

effective governmental response to legitimate citizen demands. If successful in Connecticut the program will be extended to the post offices of all the States.

In addition to the existing passport offices in Connecticut which will continue to accept passport applications, starting July 1, first class post offices in

Waterbury, New Haven, Hartford, Stamford, Greenwich, New London, Willimantic, and Bridgeport will also process applications.

## SENATE—Friday, June 12, 1970

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

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

O God, who art known to the pure in heart, help us in these troubled days and changing times, to hold fast to our faith in Thee. When knowledge is confused and judgment uncertain, lose not care of us though we lose sight of Thee. When thoughts of Thee grow dim or pressing duties consume our time, still hold us fast and lead us unconsciously to do Thy will. Reassure us that Thou abidest beyond all change and art always better than our highest hopes, greater than our noblest dreams.

Bless this Nation which Thou hast given us that discerning and doing Thy will we may fitly serve Thee and all mankind.

Through Jesus Christ our Lord. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 12, 1970.

To the Senate:

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

RICHARD B. RUSSELL,  
President pro tempore.

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

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 11, 1970, be dispensed with.

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

### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now transact routine morning business with statements limited to 3 minutes.

### CRIME LEGISLATION

Mr. MANSFIELD. Mr. President, according to the press, radio, and television reports, President Nixon found fault with Congress on yesterday for failing

to pass 13 pending anticrime bills, some of which are highly controversial.

According to the news reports, he said:

We will do a better job with more legislation, but let us remember where the responsibility lies. It is right down there in the Congress. They need to provide those tools for us and then we will do the job. I think perhaps the major failure of this Congress has been its failure to act on any of the crime legislation which has been before them for 18 months.

This failure—

He asserted—

will be something that the people will remember.

Mr. President, at the same time, the distinguished Vice President of the United States, the constitutionally prescribed Presiding Officer of this body, who is very much aware of what goes on in this Chamber, said:

Unfortunately, the Vice President continued, the legislation needed to effectuate the President's anticrime program has not been provided.

May I say that the Senate has already passed 13 major crime proposals advocated by the administration. The total number of anticrime proposals advocated by the administration is 20. The full list of anticrime measures are as follows, by bill number and title:

S. 2022, illegal gambling control.

S. 2637, drug bill—S. 3246.

S. 2657, included in drug bill.

S. 2601, District of Columbia court reorganization.

S. 2602, public defender, District of Columbia.

S. 2869, criminal law revision, District of Columbia.

S. 2981, Juvenile Code, revision, District of Columbia.

S. 3036, increase penalties, Sherman Antitrust Act.

Obscenity: S. 2073, obscene mail to minors; S. 2074, prurient advertising; and H.R. 10877, obscene mail, title II of postal rates bill.

S. 2600, bail reform.

S. 3132, criminal appeals.

S. 952, omnibus judgeship bill.

S. 2122, Federal immunity of witnesses.

S. 2292, sources of evidence.

S. 1861, Corrupt Organizations Act.

S. 30, Organized Crime Control Act of 1969.

S. 1624, Wagering tax amendments.

S. 1461, Criminal Justice Act amendments.

In addition, there is the Mansfield bill, which provides an additional penalty if a gun is used in the perpetration of a crime. In other words, if anyone uses a gun in committing a crime, he will be subjected to an additional severe penalty over and above the penalty prescribed for the basic offense.

The sentence for a first offense will be

an additional 2 to 10 years, for a second offense the additional penalty for carrying a gun in the perpetration of a crime will be a 25-year sentence. The sentences will not run concurrently but consecutively. This proposal—which passed the Senate unanimously—raises the total anticrime measures to 21.

The full list of the other 20 anticrime proposals advocated by the Nixon administration and the action already taken or contemplated by the Senate is as follows, by bill number, title, and status:

S. 2022, illegal gambling control: Passed Senate—S. 30—January 23, 1970.

S. 2637, drug bill—S. 3246: Passed Senate January 28, 1970.

S. 2657, included in drug bill: Passed Senate January 28, 1970, included in S. 3246.

S. 2601, District of Columbia court reorganization: Passed Senate September 19, 1969.

S. 2602, public defender, District of Columbia: Passed Senate November 21, 1969.

S. 2869, criminal law revision, District of Columbia: Passed Senate December 5, 1969.

S. 2981, Juvenile Code, revision, District of Columbia: Passed Senate December 22, 1969.

S. 3036, increase penalties, Sherman Antitrust Act: Definite passage this session. Consent Calendar item, no controversy.

Obscenity: S. 2073, obscene mail to minors and S. 2074, prurient advertising: Reported to full committee; H.R. 10877, obscene mail, title II of postal rates bill.

S. 2600, bail reform: Hearings underway; administration had requested postponement until March 1970 when it completed its study of constitutional questions raised by preventive detention.

S. 3132, criminal appeals: Senate hearings completed.

### CRIME BILLS SUPPORTED BY ADMINISTRATION, ORIGINATED IN SENATE

S. 952, omnibus judgeship bill: Passed Senate June 23, 1969.

S. 2122, Federal immunity of witnesses: Passed Senate January 23, 1970.

S. 2292, sources of evidence: Passed Senate January 23, 1970.

S. 1861, Corrupt Organizations Act: Passed Senate January 23, 1970.

S. 30, Organized Crime Control Act of 1969: Passed Senate January 23, 1970.

S. 1623, wagering tax amendments: Definite Senate passage this session.

S. 1461, Criminal Justice Act amendments: Passed Senate April 30, 1970.

Thus, the only two significant crime recommendations that the Senate has not yet acted upon are: First, the difficult area of pornography; and second, bail reform—containing the issue of preventive detention.

The postal strike and the Post Office Committee's involvement with working out the issues raised thereby with the administration caused the cancellation of Senate hearings on the obscene mail proposal, but hearings and action will take place on that measure very shortly; I know that the distinguished chairman of the Committee on Post Office and Civil Service, the Senator from Wyoming (Mr. McGEE) will give this measure full attention shortly and action will be forthcoming.

The other significant measure of the President's package is the bail reform measure of the administration.

As was reported earlier this year, the Senate committee was still awaiting the administration's report and statement of position on the difficult constitutional questions involved on that aspect of the bill dealing with preventive detention.

These reports have now been received, and hearings are presently under way in the Committee on the Judiciary.

As the distinguished Senator from Nebraska (Mr. HRUSKA), the ranking Republican on the Committee on the Judiciary and the distinguished Senator from North Carolina (Mr. ERVIN) have stated on the Senate floor, the committee must deal in this area with "very difficult constitutional matters" and therefore must proceed cautiously.

The action of the Senate—and that is my reason for speaking today—I repeat, the action of the Senate on the crime legislation submitted by the administration, as well as on many additional major programs initiated by the Senate and embraced and supported by the administration, including the Mansfield gun bill, makes a record of accomplishment seldom achieved in any field by any legislative body.

Thus, for about the fifth time this year I rise on the Senate floor to emphasize the record of the Senate in crime legislation and to try to make the record straight, that any charge of dereliction of duty against Congress does not apply to the Senate. The Senate has originated and the administration endorsed eight additional anticrime measures—additional to the 13 proposed by the administration—and the Senate has passed all of the major proposals, but two. And of the two major proposals outstanding—the administration itself has requested a delay in proceeding with the more significant.

The President has submitted his requests, the Senate has moved swiftly and fully with these requests and in reality has added significantly to them.

The Senate has done not its full share but far more—it has originated proposals that the administration has later embraced.

Whatever delay has occurred has been caused by the difficulties recognized by the administration and the advocates of the legislation with respect to the constitutional questions involved. Everything that could be done to date responsibly by the Senate has been accomplished. Both sides of the aisle in the Senate agree fully on this statement.

I want to iterate and reiterate, and reiterate again, that so far as this body is concerned, on a nonpartisan, bipartisan basis, we have lived up to our responsibilities in the field of anticrime legislation and in drug control legislation.

I want this record straight.

I want it read in the White House.

I also want it read by those who make speeches blaming Congress as a whole for failure to act. There are two branches of Congress and the Senate branch has accomplished a remarkable achievement in passing anticrime legislation.

It is a fact that only one crime bill of the 21 proposals—and none of the President's original 13 proposals—has been sent to the President or placed on his desk up to this time, but the Senate has done its full share, it has achieved a most remarkable record in the passage or assurance of Senate passage to date of all but two of these proposals. And these last two proposals are being scrutinized by the administration and the appropriate Senate committees in an effort to proceed responsibly and cooperatively to Senate passage. It is a record of total achievement in the Senate that has full parallels in the past.

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

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

Mr. SCOTT. Mr. President, the distinguished majority leader has made a number of very good points.

The Senate has done a very good job on the crime legislation. We attended to business. We got the bills out.

I feel as he does. I am a cosponsor of the Mansfield gun bill which adds additional punishment for crimes committed with a gun. It passed the Senate unanimously.

That leaves us with the obscenity and pornography bill and the bail reform bill which I also would like to see acted upon as expeditiously as possible.

The President has a justifiable concern in getting crime legislation passed. I was at one time a senior assistant district attorney. I have tried over 10,000 criminal cases. I know out of my own experience that the passage of this crime legislation would indeed have a marked effect on the incidence of crime.

If Congress has been delinquent in its dealings with delinquencies, it is surely not, with the sole exception of these two matters, to be laid at the door of the Senate.

I say myself most respectfully and without intending in any way to cast any onus on the other body that I do wish they would find means to expedite action. It is generally thought that the Senate takes the longest time to act. But in this case it is the other body which has not seen fit, for whatever reasons, to expedite some of the most important legislation in a decade.

The rise in the rate of crime continues to slow down, and it has tended to slow down in the last 2 years. The total rise in crime is incredible. Not even the rate of the rise in crime has slowed down in the

District of Columbia. For example, about 8 or 10 years ago the number of burglaries committed a year in the District was about 5,000 or 6,000. Last year the number of burglaries committed was over 22,900.

The number of homicides has increased multifold in the same period of time.

This is a city ridden with crime, a city where fear stalks the streets. And this is true of so much of our country today.

The reason is lack of judges, lack of prosecutors, lack of judges with guts, and the skill of counsel to secure an infinite number of postponements until witnesses die or fade away or their memory becomes faulty for one reason or another.

It is due to the ineffectiveness of the current bail laws. And there I have to plead to an error of my own. I was a member of the committee that passed that bail law, believing that we could protect the rights of defendants and allow them to go free under their own cognizance.

We were wrong. They immediately abused that right. They committed robberies. They committed rapes. They committed murders. They relied on the lassitude of the courts and the infinite ingenuity of the attorneys to avoid punishment for their first offenses.

