, Ecclestone) 19:17.

Penalties—Sanderson 0:40; Fortin 4:41; Picard 4:41; Ecclestone 4:41; Orr 4:41; McKenzie 4:41; McKenzie 7:13; Picard 8:07; Stanfield 12:58; Awrey 16:04; Boudrias 18:36; Stanfield 18:36.

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Shots on goal by:

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Boston	-----	10	8	13	1-32

Attendance: 14,835.

[From the Quincy Patriot Ledger, May 11, 1970]

MUCH GREEN FOR BLUES

(By Joe Gordon)

BOSTON.—Scotty Bowman wouldn't admit to any frustration yesterday in the St. Louis Blues dressing room after the Bruins had won a sudden-death overtime game to take the final Stanley Cup series in four straight games.

Bowman, coach and general manager of the Blues, surprisingly balked at the thought of frustration, despite the fact that his club has reached the Stanley Cup finals three consecutive years, and has seen the cup fade away in 12 straight games, or three sweeps. Yesterday's score was 4-3.

"Everybody knows they're a better club," said Bowman, referring to the Bruins, "so why should we be frustrated because we lost to them? Besides, the \$8,500 dollars we won is a lot of consolation. When you figure we've won that amount three times now, it's a lot of money we've made."

Bowman said it again. "They're a better team than we are." He said it in St. Louis after the Bruins won the first game of the series, and he never stopped saying it.

From the looks on the Blues' faces as they sat in the visitors' dressing room, they did not share Bowman's lack of frustration. Veteran goalie Glenn Hall, who played the two games in Boston and who kept the Blues in yesterday's game with his excellent goaltending, had no intention of discussing the series with any writer.

He dressed hurriedly and left even faster. Red Berenson, a high-scoring center ice man, followed suit as did most of the other Blues. They didn't act like men who felt no frustration.

Bowman was perfectly willing to discuss the series. "This was our best game, no doubt about that," he offered. "We usually get out-shot pretty badly here (at Boston Garden),

but it was even today." Even after three periods until Bobby Orr scored after 40 seconds of overtime.

"We were going to gamble in that overtime period if we got the chance," said Bowman. "We didn't even get the puck out of our end. You can see now why we don't play overtimes during the season—the strong just get stronger.

"I'm proud of what my team did today," Bowman went on. "We were getting very close to humiliation until today, but we stood up to them pretty good. No one can laugh at us now."

Speaking of gambles, Orr's winning goal, had the puck not gone in, might have resulted in a St. Louis breakaway. Orr gambled when he worked a give-and-go play with Derek Sanderson in the corner.

"I wasn't surprised one bit by Orr's goal," commented Bowman. "Sure, it was a gamble for him, but that kid would have gotten back on time if he hadn't put the puck in the net. Believe me, he would have been back to cover up."

The Blues, of course, had their backs to the wall yesterday, but Bowman figured the Bruins might be a little tight as well as going into the game.

"Of course they wanted to win it in four and win it at home," he said. "So that had an effect on our strategy. We tried to play it more aggressively in their end. We had plenty of good chances, too, but we couldn't score. That's the difference between the two divisions.

"The trouble with playing against the Bruins is that they have so many players you have to contain. They get goals from all their lines, and their defensemen score, too. That's too much to stop."

[From the Quincy Patriot Ledger, May 11, 1970]

THREE FORMER CHAMPIONS CELEBRATE RETURN OF CUP

(By Roger Barry)

BOSTON.—Three men who played for the Bruins' Stanley Cup Champions of 1939 and 1941 joined in celebrating the end of a drought which lasted 29 years last night.

Participating in the merriment in and around the Bruins' dressing room were Milt Schmidt, Johnny Crawford and Dit Clapper. Schmidt is here regularly, for he's the Bruins' general manager, whose judgment of talent has been responsible for the assembly of the new champions. He was a star center for the pre-World War II winners.

Clapper, a right wing as a youngster for the champion Bruins of 1929, was a star defenseman for the two pre-war winners. Now 63 years old, he's tanned and trim and in business in Peterborough, Ontario.

Crawford was also a star defenseman and as Bruins' captain he succeeded Clapper and preceded Schmidt. Johnny has lived for many years in Centerville and operates an extensive wholesale paper business in Southeastern Massachusetts.

Said Clapper, "It's always great to see your team win a game and even greater when you see them win the Stanley Cup. My heart has always been with the people here, where I've had so many wonderful friends, and I'm delighted for these great fans."

Said Crawford, who also played for Clapper when Dit coached the Bruins, "That kid (Bob Orr) is just absolutely unbelievable. I've never seen anything like him, or even close. He's just always on the net with that shot. Some of these other guys should copy him."

Extracting a pen from his suit jacket, Crawford pushed his 250 pounds ("I'm only five pounds over my playing weight of 195") into the mass in the pulsating room, saying, "I've never been in here before but I've gotta get his autograph."

Schmidt, an intense player, retained his intensity after becoming the Bruins' coach.

And as general manager he is a mass of perspiration after most games.

But he was damper than usual less than an hour after Orr's winning goal, for his players gave him a ride into the showers, expensive suit and all.

As Orr began his winning play Schmidt was apprehensive first, he admitted afterward. He thought the agile young defenseman was about to be trapped deep in the St. Louis zone, leaving Don Awrey back against a two-man St. Louis break.

"We got trapped like that once in overtime," he said grinning. "In 1938, I think, against Toronto, and George Parsons scored the winning goal against us."

"In the dressing room Ross (Art, Bruins' coach at the time) said, the Krauts (Woody Dumart, Bobby Bauer, Schmidt) will start; we'll see if we can surprise them with a quick one.

"We did, all right," chortled Milt, "We got trapped!"

Ross was manager, Cooney Weiland coach of the Bruins' last Stanley Cup champions, Ross, Bauer and Win Green, the trainer, are deceased.

The Bruins defensemen besides Clapper and Crawford were Des Smith, father of Oakland's Gary, and Jack Shewchuk. They had two other playoff lines besides the Krauts, Art Jackson playing with Roy Conacher and Eddie Wiseman and Pat McReavy with Herb Cain and Terry Reardon. Art Jackson and Mel (Sudden Death) Hill, were reserve forwards, Flash Hollett the busy handyman, playing defense, forward and killing penalties. The goalkeeper was Frank Brimsek.

Bill Cowley, who centered for Conacher and Wiseman, was the NHL scoring champion but he played little in the playoffs because of a knee injury, Jackson substituting for him.

Smith is involved in trotting track operations in Ottawa and Shewchuk has a car agency in Brantford. Dumart, Schmidt's neighbor in Needham, has his own sporting goods business and Cowley operates a hotel and grill in Ottawa. Conacher is a sale representative in Toronto, Wiseman and Hill both established in business in the Far West, Wiseman as an insurance broker, Hill as a cola distributor.

Reardon is general manager of the American League's Baltimore Clippers, McReavy employed by a wholesale distributor in North Bay. Jackson is in the production department of a St. Catharines industrial plant, Hollett with a Toronto investments firm.

Brimsek is a railroad engineer in Eveleth, Minnesota, Weiland coach of the Harvard University hockey team.

The Bruins won their last Stanley Cup before yesterday by beating Toronto in seven games then beating the Detroit Red Wings in four. Of those who wrote of their feats Herb Raiby is the Bruins' publicist, Henry McKenna recovering from a severe hip injury, Bill King in another business. Arthur Slegel, Web Morse, Vic Jones, Doc Mooney, Bill Grimes, John Gillooly and Jimmy Bagley are deceased. So is Frank Ryan, the play-by-play radio announcer, whose standard phrases still live in Johnny Pesky's imitations.

VOCATIONAL EDUCATION ACCLAIMED

HON. LAURENCE J. BURTON
OF UTAH

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1970

Mr. BURTON of Utah. Mr. Speaker, one of my good friends in the building industry, Richards Prows of Murray,

Utah, has talked to me a number of times about a subject which concerns him greatly; that is, providing alternatives to academic higher education. While I do not agree with all of Mr. Prows' conclusions, I believe he makes some valid points in a recent letter, from which I quote:

I am past the point of asking that proper attention be given to the providing of alternatives to academic higher education facilities . . . I am demanding it in the interest of my own youngsters, who may or may not want to go to college (academic), the youngsters who drop out of our academic colleges (two-thirds of all who enter) and those who don't get the opportunity.

In the face of rising technical needs, we should become vocationally and technically oriented rather than academic. We already have more than adequate institutions to satisfy the academic side of education. It's about time that the total "world of work" be given proper attention and recognition. This means the funding of vocational programs already authorized, public relations programs that will improve the "image" of the vocational or technical worker and the encouragement of local school systems to introduce our young people to the vocations at an early age.

I feel the state of Utah is particularly guilty of overemphasis on the academic side to the disadvantage of our economy and the social welfare of our people. I am now convinced that the best way to attract industry (as evidenced by the inquiries companies make as they consider locating in our state) is to become a vocational-technical oriented state . . . this will result in benefits to our state from an economic standpoint . . . providing new jobs, etc., and will have a great social impact, particularly as images are improved and pride develops in those who work with their hands.

Further . . . our current labor laws are destructive to our young people. The minimum wage precludes young people, who must have something productive to do in their free time, from getting jobs that will teach them how to work and feel that they are doing something beneficial. Employers can't be blamed for not wanting to pay sums not commensurate with production. This problem also prevents youngsters from the educational experience of being exposed to work.

"We are unable to hire in our industry (construction) young men until they are eighteen. By this time, many have not yet had the work opportunities that prepare them for permanent employment or even apprenticeship. No wonder we are having problems with many of our young people. I consider it a national disgrace.

Mr. Speaker, in the May 3, 1970 issue of Parade, there was an article entitled "Youth Notes" by Pamela Swift. It appears to support Dick Prows' contentions, and I include it, therefore, at this point:

YOUTH NOTES
(By Pamela Swift)
JOSS

Did you know that restaurants desperately need good, trained chefs? Did you know that chefs earn \$200 a week, that executive chefs often earn \$20,000 a year and more?

Did you know that vending machine repairmen are in such short supply that they can work wherever they want to at \$4 an hour and up?

Did you know that demand far exceeds the supply for TV repairmen, auto mechanics, assistant librarians, printers, bookbinders, diesel mechanics and cosmetologists? Jobs like these go begging, largely because young people just don't know about them.

At Los Angeles Trade-Technical College, 400 West Washington Blvd. in Los Angeles, Calif., however, they do. "We average approximately 6000 job requests per year," states Philip Smith, coordinator of public information for the college, "and of this number all we can usually fill are 2000."

Trade-Tech is part of the Los Angeles public school system. It offers two-year training courses in 72 different trades, plus evening courses for those who want to re-train or upgrade their skills. Tuition is free to California residents, \$195 per semester for out-of-staters. Anyone who is 18 or has a high school diploma is eligible.

After two years of training at L.A. Trade-Tech, TV repairmen and auto mechanics earn \$200-\$300 a week; cosmetologists earn \$150 a week; printers, bookbinders, Diesel engineers and assistant librarians earn from \$4 to \$6 an hour.

If none of these jobs suits your talents, Trade-Tech teaches courses in other trades which offer plenty of job openings. Many companies need more machinists, for instance. "Industry can easily find punch press operators," explains Smith, "but it desperately needs technicians who understand the machine, who can read blueprints, and make it work."

There is also a growing demand in the U.S. for metallurgists, men trained in the science of metals. Machinists and metallurgists earn \$4 and up per hour.

A Trade-Tech course called Radio Communication teaches the maintenance and upkeep of private radio systems, such as those used by police departments and taxi fleets. "We can offer every radio communication graduate from three to five job openings, earning 650-\$750 a month to start," claims Mr. Smith. "That's a better salary than many four-year college graduates get."

Many supermarkets now include their own bakeries. As a result bakers are in high demand. While in school, student bakers can earn \$3.50 an hour. After graduating they earn \$5.00 an hour.

"Surprisingly enough," relates Smith, "we can't fill the calls for secretaries. Our graduates earn from \$500 to \$700 a month."

If you are interested in courses in any of the forementioned fields, write to the guidance center at Los Angeles Trade-Technical College and request a brochure. "Our only requirement for admission," says Smith, "is that you sincerely want to learn a vocation. If you do we'll find you a part-time job and do everything we can to help you stay in school."

While it is one of the biggest and best vocational schools in the country, Los Angeles Trade-Tech is not the only one. If you can't come to Los Angeles, inquire about vocational schools and job training in your home area. Any guidance counselor at a nearby school or college, or the local office of the U.S. Department of Labor should be able to help you.

FARM SUBSIDIES—A PART OF THE "RECONVERSION ISSUE"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BROWN of California. Mr. Speaker, never before in the Nation's history have the American people and the Congress been so conscious of national priorities and the expenditure of the Federal dollar. One area in which this issue is evident is that of farm subsidies.

In 1969, \$659,327,827 was spent on payments to U.S. farmers. Think of how many schools that money could build; how much food could be bought to fill empty stomachs; how many slums could be torn down and replaced by livable tenements, and so forth. We talk about "reconverting" our defense dollar into meaningful domestic expenditures; reconversion should not be limited to the Defense Department but must include all Federal money—as farm subsidies—which is not being spent on the real needs of America and the American people.

The more we talk about this sacred—rarely touched—issue and bring it to the attention of the American people, the faster the money could be "reconverted." Mr. Felix Rodriguez has written an excellent article in the publication called "Organized Labor"—the official newspaper of the Building and Construction Trades Council of San Francisco. We need more of these articles in order to increase the dialog and awareness of this area. I commend Mr. Rodriguez.

I include in the RECORD a copy of Mr. Rodriguez's article.

CRYSTAL BAWLING

(By Felix Rodriguez)

FREE MONEY

You hear so much about farm subsidies. Everybody complains about how the most successful farmers pick up extra spending money from the taxpayers for not producing or for converting their lands from one produce to another.

It's like everybody complaining about the war: The taxpayers whose money is disappearing and families whose young men are also disappearing.

And both, farm subsidies and war, continue to escalate to a point of no return. In this here piece, let's examine the subsidy program; it probably won't bring me as much trouble as mentioning the dirty word—Peace.

In preparation for this, I have just spent more than an hour reading recent copies of the Congressional Record: you can look at it without getting emotionally upset.

The first thing that comes to mind after reading figures is that not enough members in Congress are listening to the farm workers, the most economically deprived sector of the American economy and only because their faces have changed over the past decades of farming operations, they are not as racially deprived as the blacks.

How does this grab you? In California alone, the Government pays out in subsidies to farmers enough to buy school lunches for every child of a farm worker's family, plus a second hand car for each such family.

Considering that the farm worker is limited to seasonal work, you will find him no better off than the welfare recipient.

ASKS LIMIT

Congressman Paul Findley of Illinois has, again, introduced a bill to limit subsidy payments to \$20,000 for each farm. (Findley's bill last session passed the House but was shouted down, very conveniently, in the Senate, so that Congress could adjourn for Christmas. Senator James Eastland, wearing a Santa Claus suit, announced he had stockings to fill.)

Findley's limit proposal, he said, would save the taxpayers more than \$300 million a year. How public education would have liked a bit of that! To say nothing of the farm workers who are having a hard enough time trying to be recognized as people.

Findley's disclosures (a matter of record) are quite revealing. They are suggested reading for Governor Reagan and Senator Murphy who this week urged full speed ahead for the Murphy Bill that would outlaw strikes on farms, except when there is little or no need for workers. Like telling a carpenter he cannot go on strike once he has started construction work.

The J. G. Boswell Co. of Kings County has accepted a check of \$4,370,657 in 1969 farm subsidies. It does not take a stretch of the imagination to see that, at the moment of accepting the government gift, the firm was not thinking of a tattered farm child who went to bed hungry, tired of not-belonging and with a dread of facing more endless days of pretending.

Findley's figures show subsidies of \$659,327,827 for 1969 payments to U.S. farmers. The names are given of all those who were paid over \$15,000. They number hundreds. Those paid under \$15,000 number thousands and bring the total to hundreds of millions of dollars more. And it must be remembered, too, that the subsidies are paid principally to farmers for the use or non-use of their lands, not for crop losses.

FARMERS, WHO?

We should apologize to farm workers for saying that farmers receive the subsidies. Actually, the word farmers, in this instance, is a misnomer. Many of them do their harvesting by remote control from the plush offices in the agricultural capital of the world, San Francisco's Montgomery Street. This farm work is referred to as agri-business.

Here are some of Findley's figures (you can guess how the gifts would have helped the undernourished bodies and minds of children.):

\$609,327,827, paid to farmers receiving checks of \$15,000 or more. Figures are not available for the millions paid in lesser amounts.

The eight farmers receiving the highest payments in the U.S. All, incidentally, are from California counties:

- J. G. Boswell Co., Corcoran, \$4,370,657.
- Giffen, Inc., Fresno, \$3,333,385.
- South Lake Farms, Fresno, \$1,788,052.
- Salyer Land Co., Corcoran, \$1,637,961.
- Mt. Whitney Farms, Five Points, \$1,152,294.
- Kern County Land Co., Bakersfield, \$974,163.
- A. Camp Farms Co., Shafter, \$928,917.
- Vista Del Llano Farms, Firebaugh, \$778,624.

The California farms are mentioned here first because they represent the highest payments. More important, they give evidence that California farms are the largest in the country. While farm production is higher, the number of California farms is now about half the number of a few years ago.

But there are other, most revealing figures. Here are the top three states receiving highest subsidies (totals for payments of \$15,000 or more):

- Texas—\$176,981,133.
- California—\$76,337,801.
- Mississippi—\$66,291,101.

For comparison purpose, New York state received \$378,043.

These payments do not include those for sugar and wool.

Texas, California and Mississippi received 38 per cent of the total subsidies for all 50 states.

Mississippi's huge support payments should be understandable. That State's Senator James Eastland is chairman of the Senate's Agricultural Committee and he is the godfather of the present subsidy program. Is it any wonder, then, that his Eastland Plantation in Sunflower County, Mississippi, received \$146,792 for 1969?

TEXAS, TOO

To repeat, the figures given are only for farms receiving \$15,000 or more (1969 payments were considerably higher than in 1969). Texas had a far larger number of farms receiving payments, although California farms received larger individual checks. Texas for 1969 received about 29 percent of all payments above \$15,000.

The payments of some \$609 million of the nation's farms would more than double with the addition of the smaller farms under \$15,000. Findley's saving of \$300,000 would only reduce the largest payments.

I have not tried to study the significance of the figures showing that all of California's large payments, mostly in Kings, Kern and Fresno counties, are in southern part of the state. The largest recipient of all is Kern County where in Delano the farm workers have centered their struggle for recognition. Some of them are grape growers.

BAY AREA MONEY

Subsidy payments for the nine-county San Francisco Bay Area were almost negligible. The longest farm area, Santa Clara County was not listed among those receiving \$15,000 or more. Only Contra Costa and Solano counties were listed:

Contra Costa County
A. J. Al Porto—\$19,136.
E. Girsky—\$16,170.
Solano County
Peter Cook, Jr.—\$44,618.
Moore Bros.—\$31,1220.
George Struve, Jr.—\$27,624.
Arnold Collier—\$24,147.
E. A. Anderson & Sons—\$20,028.
Gnos Bros.—\$19,198.
Mayhood Ranches—\$18,612.
Solano Farms, Inc.—\$17,193.
Tom Abel—\$16,699.
Floyd Bonnifed—\$21,077.
Wallace McCormack—\$20,416.

WORKERS' BEEF

The struggle of farm workers, then, is far more than a mere demand for decent wages. It seems that when new laws are passed affecting farm production, farm workers are usually bypassed. They want dignity and fairness, too.

The farm workers do not argue the policy that, especially in California, result in small farms disappearing. Large farms gobble them, and get bigger and richer thanks to the free government money. Farm workers do not argue about the additional millions of dollars it costs for administration of the program.

But farm workers do argue that they do not have the same rights for unionism and government protection that other Americans do. They argue against the labor contractors who hold them subservient to theirs and the growers conditions of contracts and servitude. They argue against the government farm labor offices that are established for the benefit of the growers. They argue against the attacks made regularly by conservative politicians against their rights to legal services, principally against attacks on the Rural Legal Assistance.

VIVA LA CAUSA

The figures contained in this article are from official records. The comments on conditions are my own, from actual experience. Many of the ranch conditions have not changed since I worked for many years, starting as a boy of eight picking and cutting fruit and missing many days of school. We were always at the mercy of standing and improvised rules imposed upon us by grower and/or labor contractor. Often at the end of a day's work the handkerchief from my nose would show evidence of dust and pesticides. Often before going to work in the cool mornings I could literally jump into my pants, they were so stiff from the

previous day's prunepicking juices. Modesty would tell us to hide behind a tree for a toilet, always careful at the next picking not to trespass over the same area. Insect bites were occupational hazards. The pay was as lousy as the creatures and, in addition, there were deductions for this and that. And beware of strike talk—there were the town vigilantes. All this only within a few miles of the Bay Area.

GERMAN SOCIALISTS WANT U.S. TROOPS OUT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RARICK. Mr. Speaker, Willy Brandt's Social Democrats have deliberated demanding withdrawal of U.S. forces from Cambodia and Vietnam—but not Germany.

Many will remember that Willy, alias Herbert Karl Frahme, campaigned as an anti-American candidate against incumbent Chancellor Keissenger and was shoehorned into power through a minority coalition.

Since Herr Brandt's direction is more pro-East than pro-West, the hostile attitude of his political party toward the safety and welfare of U.S. fightingmen should remind us that some 70,000 U.S. troops serve as "hostages" in West Germany to assure Brandt's political establishment bargaining power in his dealings with Moscow and the Red dictatorship of East Germany.

The Social Democratic demands for withdrawal of our troops should also remind us that VE Day was 25 years ago and that many of the justifications for an occupation force no longer exist. American parents are tired of having their sons drafted to serve as quasi-mercenaries and then be exploited by an ungrateful anti-United States political party.

Brandt, Wehner, and the Social Democrats would not suffer economic loss by removal of our military men. A new occupation force and economic aid exists with the international bankers, Rand, the Fords, and the new international intellectual community garrisoned at Wissenschaftszentrum Berlin.

In the interests of economy as well as bolstering the possibility of an all-volunteer army, U.S. troops should be withdrawn from West Germany.

We should thank Herr Brandt and his little group of anti-United States Socialists for reminding us.

Mr. Speaker, I include several related news items as follow:

[From the Washington (D.C.) Post, May 12, 1970]

BRANDT PARTY CONDEMNS U.S. RAIDS IN CAMBODIA

(By John M. Goshko)

SAARBRUECKEN, WEST GERMANY, May 11.—The national convention of Chancellor Brandt's Social Democratic Party erupted today in an angry debate over Cambodia that resulted in adoption of a resolution "condemning" the escalation of the Vietnam war into "the Indonesia war."

The resolution, which called for support of Britain's appeal to convoke an Indochina conference, came as a relatively mild climax to the acrimonious debate that preceded it.

Several left-wing Social Democrats had pressed for adoption of resolutions embodying far harsher criticism of the U.S. intervention in Cambodia.

These resolutions referred to "creeping fascism" in the United States, demanded an immediate withdrawal of all U.S. forces from Cambodia and Vietnam, called for the Social Democratic faction in the West German parliament to initiate a debate on Indochina and sought an end to offset payments by the West German government that help cover the costs of U.S. troops stationed in Germany.

These demands were rejected in favor of the more moderately worded resolution offered by the Brandt-controlled party leadership.

Adoption of the motion by a show of hands was made by a sizable majority of the delegates.

The resolution condemned the war and expressed deep regret over the decisions of President Nixon to send troops into Cambodia and to resume the bombing of North Vietnam. It then went on to "appeal to the direct and indirect parties to heed the British government in its call for a new convening of the general conference on Indochina."

Brandt had to intervene personally in the debate with a plea for a more reasonable tone.

The chancellor said that he was deeply concerned by events in Indochina and that his government had made this clear.

However, he objected to the term "creeping fascism" in the resolutions and said the delegates should avoid one-sided judgments as beyond the scope of the convention.

He voiced support for the British proposal and said the war in Indochina should not become grounds for dissension within the Social Democratic Party.

The debate over Indochina came as the Social Democrats assembled in annual convention with one of their members in the chancellor's office for the first time in more than 40 years.

Today's opening session started at a leisurely, almost bored pace.

Party leaders who spoke at the opening ceremonies received only perfunctory applause. Even the entrance of Brandt into the huge Saar International Fair Hall hardly caused a stir.

Only tonight, when the delegates turned to foreign policy resolutions, did the atmosphere become charged with emotion. It was on the Indochina situation that restive members of the party leftwing chose to train their fire.

Speaker after speaker rose to denounce the "imperialistic" policies of the U.S. government, to deliver personal attacks on President Nixon and to claim that he had neither the support of the American people nor the U.S. Congress in his Indochina action.

[From the Washington Post, May 11, 1970]

BERLIN "THINK TANK" STRIPS OPPOSITION

(By John M. Goshko)

BERLIN.—A plan to establish a social sciences research center in West Berlin has confronted this city's already turbulent and divided intellectual community with a bitter new controversy.

At issue is the Wissenschaftszentrum Berlin (Berlin Science Center), an organization founded last year that exists only on paper. However, its backers are working to build an ambitious American-style "think tank" that would attract social scientists from all over the world.

The idea, they say, is to inject new blood into the intellectual life of this Western en-

clave 110 miles inside Communist East Germany. Their hope is to reinforce West Berlin's fading reputation as the intellectual center of Germany and help the city maintain a viable independent life.

The trouble is that most intellectuals in Berlin do not share this enthusiasm. The project has drawn fire from the administrations of the city's two universities, large segments of their faculties and almost all of their students.

CAPITALIST VEHICLE

The center has been variously denounced as a vehicle of capitalism-imperialism, an illegal diversion of public funds to private use and an attempt to usurp university functions.

Its supporters denounce these charges as malicious, false or misinformed and argue that the present system in Berlin does not allow independent research free from control by government or academic pressure groups.

Recently this issue has become an obsession within West Berlin's academic community. It has been the subject of television debates, of mass "teach-in" student rallies and of almost every discussion at the Free University of Berlin and the Berlin Technical University.

The center was the brainchild of Gerd Brand, a 49-year-old ex-diplomat and former director of the West German government's foundation for developing countries. Brand, an admirer of the multi-disciplinary kind of research pioneered by such U.S. organizations as the RAND corporation, thinks there is a need for similar organizations in Europe.

Accordingly, with the backing of a board of political and business leaders, he won what he claims are hard promises of financial support from the West German federal government and the Berlin city government.

AMERICAN DIRECTOR

Brand is now pressing to get the center's first two institutes functioning—one for management and public administration and one for the study of war and peace.

James E. Howell, associate dean of the graduate business school at Stanford University, was recently named to become director of the management institute this summer.

Many students and younger faculty, however, view the center with hostility because it would be beyond their control and unresponsive to their ideas at just the time Germany's archaic universities are becoming a trifle more open.

Brand argues that the center is needed to keep research free from the mob rule of unqualified students, especially Berlin's far-left student groups.

The far left paraded its views at a recent "teach in" at the Technical University. For five hours, a procession of speakers read long papers contending that the science center was the creation of the capitalist establishment, that its research would propagate the system and that it would be the handmaiden of the U.S. military-industrial complex and the CIA.

FORD PLOT

One of the papers noted that Howell is from the Stanford Business School, whose dean is Arjay Miller, former president of the Ford Motor Co. Ford, the argument went, will therefore try to extend its sway over the Berlin economy.