We need these laws desperately. People will be killed. People will be raped. People will be robbed. People will be burglarized tomorrow and tomorrow and tomorrow and for weeks to come for every week these bills are delayed. And they are being delayed for one reason or another.

Some may think the reasons are good. I cannot see any reason good enough to delay that which is needed in this country—men to enforce the law, men to prosecute the law, men to hold to the oath and obligation of barristers and their responsibilities for the prompt and speedy action of the processes of justice.

Justice delayed is justice denied. Therefore, I do believe the President is entirely right in saying that he is disappointed and that he feels this legislation should be on his desk. I think it is a deplorable situation. But I do not blame the Senate. The distinguished majority leader is quite right in his remarks this morning.

Mr. MANSFIELD. Mr. President, if the Senator will yield there, I agree wholeheartedly. We stand ready to cooperate with the House in this field, as well as in other fields. But this is a matter of priority we are talking about now. There is need for action. And it is about time that at least one of the 13 bills reached the President's desk, and preferably all of them.

Mr. PERCY. Mr. President, I do not wish to delay the distinguished Senator from California (Mr. MURPHY), because I am very anxious to hear his firsthand report of his visit to Cambodia.

Mr. President, President Nixon was on solid ground yesterday when, in remarks he made to U.S. attorneys gathered at the White House, he criticized Congress

for failing to approve of any of the 13 bills he has recommended to deal with crime, pornography, narcotics, and the use of explosives. Congress deserved the reprimand.

While the serious crime rate increased seven times as rapidly as the population during the 1960's, while the annual number of felonies committed in the United States, actually doubled during that same period, Congress not only continued its too-little-too-late pace in the crime-control area, but in most instances it has not acted at all. Between 1960 and 1968, burglary was up 104 percent, and robberies grew by 144 percent, yet Congress has failed to supply law enforcement officers with the new tools required to fight this war.

What Senator among us does not recognize that as a result of this proliferation of crime, our country is bordering on a state of national paranoia—bolting and double-bolting our doors; arming ourselves to the teeth against the uninvited, unwelcome intruder; insuring our lives, our homes, our furniture, our cars against the activities of those who may lay claim to possessions not rightfully theirs; scheduling our lives primarily in terms of what will afford us the utmost security?

We demand parking places close to our destinations. We avoid traveling unaccompanied. We take office work home rather than stay late at the office. Even though many movie and theater productions have earlier starting times, we attend them less frequently.

At nearly every point in our lives, all of us have had to compromise in order to ward off the threat of attacks by outlaws. And the scope of these concessions is magnified here in the District of Columbia where policemen literally are required to ring the Capitol area to protect visitors, tourists, staff workers, and lawmakers. Once a person gets beyond this protective circle, he enters an urban jungle where survival is predicated either on brute force, the most deadly weapon, or on fear which eventually works to imprison residents in their own homes.

It is against this backdrop of rampant crime and intimidating effect it has on all our citizens that Congress' inaction is particularly unconscionable. If we continue to turn a deaf ear to this most anguished cry for security and order, we not only undermine the success and viability of our democratic system of government, which must be responsive to the electorate, but we also undermine the rule of law.

There are basic philosophical conflicts among legislators over specific portions of the administration proposals. Most of the controversies touch on tough problems of fundamental rights and require the most searching, probing, and exhaustive sort of debate. But neither the Congress nor the American people can afford to let these issues bog down merely because they involve tough questions.

Indeed, if anything, the difficulty of the problems would seem to speak for the need for even greater and more concerted debate.

As I understand it, this is all the President is asking for: Just to get the bills moving. But it is a source of embarrassment to me, and I would hope to the rest of this Congress, that the President has to keep chiding us into action in an area which is the first duty of the legislature.

Fear of crime is destroying some of our country's basic human freedoms. The fact of crime has already deprived countless thousands of their lives and their property. If we recognize that the function of law is to insure liberty, I would submit we have never been in as great a need of strong new laws as we are right now.

Mr. President, I should like, therefore, to express full understanding for the frustration of the President and the Attorney General at not having received the legislation and for their comments that Congress has not provided it. However, I would hope that the administration would differentiate concerning a matter in which we have worked hard and expeditiously in the Senate in moving our calendar with respect to the administration bills, rapidly and expeditiously early in the session.

I would hope they would distinguish between the House of Representatives and the very expeditious schedule we have maintained in the Senate on crime legislation.

There are some controversial areas in these crime bills, some areas that cause very deep concern as to the matters of human rights and civil rights. But the House ought to vote the bills up or down now and put the highest of priorities on criminal legislation.

I can say that with deep feeling and can refer to incidents that have occurred on my own staff in the U.S. Senate.

In my first 2 years in the Senate, two girls on my staff were mugged. One girl had her apartment broken into. Another girl had the wheels taken off her car in the parking lot. Two others were physically assaulted.

That is an indication to us that something is gravely wrong in Washington, D.C., and the country.

Certainly the President and the Attorney General are putting the emphasis that they should behind this high priority legislation.

I hope that the Members of the House will listen to and heed the voice of the President now and move this imperative legislation forward.

I ask unanimous consent to have printed in the RECORD an article entitled "President Assails Congress for Inaction on Crime Bills."

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

PRESIDENT ASSAILS CONGRESS FOR INACTION ON CRIME BILLS

(By Carroll Kilpatrick)

President Nixon assailed Congress yesterday for failing to approve any of the 13 bills he has recommended dealing with crime, pornography, narcotics and the use of explosives.

In a speech that was a clear warning he will use the issue in the fall campaign, the President said that for Congress to fail to

act is "something that the people will remember."

He said he could understand "Congress dragging its feet about some things" but that it should not play "the political game" on anticrime measures.

The President spoke to United States attorneys gathered in the White House rose garden and declared it was time Congress "got off dead center" and passed the bills, most of which he sent to Capitol Hill more than a year ago.

An hour later, Vice President Agnew, speaking to the same group in the Statler Hilton Hotel, likewise criticized Congress for failing to act on anticrime legislation.

Agnew said critics of the bills have alleged that the American Bar Association opposed some of them. Only one section of the ABA has voiced objection, the Vice President said. "The ABA has not yet spoken."

He apparently referred to action last weekend by the ruling Council of the ABA's section on criminal law. The Council does not speak for the whole ABA.

The President told the attorneys that progress had been made in the fight against crime but that law enforcement officers need better tools.

"I promise you that if we get the tools from Congress we will use them and we will reduce this rate of crime," he said. "But let's remember where the responsibility lies: it is right down there in the Congress."

He said that "perhaps the major failure of this Congress has been its failure to act on any of the crime legislation" he has recommended.

On other occasions, the President has publicly urged Congress to speed action on his anticrime proposals, but yesterday's was the most urgent call and the one with the strongest political overtones.

"These are issues that are above partisan politics," he said, "and I think it is time for the Congress to get off the dead center on which it presently has been operating to get . . . these bills down here . . . for signature so that you out in the field can have the tools to do the job."

In introducing Agnew to the attorneys, Attorney General John N. Mitchell said: "May I present the strong right arm of the President and the voice of the American people—the Vice President."

Agnew claimed progress in the fight against crime even though Congress has not acted on administration bills. While crime continued to increase in 1969, Agnew said, the rate of increase was down for the first time in several years.

"We have also seen that as a result of more police exposure, crime rates in the District of Columbia have declined for five consecutive months," the Vice President said.

But he said, "I don't believe I need to go into detail with you about the enormity of the drug problem, the seriousness of the District of Columbia's problems, and the necessity for stopping the flow of pornography into American homes."

Agnew said that congressional action on the administration proposals "is imperative."

In an impromptu remark, Agnew said he was not against dissent in the Senate. But he said he found it difficult to understand why persons friendly to the administration ask Sen. J. W. Fulbright (D-Ark.) to comment on administration proposals.

"That's like asking the Boston strangler to massage your neck," the Vice President said.

Mr. MANSFIELD. Mr. President, may I say that what the Senator has referred to in the District of Columbia does not mean that we are only interested in crime here.

This is a nationwide phenomenon and must be faced up to on a nationwide basis.

Mr. SCOTT. Mr. President, if I may quote one anecdote, 2 years ago I was in Moscow. I arrived there at midnight. I was not sleepy, and I inquired whether it was possible to wander around in the Kremlin and in all the areas and side streets of Moscow at midnight.

The answer was, "Of course. You are not in Washington."

Mr. PERCY. Mr. President, on the same point, a professor from the University of Chicago received a fellowship and moved his family to London. When I visited him, I asked him and his family how they liked London.

They said that they liked it because of the freedom that exists there.

I said, "What do you mean? We have more freedom in the United States than in any other country in the world."

They said, "We mean freedom from fear. We lived on the South side of Chicago, and as long as we lived there, we never let our children go out at night alone to even visit their friends in the neighborhood."

The professor said that he would never let his wife go out alone in their neighborhood in Chicago unaccompanied at night.

In London, they can go any place they want in the night because they have freedom from fear.

Reasonable freedom from personal fear should be an inalienable right of all Americans. We must have the necessary legislative, judicial and moral approaches to achieve this freedom from fear.

Mr. MANSFIELD. Mr. President, I agree with the Senator from Illinois. And we want to emphasize that the Democrats and the Republicans are both participating in this effort on a nonpartisan basis. The Senate has faced up to its responsibility in this field.

Mr. PERCY. Mr. President, I concur fully with the majority and minority leaders in this regard.

Mr. MURPHY subsequently said: Mr. President, I rise this morning first of all to congratulate the majority leader and the minority leader for their outspoken position on a matter that is vexing all of us, the matter of crime in our cities. How this has come about in the last few years is a matter of great interest to all of us; how to stop it is of immediate concern.

#### NATO

Mr. PERCY. Mr. President, I was very pleased this morning to note a report from Brussels that at a meeting of NATO with the defense ministers of European countries, it was agreed that there must be more burden sharing of NATO costs.

I have for many years felt that the proportionate share of the NATO common defense borne by the United States was unfair to the taxpayers of this country. We have a defense establishment in NATO that is necessary and needed in order to preserve and defend the free world, but European countries have not contributed a larger share of the finan-

cial burden as their prosperity and well-being has changed dramatically in recent years.

This change has not been reflected at all in the proportionate costs being borne by European countries.

I have worked intimately with the Nixon administration on this matter, just as I had with previous administrations. I have had total cooperation in this area by an interagency committee that has been set up to analyze and study the problem. I have been reinforced in my argument and helped by the Secretary of the Treasury and other officials of the administration in trying to present in the NATO Parliamentary Conference the necessity for Europeans facing their responsibility if we are to keep a strong NATO.

I note that European defense ministers have committed themselves to a larger financial contribution to NATO, which will involve a redistribution of the total financial burden among the NATO allies.