While such arguments draw snickers in respectable academic circles, more serious is the question of whether an essentially private and independent organization should be supported by public funds.

For this reason, a number of respected academicians who approve the basic principle of a research center oppose this project.

EMPIRE BUILDING

Some note that both universities already have eminent social scientists, that these

professors usually have insufficient funds for their research and that they should have first call on any government research funds.

Supporters of the center dismiss this argument as an attempted justification for empire building on the part of the universities and say the center would complement the universities and share revenues, facilities and personnel.

There are those who agree with the concept of an independent research center but caution that true independence means going someplace other than to the public treasury for financing.

Brand replies that Germany has a long tradition of government financing, and adds that the center has sufficient backing both in the Bonn and Berlin governments to deliver the funds. The center's opponents are just as optimistic that Brand will lose.

Either way, the project to revitalize West Berlin intellectually seems only to have contributed to its division. Notes Brand sadly, "The thing I really fear is that this controversy will frighten away the top-quality people that we wanted. If that happens, the idea will have failed."

[From the Bonn (Germany) Bulletin, Apr. 14, 1970]

BRANDT-NIXON TALKS: DÉTENTE AND PEACE CITED AS COMMON GOALS

Chancellor Willy Brandt has returned from his week-long visit to the United States firmly convinced that his talks with President Richard M. Nixon have helped to re-affirm and strengthen German-American partnership.

At a time when the Bonn Government is seeking to pursue a policy of rapprochement with the countries of Eastern Europe, Brandt said on his return that "our most important common aim is international détente and the strengthening of peace."

MUTUAL RESPECT OF AIMS

In talks with President Nixon both Germany's East European policy and America's efforts to open negotiations with the Soviet Union on limiting strategic armament were discussed at length. Brandt re-affirmed that the Atlantic alliance would continue to be the basis of all approaches to Eastern Europe. The U.S. President shared Brandt's view that, for this reason, nothing should be done that would undermine the alliance.

Brandt arrived back in Bonn with an assurance from President Nixon that the United States would not negotiate with the Soviet Union on any subject at West Germany's expense. For his part, Chancellor Brandt has given Washington the assurance that Bonn would not come to any agreements with the Soviet Union, Poland or East Germany that would weaken the Atlantic alliance.

Apart from relations with Eastern Europe, a second important topic has been the United States' relations with the European Economic Community (EEC or Common Market). Brandt has stressed that commerce across the Atlantic should be as liberal as possible to ensure that economy and industry on both continents develops optimally. The Federal Government was, therefore, not in favour of new trade barriers. On the contrary, it would wish existing ones to be dismantled.

A comment in the Bonn *General-Anzeiger* said Brandt had brought back two positive results from Washington:

He had helped to reduce U.S. skepticism on efforts being made to unify Europe.

He had succeeded in winning vital support from the leading Western power for Bonn's policy of détente in Eastern Europe.

COUNTERING EEC DISADVANTAGES

In Washington, Brandt assured President Nixon that he would seek to use his influence to keep the disadvantages the United States

might suffer from European political and economic unification to a minimum. It was also agreed that co-operation between the United States and an expanding EEC should be as close as possible.

Nixon is reported to have noted with approval the connection formed by Bonn between current negotiations with Moscow, Warsaw and East Berlin, although these should be seen separately from the United States' own efforts to seek a settlement with the East Bloc.

FOUR-POWER TALKS ON BERLIN

With regard to the current negotiations between the Western powers and the Soviet Union on improving the status of West Berlin, Washington and Bonn see signs that the Soviet Union is showing a certain interest in relaxing the situation in Berlin, although no solutions are in sight. Detailed German proposals are to be put to a four-power working committee.

Aid to the developing countries was also discussed by Nixon and Brandt. The Chancellor gave an assurance that West Germany would increase foreign-aid funds, especially to the International Development Agency (IDA), as part of intensified multilateral co-operation among the industrialized nations.

WATCHED APOLLO LAUNCH

Brandt's visit to the United States (from April 4-11) began at the Andrew's Air Force Base, where he learned of the assassination of Count von Spreti, the German Ambassador to Guatemala. He inspected West German training units at El Paso. On April 11, he witnessed the Apollo 13 launch at Cape Kennedy.

On April 10, between talks with President Nixon, the Chancellor addressed the National Press Club in Washington.

PRIORITY NO. 1

He said that German-American friendship had remained firm over the past 20 years. The Bonn Government would play its part in safeguarding this partnership, in policy towards the East Bloc, in questions of joint defense in trade policy and in technology, in particular. He warned, however, that the way to a peaceful settlement between the blocs would be long.

Brandt described close relations with the United States as priority No. 1 in Bonn's foreign policy and said that the continued presence of American troops in the Federal Republic was vital.

THE LATE HONORABLE WILLIAM ST. ONGE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ROONEY of New York. Mr. Speaker, I was shocked to learn of the death of the Honorable WILLIAM ST. ONGE and I share with my colleagues their grief at his passing. BILL ST. ONGE was a gentleman, a dedicated and hard working legislator and a very fine human. His career of public service was a long and rewarding one—decorated soldier, judge, prosecutor, State legislator, and mayor and for the past seven and a half years the able and diligent representative of the people of the Second Congressional District of Connecticut. We shall all miss BILL. His lovely wife and children have my deepest sympathy and prayers in their time of loss.

CAMBODIA

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROYBAL. Mr. Speaker, I was deeply concerned and strongly opposed to the President's recent unilateral decision to send American ground combat troops into neutralist Cambodia, thereby expanding the tragic Vietnamese conflict into what now appears to be fast becoming a full-fledged regional war engulfing the entire Indochinese peninsula.

As one of the earliest opponents of U.S. military involvement in Vietnam, and before the President made his Cambodia announcement, I joined with some 60 of my fellow Members of Congress in introducing a sense of the House resolution—House Resolution 964—urgently requesting that the administration refrain from any military action in Cambodia.

Since that time, I have taken several steps in an effort to clarify my position on this most disturbing development in international affairs.

On hearing the Chief Executive's announcement, I sent a telegram to the President protesting American intervention and escalation of the war to this new level of intensity. The wire read in part:

Such involvement runs counter to your expressed purpose of reducing our commitments in Southeast Asia. After five years of futility in Vietnam, what policy lures us to intervene in Cambodia? This decision will result in increased suffering and loss of life, and will also increase the tensions and divisions within our own country. . . . It is clear that the end-solution in Southeast Asia can only be one that is worked out by the Asians themselves, not an American settlement.

In addition, I introduced a second resolution, House Resolution 986, to cut off funds in the fiscal year 1971 budget from being used to finance the operation of any U.S. combat or support troops in Cambodia or Laos, and to limit fiscal year 1971 Defense expenditures in South Vietnam to only that amount required to carry out the safe and orderly withdrawal of all American combat and support troops from South Vietnam by the end of the fiscal year—June 30, 1971.

Finally, as a further expression of my continuing opposition to the President's expansionist course of action in Indochina, I voted against H.R. 17123, the \$20.2 billion military procurement authorization for fiscal year 1971.

Mr. Speaker, these recent actions I have taken are entirely consistent with my long-held conviction that America should move to disengage from direct military involvement on the Asia mainland, while making an effort to restrict our participation in Asian affairs to providing, in conjunction with an interested world community of nations, indirect assistance to affected countries in order to enable them to conduct their own affairs free from outside interference or domination.

Among the earlier actions I have taken along these lines are: the introduction of House Concurrent Resolution 187 on March 26, 1969, to express the sense of Congress that the United States should reduce its military involvement in Vietnam; joint sponsorship a year before that, on March 28, 1968, of House Concurrent Resolution 747, to repeal the Tonkin Gulf resolution of 1964; an urgent letter to the President on October 12, 1967, asking for a halt to the bombing of North Vietnam; followed by a sense of Congress resolution on October 25, 1967—House Concurrent Resolution 556—requesting the United Nations Security Council or General Assembly to support an immediate cessation of hostilities by all parties in Vietnam, and asking for the convening of an international conference to reach a permanent settlement to assure lasting peace in Southeast Asia.

On December 20, 1966, I wrote the President urging an extended cease-fire in Vietnam in an effort to create an atmosphere in which peace talks could begin and the war could be terminated on an honorable basis. Earlier that year, on January 19, I had issued a strong protest against the resumption of bombing of North Vietnam following a month-long bombing pause, which had been part of a worldwide diplomatic peace offensive.

And on June 3, 1965, shortly after the first major escalation of the U.S. military effort in Vietnam, I joined with 28 Members of the House in a letter to the chairman of the Foreign Affairs Committee to request that he initiate open, public hearings on the entire question of American involvement in Southeast Asia, with specific emphasis on the constitutional role of Congress in matters of war and peace, and in the development and implementation of U.S. foreign policy.

Mr. Speaker, I have listed this series of actions I have taken over a 5-year period because I think it is important to know that Congress has been working actively since the very beginning of this tragic conflict to prevent the expansion of the war, and to try to find means to bring the conflict to an end through a negotiated settlement that would allow the people of South Vietnam to determine the affairs of their nation in their own way.

At this time, I believe it is more important than ever for the Congress to reassert its constitutional prerogatives in the vital areas of military and diplomatic policy.

We can no longer afford to sit by and allow the Executive to make major foreign policy decisions, and carry out significant new military initiatives, with far-reaching implications for every citizen, without so much as consulting, or even informing Congress.

It is vital that the legislative branch of our Federal Government assume its rightful role as an active participant in the formulation and execution of all government policies and programs, in the foreign as well as domestic area.

In addition, I believe it is important for all Americans, including the President, to realize, once and for all, that

the United States cannot be a policeman to the world.

If there ever was a time when this was possible, or even desirable, that time has long since passed.

For instance, the problem of achieving political stability in the former French colonial states of Indochina is basically a local and regional problem.

Outside countries may be able to provide economic or military assistance to help these states help themselves.

Neighboring nations in the Pacific-Southeast Asia region should be willing to shoulder much of the responsibility for regional defense.

And the world community, acting through the United Nations, a new Geneva conference, or some other international mechanism, should be in a position to help guarantee the freedom and independence of Laos, Cambodia, and Vietnam.

In all of these local, regional, and worldwide efforts, the United States has been, and continues to be, ready and willing to assist.

But, without the primary efforts of the people of Southeast Asia themselves, and the support of like-minded neighboring nations, we cannot be expected to—and cannot—bear the major burden of maintaining peace and security in an area halfway around the globe from us.

This is not a form of neoisolationism, nor a return to the discredited doctrine of fortress America.

Rather, it is a realistic view of the world as it is—a sober evaluation of the absolute necessity for close international cooperation in today's nuclear space era.

No nation can operate alone. No nation can single-handedly reorder the universe to its own liking. But, together, the nations of a region can, and must, unite to achieve the basis of an enduring and workable peace in their part of the world.

In this way, we can join in working with the people of a Southeast Asia no longer ravaged by the terrible scourge of war, to turn the tremendous resources and energies of this entire area away from conflict, and toward the creative task of building a more secure foundation for a better way of life in the future.

SHAKOPEE FIRM SPARKS COMMUNITY CLEANUP

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. NELSEN. Mr. Speaker, the Interstate and Foreign Commerce Committee on which I serve has been studying ways to improve our solid waste disposal program this month, and we hope to bring this important legislation before the full House of Representatives as soon as possible.

Our studies and hearings have revealed that the Nation has a real problem on its hands in finding ways to cycle and recycle solid waste materials that clutter

the landscape, adding to environmental decay.

So I have been particularly pleased to learn of a progressive company in my district which is moving independently to provide community leadership in cleaning up the cluttered outdoors. The Midland Glass Co., of Shakopee, Minn., on this Saturday will hold its second communitywide drive to collect used bottles from along roads, parks, and other public terrain. The company is paying for all bottles collected and will recycle the glass in its Shakopee plant.

I wish to express my thanks and appreciation to the management and employees of the Midland Glass Co. for their active concern and leadership in this enterprise. They are setting a fine example, and it is a pleasure to bring their endeavor to public attention as a means of encouraging similar activities elsewhere in the Nation.

As a further explanation of the Midland Glass Co.'s effort toward pollution control, I insert in the Record at this point a descriptive news release obtained from the Shakopee plant manager, Mr. H. D. Spurling:

SHAKOPEE, MINN.—Midland Glass Company will hold a second "Recycling Program Day" at its Shakopee plant on Saturday, May 16, 1970, from 9:00 a.m. to 4 p.m.

Midland will again offer ½ cent for each small glass bottle (16 oz. or under) and 1 cent for the larger bottles brought to the collection center located in the parking lot of their plant on Highway 101, 2 miles east of Shakopee. These bottles should be either amber or flint (clear glass) and free of the aluminum ring found on the Alcoa type caps (twist-off).

Midland's purpose in this program is two-fold. One is designed to attack that segment of solid waste disposal which relates to the highway and the community outdoors—litter. Midland is thus offering this nominal fee to encourage groups and organizations to hold clean up days and bring the glass to their plant, so the second phase of their program can be instituted.

The company realizes that glass is ideally suited for recycling; and the means of accomplishing this efficiently must be worked out. The glass will be recycled by reducing beer and soft drink bottles to crushed glass and remelted in the glass furnace. (This is why the glass must be free of foreign material.)

Midland feels that recycling their product offers one practical method to control and balance the influence of glass in waste, while also conserving a natural resource.

Midland's first recycling day generated very little results; however, since then numerous organizations have pledged their support, and the company appreciates this encouragement. Midland believes, though, that for this type program to be a success, in the glass industry, or any other, that it has got to be a "grass roots" endeavor. Everyone has got to be concerned and act to do their part in resolving this catastrophic problem of solid wastes.

CHAIRMAN EMANUEL CELLER
CELEBRATES BIRTHDAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. RODINO. Mr. Speaker, the distinguished chairman of the House Commit-

tee on the Judiciary, the Honorable Emanuel Celler, recently celebrated his 82d birthday.

Especially as one who has worked closely with him, I have been an admirer of his intellectual integrity, his strength of character, and his devotion to the pursuit of justice.

Mr. CELLER is a man who cares deeply for his fellow man. He transcends the boundaries of city and Nation. He is truly a man of all seasons and of all generations.

Mr. Speaker, Mr. CELLER's dedicated service and commitment to the rights of man continue to touch all who know him.

I extend my very warmest congratulations to him upon reaching this milestone and for the continued enjoyment of life's blessings and many more years of service to the people.

MANIPULATING THE STUDENTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ASHBROOK. Mr. Speaker, it would be amusing, if it were not so serious, to read references in the press to the serene, pastoral atmosphere at Kent State prior to the recent tragedy on that campus. Actually, during the 1968-69 academic year, Kent State had been the scene of four disturbances, two of which were violent, instigated by the Students for a Democratic Society—SDS. The Kent State disruptions had been the subject of investigation by the House Internal Security Committee, and a résumé of its hearing appears in the CONGRESSIONAL RECORD of May 4, 1970, on page 14038. Testimony by school officials divulged that no more than 15 to 25 "hard core" members of SDS out of an enrollment of 21,000 were responsible for the disruptions. This small number was supplied with films, pamphlets, newsletters, and directives by the Ohio regional SDS office in Cleveland, some 30 miles away. Here was an eloquent example, repeated too frequently in recent years, of the manner in which a small, calculating, militant group can cause disorder among a peaceful, unsuspecting student body many times its size. The chief victims, of course, were the students who lost collectively many school hours for which they had contracted.

Without prejudging the cause or possible instigation of the demonstrations which resulted in the deaths of the four Kent State students, it is safe to say that, although small in comparison to the four lives lost, the educational progress of thousands of students has been set back. No classes are at present being conducted at Kent State; students have returned to their homes, some in other States; and classes will not be resumed until the summer sessions in June. As in the case of the first disruptions at Kent State, a minority of students and possibly outsiders were responsible for the disorders that began on the Friday before the Monday tragedy.

On Monday, May 11, the Washington Star carried an article by Donald Smith

which further emphasizes how unsuspecting students are deceived by clever manipulators whose purpose is to cause trouble and alienation between young people and those in authority.

The scene was near the George Washington University here in Washington and the time was late at night. When militants threw fire bombs, rocks, and chunks of concrete and cinderblock at the police, the police responded with tear gas which enveloped students nearby. While the militants disappeared into the night, the students tried to disperse. The article states:

Screaming in fear, anger and disbelief at what to them seemed an unprovoked attack, the students fled.

Later the militants remarked that:

The next time, a lot of those people who got gassed will join us at the barricade. . . . We'll be back.

Here again, a small minority of radicals had seized an opportunity to pit unsuspecting students against authority, hoping to alienate an increasing number of young people and prepare them for future disorder.

It is important for the mass of sincere students in this Nation to realize that there are cool, scheming, vicious elements abroad in our land who will use and manipulate them to further their own violent ends. Without the aid of unknowing or deluded young people, the militants cannot succeed. Such groups or individuals must be quarantined within the school community, singled out and effectively removed from educational institutions. But the first step lies with the students: They must ask themselves just who are behind a particular demonstration, are they using the student body for their own devious purposes, and how far will their education be set back if the demonstrators succeed or get out of hand.

I insert in the Record at this point the article, "A Midnight Encounter with Three Revolutionaries," by Donald Smith, which appeared in the May 11 issue of the Washington Star:

A MIDNIGHT ENCOUNTER WITH THREE REVOLUTIONARIES

(By Donald Smith)

It was after midnight. The three appeared suddenly out of the shadows. A short time before they had been hurling molotov cocktails over a flaming barricade they had erected on H Street NW near the George Washington University campus.

Their target was a force of policemen gathering about a block away at 21st Street.

Now it was quieter. "This is the beginning of a revolution here," the one in the buckskin jacket said. "I'm ready to lay down my life if I can take a couple of them with me."

It was Sunday morning, after the miniature battle of GWU had been decided. Small bands of youths, many of them students driven from their dormitories and rooming houses by tear gas, were seeking refuge in back alleys and hotel lobbies, trying to avoid the helmeted squads of policemen that were grimly mopping up the streets of the urban campus.

These three, flushed and breathless, were searching a deserted gas station on Virginia Avenue for a soft drink vending machine that worked.

Less than an hour before, they had been part of a group, eight or ten strong, that had overturned a panel truck in the middle

of H Street and set it afire. Then they had carried wooden benches to the street and arranged them in a chain and ignited them with their cocktails, which made splashing, liquid noises as they hit the pavement and broke and erupted in wide swaths of flames.

It was as if their only purpose had been to attract the riot-equipped policemen, who soon began to assemble at the corner.

About two blocks down H Street behind the barricade, unaware of exactly what was taking place on the darkened street except for the fact that there were flames, was a mass of three or four hundred GW students. Some were milling about in the street, having just come from a concert at Lisner Auditorium featuring Bo Diddley and Chuck Berry.

A tightly packed group of about a hundred was standing on the first-floor balcony of the Student Union building with Allen Ginsberg, the poet. He was leading them in chanting the syllable "Om," the hummed monotone that Hindus say is the sound the universe makes as it goes about its eternal work, at peace with itself.

Silently, the revolutionaries hurled their remaining three fire bombs at the police line, barely visible in the dark distance. Then they began picking up rocks and chunks of concrete and cinderblock from the debris-littered street and heaved them over the still-burning barricade and truck.

There was some commotion in the police line. White helmets ducked and scattered.

"Om," the sound continued from the opposite direction. "Ommmmmm."

The police charged, sweeping around the truck and past the barricade, hurling tear gas grenades and firing them high into the air, over the heads of the mass of students, with blunt, shotgun like grenade launchers. Screaming in fear, anger and disbelief at what to them seemed an unprovoked attack, the students fled. Some stumbled and fell to the street amid exploding gas canisters. The air was thick with steel missiles, arcing overhead, sputtering and exploding.

Ginsberg and many who had been with him escaped inside the student union building, carrying the thick, stinging tear gas inside with them. A few, blinded, were led to water fountains where others helped them flush their eyes.

Later, down on Virginia Avenue, the young revolutionary in the buckskin jacket pushed coins into the gas station vending machine and said, "this is the beginning. The next time, a lot of those people who got gassed will join us at the barricade."

"We'd much prefer not to have violence, but we don't have any choice. We tried being nonviolent for five years, and where did it get us? We're right back where we started, only this time it's Cambodia instead of Vietnam. Nothing's changed at all."

The speaker was taller than the other two. He appeared to be in his early 20s. The other two were in their late teens. One was wearing a T-shirt bearing the word "Strike" in red letters. The other, who appeared to be of Latin American birth, was wearing a blue windbreaker. All said they were college students from New York.

The vending machines failed to produce any soft drinks. The three youths headed back toward campus, keeping an eye out for police and talking as they walked.

"This is just like the whisky rebellion," said the buckskin jacket. "The people rebelled because the government was abusing them. Troops came in and killed a lot of people and won. But this time, I think there are more people than troops."

As he spoke, the T-shirt picked up a fist-sized rock and hurled it through the window of an office building. It was a casual gesture, as one would light a cigarette.

Noticing the blue and silver sign in front of the building, the blue windbreaker said: "Hey! That's the State Detachment!"

"Man!" said the T-shirt. He picked up two more rocks and shattered two more windows. Down the street someone who had heard the sound of the breaking glass shouted: "For God's sake, stop it. That's no way, brother."

The three ignored him and continued walking.

"We want to replace the people in government and to reform it," said the buckskin jacket. "That's what we mean by revolution."

"We're not part of a group," the T-shirt claimed in reply to a question. He quoted a line from a Bob Dylan song, "Subterranean Homesick Blues," the same song that contains the line that gave the Weathermen their title:

"You don't need a weatherman to tell which way the wind is blowing."

"Don't follow the leaders. Watch your parking meters," the T-shirt quoted. "That means you should take individual action and not stay in one place too long."

They left the street abruptly and headed toward a building near 21st and F Streets N.W. before they disappeared inside, the buckskin jacket said:

"We're withdrawing."

"Watch your parking meters," the T-shirt repeated. The buckskin jacket smiled.

"We'll be back."

TEXAN ATTENDS U.N. COMMISSION ON STATUS OF WOMEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PICKLE. Mr. Speaker, at the recent meeting of the United Nations Commission on the Status of Women in Geneva, Mrs. Evangeline Swift, a Texan who is an attorney with the Equal Employment Opportunities Commission, was a public member of the U.S. delegation, assisting Elizabeth Koontz, Director of the Women's Bureau of the Department of Labor.

Her remarks before the Commission are noteworthy and point out another facet of women's roles in the United States—a role that is uniquely American in its makeup and one which might be given further consideration within the context of the recent push for women's rights—volunteer service.

Mrs. Swift pointed out that—

Voluntary service, or work done without compensation by women, can be an effective means to enhance the status of women and to include them more fully in their nation's life. It provides necessary experience that has not always been available to women through executive management training, as they participate and hold office in these organizations.

These organizations can serve as an agency to bring together those segments of society with varying viewpoints in order to communicate their needs to individuals who can assist them in taking the necessary actions. Among the rewards of voluntary service cited by Mrs. Swift, would be the service experience itself accruing to the individual and used in lieu of employment experience should the woman decide to join the labor force.

Though many other countries have volunteer organizations, they are usually tied to charitable causes and many countries have "compulsory" volunteerism.

I think the United States can well be proud of the outstanding work that

women in this country perform outside the paid labor force and the contributions they are making to their communities. Certainly voluntary services should be encouraged by the Government and the public.

But even as the Commission found that the United States is far ahead of other countries in utilizing this important aspect of women's abilities to create a better society, it pointed out that the United States is far behind many other countries in developing the proper atmosphere for the participation of women in traditionally male-dominated fields such as the legal and medical professions.

At this point, I would like to insert the following in the RECORD:

[From the Dallas (Tex.) Morning News, May 2, 1970]

AMERICAN APPROACH UNIQUE: TEXAN ATTENDS U.N. COMMISSION ON STATUS OF WOMEN

(By Merikaye Presley)

WASHINGTON.—Volunteerism is uniquely American, Texas Van Swift learned when she attended the United Nations Commission on the Status of Women meeting in Geneva last month.

Back in Washington and at her job as attorney in the Equal Employment Opportunity Commission, Mrs. Swift discussed her role as a public member representing the United States at the world meeting.

She assisted the U.S. representative, Elizabeth Koontz, who is director of the Women's Bureau of the Department of Labor.

Mrs. Swift gave a speech at the meeting on the benefits of voluntary service by women and found that the representatives of other nations had a hard time understanding the American approach to volunteerism.

"We're the only nation in the world that has at its background this concept of voluntary service," she said.

Few countries have volunteer programs for women, she said, and those that do usually tie volunteer efforts with charitable causes. Other countries require women to perform "voluntary" service for a certain period of time.

This kind of service did not fit Mrs. Swift's definition of volunteerism. She noted that the representatives from Spain said they had so-called voluntary service, but said a woman couldn't get a passport or driver's license without performing this service.

She said most of the delegates from other countries wholeheartedly supported voluntary service, but they thought it should be compulsory. "To me, these two words are completely different," she said.

She pointed out, "in our country (volunteerism) is so much a part of the system, it built the whole west." She cited such things as barn raisings and quilting bees as examples.

The participation of men in voluntary service is also uniquely American, she learned from the discussion.

During her remark before the conference, Mrs. Swift said, "even though voluntary activity is not part of a given culture, it should be encouraged. Voluntary service or work done without compensation by women can be an effective means to enhance the status of women and to include them more fully in their nation's life."

She continued, "women often times have the intuitiveness and concern necessary to identify and help solve a nation's existing problems. This 'untapped resource' can through voluntary organizations, draw attention to common issues and assure the awareness by the general public of their concerns."

She said one benefit of voluntary service is that it can bring women from all segments

of society together. By working together and exchanging their varying viewpoints, they can learn from each other, she said.

She also noted that voluntary service by women in America 50 years ago resulted in women's suffrage.

Mrs. Swift was astonished to learn that not all countries have women's suffrage. Even in such a developed nation as Switzerland, women cannot vote in all elections.

She learned that the United States is far above most countries in legislation benefiting women, such as the equal pay act of 1963.

On the other hand, the U.S. is behind many other countries, even developing nations, in the participation of women in certain traditionally male-dominated fields. In several smaller and younger countries, from 25 to 50 per cent of the doctors and lawyers are women.

As special assistant to Dr. Luther Holcomb, vice-chairman of the Equal Employment Opportunities Commission, Mrs. Swift is closely involved with the Civil Rights Act of 1964, especially sex discrimination. Her experience in this area made her a knowledgeable member of the U.S. delegation to the 32-nation meet.

And she counts her participation in the meeting as valuable experience. "It gives one a completely different perspective to look at your country through someone else's eyes," she said.

She also admitted her first venture into international relations taught her a thing or two about the beliefs and philosophies of the other peoples of the world.

REMARKS BY MRS. EVANGELINE SWIFT, PUBLIC MEMBER OF THE U.S. DELEGATION TO THE STATUS OF WOMEN

Madame Chairman, during the opening session, the delegate from the United States stated that "This Commission is looked to for leadership if it will accept the charge." If we are to accept this challenge, the Commission can indeed lead the way by providing its great expertise and able assistance so necessary in making a major impact in this very essential area of the status of women.