For the past 2 years I have been calling for a larger European share in the expenses of NATO. The United States can no longer afford the \$14 billion a year it spends to support our NATO commitment. Europeans must pick up a larger share of the burden. I have called for Europeans to pick up the costs of local nationals employed by NATO, costs of goods and services supplied for troops in Europe, housing, transportation, fuel and many other services. These are items that European countries definitely should pay for.

European defense ministers reportedly will make an offer to the U.S. Government by September on what costs they will pick up. I urge the U.S. Government to remain firm and to impress upon European governments that they must make a substantial increased effort and financial commitment to NATO. Unless the European effort increases dramatically and relieves the United States of a large share of its financial burden, there will still be pressure for substantial U.S. troop withdrawals from Europe.

Mr. President, I ask unanimous consent to have the article to which I have referred entitled "NATO Will Cover More U.S. Costs," published in the Washington Post of June 12, 1970, printed in the RECORD at this point.

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

#### NATO WILL COVER MORE U.S. COSTS

(By Richard Norton-Taylor)

BRUSSELS, June 11.—America's European allies have committed themselves to a larger financial contribution towards the upkeep of NATO's military strength, in an apparent bid to forestall Congressional pressure to reduce U.S. troop levels in Europe.

This emerged today at a NATO defense ministers' meeting which gave the go-ahead for a comprehensive review of allied defense in the 1970s. The review will run parallel to one currently being done by the U.S. National Security Council.

It is already clear that the NATO review will concentrate on redistributing the total financial burden among the allies.

There is a growing feeling in the United

States, some 25 years after World War II, that the European allies should pay a greater share of defense costs, specifically for the 300,000 U.S. troops in Europe.

U.S. Defense Secretary Melvin Laird told his colleagues today that he would like to see the review completed by fall, in time for the administration's budget for fiscal year 1972, due to be presented to Congress at the end of 1970.

Apparently anxious to reduce Congressional pressure on the Nixon administration, European defense ministers agreed last night to formulate an "offer" to the U.S. by September.

The Europeans will attempt to save money by proposing common arms procurement policies among themselves and more efficient logistics. But both European and U.S. experts believe that their offer will have to include substantially increased military expenditures.

Concrete ways Europeans could increase their contributions would be through payment for local employees at U.S. bases, as well as American infrastructure and equipment needs.

These plans will depend very much on the governments' ability to convince a European opinion in no mood to fork out more for military purposes.

At today's meeting, Laird again said that the administration had no intention of withdrawing any U.S. troops from Europe before the end of fiscal year 1971 (June 30, 1972).

#### 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.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. CRANSTON) laid before the Senate a message from the President of the United States submitting the nomination of James D. Hodgson, of California, to be Secretary of Labor, which was referred to Committee on Labor and Public Welfare.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 70) authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774-1970), with an amendment, in which it requested the concurrence of the Senate.

#### A COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate

the following letter, which was referred as indicated:

**PROPOSED LEGISLATION TO TERMINATE CERTAIN OIL LEASES IN THE SANTA BARBARA CHANNEL**

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes with an accompanying paper); to the Committee on Interior and Insular Affairs.

**PETITIONS**

Petitions were laid before the Senate and referred as indicated:

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

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interior and Insular Affairs:

**"JOINT RESOLUTION SUPPORTING A FAIR AND EQUITABLE SETTLEMENT OF THE ALASKA NATIVE LAND CLAIMS"**

"Be it resolved by the legislature of the State of Alaska:

"Whereas the Alaska Native remains as he has for more than a century, without title or the security it affords on lands that he and his ancestors have occupied and used for generations; and

"Whereas the Alaska Native neither deserves nor wishes to continue as a 'ward' of the government, in a self-perpetuating 'second class citizenship'; and

"Whereas until the Native land claims issue is settled, the social and economic progress of the Alaska Native—indeed of all Alaska—will continue to be seriously impeded and diverted from its rightful pace; and

"Whereas the United States Senate Interior and Insular Affairs Committee has recently approved and reported to the Senate a bill which would authorize a combination of cash payments, mineral royalties and land selections in settlement of the Native land claims;

"Be it resolved that the Sixth Alaska State Legislature, in recognition of the importance of this issue to every Alaskan citizen, strongly urges and supports a fair and equitable, early settlement of the Alaska Native land claims; and be it

"Further resolved that the Sixth Alaska State Legislature commends Senator Henry M. Jackson, Chairman, and the members of the Senate Interior and Insular Affairs Committee for their diligence in researching the Native lands question and their efforts in bringing the matter before the Senate.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Spiro T. Agnew, Vice President of the United States; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable John W. McCormack, Speaker, U.S. House of Representatives; the Honorable Richard B. Russell, President Pro Tempore, U.S. Senate; the Honorable Henry M. Jackson, U.S. Senator and Chairman, Senate Committee on Interior and Insular Affairs; the Honorable Wayne N. Aspinall, U.S. Representative and Chairman, House Committee on Interior and Insular Affairs; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

**"AUTHENTICATION"**

"The following officers of the Legislature certify that the attached enrolled resolution,

Senate Joint Resolution No. 101, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

"Passed by the Senate May 20, 1970.

"BRAD PHILLIPS,

"President of the Senate.

"Attest:

"BETTY HANIFAN,

"Secretary of the Senate.

"Passed by the House May 28, 1970.

"JALMAR M. KERTTULA,

"Speaker of the House.

"Attest:

"CONSTANCE H. PADDOCK,

"Chief Clerk of the House.

"KEITH H. MILLER,

"Governor of Alaska."

A resolution adopted at the Sixteenth Extraordinary General Meeting of Okinawa Mayor's Association, praying for an early removal of poison gas on Okinawa; to the Committee on Armed Services.

A letter, in the nature of a petition, from the Chief Executive, Government of the Ryukyu Islands, praying for the removal of the chemical weapons of the U.S. Armed Forces which are in Okinawa; to the Committee on Armed Services.

**REPORT OF A COMMITTEE**

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 3825. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (Rept. No. 91-929).

**EXECUTIVE REPORTS OF COMMITTEES**

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance:

Edward F. Zigler, of Connecticut, to be Chief of the Children's Bureau, Department of Health, Education, and Welfare;

Samuel R. Pierce, Jr., of New York, to be General Counsel for the Department of the Treasury; and

Elliot L. Richardson, of Massachusetts, to be Secretary of Health, Education, and Welfare.

By Mr. STENNIS, from the Committee on Armed Services:

Adm. Thomas H. Moorer, U.S. Navy, for appointment as Chairman of the Joint Chiefs of Staff; and

Adm. Thomas H. Moorer, U.S. Navy, for duties of great importance and responsibility commensurate with the grade of admiral, for appointment to the grade of admiral while so serving.

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 45 flag and general officers in the Navy, Marine Corps, and Air Force. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered placed on the Executive Calendar, are as follows:

Paul C. Huelsenbeck, and sundry other officers of the Naval Reserve, for temporary promotion to the grade of rear admiral;

Clarence M. Hart, and sundry other captains of the Navy, for temporary promotion to the grade of rear admiral;

Gen. James Ferguson (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of general;

Lt. Gen. Lucius D. Clay, Jr. (major general, Regular Air Force), U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of general; and

Maj. Gen. Richard H. Ellis (colonel, Regular Air Force), U.S. Air Force; Maj. Gen. Sam J. Byerley, Regular Air Force; Maj. Gen. Robert J. Dixon, Regular Air Force; and Lt. Gen. Austin J. Russel (major general, Regular Air Force) U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations, in the grade of lieutenants general.

Rear Adm. John P. Weinel, U.S. Navy, having been designated for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Maj. Gen. John R. Chaisson, U.S. Marine Corps, having been designated for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving.

Mr. STENNIS. Mr. President, in addition, I report favorably 2,052 promotions and appointments in the Army in the grade of major and below and 177 appointments in the Marine Corps in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

James H. Aanenson, and sundry other officers, for promotion in the Regular Army of the United States;

William D. Jones, and sundry persons, for appointment in the Regular Army;

William J. Esmann, and Donald F. Swanda, Jr., U.S. Military Academy graduates, for permanent appointment in the Marine Corps;

Charles L. Armstrong, Jot-Eve, and David M. Webster, platoon leaders class graduates, for permanent appointment in the Marine Corps;

Edward J. Sandrick, Army Reserve Officer Training Corps graduate, for permanent appointment in the Marine Corps;

Paul W. Thomas, warrant officer, for temporary appointment in the Marine Corps; and

Thomas H. Allen, Jr., and sundry other officers, for appointment in the Marine Corps.

**BILLS INTRODUCED**

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

By Mr. MANSFIELD:

S. 3951. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for certain expenses of meals and lodging incurred while away from home for medical care; to the Committee on Finance; and

S. 3952. A bill for the relief of Emile Georges Cochand and Marjorie Almo Cochand; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 3953. A bill to incorporate the National Federation of Music Clubs; to the Committee on the Judiciary.

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

By Mr. STEVENS:

S. 3954. A bill to amend the provisions of title 5, United States Code, relating to Federal employees health insurance plans, to require periodic open seasons and to require prior notice of changes of rates in such plans; and

S. 3955. A bill to provide that certain traveltime of a Federal employee on annual leave, having a post of duty in a remote area, be excluded from the period of annual leave granted the employee; to the Committee on Post Office and Civil Service.

(The remarks of Mr. STEVENS when he introduced the above bills appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 3956. A bill for the relief of Mrs. Joan Lagois Hicks; to the Committee on the Judiciary.

By Mr. TYDINGS (by request):

S. 3957. A bill supplemental to the act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia and the acts amendatory or supplemental thereof; to the Committee on the District of Columbia.

By Mr. MCGEE:

S. 3958. A bill to adjust the pay of employees of the Federal Government and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MCGEE (for himself, Mr. BOGGS, Mr. BURDICK, Mr. FONG, Mr. HARTKE, Mr. HOLLINGS, Mr. MOSS, Mr. RANDOLPH, Mr. STEVENS, and Mr. YARBOROUGH:

S. 3959. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. TYDINGS:

S. 3960. A bill to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation; to the Committee on Finance.

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

### S. 3953—INTRODUCTION OF A BILL TO INCORPORATE THE NATIONAL FEDERATION OF MUSIC CLUBS

Mr. ERVIN, Mr. President, I introduce today, for appropriate reference, a bill to provide a national charter for the National Federation of Music Clubs.

Through the years, the National Federation of Music Clubs has provided leadership in making the fine arts an important part of our national life. Actually, the influence of the national federation is international in scope because it is the world's largest philanthropic music organization.