One way to do this is to examine thoroughly the issue on today's agenda, Women's Service as a means of enabling Women to work gratuitously for the benefit of the Community. Even though voluntary activity is not part of a given culture, it should be encouraged. Voluntary service or work done without compensation by women can be an effective means to enhance the status of women and to include them more fully in their nation's life. It provides necessary experience that has not always been available to women through executive management training as they participate and hold office in these organizations. Women often times have the intuitiveness and concern necessary to identify and help solve a nation's existing problems. This "untapped resource" can through voluntary organizations, draw attention to common issues and assure the awareness by the general public of their concerns. In order to accomplish this, governments should provide major encouragement to these organizations to provide services that otherwise would not be available and to support on a voluntary basis existing government programs.

They can work in many ways. Voluntary organizations can serve as an agency to bring together those segments of society with varying viewpoints; in helping people help themselves and to understand their own needs; and in communicating those needs to individuals who can assist them in making the necessary actions.

I have worked with volunteers helping with pre-school children that needed assistance in order to more fully participate in educational activities. The benefits flowing

to the children were many but the results that occurred with the volunteers from the local communities were very exciting to me. One could see a beginning sense of pride and achievement in learning how to articulate what their problems were in their community affecting their children and how to communicate effectively about those problems.

All women from all segments of society can participate in these organizations. The most illiterate can articulate her desires for family and self; is able to contribute her talent toward the total effort.

Whether this service is provided through personal services by religious organizations or professional groups, by activities relating to education or health or in the political process, the key is the service which is beneficial to each society and its goals.

I also noted with interest that the distinguished delegate of the U.A.R. said that among Egyptian women, volunteers' service was a way in which they entered into the political process.

Voluntary organizations in the U.S. are encouraged among men and women because we believe that men should be urged to take an equal interest and rule with women in voluntary service.

In the United States, the voluntary service of a small group of women set off the large-scale effort of women to obtain the right to vote. And 1970 marks the 50th Anniversary of woman's suffrage in the U.S. It is also the 50th Anniversary of the Woman's Bureau and the 50th Anniversary of the League of Women Voters whose purpose is to encourage women to participate in political affairs.

The President has shown his acknowledgment of the importance of volunteer organizations by establishing a special voluntary action program as a clearing house for organizations and individuals to gain information on how certain programs were begun, structured and operated, and succeeded.

It has been proven that voluntary organizations of men and women can not only serve as a forum to vocalize issues affecting the whole population, but volunteer organizations for women specifically can also provide the platform for women to speak to issues from all sides, concerning women in our changing world as seen by women themselves. For example, these organizations can be utilized as vehicles to help or educate women to understand the effect of their under-utilization and to change attitudes of men about the role of women in society while at the same time providing leadership and information that help raise standards of living.

The distinguished delegate from Liberia stated yesterday, "Ways must be found to show that women can fill jobs formerly performed by men." Participating in voluntary service can provide the evidence that women can perform many jobs that have been closed to them in the past and therefore serve as a training ground or first step toward full and equal opportunity with men.

The voluntary organization could bring before women role models to discuss how they had achieved a certain goal or how they advanced in their chosen field. Such a forum can bring women together to demonstrate to them what can be done in the area of child care in their communities. Further advantages of such a forum are the personally performed services under group sponsorship such as a) organized welcome activities to newcomers by location of markets, public services, bus schedules and the like; b) providing intergroup neighborhood plans for care of children needed to free women periodically for involvement as she works for other means of providing the service; c) providing tutoring service from woman to woman or

women where media does not permit; and d) helping with the problem of being able to volunteer due to lack of adequate transportation.

Voluntary organizations must be directed or assisted in most instances, by professional staff and even volunteers must sometimes have financial assistance for transportation and for food in order to share their talents.

On an individual basis, there can be other rewards to voluntary work such as the service experience itself being used in lieu of employment experience if a woman wished to re-enter the work force after her child rearing years are over or before if circumstances so demand. For example, voluntary service in hospitals can lead to becoming a technician, a nurse or a doctor. Church work can lead to paid employment in industry and a school aid or teacher's aid can lead to a career as a teacher. Child care at school can lead to becoming a director of such a facility and civic efforts can lead to a job in industry or interest in running for and holding public office.

International organizations should be urged to advantageously use their scope in encouraging greater participation by volunteers and by providing training education and tutorial service whenever possible, and by providing technical assistance in the know-how of organizing, if necessary.

I stress that evidence is available in our country that voluntary service, performed by women is a most effective way in which women can prepare for and enter the mainstream of their nation's life and break through barriers to non-traditionally held positions and jobs.

This Commission can be the key in assisting countries that endeavor to help women participate more fully—both collectively and as individuals in their societies.

SLEEPING BEAR DUNES NATIONAL LAKESHORE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. DINGELL. Mr. Speaker, several bills have been introduced to establish the Sleeping Bear Dunes National Lakeshore in Michigan and the Committee on Interior and Insular Affairs has scheduled hearings for early June. I am pleased to be able to report that there is wide support for the establishment of this lakeshore and one of the organizations most actively working for the legislation is the Michigan United Conservation Clubs.

I include the text of a resolution adopted at the April 11, 1970, meeting of the board of directors of Michigan United Conservation Clubs relating to the Lakeshore at this point in the CONGRESSIONAL RECORD:

RESOLUTION RE: SLEEPING BEAR DUNES NATIONAL LAKESHORE LEGISLATION

Whereas, all Michigan Congressmen in the House of Representatives have joined in sponsoring legislation to provide for establishment of the Sleeping Bear Dunes National Lakeshore; and

Whereas, the administration has indicated that money would be available for national recreation areas; and

Whereas, MUCC has consistently supported the Sleeping Bear Dunes proposal:

Therefore be it resolved that MUCC reaffirm its stand and request that Congress approve and provide the necessary funding for establishment of a Sleeping Bear Dunes National Lakeshore in Michigan.

SUPREME COURT RULINGS HELP COMMUNIST REVOLUTIONARIES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. HUNT. Mr. Speaker, the Supreme Court ruling that our Government cannot restrict travel abroad by our citizens, even when such travel is clearly not in the best interests of our country, strains the rules of commonsense and credibility. The State Department is powerless under the law to restrict the exit and entry of revolutionaries without the enactment of legislation introduced in this session of Congress.

The following article from the May 4 issue of the Camden Courier-Post graphically illustrates the problem, and I commend it to you for your attention. My sincere congratulations to the editor of the Courier-Post.

The article follows:

OUR 687 RETURNING PILGRIMS

The 687 young Americans calling themselves the Venceremos (We shall Overcome) brigade who went to Communist Cuba two months ago ostensibly to help Fidel Castro with his sugar cane harvest have returned.

They have come back through Canada on the same route via bus and ship they took to Cuba. They now have scattered to a number of large cities throughout the United States, including Philadelphia.

The contingent claims to have cut more than 40,000 tons of sugar cane for Castro, who despite his police state dictatorship somehow can't seem to find enough Cuban workers to harvest the crops that somehow have dwindled since he came to power. Reportedly he hoped to have a 10 million ton sugar cane crop this year but won't come close to getting it.

His American volunteers told the world when they left home that their trip was a gesture of solidarity with Castro and the Reds, and at a farewell ceremony in Havana said they were returning home to "start a new struggle" for communism in the United States. It would be naive to believe that they put in all their time in Cuba in the cane-fields. It can be safely assumed that they put a good share of it in political indoctrination classes, in the manner set forth in a "mini-manual" recently published by the Havana-based Organization for Solidarity of the Peoples of Africa, Asia, and Latin America. The book advertises its aim as the instruction of readers in how to terrorize cities and "take the road of armed rebellion" in non-Communist countries.

One praiseworthy way down this road, as listed in the book, is kidnaping of political personalities or "dangerous enemies" of the revolution, as recently exemplified in Latin America.

City guerrillas are instructed in assaults, raids and penetrations, occupations, ambush, street tactics, strikes and work interruptions, desertions, diversions, seizures, or expropriations of arms, ammunition, and explosives; liberation of prisoners; executions, sabotage,

terrorism, armed propaganda, and war of nerves.

Our 687 cane-cutters now are back home to preach and practice this laudable litany of revolutionary accomplishments. They can hope that their stay in Cuba has given them added skill toward their aim of overthrowing the American government, American democracy, and the American system.

For this the 687 can thank one of those decisions of the Supreme Court in recent years which violated the rules of common sense, and ruled that our government cannot restrict travel abroad by our citizens even for such a purpose as this pilgrimage.

LABOR ENDORSES INTERNATIONAL BANKERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RARICK. Mr. Speaker, the AFL-CIO Executive Council on the National Economy, meeting in Washington yesterday, called for the President of the United States to exercise the emergency powers authorized in the bill S. 2577 in a frantic effort to solve the money crisis.

The action urged upon the President by the AFL-CIO would turn complete credit control over to the dictates of the Federal Reserve Bank.

Mr. Speaker, in my speech on January 20, I called S. 2577 a "Blueprint for Financial Dictatorship"—page 501 of the CONGRESSIONAL RECORD, I said at that time:

The trap is set. All that remains is for the opinion makers to sell an unsuspecting people on the idea that while tight credit controls may hurt a little, it is for their own good, and that the international bankers who can manipulate such esoteric things as "paper gold" will make it all come out well in the end.

When the trap is sprung, the United States will join Great Britain and France as victims of the new financial colonialism, while the Federal Reserve System gains the same dictatorial powers as the Bank of England and the Bank of France, owned by the same private citizens.

The bill, S. 2577 bore the appealing title of "Lowering Interest Rates, Fighting Inflation, Helping Small Business, and Expanding the Mortgage Market." It was passed into law December 19, 1969, and now in less than 6 months the prophets of doom and hysterical "know-it-all" liberals have taken the bait and sprung the trap.

Additionally, the AFL-CIO "economists" striving desperately for answers as their working members feel the money crisis, have called for "extraordinary overall stabilization measures—all costs and incomes—including all prices, profits, dividends, rents, and executive compensation, as well as employee wages and salaries."

Creeping socialism has now broken into full gallop. Yet many Americans who have heard nothing but the mythical benefits of "controlled economy" will find solace in the AFL-CIO report and

quietly accept the mobilization for a complete socialist dictatorship.

Why under the Federal Reserve bankers—a privately dominated and controlled banking institution which profited at the workers expense while precipitating the money crisis? The policies of the monarch are the policies of his creditors.

It was to free our people of the money monopoly that I had introduced H.R. 17140 on April 21. H.R. 17140 now becomes urgent legislation. Perhaps this explains the press blackout.

Mr. Speaker, I include the AFL-CIO statement, related news clippings, and a copy of H.R. 17140 in the RECORD:

STATEMENT OF THE AFL-CIO EXECUTIVE COUNCIL ON THE NATIONAL ECONOMY

The Administration's campaign against inflation has been a complete failure. Prices have gone up, unemployment has grown, and the nation has crossed the threshold of recession.

The time has obviously come for the Administration to abandon its bankrupt economic policies before the already grave damage to American living standards snowballs.

In April, unemployment soared to 4.8% of the labor force or close to 4 million workers—equalling the sharpest month-to-month rise since the 1960 recession. The jobless rate for Negro workers shot up to 8.7%; for teenagers, to 15.7%. In the four months since last December, 1.1 million workers were added to the swelling ranks of the unemployed—victims of the Administration's deliberate policy to slow production and employment.

Millions of additional workers have seen their paychecks shrink as the spreading effects of the squeeze on the economy has brought production cutbacks and reductions in working hours.

But living costs have continued to mount. The Consumer Price Index has risen at a yearly rate of about 6% since December.

The buying power of the weekly after-tax earnings of the average non-supervisory worker in private employment—about 48 million wage and salary earners—is less than last year and below 1965.

With unemployment rising sharply and industry operating at merely 79½% of its productive capacity, there is no classical inflationary condition of widespread shortages of goods and manpower that could justify government measures of severe, general economic restraint.

The Administration's policy—with the highest interest rates in 100 years—has been discriminatory, as well as ineffective, in combatting the rapid rise of prices. It has cut urgently needed residential construction—with housing starts down from a yearly rate of 1.9 million in January 1969 to 1.4 million last March. It has hit the expansion of state and local government facilities and smaller businesses. In addition, skyrocketing interest rates have raised costs and prices all along the line to the consumer—adding to inflationary pressures.

Moreover, this blunderbuss policy has not curbed business profiteering, while it boosts bank profits. Cuts in government appropriations, as those for medical schools which threaten to continue the shortage of medical personnel, will continue the soaring rise of medical costs. And the tight monetary squeeze has not curtailed the credit inflation of the banks, with their lines of credit to the blue-chip corporations and wealthy families for lendable funds.

The banks have been permitted to evade the monetary squeeze. In 1969, for example, the international banks increased their

"borrowings" from their foreign branches by \$7 billion and even modest government regulations were not imposed until September. Bank holding companies issued \$4 billion in promissory notes last year—and are continuing to issue such commercial paper, at present—at a very high interest rates, free of government regulation.

Thus, while credit for needed production, such as housing, has been drying up—or if available at all, at extortionate interest rates—business loans of the large banks are up 5% from a year ago. The nation's major banks have been extending loans for such operations as conglomerate take-overs, gambling casinos, unnecessary inventory accumulation and a continuing boom of business investment in new plants and machines, while more than 20% of industry's existing capacity stands idle.

Even if the money supply should ease somewhat, there is no assurance that such utter misallocation of available credit by the banks and other financial institutions will not continue or that interest rates will not remain at high levels.

The regular operations of the banks and other financial institutions are not meeting America's needs. Moreover, they have been adding a high-interest rate credit-inflation to the business profit-inflation of the 1960s.

The time is long overdue for a sharp change in the nation's economic policies. The pace of rising prices must be slowed, without a growing army of unemployed. The urgent need is not last week's reduction of margin requirements for purchases in the stock markets to stimulate increased speculation.

The government must channel available credit, at low interest rates, to where it is needed and curb the inflationary expansion of credit for purposes that are less important to society.

Last December, Congress passed a bill entitled "Lowering Interest Rates, Fighting Inflation, Helping Small Business and Expanding the Mortgage Market"—which grants broad authority to the President for selective measures to curb the specific causes of credit inflation, while expanding credit for needed facilities and business operations. It provides the government with flexible means to rebalance the nation's credit structure and to finance housing, schools, hospitals and other community facilities at low interest rates.

More than four months have passed and still the President has not exercised this authority.

The need for increased low- and moderate-income home construction, at reasonable interest rates, is not being met, forcing the government to initiate interest-subsidy programs that reward high interest rate policies at taxpayers' expense, in order to prevent the complete collapse of home-building. Small and medium-sized businesses have been hit by a lack of available credit at reasonable interest rates. The inability of local governments to obtain low-interest loans is resulting in postponing construction of needed schools, hospitals and other facilities, while available credit is being drained off for less-urgent investments and dubious objectives.

So prices continue to rise rapidly; layoffs and production cutbacks are spreading; urgent social needs are not being met.

Therefore we recommend the following steps to take America out of recession and end inflation:

1. Confronted by the President's failure to use his authority, we urge the Congress to direct the Federal Reserve system to establish selective credit controls, maximum interest rates on specific types of loans and the allocation of available credit to where it will do the most good for America.

2. To meet the goal of 26 million new and

rehabilitated housing units in ten years, the government should also require that a portion of such tax-exempt funds as pension, college endowment and foundation funds, as well as bank reserves, be invested in government-guaranteed mortgages.

3. To curb the price-raising ability of the dominant corporations, government action is needed to curtail the continuing high rate of business mergers, which has been greatly increasing the concentration of economic power in a narrowing group of corporations and banks.

4. The specific causes of soaring pressures on living costs, such as physicians' fees, hospital charges, housing costs and auto insurance rates, should be examined for the development of practical, sensible measures to dampen these pressures.

If the President, after exercising that authority voted him by Congress, determines he needs additional authority and decides that the situation warrants extraordinary overall stabilization measures, the AFL-CIO will cooperate, so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, as long as there is equality of sacrifice.

[From the Washington Evening Star, May 12, 1970]

AFL-CIO CALLS NIXON POLICY ON ECONOMY MAJOR FAILURE

The AFL-CIO charged today that President Nixon's efforts to control inflation have been a "complete failure" and that the nation has "crossed the threshold of recession" under his economic policies.

The labor organization's executive council issued a statement denouncing his handling of the economy almost simultaneously with a visit by the President to AFL-CIO Headquarters here to confer privately with the council.

The council, in adopting a statement on the economy, renewed its appeal to Nixon to support legislation for across-the-board controls on wages, prices and profits.

The President spent 45 minutes with the council at the AFL-CIO headquarters to brief the labor leaders on his decision to send troops into Cambodia. He took with him a map of Asia which he has been using daily to illustrate the Communist threat to American forces in Vietnam.

The council statement asserted: "The administration's campaign against inflation has been a complete failure. Prices have gone up, unemployment has grown, and the nation has crossed the threshold of inflation."

The union chiefs also charged that the administration's policy has brought the highest interest rates in 100 years and has been "discriminatory as well as ineffective in combating the rapid rise of prices."

On the need of controls, the council commented: "If the President after exercising that authority voted to him by Congress determines he needs additional authority and decides that the situation warrants over-all stabilization methods, the AFL-CIO will cooperate, so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries.

"We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice."

"Confronted by the President's failure to use his authority," the council said, "We urge the Congress to direct the Federal Reserve System to establish selective credit controls, maximum interest rates on specific

types of loans and the allocation of available credit controls, maximum interest rates on specific types of loans and the allocation of available credit to where it will do the most good for America.

"Prices continue to rise rapidly; layoffs and production cutbacks are spreading; social needs are not being met," the council concluded.

[From the Washington Post, May 12, 1970]
MOVE TOWARD EASY MONEY LACKED UNANIMITY AT OMC

Minutes of the February Open Market Committee meeting, the first chaired by Federal Reserve boss Arthur F. Burns, show that the easier money policy then voted lacked unanimous support.

Three members of the OMC resisted the move as "premature." They are board member Andrew F. Brimmer, New York Federal Reserve Bank president Alfred Hayes, and Dallas Reserve Bank head Phillip F. Coldwell.

But the nine-man majority agreed that "it was appropriate to move gradually toward somewhat less restraint at this time." It was agreed, as well, that the shift should be "implemented cautiously," and operations modified promptly if the money stock and other aggregate measures grew at a more than moderate rate.

The Fed's relaxed policy is evident in a growth of the money stock in March and April at an average rate of 3.8 per cent, compared with virtually no expansion from June 1969 through February.

On the other hand, the majority directive called for "money market conditions . . . shaded in the direction of less firmness, beginning immediately, with a view to encouraging moderate growth in money and bank credit over the months ahead."

Actually, market interest rates have moved up, rather than down in recent weeks, although they are below peaks at the turn of the year. This upward trend in interest rates has been a disconcerting factor in financial markets.

In March, the money supply apparently increased much faster than planned, and the Fed took steps to slow down the expansion. This reversal contributed to tightness in money markets.

[From the Evening Star, May 12, 1970]
VOLUNTARY RESTRAINTS USED: DIRECT CURB WEIGHED IN CANADA FIGHT OF INFLATION

(By John Cunniff)

NEW YORK.—Canada, too, is having its problems with inflation, which suggests that the persistence of this malady in the United States economy may not be solely the result of an improper approach to the problem.

Canada, however, is attacking the problem a bit more directly. Unlike the United States, where the defeat of inflation is expected to be a natural result of an economic slowdown, Canada is considering direct credit controls.

Moreover, the Canadian government already has developed a program of voluntary restraints on prices and wages that has met with some success during the past few months, although the exact amount cannot be measured.

COMPARISON OF RESULTS

Here is a comparison of results in the battle against inflation:

Consumer Price Increases: In Canada, nearly 5 percent, in the United States close to 6 percent.

Unemployment: In Canada, slightly more than 5 percent on an annual basis. In the United States, 4.8 percent in April and rising swiftly.

Industrial Output: In Canada, continuing at a slow pace but showing signs of perking up. In the United States, at a standstill or even falling back some.

Budget: Canada is in surplus, meaning that the government is restricting economic activity. The U.S. budget also calls for a surplus, but many doubts are arising about the feasibility of this in either fiscal 1970 or 1971.

Perhaps the biggest difference is in the interpretation of economists. Many economists believe the United States is in the midst of a mild recession, based on declines in production. Canada's economy is still expanding.

The two economies are suffering from such similar problems, however, that the approach to the future in one country may have lessons for the other.

In Canada, the government is considering measures that would restrain the economy even more. Higher taxes are an outside possibility for later this year if prices and wages continue to rise.

CREDIT APPROACHES DIFFER

That possibility becomes less remote when the wage situation is reviewed. New wage contracts have averaged 9 percent higher this year, threatening to put inflationary pressures beneath prices. Contract negotiations involve twice as many workers this year as last.

The biggest difference between the United States and Canadian approaches is in the attitude toward credit. The government of Prime Minister Trudeau has proposed consumer credit controls and legislation is planned for June.

The big features of the proposed credit restrictions are:

Down payment of 20 percent on purchases of \$100 or more where credit is extended for more than a year.

Repayment within 30 months for automobiles and 24 months for other purchases.

The restrictions would apply to banks, sales finance companies, consumer loan companies and other lenders, and to department stores, automobile dealers and other merchants. Loans for business, farming, housing and education would be exempt.

"We would not propose to interfere with credit for small purchases," said E. J. Benson, Minister of Finance, "nor with ordinary charge accounts, payable within 60 days, nor with revolving credit or budget accounts requiring monthly payments that would repay the loan within 12 months."

NIXON AVOIDS RESTRAINTS

In the United States, the Nixon administration has carefully avoided the subject of credit restraints or voluntary limitations on prices and wages. It hopes instead to reduce inflation through a restrictive Federal Reserve policy, by limitations on government spending and by taxation.

The Nixon policy has slowed economic expansion, without a doubt anymore. Industrial production and unemployment statistics confirm this as fact. But the slowdown has produced little effect on rising retail prices.

With the economy facing enormous pressures for additional spending, and with consumers said to be ready to spend again, some economists speculate that it may not be long before the Nixon administration reaches some of the same conclusions as the Trudeau government.

[From the Evening Star, May 12, 1970]

KING EXTENDS \$40 MILLION IN CREDIT TO IOS
GENEVA.—Investors Overseas Services (IOS), the multi-million dollar mutual fund organization, has announced it will receive

up to \$40 million in credit from U.S. financier John M. King and his associates.

The troubled organization, whose chairman Bernard Cornfeld resigned Saturday, said the "agreement in principle" also provides King with warrants for equity participation in IOS at the price of \$4 per preferred share.

King acted in behalf of his own King Resources Co., of Denver, as well as one of his own European subsidiaries and "a consortium of U.S. financial institutions," the announcement said.

LOAN FINANCING

The aggregate credit provided for in the \$40 million agreement will be in the form of three-year loan financing, the IOS statement said.

IOS said negotiations are proceeding with "respect to the participation of leading European financial institutions." It said the first phase of the operation should be closed this week.

Both IOS and King made it clear in the announcement that attempts would be made to get IOS into the fund-selling business in the United States.

"We intend to consult promptly with the U.S. Securities and Exchange Commission with a view to securing requisite SEC approvals, as well as the resolution of all IOS matters now pending before the commission," King said in a personal statement included in the overall declaration.

"CONSTRUCTIVE ROLE"

"My associates and I look forward to joining with IOS in the further development of the company. We intend to play a constructive role in the interests of all IOS shareholders and clients," King said.

Cornfeld said in a joint statement with his interim successor as board chairman, Briton Sir Eric Wyndham White, that the transaction marks a "turning point" in IOS history.

They did not reveal how much preferred stock would be obtained by King and his associates.

Cornfeld, still a board member, owns about 14.4 percent of preferred IOS stock. Sources said this would probably be placed in a voting trust for the three-year loan period.

ABOUT \$2 BILLION

IOS manages about \$2 billion through its mutual funds.

Shares in the IOS management company and in the IOS parent company slumped badly over the past four weeks, creating a crisis among investors as well as within the company itself.

The statement also did not make clear who will actually run the company. But IOS officials stressed that a takeover as such is not involved.

They said King obviously will "get a slice of the cake" but will not have control over IOS fund management.

The main object of the deal was to restore investor confidence in IOS and among its worldwide force of salesmen.

The company is slashing operating costs, dismissing additional employees and cutting out all but essential activities.

[From the Evening Star, May 12, 1970]
ROMNEY URGES SAVINGS BANKS TO AID HOUSING

NEW YORK.—Secretary of Housing and Urban Development George W. Romney has proposed that mutual savings banks help to bolster housing construction by increasing their investment in mortgage loans.

Speaking at the 50th annual conference of the National Association of Mutual Savings Banks, Romney said that loss of mortgage

investments has resulted in a sharp decrease in housing starts.

Although interest rates have increased and money has become tighter Romney noted that savings deposits decreased last year as depositors sought other areas of investments.

But, he added, savings bank assets have increased. He hoped that by 1978, investments in mortgages by mutual savings banks would exceed the \$104.5 billion projected by Romney's department.

He reminded bankers that the vacancy rate in many major Eastern cities, like New York, is about 1 percent among single-family and multi-family dwellings. Thus, he said, low and middle-income families are pitted against each other for housing, and that this could result in "an explosive situation."

[From the Washington Post, May 12, 1970]

SPENDING CONTROLS BACKED

(By Hobart Rowen)

The Treasury Department's top economic adviser yesterday called for tough controls on Government spending, but stopped short of recommending new taxes if the budget should slip into deficit.

Murray L. Weidenbaum, assistant secretary for economic policy, warned that even with recent additions to federal spending, the federal budget will have a "real" deflationary impact in 1970 and 1971. The implication of his remarks was that further restraint could be excessive.

In the past few days, both Treasury Secretary David Kennedy and Budget Director Robert F. Mayo have said specifically that larger federal expenditures could force the Nixon administration to consider higher taxes.

Weidenbaum said that the economy "is marking time right now" in terms of physical volume, but that "prices are still under strong pressure from the cost side." He said frankly that "we are running behind schedule in terms of visible relief from inflation."

Although expectations for 1971 "are somewhat brighter" than for this year, "1971 is not likely to be a boom year," he suggested.

Among less favorable economic news, Weidenbaum noted that productivity in the first quarter of 1970 had edged down fractionally, after rising in the 4th quarter, 1969; and that unit labor costs were going up at an 8.5 per cent annual rate.

He revealed that a subcommittee of the Cabinet Committee on Economic Policy had been studying "the implications for financial markets" of the growing volume of federal credit programs not counted in the new "unified" budget presentation.

Borrowing to finance Federally-assisted credit programs now run about twice the volume of the municipal bond market, he said. While no conclusions have yet been reached, the Treasury official, who chairs the subcommittee, said alternative ways of reviewing such programs "so as to permit more effective allocation of credit resources" are being explored.

Weidenbaum addressed the 50th anniversary meeting of the National Association of Mutual Savings Banks in New York City. A text of his remarks was released here.

H.R. 17140

A bill to vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the twelve Federal Reserve banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and

agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

PRINCETON MOVEMENT TO ELECT A NEW CONGRESS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, each of us in the House, and each of our colleagues in the Senate, has received a letter reporting on the formation of a movement to elect a new Congress.

This project originated at Princeton University. It was started in response to the invasion of Cambodia and the resumption of bombing of North Vietnam.

I admire the highly motivated originators of this far reaching, intelligent, and responsible movement. Following are the names of the 1,468 members of the Princeton University community who signed the letter which launched this dramatic effort to make government by the people a reality.