I believe that the passage of a bill to give a Federal charter to the National Federation of Music Clubs would be a most helpful contribution to the advancement of music in our country. It would mean governmental recognition for the work of the national federation,

and, thereby, add to its prestige and strengthen the place of music in our national life. A Federal charter for this fine organization will not mean any Federal control over its activities, and it does not call for any Government subsidy for its work. The passage of this bill will simply give recognition to this outstanding music group, just as the National Music Council, the American Symphony Orchestra League, and the American National Theater and Academy have been honored by Congress.

I certainly hope this bill to support the advancement of music in our society is given early approval by Congress.

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

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3953) to incorporate the National Federation of Music Clubs, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3953

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—*

(1) the influence of the National Federation of Music Clubs is felt throughout the United States and throughout the world;

(2) the National Federation of Music Clubs has provided leadership in making the fine arts an important part of our national and international life; and

(3) the National Federation of Music Clubs is devoted to encouraging excellence in all fields of music.

SEC. 2. Mrs. Maurice Honigman, Dr. Merle Montgomery, Mrs. J. Knox Byrum, Miss Gertrude P. Coulfield, Mrs. Jack C. Ward, Mrs. Naomi Reynolds, Mrs. Dwight D. Robinson, Mr. J. Phillip Plank and Mrs. James A. Brady; and their successors, are hereby created and declared to be a body corporate by the name of National Federation of Music Clubs (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations and restrictions herein contained.

SEC. 3. The persons named in section 2 of this Act shall be the incorporators of the corporation and a majority of such persons are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

SEC. 4. This corporation is formed for fraternal, patriotic, historical, and educational purposes; to bring into working relations with one another, music clubs and other musical organizations and individuals directly or indirectly associated with musical activity for the purpose of developing and maintaining high musical standards; to aid and encourage musical education; and to promote American music and American artists throughout the United States of America and other nations.

SEC. 5. The corporations shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers, employees, managers, and

agents, as its business may require, and define their authority and duties;

(4) to adopt, amend, and alter bylaws and regulations not inconsistent with the laws of the United States or any State, or the District of Columbia, in which such corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real, personal, or mixed, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (A) governing the amount or kind of real and personal property which may be held by or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State, or the District of Columbia;

(8) to transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of the Federal and State laws or of the laws of the District of Columbia; and

(10) to do any and all lawful acts and things necessary and proper to carry out the objects and purposes of the corporation.

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

SEC. 7. (a) Upon the enactment of this Act and for not more than one year thereafter, the membership of the initial board of directors of the corporation shall consist of those persons named in section 2 of this Act.

(b) Thereafter, the board of directors of the corporation shall consist of such number, shall be selected in such manner, and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation, and shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(d) The board of directors may establish an executive committee and other committees to exercise such power as may be prescribed in the bylaws.

SEC. 8. The officers of the corporation shall be those provided in its bylaws. Such officers shall be elected in such manner, for such term, and with such duties, as may be prescribed in such bylaws.

SEC. 9. (a) The principal office of the corporation shall be located at 600 S. Michigan Avenue, Chicago, Illinois, 60605, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place but may be conducted throughout the United States and each territory, possession, and dependency of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to, or service upon, the corporation.

SEC. 10. (a) No part of the income or assets

of the corporation shall inure to any member, officer, employee or member of the board of directors, executive board, or committees, or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, employees, or members of the board of directors, executive board, or committees. Any member of the board of directors who votes for or assents to the making of such loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

SEC. 11. The corporation shall be liable for the acts of its officers, agents, managers, and employees when acting within the scope of their authority or employment.

SEC. 12. The corporation and its officers and members of the board of directors as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

SEC. 13. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

SEC. 14. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its members and board of directors, and executive board and committees authorized by the board of directors. The corporation shall keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws and laws of the District of Columbia applicable thereto.

SEC. 16. The corporation shall have the sole and exclusive right to use and allow or refuse to others the use of the name "National Federation of Music Clubs", and to have and to use such distinctive insignia, emblems, seals, and badges, descriptive or designating marks, and words or phrases, as may be required to carry out the purposes of the corporation. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

SEC. 17. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (78 Stat. 635; 36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(49) National Federation of Music Clubs".

SEC. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved to the Congress.

#### S. 3954—INTRODUCTION OF A BILL RELATING TO FEDERAL EMPLOYEES HEALTH INSURANCE PLANS

Mr. STEVENS. Mr. President, according to the Civil Service Commission, 31

of the 38 health plans offered to Federal employees experienced a rate increase shortly after the close of the most recent open season. Since an employee can alter his health plan only during an open season, the employees could not change programs or select the optimum program after the rate increase. They will not be able to do so until the next open season, which will probably occur this November. Over the past 5 years four of the five major health programs have increased their rates after the close of each open season.

This situation is basically unfair to the Federal employee. He feels he has contracted for health services at a certain cost for a period at least until the next open season. Yet his rates can be raised and he can do nothing about it. He cannot even choose to take a lower cost program in light of the revised rates.

I am introducing legislation to correct this inequity. The bill requires that before any increase in health program rates can be put into operation, the company must give notice to the employees having the program at least 30 days before the close of the open season. If such notice is not given, the company could not raise its rates until the next open season. The bill also requires that open seasons be held at least once every 2 years.

Mr. President, this legislation is clearly urgently needed. The next open season will probably occur within a few months. Employees will select health programs on the basis of existing rates. Immediately following the close of the open season, the rates will be raised again, with no notice having been given to the employee prior to the closing of the open season. I urge the adoption of this protective legislation at an early date so that Federal employees, including the staff of this very body, can be protected from this inequity.

I ask unanimous consent that the text of my bill be printed in the RECORD immediately following my remarks.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3954) to amend the provisions of title 5, United States Code, relating to Federal employees health insurance plans, to require periodic open seasons and to require prior notice of changes of rates in such plans, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Post Office and Civil Service and ordered to be printed in the RECORD, as follows:

S. 3954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) No rate charged under any health benefits plan described by section 8903 of this title may be readjusted unless the readjustment is announced at least 30 days prior to the beginning of any time that all eligible employees and annuitants are allowed to en-

roll in, change their coverage under, or transfer their enrollment under, such plans."

SEC. 2. Subsections (d) and (e) of section 8905 of title 5, United States Code, are amended to read as follows:

"(d) An employee or annuitant enrolled in a health benefits plan under this chapter may change his coverage or that of himself and members of his family—

"(1) by an application filed within 60 days after a change in family status;

"(2) at other times (which shall be not less frequently than once every 2 years) and under conditions prescribed by regulations of the Commission; or

"(3) under conditions prescribed by regulations of the Commission, at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter.

"(e) An employee or annuitant may transfer his enrollment from a health benefits plan described by section 8903 of this title to another plan described by that section—

"(1) at the times (which shall be not less than once every 2 years) and under the conditions prescribed by regulations of the Commission; or

"(2) under conditions prescribed by the Commission, at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter."

SEC. 3. The first sentence of section 8913 (b) of title 5, United States Code, is amended—

(1) by striking out "time" and inserting in lieu thereof "times"; and

(2) by inserting before the period at the end thereof a comma and the following: "except that the times so prescribed shall be not less than once every 2 years or shall be at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter."

#### S. 3955—INTRODUCTION OF A BILL RELATING TO TRAVELTIME FOR FEDERAL EMPLOYEES

Mr. STEVENS. Mr. President, across the vast land area of my State are scattered a number of Federal installations. These include naval air bases and radar defense sites, civilian weather stations, flight service stations, and navigation aids. Employees on these sites share an isolation from normal transportation. There are no roads, no railways, and airlines are infrequently scheduled to allow these Federal employees access to the rest of the United States.

Along the outer edges of this country, these employees and their families may have to wait days until a plane arrives to take them to a city with regularly scheduled service to the "outside." As an example, Adak Naval Station on the Aleutian Islands employs 162 civilians. With their dependents, this group comprises 400 civilians who are isolated from regular travel connections.

Leavetime is a treasure for these people. Under the current regulations, leavetime of Federal employees is consumed even while they are awaiting a flight from their post.

Their return to the base is much more unpredictable. Precious amounts of time must be taken from their vacations to find a flight back to Adak. The bill which I am introducing will insure that Fed-

eral employees in all remote areas of the country will enjoy the full amount of their leavetime away from their isolated outposts. Under this bill, leave will not include time lost in travel from posts more than 200 miles distant from a city or town with regular transportation access to the "outside."

The ACTING PRESIDENT pro tempore (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 3955) to provide that certain traveltime of a Federal employee on annual leave, having a post of duty in a remote area, be excluded from the period of annual leave granted the employee, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

#### S. 3960—INTRODUCTION OF THE MASS TRANSPORTATION FINANCING ACT

Mr. TYDINGS. Mr. President, I introduce the Mass Transportation Financing Act, a bill which would allow States the option of using Federal highway trust fund money for urban mass transit needs. This measure, which I have introduced in the past two Congresses with Representative BIRCHAM, will help cities to build more balanced transportation systems.

Our cities are deteriorating rapidly; one of the crucial causes of this decline is overloaded, disintegrating, and unbalanced transportation systems. Ancient mass transit systems are decaying to the point of breakdown; new systems cannot be built or old ones rebuilt for lack of funds. Meanwhile it has become clear that automobile transportation is pathetically inefficient for urban transit. Highways and parking space take too much land; not enough people can be fit onto one lane of traffic on a highway; air and noise pollution are too great; and our city neighborhoods are torn apart by massive swaths of concrete. Even with the present frantic highway construction, our cities remain locked in daily traffic jams.

It is time to shift our transportation systems in urban areas onto a balanced basis. We need urban mass transit systems, and we need them now. Yet the funds made available for this required change are practically nonexistent.

This year I was among those who advocated a trust fund for urban mass transit. This scheme, copied after the successful highway trust fund and the recently established airport/airways trust fund, seemed the only way to insure adequate funding on a long-term basis. Unfortunately the administration opposed the idea and killed it. Again I tried to aid those who attempted to raise to realistic and reasonable levels the new authorization for mass transit, which replaced the trust fund idea. Against administration pressure, we gain lost.

So our transportation investment remains unbalanced. The cost of the present interstate highway system is now

estimated at over \$69 billion, \$62.5 billion of which is Federal funds. State highway officials have requested an additional \$320 billion for highways for the next 15 years. In the administration's 1971 budget, over two-thirds of transportation funds will go to highways; and over a billion dollars will go to airports. The 1971 request for mass transit authorization—before any of the inevitable cuts are made in the appropriation—is only \$280 million, \$10 million less than the request for the SST. Thus, the shortsighted, inefficient, and wasteful imbalance in our transportation system will continue next year, unless something is done.

My State needs urban mass transit funds today—and these funds are nowhere in sight. Baltimore is undergoing an ambitious and farsighted renewal. An integral part of that renewal is a \$1.7 billion rapid transit system which will provide fast, clean, cheap, and safe transit in our city. This farsighted planning and a substantial local financial commitment are now forced into delays pending adequate assurance of Federal funding. Our situation is only too typical.

Those of us who are concerned over the fate of our cities must act to balance our transportation funding. A simple way of achieving this objective is to divert highway fund money, when it is unwanted by local authorities, into mass transit. This bill will allow local officials, rather than the Washington bureaucracy, to choose the transportation they want. And it will provide a sure source of revenue for mass transit. I hope the Senate will seriously consider this approach to balanced transportation before our cities strangle themselves to death in monumental traffic jams.

I realize that this facet of the highway construction program comes under the jurisdiction of the Senate Finance Committee. I intend to request the able chairman of that committee, Senator RUSSELL LONG, to consider this proposal as soon as feasible.

I have also written to Senator RANDOLPH, the distinguished chairman of the Public Works Committee, about this bill requesting that this idea be considered during the hearings he is holding in June and July on the highway program. Senator RANDOLPH is responsible in large part for the successful Interstate Highway program, which has brought untold benefits to intercity travel in the Nation. As that program reaches its completion, Senator RANDOLPH has wisely decided to reevaluate our transportation programs on a very broad-ranging basis. I hope to add to that reevaluation by pointing out the need for balanced transportation investment in our future.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (3960) to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Finance.

#### SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970—AMENDMENT

AMENDMENT NO. 695

Mr. JAVITS. Mr. President, I submitted yesterday for myself and for Senators BAYH, BROOKE, CRANSTON, GOODELL, HART, HATFIELD, MONDALE, MCGOVERN, MUSKIE, NELSON, PACKWOOD, PELL, SCOTT, and WILLIAMS of New Jersey, an amendment to the Second Supplemental Appropriations Act, to provide a supplemental of \$65 million for the Neighborhood Youth Corps summer job program, as an addition to the \$50 million supplemental recommended by the Appropriations Committee for this summer. The amendment, No. 693, was proposed at page 19449 of the CONGRESSIONAL RECORD for June 11, 1970.

Under the amendment proposed yesterday, \$65 million would be added to the \$50 million recommended by the Appropriations Committee for manpower and development training activities under the provisions of section 102 of the Manpower Development and Training Act of 1962.

Section 102 of the Manpower Development and Training Act provides general authority for programs meeting the manpower, employment, and training problems of worker groups such as disadvantaged youth and has been the authority for regular and supplemental appropriations for the Neighborhood Youth Corps summer job program during past summers. As noted, the Appropriations Committee itself recommended the supplemental appropriation under the authority of section 102 of the Manpower Development and Training Act.

However, it has been suggested that since the Neighborhood Youth Corps summer program is not explicitly described under section 102 that the proposed amendment to increase the appropriation may not "be made to carry out the provision of some existing law" within the meaning of paragraph 1 of rule XVI of the Standing Rules of the Senate.

With this possibility in mind, I filed yesterday a notice of motion to suspend subparagraph 1 of rule XVI in respect to the amendment, which I would make in the event that it is determined that full consideration of my amendment would be precluded under that rule.

I also indicated that I would file an alternative amendment to insure a vote on this essential matter of additional funds for the Neighborhood Youth Corps summer program is not precluded by a technicality.

I submit today, with the cosponsors who joined with me in amendment No. 693, an alternative amendment under which the additional sum of \$65 million would be sought in the way of a supplemental appropriation for work and training programs under part B of title I of the Economic Opportunity Act of 1964, as amended.

Title I, part B of the Economic Opportunity Act expressly describes the Neighborhood Youth Corps programs and has



been the authority of funding for those programs since enactment of the Economic Opportunity Act. For example, the basic regular appropriation of \$147,000,000 for these programs for this summer was made available under the Labor-HEW Appropriations Act for fiscal year 1970 under the total appropriation of \$1,948,000,000 for expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964. This program has been delegated to the Department of Labor and any additional amount received for the program would be transferred to the Department of Labor for administration.

Mr. President, Economic Opportunity Act Amendments of 1969, enacted on December 30, 1969, authorized to be appropriated a total of \$2,195,500,000 for the fiscal year ending June 30, 1970.

Accordingly, there remains for fiscal year 1970 a total of \$247,500,000 authorized but not appropriated under the Economic Opportunity Act of 1964. I note also that the Appropriations Committee has recommended on page 22 of its report that as much as \$100 million of the \$150 million recommended for emergency school assistance would be expended under authority of title II of the Economic Opportunity Act. Even if that amount is appropriated \$147,500,000 would remain authorized but unappropriated, and thus available for the appropriation which I seek by this amendment.

I ask unanimous consent that this amendment be printed under the rule and also be printed in the RECORD.

The PRESIDING OFFICER (Mr. Packwood). The amendment will be received and will be printed and will be on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 695) is as follows:

On page 8, between lines 5 and 6 insert the following:

**"ECONOMIC OPPORTUNITY PROGRAM**

"For an additional amount for work and training programs to carry out the provisions of part B of title I of the Economic Opportunity Act of 1964, as amended, \$65,000,000, to remain available until September 30, 1970: *Provided*, That this appropriation shall not be available for the purpose of sections 102 (b) and 130 of said Act."

**SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS**

**AMENDMENTS NOS. 696 THROUGH 698**

Mr. PROUTY submitted three amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

CVXI—1236—Part 14

**NOTICE OF HEARINGS ON WAGE BOARD PAY**

Mr. RANDOLPH. Mr. President, I wish to announce that the Subcommittee on Civil Service of the Committee on Post Office and Civil Service will hold hearings on S. 1958 and related bills, to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

The hearings will be held on June 17 and 18 in room 6202 of the New Senate Office Building at 1 p.m. Persons desiring to testify or to submit written statements in connection with these hearings may arrange to do so by contacting the legislative clerk of the Senate Post Office and Civil Service Committee, telephone 225-5451.

**ADDITIONAL STATEMENTS OF SENATORS**

**PROPOSED CONTRACT AWARD BY NASA FOR PROCUREMENT OF APPLICATIONS TECHNOLOGY SATELLITES F AND G**

Mr. ANDERSON. Mr. President, inasmuch as many inquiries have been directed to the Committee on Aeronautical and Space Sciences concerning the proposed contract award by the National Aeronautical and Space Administration—NASA—for the procurement of applications technology satellites F and G. I believe I should make known to the Senate the actions taken by the committee in this matter.

The award of this contract was made known by NASA on April 8, when it announced that General Electric Co. was selected for the negotiation of a contract for development, fabrication, test, and project operations of the applications technology satellites F and G.

Fairchild-Hiller Corp., which had also bid on that contract, immediately protested the award, such information being received by the committee on April 9. The committee took cognizance of this protest immediately and found that NASA had already requested the General Accounting Office—GAO—to review the events leading to the selection of the General Electric Co. and specifically to establish whether or not there were any improprieties during this section and whether or not NASA's established procedures were properly followed. As chairman, I notified both NASA and the GAO of the committee's interest in this matter. I requested that NASA keep the committee currently advised on the status of the award and that the committee be informed before any final action is taken in awarding the contract. I further requested that the GAO report be made available to the committee immediately upon its completion.

The Administrator of NASA has acknowledged these requests. He has advised the committee that NASA plans no final action on the contract until after the GAO has completed its investigation and he has designated a specific individual in NASA to be available to

respond as needed to requests for information by the committee.

The General Accounting Office has indicated that its report will be made available to the committee as soon as it is completed.

The committee has been assured that NASA is making available to the GAO all available documentation pertaining to the investigation.

Mr. President, I want to assure the Senate that the Committee on Aeronautical and Space Sciences is fulfilling and will continue to fulfill its responsibility to the Senate in exercising oversight on this matter as it properly should under the jurisdiction given the committee under the rules of the Senate.

**SMALL-MARKET RADIO AND TELEVISION BROADCASTERS**

Mr. MANSFIELD. Mr. President, the members of the Montana congressional delegation have been aware of the serious problems which have developed in recent years for the small-market radio and television broadcasters. Many of these difficulties result directly from new Federal Communications Commission regulations which attempt to apply overall rules to the large and small markets. In my estimation this will not work, and the small broadcasters are going to suffer.

The most recent decision is to require that television stations carry a limit of 3 hours of network programs in prime time evening hours. The penalties imposed on small market broadcasters by this requirement are quite severe, and broadcasters such as we have in Montana, with limited staffs and facilities, are faced with the necessity of producing, for local origination, up to 7 hours per week of additional programs to fill the void created by the Commission by forfeiture of network programing.

This situation was discussed in a Wall Street Journal editorial on May 13, 1970. I ask unanimous consent that it be printed in the RECORD.

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

**THE TELEVISION CRITICS**

For years television's severest critics have been various Federal officials. The attacks haven't seemed to have any impact on the general public, since the TV audience continues to grow.

Like other critics, however, the Federal men don't think too much of the public's taste. So the Federal Communications Commission has decided to arrange high-quality programing for Americans, whether they really want it or not.

At least that's what the FCC thinks it's doing. It has announced new rules to bar the three major networks from supplying more than three hours of programs during "prime" evening time, from 7 p.m. to 11 p.m., to their affiliated stations in major market areas.

Now it may appear a bit silly to seek to improve programing by cutting off some of it, but the FCC does have a rationale of sorts. By opening up an hour of evening prime time, the agency reasons, it will encourage

more independent program producers to enter the field. With a greater diversity of program sources, the FCC thinks, programming will improve.

But will it? The independent producers are active now, though they sell most of their output to networks. The independents are businessmen, just as the network executives are, and they can't afford to join Federal officials in their indifference to public taste.

The upshot is likely to be that the hour of independent programming will be no improvement but the same mixture of the good, the bad and the mediocre. How any of it is rated will still depend a great deal on who is doing the rating.

In a clumsy attempt to take account of the economic problems of smaller stations outside major market areas, which can't afford to spend a great deal on independent programs, the FCC exempted them from its rules. Since networks can hardly be expected to develop programming for only those outlets, though, the small stations are hit like all the rest.

Around the nation, then, the average level of programming may decline. Congress should cancel the foolish FCC program before it starts.

#### A WISE INVOCATION

Mr. SCOTT. Mr. President, on May 18, the Pennsylvania Association of Broadcasters held its annual convention at Buck Hill Falls in the Pocono Mountains.

My good friend Roy Morgan, of WILK radio in Wilkes-Barre, delivered the invocation.

I think that all of us can benefit from his wise words, so I ask unanimous consent that the invocation be printed in the RECORD.

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

As we gather together once again—Your servants in the modern electronic vineyards—we pause . . . not for a commercial message, but for this spiritual moment with You, O Lord.

We bow our heads in prayer, recognizing that as we have tried to help solve the problems of this world, we have in essence only helped to contribute to them. Our communication has been something less than perfect both with You and with our fellow men. This in all humility we acknowledge as we ask Your forgiveness for our own short-circuiting of that which is most needed and most desired—a world of peace and understanding and love.

May we ask You to power all of us to do what we can to help cure the ills, sickness and weariness of this world which is too much with us. Would that it were only the gospel—the good news of Your teachings that we could communicate to those whom we serve. Even where we must fall short, strengthen us to recognize the good that we can do through our words—acts—and deeds.

Lord, as we meet on this annual occasion to give thought to our problems and to our obligations, give us the insight and the concern to seek out solutions not only to the many troubles of our own daily life but to the lives of those around us. Make us truly dedicated servants of Your word in Your world. Amen.

#### DELAY IN PASSAGE OF CRIME BILLS

Mr. MOSS. Mr. President, yesterday President Nixon attacked the Congress

for delay in passing the administration's crime bills. I wish the President had been more accurate and more helpful instead of launching this broadside. For as the Republican leader of the Senate (Mr. SCOTT) said on March 13, "Our record in the Senate is commendable."

On June 23, 1969, the Senate passed the omnibus judgeship bill and sent it to the House.

On September 19, 1969, December 5, 1969, and December 22, 1969, the Senate passed bills relating to public defenders, criminal law revision, and the juvenile code in the District of Columbia and sent them to the House.

On January 23, 1970, the Senate passed the immensely important organized crime bill and sent it to the House.

On January 28, 1970, the Senate passed the Controlled Dangerous Substances Act, a major recodification and reform of the Federal narcotics law, and sent it to the House.

As a matter of fact, the Senate has passed 12 of the 14 administration crime bills. The two which have yet to be acted upon are the pornography control bill and bail reform. The obscenity bill has been held up by the postal strike and postal reform, but the Post Office and Civil Service Committee will soon resume its hearings on this subject. Bail reform is still in the Senate Judiciary Committee where Senators from both sides of the aisle are giving careful study to the grave constitutional questions raised by this bill.

I share the President's sense of urgency in enacting crime control legislation. The House of Representatives should move faster but the Senate largely has done its job.

I agree with President Nixon that fighting crime should be above partisan politics, but it is true that Congressmen and Senators of both parties have profound reservations about some of the proposed drastic changes in criminal procedure. I would suggest to the President and to those committees handling crime legislation that they separate out some of the more controversial features which are holding up these important bills and act on the portions on which there is general agreement.

In my opinion, the most serious problem facing criminal justice is the logjam in our courts. Article 6 of the Constitution guarantees the right to a "speedy trial." The long delays in bringing accused criminals to trial not only denies them their constitutional rights, but it allows many criminals to be free to commit more crimes while waiting for their first trial. We all agree that the judicial process must be speeded up. I suggest those debating the merits of such controversial proposals as preventive detention step aside for the moment and let the House pass the Senate's omnibus judgeship bill which would provide for more badly needed judges.

The time has long since come for members of both political parties to stop criticizing the other for delay, and to start passing legislation upon which the vast majority can agree.

#### BUSINESS OPPORTUNITIES FOR MINORITIES

Mr. CRANSTON. Mr. President, over the past several years much has been said about developing business opportunities for minorities. However, to this date, very little has been done toward this end.

Roadblock after roadblock has been set up to prevent black people and brown people from participating—at the ownership level—in every major industry in this country.

One of the most lucrative industries in the country is the construction industry, yet that industry remains one of the toughest, if not the toughest, for blacks and browns to enter.

Although numerous blacks and browns have the necessary skills to establish and operate construction firms, many who enter the field find the road to success very difficult if not impossible. This is due, in large part, to the inability of minority contractors to obtain performance bonds from surety companies.

Last July I cosponsored three bills introduced by the Senator from Indiana (Mr. BAYH), which were designed to give some concrete governmental assistance to minority building contractors. Of the three bills, only one, S. 2610, has become law.

Under S. 2610, Federal projects such as urban renewal projects are required to the maximum extent possible to utilize in the construction program individual and business concerns located in or owned by persons who reside in the project area.

Although this measure became the law of the land almost 6 months ago, the Nixon administration has not yet implemented the law. Secretary Romney, in testimony before the Committee on Banking and Currency in March, indicated that law would be implemented in the very near future. However to my knowledge, the implementation has not yet taken place.

As a member of the Subcommittee on Housing and as a cosponsor of the legislation, I again urge Secretary Romney to make this law a reality for the minority contractors throughout the country who are struggling for their very existence.

Under S. 2611, which is still pending in the Judiciary Committee, the Miller Act would be amended to provide that bonds would not be required for Federal contracts up to \$20,000. The current level is \$2,000.

The third bill, S. 2609, is currently pending before the Small Business Subcommittee of the Committee on Banking and Currency. The bill contains three sections designed to aid the minority building contractor. The principal section would allow the Small Business Administrator to guarantee a surety against 90 percent of any loss up to \$500,000 resulting from a default by a minority contractor on a small business principal bid payment or on a performance bond for construction. The other sections of the bill are explained in detail by Senator BAYH in the June 9, 1970, RECORD on page 18885.

The Senator from New Hampshire (Mr. McINTYRE), the able chairman of the Small Business Subcommittee of the Committee on Banking and Currency, has scheduled hearings on S. 2609 for Monday, June 15, 1970. I know that the hearings will be quite helpful in bringing to the Nation's attention the desperate economic plight of the minority building contractor. This being the case, I hope and trust that the subcommittee and the full committee will act promptly and favorably on this much needed legislation.

#### TIME TO RESOLVE DISPUTE BETWEEN AIR TRAFFIC CONTROLLERS AND FAA

Mr. NELSON. Mr. President, I invite the attention of Congress to a current pressing problem which has been substantially obscured by other domestic and international issues in recent weeks. It is the problem of air traffic control.

Over the past two decades we have witnessed a spectacular growth in commercial tonnage shipped and passengers transported by air. Technology in aircraft design has, for the most part, kept pace with demands for bigger, better, safer, and faster vehicles. Unfortunately, air traffic control, which is the nerve center of our massive air system, has not fully met its corresponding challenge.

The critical point we have reached in air traffic control is the result of cumulative neglect of the system over the period of at least a decade. Knowledgeable predictions conservatively forecast an increase of 30 percent in air traffic by the close of 1973. We can no longer ignore the obvious consequences of further neglect.

A significant step toward meeting this challenge has been taken by Congress in the passage of the Airport and Airways Development Act. However, this measure will not materially alter the current situation for several years. In the meantime we must function with the facilities, equipment, and personnel as they are now constituted.

Knowledge of the inadequacies of our air traffic system first burst dramatically upon a complacent, uninformed public—and Congress too, as a matter of fact—in the summer of 1968 when air travel was virtually brought to a halt by an artificially induced crisis. This demonstration, precipitated by the air traffic controller's program termed "Operation Air Safety," was designed to spotlight the problems of the system and to specifically express the controller's grievance with the role they were forced to play in its operation.

The FAA responded with a substantial pay increase for controllers in December 1968. Since wages were not a prime consideration with the controllers, this move contributed little to settling the discontent.

On August 8, 1969, Department of Transportation Secretary Volpe, took an important and commendable step toward a true confrontation with the total problem. On that date he appointed a committee to be known as the "Air Traf-

fic Controller Career Committee." The committee, with John J. Corson, chairman of the board of Fry Consultants, Inc. as its chairman, and comprised of an equally distinguished panel of seven members with expertise in the areas of aviation, aviation medicine, air traffic control, civil service administration, labor relations, and public administration, was given the broad charge to inquire into various aspects of the air traffic controller career.

The committee did its job well. Its report, which was published in January 1970, is not only a comprehensive, unbiased study of the entire air traffic system, it also offers definitive guidelines for solving the problems which it uncovered. However, to my knowledge, little has been done to implement the report's recommendations. Recent developments in the area of air traffic employee/management relations strongly suggest that, at least the portion dealing with this vital subject, is being totally ignored.

The report places great stress on what it refers to in unequivocal language as, "Unprecedented strife between organized controllers and FAA's management." This theme is given major attention throughout the report and emerges as the central issue. Several quotations from the report serve to illustrate this point:

The committee found that employee/management relations within FAA are in a state of extensive disarray, due to ineffective internal communications, to failure on the part of FAA management to understand and accept the role of employee organizations . . .

FAA cannot now command the full support of many members of the work force in its terminals and centers. Indeed, members of this committee have never previously observed a situation in which there is as much mutual resentment and antagonism between management and its employees.

No single cause accounts for this crisis in the relation between FAA's management and the organizations representing its employees. Yet our observations suggest that among the most important is the failure of FAA's management at all levels to truly understand the role of the employee organizations and to accept them as not only legitimate, but hopefully as collaborators in building understanding, satisfaction, and an esprit d'corps. They have tended to deal with unions reluctantly and at arms length. Many FAA managers seem to pay lip service to the role of labor organizations but view any criticism by union representatives as disloyal conduct.

Though the report dwells in greater detail on management failures in this critical area, it does not absolve the controllers of responsibility due to the role their organization, the Professional Air Traffic Controllers Organization—PATCO—has played in perpetuating the atmosphere of tension. It states:

Regardless of how FAA responded to PATCO, that organization has resorted to tactics that were designed to maximize its exposure in the press and television and exacerbate its relationship with FAA's management. Its choice of tactics, the intemperate and irresponsible nature of the language used in much of its correspondence and public utterances, and its constant resort to personal attacks have continued to fuel the fire.

It was in this climate of distrust, strain, and unchecked emotions that we left the decade of the 1960's, in which a majority of our air traffic problems were produced, and entered the decade of the 1970's, a continuing discontent of the controllers quickly manifested itself in the form of a nationwide "sick-out" in the month of March. Hundreds of controllers called in that they were too ill to report for work.

A crisis of great proportions quickly developed. The FAA prevented a total shutdown of the system by the device of limiting traffic to intensity levels which could be safely handled with a limited staff made up of controllers who were not "sick" and management personnel. The FAA sought and obtained injunctive relief compelling the controllers to return to work.

I have not enumerated the specific grievances of the controllers. They are well defined and substantiated by the Corson report. That they are real and not imagined is best illustrated by Federal District Court Judge Hart of the District of Columbia, who stated in this matter, which was before his court, that the controllers acted after "extreme provocation"; and Federal District Judge Judd of New York, who stated in denying the imposition of penalties on individual controllers, that it would be "inequitable in view of the evidence suggesting that ineptness of the FAA was a major factor in leading to the work stoppage."

In view of the extreme sensitivity of the controller function in our air traffic system and the unchallenged implication of FAA management policies as a factor contributing to the chaotic current situation, it would appear reasonable that conciliation between the principals should be the next order of business. This has not been the case.

In the 17 jurisdictions where this matter has been taken before the Federal courts, all disciplinary proceedings against controllers have been temporarily prohibited. In areas where the power of the Federal court has not been invoked, a pattern of harsh retribution has developed. In my State of Wisconsin at the two principal airport facilities of Milwaukee and Madison dismissal notices have been served on six controllers and suspension notices on an additional 14.

Judge Judd, in the case involving the New York controllers, noting that other jurisdictions had prohibited the FAA from suspending the men who returned to work, stated:

It seems to me that the men in New York should have the same rights as those in other states.

Yet the FAA has been systematically proceeding with disciplinary actions wherever court orders do not specifically protect the controllers.

A second parallel pattern of harassment has been put into effect across the country. Even though, as the Corson Report clearly points out, there is a critical shortage of qualified controllers, FAA management has removed large numbers of controllers whom it considers the instigators of the unrest—in most cases there are PATCO officers—from traffic work.

These highly skilled, high salaried men have been reassigned to menial, irrelevant, and sometimes degrading functions where they can be kept separated from the other members of the work force. Judge Judd speaks to this point:

It seems to me rather incongruous in the case for the Government to ask the Court to compel the defendants to return to work and then immediately transfer them to different jobs and serve notice of intention to discharge. I said on April 13th that if the United States of America seeks equity, it can be compelled to do equity. The complaint in the Government action asks that these men be directed to resume their normal employment. If I thought they were not going to be put to work I would have hesitated before ordering them back.

This development raises the question as to just how important a role the controller plays in the air traffic control system. The Corson report states:

In this nation's rapidly growing air transport system, the journeyman controller has been forced to compensate for the deficiencies of other elements of the system as air traffic has grown—for the lack of or inefficient design of airport runways, for the inadequacy of equipment, and for the lack of resources that would provide more efficient equipment and a fuller compliment of controllers.

What does the future hold? Again turning to the Corson report:

All that is now known of air traffic technology makes it clear that the effectiveness of air traffic control will depend at least until the 1980's upon the effectiveness of the controller themselves.

I am impressed by the obvious desperation which drove this unique group of public employees to the point where they have twice within a short span of time placed their relatively high paying careers in jeopardy. There is no other possible employer for these men if they are excluded from Federal service. Their careers, in many cases spanning 20 years and more, will end abruptly. And their skills, which are so critically needed today—and most assuredly will be an even more precious commodity in the projected future—will be lost to the country.

It seems to me that the following steps should be taken to alleviate the present tense situation and establish stable and amicable management/employee relations. The Senator from Michigan (Mr. HART), the Senator from New Mexico (Mr. MONTONA), the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr. PROXMIER), and I have sent a letter to Secretary of Transportation John A. Volpe, recommending consideration of these steps. I understand the Senator from Alaska (Mr. GRAVEL), would like to associate himself with these recommendations.

First, Equity would seem to require that those controllers who now face dismissal or suspension should be accorded the same protection by way of administrative relief as is now enjoyed by those who have successfully won this protection through intervention of the Federal courts in the 17 jurisdictions where this matter has been heard. The precedent in these actions strongly indicates that such relief would be granted, should

the controllers in each individual Federal jurisdiction pursue that legal course. To paraphrase Judge Judd, the controller, nationwide, should have the same rights as those who are fortunate enough to have won Federal court protection in the 17 largest cities. To require each local group to pursue this relief individually will prove nothing. It appears the granting of it would be pro forma. It would thus place an unnecessary financial burden on the controllers, and an avoidable burden on the Federal court system, and would only serve to drive the controllers and management further apart.

Second, The history of employee-management relations within the structure of our air traffic system over the past 2 years dictates that the only possible hope of future tranquility lies in the granting of a general amnesty to the controllers for their actions during the sick-out. It is abundantly clear that both sides to the dispute must share responsibility for the present situation. This view is supported by both the Corson report and Federal court dicta.

If the hundreds of men currently under orders of dismissal are actually dismissed, a service which is now thousands of men short will unquestionably suffer further deterioration.

Another important consideration is the morale factor within the service. How can we hope to rebuild esprit d'corps as suggested in the Corson report, among those who remain in the service on the heels of such massive retaliation? It cannot be done in my judgment. Threats of widespread resignations, if this occurs, are now heard extensively throughout the system.

Furthermore, we must consider the effect of the imposition of the proposed dismissals on the men themselves and their families. They would not merely be discharged. Since the FAA is the only employer requiring their services, they would be effectively denied employment in the profession which they have chosen as their life's work.

Third, On January 17, 1962, President Kennedy issued Executive Order 10988, which recognized the right of Government employees to form and join labor unions and to bargain collectively. A number of organizations were formed to take advantage of this opportunity. They have historically met with stiff resistance from the FAA, which preferred to deal with "professional societies." It openly advocated the promotion of these societies through the issuance of a formal management policy, Order 1210.7, title, "FAA Relationships with Professional Societies." According to the Corson Report:

The order is an irritant to many union members and is viewed by them as a deliberate management action to assist ATCA and NAATS (professional societies) in the competition for controller membership.

The FAA should pay heed to one of the major messages of the Corson Report and form a "constructive and harmonious working relationship with such employee organizations as may represent employees."

The report outlines an extensive series

of recommendations for accomplishing this goal through use of President Nixon's Executive Order 11491. These recommendations should be adopted at an early date. PATCO, which represents a majority of the active controllers, has restructured its organization to conform with the operation of this new Order.

Fourth, The FAA and the employee organizations have been furnished with an impressive blueprint for harmony and improvement of the service in the Corson Report. A panel consisting of management, labor and others with relevant areas of expertise should evaluate this document and put into practice those recommendations which will improve the air traffic service and restore tranquil employee/management relations.

Both management and the controllers seek the same goals of a safer and more efficient air traffic system. This can only be achieved in an atmosphere of full cooperation and mutual respect. The American public stands to be the prime loser if equity and commonsense do not prevail.

#### PRISONERS OF WAR IN NORTH VIETNAM

Mr. DOLE. Mr. President, in today's Washington Post column by Marquis Childs, an attempt is made to label the amendment I offered to the Cooper-Church amendment as "political byplay." It appears that Mr. Childs has missed the point of this now-defeated measure.

During the debate on my amendment, it was charged that its adoption would give rise to false hopes by relatives of our servicemen missing or held captive by the Communist forces. At that time I asked the proponents of Cooper-Church what was the matter with giving hope to the loved ones of the missing and captured. For it would be hope based on the belief that the President of the United States was not going to abandon his concern for the lives of every American in Southeast Asia. It would be hope founded on the maintenance of the President's constitutional duty to protect American forces no matter where they are.

No, it was not a politically motivated amendment. Nor did it in any way make the American prisoners of war pawns in a political byplay. Rather, it sought to preserve the constitutional powers of the President to protect Americans in the field, and, at the same time, support by whatever method possible the return of the countless number of Americans held prisoner by the Communist forces in Southeast Asia.

Mr. President, I ask unanimous consent that Mr. Childs' column published in this morning's Washington Post be printed in the RECORD.

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

#### PLIGHT OF 1,400 MISSING IN WAR TOPS Frustration in America

(By Marquis Childs)

In frustration and sheer despair no aspect of the Indochina war compares with the plight of the 1,400 or more Americans missing in action and their wives and families. Some

wives have gone four—even five—years without knowing whether their husbands are dead or alive.

Efforts to exploit this grief for the larger objectives of America's dilemma in the war have from time to time seemed to put the families of these hapless men in a political role. There is no evidence that this has been by choice of the wives. They have wanted to get, by any means possible, at the very least word of the fate of their husbands.

Sen. Robert Dole (R-Kan.) introduced an amendment to the military appropriations bill that was the most open invitation thus far to tie a political issue to the plight of the prisoners. As a counter to the Cooper-Church amendment he proposed that any legislative restrictions on the President's right to order future military operations in Cambodia would be forbidden so long as American prisoners were held in Cambodia. The Dole amendment was defeated, 54 to 36, with 15 Republicans joining 39 Democrats to vote against it. One reason was the conviction that the amendment did make the captives pawns in a political byplay.

Repeated attempts by a variety of means to get information about the prisoners have brought only minimum results. A number of wives have gone to Paris and other European capitals to put their case to Communist representatives. While in most instances they have been received politely, they have been told nothing.

On the Meet the Press program Sweden's Prime Minister Olof Palme was pressed hard to say what he had been able to do through North Vietnamese representatives in Stockholm about the prisoners of war. Palme said that of 60 appeals put up to him he had received replies in 14 cases. Among the latter were the names of several men whose fate had already been made known.

The Prime Minister said that he wanted to avoid making the prisoners a political issue and keep it on the humanitarian plane. Hanoi is a signatory of the covenant of the International Red Cross covering the treatment of prisoners of war. But the North Vietnamese government holds that the men they have taken are war criminals and, therefore, not subject to the terms of the covenant. The fact that the United States has never formally declared war is at least a technical consideration in the status of these victims of the long conflict.

It goes, however, much deeper than that. Individual human life has nothing like the same value in Asia that it has in the West. And the ruthless drive of the doctrinaire Communist adds an extra dimension to this difference in values. Then, too, there is the deep bitterness generated by the suffering of the civilian population from long years of bombing in the two Vietnams. The last is part of the fearful heritage that peace is not likely soon to erase.

State Department officials who talked with Palme were impressed by his sincerity and by the realism of his efforts to get more information out of Hanoi. Under the prisoners-of-war convention Sweden could propose the internment until the end of the war of sick and wounded men. Given the adamant stand of Hanoi, that seems a remote possibility. The grim reality appears to be that these unfortunate men will not be released, granted they have survived the rigors of their captivity, until there is a negotiated peace.

The most spectacular effort to improve their condition and discover whether they were living or dead came from H. Ross Perot, the Texas billionaire. Just before Christmas he was turned back attempting to deliver canned Christmas dinners to 1,400 prisoners. An attempt to deliver the dinners and other gifts for the captives by way of the Soviet Union was also frustrated when Perot was denied permission to fly to Moscow.

Intelligence sources report that Hanoi was rather impressed by Perot's endeavor. Here was a capitalist, one of the men who in the Communist concept rule America, rather than a bureaucrat or an "imperialist lackey." On his own initiative he was trying to do something for his countrymen. Although the Christmas spectacular had its fanciful aspects, it did help to focus attention on victims of the war whose condition has so long been concealed by the bamboo curtain.

When the cultural capital of South Vietnam, Hue, was overrun in the Tet offensive of 1968, 20 Americans were taken. Fifty days after their capture, two, both women, Dr. Marjorie Nelson of the American Friends Service Committee and Sandra Johnson of the International Voluntary Services, were released. They reported then that the others, including Phillip Manhard, an AID official, were alive. It is the frustrating, continuing uncertainty that is hardest to bear for those who have no recourse but to wait and hope.

#### THE COSTS OF DEFOLIATION

Mr. HARTKE. Mr. President, the distinguished Nobel laureate, Prof. George Wald, has been an outspoken and eloquent advocate of the humane use of technology. In a guest editorial published in the Saturday Review of June 6, Professor Wald discussed defoliation and the use of herbicides by our forces in Vietnam. He pointed out that the civilian segment shares responsibility for the military's use of chemical and biological weapons.

One of the most serious costs of chemical and biological warfare, Professor Wald said, is the effect it has on the "spectators," the people back home. He said further:

Total war is altogether depraved and brutalizing. It leaves one nothing with which to continue. The vanquished are hardly more injured than the victors. Even the spectators are maimed irretrievably. For they grow used to the atrocities and cease to respond, and so forgo their common humanity.

Observing the violence which has emerged in our country and which threatens our institutions, one can only give assent to Professor Wald's insight.

I ask unanimous consent that Professor Wald's editorial be printed in the RECORD.

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

[From the Saturday Review, June 6, 1970]

#### THE LEAVES FALL, THE BLOOD FLOWS

During World War I, all Americans learned the German word *Schrecklichkeit*—frightfulness. We were told that *Schrecklichkeit* was a deliberate aspect of German military policy. Its point was to direct military operations in large part against civilians—to terrorize and starve civilian populations in the theater of war. All Americans felt that civilization needed to be defended against such practices.

It is hard for Americans to realize that our own Armed Forces now pursue such policies. It is now we who practice frightfulness. In our present methods of warfare, civilians are among the principal victims. Our operations are not intended to spare them, and the civilians, of course, most often lack the means of self-defense.

If our Department of Defense or our Armed Forces at present exercise any restraints in the procedures and weapons they have prepared for use, on the grounds of humanity

or sparing non-combatants, I would be happy to know of them. There still seems to be some compunction about shooting civilians while looking at them; a number of soldiers and ex-soldiers are about to be court-martialed for allegedly having done that. But if noncombatants are killed from the air, or with artillery, or by some indirect means so that they are not visibly and individually identifiable as civilians, that seems altogether acceptable.

However, the military mustn't be blamed for all of this. Much of it was started and is fostered by civilians.

Our use of defoliation and herbicides in Vietnam is a case in point. A major change in U.S. policy occurred in November 1955, when Secretary of the Army Wilbur M. Brucker approved the report of a civilian advisory committee that urged the development of instruments of chemical, biological, and radiological warfare "to the fullest extent the human mind can encompass" (*The New York Times*, November 7, 1955). That decision marked the beginning of our modern CBW establishment. In the fifteen years since the CBW community seems to have been engaged in fulfilling this program to the letter.

At the heart of the American system is civilian control of the military. Among the major instruments of that control should be the House Armed Services Committee and the Senate Military Affairs Committee. Those committees, however, rather than restraining the military, goad them on, particularly in the expenditure of military equipment and funds, and in the expansion of defense contracts. As the whole world looks with hope to the Strategic Arms Limitation Talks (SALT) in Vienna, Representative L Mendel Rivers (D-SC), Chairman of the House Armed Services Committee, calls those talks a meaningless exercise (*the Times*, April 29, 1970). So, it wouldn't be fair to blame these things entirely on the military.

Always the excuse made for acts of atrocity, such as in the Mylai massacre, is that our men are fighting for their lives in a war in which civilians do take part. Often I am asked: What would you do? I think the point is that, if one finds oneself fighting old men, and mothers, and five-year-old children, then one is in the wrong war, and had better get out of it.

Students in Santa Barbara recently burned down a bank, and here and there other students are breaking up ROTC offices. I abhor violence in all its forms, wherever it happens. Student violence, like black violence, is a symptom of despair, of hopelessness. Give the students and black people, and red and yellow and brown people, some grounds for hope, and they will turn from violence to working to fulfill that hope.

But, of course, the big violence in the world occurs under official auspices. Student violence usually stops at breaking windows; but "law and order" begins with breaking heads.

In the case of our intervention in Cambodia, we are told that the internal conflict there is in no sense a civil war, but a matter of foreign aggression. The penetration by American troops twenty miles into the country is "not an invasion." It took only twenty-four hours for that noninvasion to turn from a South Vietnamese force accompanied by American advisers to an American force accompanied by South Vietnamese auxiliaries.

Every killing that we know about anywhere in the world we share in, we well-behaved civilians trying to live decent lives. We share responsibility for every maiming, burning, and starving out of civilians, of innocent and helpless persons, and for every child who is hurt, orphaned, sick, or hungry. That is true if only because, knowing of these things, one grows used to them, one ceases to respond.

Our country took the lead in drafting the Geneva Protocol of 1925, which banned the use in war of all "asphyxiating, poisonous, or other gases" and of "bacteriological methods of warfare," but the Protocol was never ratified by the Senate.

Why have we not even now ratified the Geneva Protocol? A curious consideration keeps this from happening. Virtually all the rest of the civilized world includes among the gases mentioned, the so-called incapacitating gases—tear gas and CS, really a lung rather than a tear gas—as well as herbicides and defoliants. Our government from the beginning has wanted the "incapacitating gases" excluded from the Protocol on the curious ground that we should not refuse to use on an enemy what we use on our own people. We speak of the tear gases and CS as "riot control agents." There are two major difficulties with this view. As riot control agents, these materials are used in the open, and their purpose is to make people move away from the area of application. In Vietnam, however, they have frequently been used on underground shelters, where their concentration rises to such levels as to become lethal, particularly to children. The main object of their use in underground shelters is to drive persons out from under cover so as to expose them to attack by other means, by bombing or artillery fire. So what are "riot control agents" here become lethal weapons under combat conditions, as in Vietnam.

It is much the same with the use of defoliants and herbicides. Our government stands almost alone in insisting on exempting these agents from the terms of the Geneva Protocol. Apparently, at the Geneva Conference in 1925, everyone else agreed that the Protocol included among the chemical weapons it intended to ban both tear gases and herbicides.

Defoliation and herbicides kill not only plants but men. The most widely used agent of defoliation in Vietnam has been a 50-50 mixture of 2,4-D and 2,4,5-T. The latter has been shown to cause a high incidence of birth deformities—teratogenic effects—in pregnant rats and mice, when fed in extraordinarily small amounts, such as might easily be reached by drinking water in the sprayed areas. We have as yet no definite information of its effects on man. Yet, at least four newspapers in South Vietnam reported last summer a remarkable rise in the incidence of deformed babies in areas that had been sprayed with 2,4,5-T. The newspapers were promptly closed by the Thieu government for "interfering with the war effort" (*New York Post*, November 4, 1969). Further, 2,4-D has been reported to cause a significant rise in birth abnormalities in experimental animals. These chemicals have been in common use in the United States for weed control, but under carefully restricted conditions. They have been sprayed in Vietnam without those restrictions, and at more than ten times the concentrations employed here.

Herbicides also, as used in Vietnam, are lethal weapons. In that poor country, where most of the population is never far above the subsistence level, they are used to destroy food crops. Our food destruction programs in Vietnam—and now also in Cambodia—are almost exclusively directed against civilians. The point is simple enough. When food is scarce, soldiers take what they want. It is the weak and defenseless who do without: the aged, infirm, the women, and most of all the children.

Why do we do such things? One major objective of our herbicide and defoliation programs in Indochina is to make large sections of the countryside uninhabitable, and so to drive the farmers and peasants into the cities. Wars of national liberation have their principal base in the peasantry. Destroy the peasantry by destroying the countryside, and the base has been removed.

The major villain in the piece is, of course, the concept of total war. War itself is an atrocity, and by now has become so dangerous that we cannot live with it much longer. Total war is altogether depraved and brutalizing. It leaves one nothing with which to continue. The vanquished are hardly more injured than the victors. Even the spectators are maimed irretrievably. For they grow used to the atrocities and cease to respond, and so forgo their common humanity.

All the chickens are coming home to roost. A few months ago, CS was sprayed by helicopter upon a penned-in crowd of students and faculty on the Berkeley campus. Within the space of a few days, four unarmed white students have been shot dead at Kent, Ohio; two black students at Jackson, Mississippi; and six alleged black looters in Augusta, Georgia. The Bill of Rights is under fire, the news media are harassed by the administration, and construction workers beat up peace demonstrators while members of the financial community and the police look on. Having been stopped by the Senate from degrading the Supreme Court, the President seems bent on subverting and humiliating the Senate. We have supported military dictatorships in so many places—Spain, Greece, Brazil, South Vietnam, now in Cambodia, to name a few—is dictatorship also coming home to roost?

This is now our problem.

#### THE DEATH OF CAPT. WILLIAM DOUGLAS BOOTH, U.S. ARMY, IN VIETNAM

Mr. SCOTT. Mr. President, Capt. William Douglas Booth, U.S. Army, was killed in action 12 miles southeast of Pleiku on May 12, 1970, when the helicopter on which he was serving at the time was shot down by enemy ground fire. Captain Booth was aide de camp to Gen. John Dillard, commander of the U.S. Army Engineer Command in Vietnam. General Dillard was also killed in this same action.

Captain Booth enlisted in the Army after graduating in 1959 from Council Rock High School, Bucks County, Pa. In 1962, he reenlisted and through competitive examinations he was appointed to the U.S. Military Academy at West Point. He was a 1966 graduate of West Point and in July of 1967 he was assigned to Vietnam. During his first tour of duty in Vietnam Captain Booth was awarded the Bronze Star and the Army Commendation Medal with Oak Leaf Cluster.

Captain Booth had been a scout enthusiast and was an Eagle Scout and Chief of the Order of the Arrow in Bucks County, and a member of St. James Episcopal Church in Langhorne, Pa.

The 28-year-old captain was the son of Mr. and Mrs. William A. Booth, Sackettsford Road, Richboro, Bucks County, Pa. Besides his father and mother, he is survived by a brother, Richard, of Denver, Colo., and a sister, Mrs. Sara Lynch, of Norfolk, Va. William A. Booth, father of the captain, served in the U.S. Navy Seabees during World War II.

A memorial service in honor of the young captain was conducted on May 21 at St. James Episcopal Church, Langhorne, Pa., and burial was