The letter and names follow:

PRINCETON MOVEMENT TO ELECT A
NEW CONGRESS, PRINCETON UNI-
VERSITY

Princeton, N.J., May 6, 1970.

HON. DONALD M. FRASER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRASER: The invasion of Cambodia and the resumption of bombing of North Vietnam has so shocked and dismayed the Princeton University Community that normal activities have been suspended to devote the community's resources to achieve an immediate withdrawal of all American forces from Southeast Asia, to reassess the role of the military in American life, and to end domestic repression.

To implement these goals, the Movement to Elect a New Congress has been formed. This involves the following: (1) researching, monitoring, and publicizing the votes and public statements of individual legislators, (2) raising funds and canvassing in individual primary campaigns and the November elections, (3) effecting coordination with other university communities to broaden the movement to Elect a New Congress into a national organization.

Hundreds of students are now leaving this campus to campaign in selected primaries throughout the country for candidates who oppose the war.

A list of the 1468 signers of this letter will be read into the Congressional Record.

(List of names follow:)

John E. Stear III, Charles Dressel, Jan Conroy, John D. Block, Punky Brewster, Robert Barber, John T. Rieffe, L. Deamore, R. Giedraye, M. Neuhaus, David C. Stark, Lloyd Shinner, Michael I. Stoll, Richard Hinchcliffe, Philip Sterne, Jr., Rodney Oller, Cameron Walker, Barbara E. Westlake, William A. Lutz.

Fred Shepard, James Robbins, Hugh Thompson, R. E. Floeder, Richard H. Black, John Chlity, Barbara Julius, Arlene Julius, Skitch Donald, Peter Neuman, Jeff Montange Ken Jacobson, S. N. Xenakis, Carin M. Laughlin, Joseph A. Dalton, Russell B. White, Robert M. Browne, H. M. St. John, David Taggart.

Mac Barnes, Joseph Maryorck, Chip Trleshaman, James C. Krieg, Michael I. Luger, Lynwood C. Murray, Jr., Fred Coclestone, Maxing M. Young, Herbert N. Lape, Stephen W. Brice, Stephen Garner, George A. Dieo, Michael S. Smith, Samuel P. Bohnard, Murray Goff, Dennis B. Murphy, Martin Camargo, Christopher P. Deer, Mark J. Flannery.

Richard D. Heidenrike, Brian J. William, Richard H. Block, Jeffrey Kogick, Richard B. Herndelton, Joe Murchison, Peter Chamber, Tad Blundon, Richard Taber, Jerry Goldberg, R. A. Woodard, Charles Fried, Thomas Brown, Fred Gray, Chuck Carr, Jim Harno, Edward Scudder, James Mochin, Dan Goodin.

Paul Kennison, Mark Hausberg, Rich Hauck, Randy Page, George Kapelos, Richard E. Manting, Miguel A. Firpi, Edward L. McCord, Marshall Devor, Robert E. McBain, Paul F. Danello, Philip Parnell, Roberto del Vento, Stephen C. Cook, Wayne H. Bladh, Reid Beitrusten, A. Garsonter, Michael Sign, Tom Stubbs.

Robert E. Fredrickson, Mark H. Buntz, Paul J. Miller III, Thomas M. Marsh, Carl W. Hunter, Thomas J. Hutchinson, W. Keith Palle, R. Bruce Bediner, Stephen C. Nippert, Mark Epstein, Bob Eichner, Jim Johnson, Rich Noble, Bill Paul, Michael Toole, Ronald Chandler, Mark Stevens, W. O. Ollwerther.

James L. Dorsey, Frank LaMay, Raymond N. Valem, Steven L. Buening, Frank C. Marlay, Jr., Richard J. Balfour, Andrew J. Raubitschek, Alan Lightman, Jim Thornbery, Michael Fischer, Kenneth G. Weaver, Jr., Lynn T. Nagarato, C. W. Leomus, Phebe Miller, Luther Munford, Allen Bark, Bany Timon, Peter Malcolsen, David R. Brown.

Eric Sander, Gregory Paul Nelson, Varel D. Freeman, James Anthony Testa, Linda L. Carroll, James L. Anderson, James Von Schilling, Gerald Grossman, Jon Stein, Ronald B. Krueger, Neil Kurday, William K. Fung, Jeff S. Tubino, Larl Tolleson, Walters Kemp, Joseph Stuart Braswell, Margaret Wolf, Jeffrey C. Gall.

Robert J. Hodrick, Edward T. Wroe, Theron L. Marsh II, Richard D. Affats, William P. Stengel, J. A. Hardie, R. Early, D. Gray, F. Hamilton Hazelhurst, Jr., Mark Van Plut, Henry M. Holoszy, Thomas W. Collins, H. R. Pietroccini, Kenneth G. Leoncys, Steve Gripper.

Bill Gardin, Robert Irwin, Robert Glown, Frank Demmler, Peter Heath, John Csapo, G. Michael Schmidt, Thomas J. Grover, Bill Sedgwick, Francis Bagbey, Barry Berg, Stuart Slarey, Thomas Masland, John Myers, B. Kenneth Lideger, J. Whitney Huber, Andrew J. Kappel.

Gene Halton, J. Schneker, Lawrence F. Ciske, Michael M. Strauss III, Stewart Mittracht, John Hart, Kenn Alexander, James A. Fleischman, Lawrence H. Sanford III, R. K. Hudson, Fred E. Cunningham, David L. Archison, Roger F. Gordon, F. Pat Holmes, Jr.

Richard J. Weir, John R. Heerwagen, Paul E. Mcnamarra, John P. Shapin, James J.

Mott, John Del Rosso, P. J. Jacobson, D. W. Beele, Irwin B. Fischel, R. Wade Paschel, Jr., Richard Kitte, John G. Buchanan III, David W. Whittaker, Duncan Andrews, Vasil James Pappas, Jim Robinson, Stephen R. McCrae, Jr.

Gregory J. Winsky, T. G. Schrader, L. R. Hernandez, John R. Mofat, Herrick Chapman, Ed Berenn, John T. Pottenger, Jr., Sam L. Lipsman, Robert V. Kuenzel, Steve C. Charen, Kem R. Loughlin, Kim Boone, Kevin T. Banle, Steven A. Massad, Bruce M. Nickerson, Timothy Rod Johnson, Howard S. Rodsten, David Franks, Andrew J. Parrott.

James R. Todd, Carter B. Simpson, Thomas B. Yoder, Eugene E. Brissie, L. Mark Tosti, Douglas S. Foen, Charles F. Willson, Lawrence H. Phillips II, Dave Kurtz, Alan F. Robner, Jay K. Lucker, Ann G. Sluim, Allen Uzeden, Douglas Noll, Paul A. Pelosi, Jeffrey Cohen, Donald A. Manam, Steven Ferzoko, Robert L. Daniels, Frederick W. Kunz, Charles Kohl.

John P. Lily, Jr., Ron Hartman, Robert D. Porter, Marc Tucker, Neil Rooblin, E. J. Halfnight, Duncan Spelman, Robert W. Scully, David C. Mercer, Peter Laundry, Timothy J. Howard, C. T. Hallmuth, J. Collins Landstreet, Brian J. Williams, David H. Shore, Thomas C. Hoster, John J. Griffin.

John P. Callison, Mata Minerva, Eric Melum, John Solle, August J. Moretti, Bob Boudreau, William T. Torpey, V. A. Dougall, P. W. Cobb, Richard A. Sun, John S. Oyler, G. Fred Dunn, Paul C. Rueter, Jorge E. Otero, Jeffrey K. Smith, Donald M. Prowler, Mike C. French, Bill Brockman, Don Fraser, Bob Hollis, John C. Van Horne, Peter S. Unger, Eric G. Brook.

John Griffin, Bill Warfield, William Weeder, Bruce Rodwin, Stephen L. Adin III, D. Sweeney, T. Wellington, Margaret W. Wlbers, Robert L. Mickel, John Hardy Jr., Howard Kennedy, Liz Cohen.

Eugene Lowe, Charles Henderson, Thomas Weed, Paul Powler, Harold Bursztajn, Gil Schaeffer, E. Michael Heumann II, Kathy Grantham, Rick Sanders, Todd Sitome, Bruce Farwell, John P. McMaron, Eugene Lugano, Debbie Coda, Margo Constable, Thomas M. Gorrie.

Bob Douthill, Rick Schnure, Charles Goldberg, David Hoffman, J. O. Hatch, Michael R. Corbett, Dave D. Witten, Mark Ethridge III, Claire Montgomery, Michael Carrigan, John Rea, Hunter Cushing, T. Lyman Martin.

S. G. Saunder, Steve Tobolsky, Bill Koch, Kevin McCarthy, John Allen, Richard A. Lewis, Tom Mueller, Walter Baker, Douglas A. Grover, Robert E. Hall, Ronald Taylor, Robert B. Washburn, Nyntantas Zdanyas, Peter Reynolds, Marion G. Sleet.

Thomas LaBlanc, Elizabeth Abel, Wayne Mullin, Gary T. Back, John Holmes Ryan, Raphe Fouenshein, Saun Tully, E. R. Todes, Jr., Mashan, Graham Grass, Ndjsa Nellscow, O. J. Rothrock, Lee C. Edds, Henry W. Asbill.

James R. Proud, J. C. Adamson, J. F. Beardsley, Hohn A. Rossback, Mark Cegalle, Andreas A. Schneider, Eric Newman, Abyssus Amennious, Rollin Olson, Vivian Lyn Ericson, Doald W. Clouson, James E. Flynn, M. Sohn, Maurice Lee.

Gregory Kent Bergey, Barry R. Noon, Marc J. Abrams, R. A. Johnson, Bruce A. Hughes, Andrew J. Levada, W. David Graham, Ronald N. Hochman, Michael E. Henchirf, Dicz Bingham, Theodore M. Brown, J. A. Henrietta, Mark P. Smith, Charles P. Whitin.

Robert I. Tate, Dorl F. Stickney, George Hardy, Jeff Hardy, Yaffe Ventura, Albert Ahoody, Edward Brencliff, Robert L. Zweibel, Mark Eplores, Glen Carter, Chris Milner, Richard Evans, Mark Thompson, Charles Chastel, Anne M. Bowen.

J. O. Hatch, Michael R. Corlisset, Kare D. Mitro, Mark Ethridge III, Claire Montgomery.

Michael D. Carrigan, John Rea, Cladine Serre, Victor Sappinkoff, Hunter Cushing, T. Guyman Martin, S. G. Saunder, Steve Tobalsky, Bill Kooff, Kevin McCarthy.

John Allen, Richard A. Lewis, Tom Mueller, Walter Baker, Douglas S. Groves, Robert E. Hall, Ronald Taylor, Robert B. Washdrafer, Nyntanta-Zdanya, Carolina E. Paup, Peter Reynolds, Marion G. Sleet, L. J. Commen, Bob Beja, Thomas M. Gorrie.

Rod Kellems, Gary Sikora, M. Eyston, Daniel E. Call, Richard Matteson, Edward J. Buckbee II, Gregory Coleman, John Liegel, James Duguid, Claudio Breney, R. S. Berry, H. D. Collums, A. H. Summerville, Marcia C. Boraas.

Ronald C. Oehrt, Claude Swanson, Joan Ozark, John H. Pruitt, L. C. Carson II, Y. Nakagawa, Pat Lyons, Phyllis A. Totten, Ellen Chances, Mary H. Kay, J. B. Savage, E. Ulener, Richard Pooeer, George Sallis, Lawrence M. Shea.

D. Griffiths, Frank Sommerville, Charles F. Scott, F. E. Aeri, Frances B. Weeskopf, Kristine Brightenback, David L. Tharp, I. Ophelg, Frank Weinstein, Allen Krathen, William C. Wickes, Warren Knoff, Donald M. Whaley.

Wm. C. Haddad, F. White, Robert Ephraim, Timothy J. Butts, Jean E. Thomson, E. Shiffman, Sharon Frachtenberg, Toby A. Simon, Belgin Tebee, Ellen Weaver, Grace H. Armstrong, T. Reed, Tim Keiderling, Gregory M. Dobbs, John R. Guerin, M. Maston.

Alvin Silverstein, B. Peck Aespil, Jeffrey A. Johnson, Katrin Nordin, M. Kerst, Kathleen Skiba, Sen-tair Jou, Demetrios Christodonton James B. Lindhelm, Jeffrey Freedman, Charles C. Ellis III, Timothy H. Carter, Bryn Reeves, Christine Choy.

K. Frost, E. Milewki, Anna L. Staley, P. Tenn, Dorothy Holland, Eli Harari, T. H. Trevin, Mark Greer, Bruce Kohn, David E. Langsam, Ann Y. Carter, Michael Ann Turner, Robert S. Meerley.

Peter C. Hunter, Alex R. McKay, Robert Werner, George Robertson Laurence M. Seezer, Jerome Davis, Richard D. Cagan, Richard E. Dohal, Thomas G. Gallatin, Jr., R. M. Westerfield, Francesca V Longhi, Nilan H Sigal, Neil Pederson, John H. Hendeman, John Lill Stanley, Jr.

Thomas Alder, John W. Craynoch, Thomas R. Hyde, David Y. Hist, W. James Hart, III, Tim Tosta, Stephen J. Powers, Olaf Oglund, Alan Makovsky, John R. Filippini, Robert B. Maguire, Denis M. Guzzinski, Natt Schaubacher, Bill Ryan, Scott Brumsfield.

Jeffrey Hunter, John A. Good, Matt Meyers, Richard Kelly, Michael Glutz, David Elkind, John K. Gaffney, Robert Baker, James Meserow, Kevin Dean Ashley, Bruce Jay Nasser, William C. Lillydehl, William Schultz, G. Michal Hannon.

Robert L. Shmnish, William B. Brown, Joe Verbals, John Batecka, William D. de Gohan, Rich Higgins, Edwin Nesbit, John Peyton, Diane Eisenberg, Chic X. Sole, Joseph P. Alnould, Maria Basan, Priscilla Read, Ken Christian, Stevin J. Laner, Jon W. Bower.

Peter Pouillada, Charles Murphy, J. Pofalt, Adele Ellis, Carter McAdams, Jeff York, Jim McGarry, Robert F. Dymek, Diana Blavo, Michael Janoski, James Nye, Malcolm Harris, Richard D. Holton, Richard Walker, Lurker Gamberti.

Sara-linda Hoeken, M. Gella, Marshall H. Rose, Donald Brassio, Mary Lafuret, S. J. Collins, Jr., Alan S. Rosenthal, Bill Kuhn, G. Scott Berg, G. Mary C. Smith, Jay F. McCrutliffe, Ned Claxton, William J. Talbott, Jr., Rande Brown, Raymond Browne.

Neal Goodwin, Robert R. Watson, Richard R. Ellis, Alan Loyanoff, Mark W. Lebmann, Allan Cusia, Ralph Sobel, Doug Everett, J. Andrew Robbins, Don Szejner, John Slater, David Fischer, Lawrence F. Gilbert, John E. Brower, Tony Vicoto.

Ling Grazziano, Jeny Stockdale, Gary L. Berg, Wendy Cogan, Geoffrey C. Packard, William Stevens, Robert S. Butts III, Jack Hines, Ed Perraut, Jr., Michael Knight, Stu Namy, Steve Wairod, Tom Wood, H. W. Smith, John A. Roorbach.

Douglas Hinson, K. R. Loughlin, Thomas F. Russell, Vito R. Sessa, Margret L. Schwartz, Peter Waldman, Gretchen Zioikowski, Kerry Wilson, Jeffrey Holmes, James Harris, Robert H. Ever, Jr., P. Johnson, Jim Childs, David W. Lyon, Steve Mather.

Lorraine Tedeschi, Stephen C. Chatain, Ellen Fineberg, Alan Brinkwitz, Dennis P. Wilkinson, M. Keith Payne, Geoffrey White, Neil N. Neuin, Steven L. Lester, James M. Gorman, B. Sanchi Lopez, William G. Sayen, Ford Martin, David Spann, Anne S. Charrier, F. Baldwin.

Oscar Grenntz, Edward Labowitz, Brian R. Smith, Stephen M. Oilson, Steven L. Dfein, Nancy Waldman, Jan Zioikowski, James Stevens, Gary Hoarlian, Ed Andrey, Michael Donnas, A. W. Steinman, Bruce E. Blachadar, Kevin T. Baine, Michael D. Henderson.

Theodore Tedeschi, Christopher Richardson, E. Michael Heurmann II, Andrew Marks, Robert W. Blair, J. T. Wagenkencht, Bob Alfson, E. D. Hume, J. Hemor, Richard A. Tina, Edmond A. Tiyah, Jana Samias, Gerry Spann, David M. Armstrong, Nancy Lambert, D. E. Gratehoff.

Mark DeCarlo, Bruce Cogsil, G. E. Hubler, Paul N. Watterson, Jr., Theodore C. Marzakeotis, Anne Bocel, Howard Z. Skidmore, Frances Zwich, Wal Bisser, Tim Nichols, Michael M. Barry, Ed Smith, Morris Weinberg, Jr., William R. Kuntz, Jr.

Silas Kojif, James W. Anderson, John K. Spencer, Mark D. Ponnell, Frank Nickery, Ralph A. Simmons, Thomas Stoll, Stuart E. Rickerson, Bruce Corcoran, Douglas Bcyn-ton Quine, Andrew Napolitano, Charles H. Lippy, Steve Del Vecchio, Phillip Barbaccia, W. H. Wilcox.

Dave Calkins, Kenneth A. Thomas, Henry Williams, R. Sanders Williams, Charles Goldberg, Meg Switzgable, James Easton, John Calkins, Paul Ryder, Jake Feldmeier, L. Erb-nizer, Allen F. Steere, Andrew Brown, Theodore J. Rueste.

Dan Cunningham, Jeffrey A. Brown, Kenneth K. Gill, Jr., Wilson Prichett III, Gary Ulmer, Olden Sprolws, Horace G. Sneed, Gary V. Sagul, Burleigh C. W. Leonard, William Hugh Stuart, Robert Henry Caldwell, Jr., Allan Hogate Ferrin, Emil A. Dellere, Andy Wilson, Norm Duffet.

Frederic A. Ridder, William A. Latin, Richard G. Wallace, Jeffery L. Campton, Kathy Bloomgarden, Russell Vasile, Robert J. Bernstein, M. Bruce McKay, Jane Louise Hoffman, Marcus L. Rice, Anita L. Waddingham, William Cox Bowman, Brian Langston, Lamar Oxford.

John F. Padgio, John K. Priotte, Bradford N. Johnson, Roberta Miller, Robert Eli Sandfeld, Charles R. Stille, David W. Anthony, David Dwallly, Robert W. Walbridge, J. D. Hosterman, William C. Libby, Wayne S. Maxson, Joe Reidey, W. Dale Allen, Rush D. Greenslade.

Larry Thompson, William F. James, Ben H. Durfer, John Hulamed, Louis Cox Jr., John Stuckey, Thomas Hanna Jones, David J. Grafs, Rob Hartshome, Roy Herndon Smith, Robert F. Peake, Malcolm J. Curtis, Gary M. Scharff, Marilyn Schlachter, Michael D. Carrigan, Robert Singe, Lanier E. Williams, David A. Dalley.

Nancy K. Hall, John M. Christian, Larry Vinson, Charles Wright, Bill Keslar, Joseph Lettiere, W. Robert Kemp, Susan Fack, John W. O'Donnell, Randall J. Turk, Edward A. Holland, Michael Pepper, Debra Drogin, Walter N. S. Pfauemer, John W. Anderson, Emily Bonacarti, Robert Miles.

Carl J. Dahlman, Gregory Hodak, Sanford

M. Greenberg, Joel Coppelbaum, Kathy Maloney, Tony Battoglio, Richard Linowes, Dan Trifan, Chris Rogers, Stephen J. Long, Patricia Sohl, David Train, Billy Charg, Akwasi Osel.

Bill Ginsberg, Michael A. Marrese, Don Fineberg, Brian Hamasaki, Tom Hill, R. A. Patterson, Bob Wolfe, Arthur B. Carey Jr., Eyra Shapiro, Don Faxton, Michael Olmstead, John McLean, Roderick S. Ferris.

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Arch McCall, Allison Young, Peter McLaughlin, Rich Keating, Dick Wasserman, G. Martin Wagner, Ted Walkenhorst, D. Heitzman, Jeffrey D. Levine, John N. Krieger, James J. Bruce III, Lennie Coleman, David J. Gullen, John Fitzsimmons.

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James Campbell, Jr., David O. Whitman, Robert P. Turner, Gregory L. Dilit, Peter G. Brown, Thomas R. Leuner, George M. Peterman, Peter N. Doyle, Arthur H. Thornhill III, Ed Bauer, Marcia Honig, Alex Gelger, Roberta Wyper, Ellen W. R. Woodbury, Bill Lewis.

Paul Balaran, Steven Anton, P. Wilson Boswell, Sharon Harrison, John L. Hillay, Ed Freedman, Bruce Funkhereser, Harry L. Jacobson, Shirley S. Holmes, Kathleen L. Holmes, W. P. Groos, Jeffrey J. Thebel, David Rendall, Heidi Rendall, Jeff Weil, Tom Yunck.

Herb Simmers, Russ Orlando, Ray Grimmer, Jim Hundley, Muto Braun, T. Randolph Smith, Stephen R. Clausen, Walter Bode, Michael J. Curtin, Stephen P. Hamilton, Michael Morgan, Josephine Mineo, Michael H. Bartlett, Branch Coslett, John Hummer, George Tombulin, Jr.

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G. Hubltz, K. V. Wilker, John Rinfel, John V. Rizzer, William B. Samuels, F. W. Kittler, Jr., H. P. Cooper, Stephen Briggs, Conway R. Miller, Jr., Mary Gibson, Ingrid Anderson, W. N. Lanndisk, Vadette Kedenburg, Ronald A. Guton, Missy Scherman.

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Leight Laughlin, Christopher R. Lipsett, Robert E. Falco, Karen Dakin, Elliot Kaufman, Paula Darin, Jane Warren, Anne Y. Samson, Thomas J. Rice, Jon W. Bauer, Andrew B. Davis, Richard C. Garrison, J. B. Robertson, J. H. Mitzy, Edward L. M. Lord.

Terry Leon Stengle, N. Zomgley, Stephen A. Fruhling, John D. Porte, Harold Burzsteln,

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Irene Ramp, Steve Pickrel, W. T. Matson, Joe Izzo, Art Veffan, Scott Early, Brad Rollings, Carol C. Dorsey, Fred B. Alexander, Patricia Kidd, Stephen C. Hitz, H. Jeffrey Engler, H. Dean Kedenburg, Ellen Bernstein.

Gary L. Takors, David Ulansey, Allan D. Smith, John Schuster, Michael Gron, Jeff Petrie, Marc Murphy, Kirk Nelson, David Chapin, Richard R. Clifton, Henry J. Svanger, James Hinton, Robert Plotnick, Chuck Oleson, Peter Hauck.

Barbara C. Fugus, Jim Schwarz, Jim Corbel, Dave Garretson, Bob Cohen, Von Furstin, Perry Cars, Warren D. Mathei, Scott Labun, Duncan W. Braun, E. Allen Zask, Richard A. Hesel, William J. Murphy, Frank R. Kiej.

Katherine E. Meyers, Barbara Wolfson, William B. Corswell, Douglas L. Blair, Albert H. Waly, Richard Deneson, Dave Grant, C. Hunt, Frederick L. Dixon, Gregory B. Allen, P. Michael Kozma, R. Douglas Rohn, Romulus Staton, Bill Fennell, William G. Daake.

Stephen J. Gladden, K. Wescocert, S. Coryn, T. Alliaby, James J. Donnell, Bill Lucas, John E. Gummins, Alan R. White, Randall Mathieson, Sam R. Dickerson, Dan Ruchman, William F. Hanna III, Richard Denisen, James L. Montgomery, G. L. Drumm.

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Sue J. Lee, Louis E. Jankauskas, Henry M. Lerner, Albert Baybien, Jr., L. B. Halbert, P. B. Caton, David Lemon, Sander M. Bieber, Stephen G. Gould, Nicholas Hammond, Michael H. Harity, Robert M. Thompson, Mangui, Bob M. Seun.

Glenn Scott, Robert Fish, Christopher Crimbals, Paul Bradshaw, Robert A. Wyper, Arthur A. Lehman, Dennis Farley, Jeff S. Argobast, Pamela Houghtaling, Stephen L. Turk, Richard T. Wright, Randy Harns, Lauren C. Dumbley.

Thomas H. Potts, Dennis J. Burns, John Kaysen, Michael Hough, R. Tomlinson, Jim Levy, Barry Feldman, Charles H. Robinson, Jr., Christopher Montgomery, Carey Davis, Roger Saltman, Stanley A. Lefkowitz, Nnamji, Drew S. May.

Dennis M. Papard, James Brazell, Casey Wolff, Stuart Taylor, Jr., John R. Dwir, Royce O. Johnson II, Barbara Elkins, Jean H. Kroll, Gerald Goey, Art Dicker, Tim Ollan, Raymond LaSala, Greg West.

through which Poland was transformed into a modern state in 1791.

Polish Third of May Constitution Day is a holiday that is observed through the month of May, to remind Americans that Poland was one of the pioneers of liberalism in Europe.

On May 3, 1791, Poland adopted a new constitution. It came at a critical time in Polish history, for in 1772 Russia, Prussia, and Austria had annexed large portions of Polish territory. Facing possible dissolution, all forces in Poland united behind the constitution. The reforms made in this constitution stand as a tribute to the liberalism of the Poles. It eliminated most social inequities in Poland, and was greatly influenced by America, England, and France.

This constitution established the sovereignty of the Polish people, and separated their ideology from Russia, where the state, not the people, is considered sovereign.

On this occasion, we are reminded that Poland is deprived of the right to pursue her own destiny, in spite of the enlightened attitude of her people. We in the House of Representatives hope that the repressive shackles are lifted soon, and join with Polish-Americans in commemorating the May 3 constitution.

STRONGER ACTION BY THE UNITED STATES TO OBTAIN RELEASE AND RELIEF FOR AMERICAN PRISONERS OF WAR FAVORED BY 95 PERCENT IN MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GRIFFIN. Mr. Speaker, Hanoi should get the message that Americans are outraged over Communist treatment of our prisoners of war. Recently the reader poll of the Jackson Clarion Ledger contained this question: Do you favor stronger action by the United States to obtain release and relief for Americans being held as prisoners of war in Southeast Asia?

The results were:

Yes	Percent
No	95.63
Undecided	2.39
	1.94

I think this poll reflects public opinion throughout the United States that strong action should be taken to obtain the release of American POW's.

POLISH THIRD OF MAY CONSTITUTION DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MINISH. Mr. Speaker, on May 3, people of Polish descent in the free world marked the adoption of the Constitution

LEGISLATION TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ZWACH. Mr. Speaker, in the past few weeks, several reports have become

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EXTENSIONS OF REMARKS

May 13, 1970

available as to the pollution problem which can be attributed to the use of phosphates in detergents.

These reports show that manufacturers can, and some are, producing detergents at close to minimal levels of phosphorus. Detergents contribute approximately 70 percent of the phosphorus in municipal

wastes which in turn foster rapid growth of algae and other underwater vegetation.

Under new regulations, municipal waste treatment plants are now required to eliminate phosphorus, which makes the construction and maintenance of plants more costly.

There is a solution, and I am today introducing legislation to amend the Federal Water Pollution Control Act to require that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus.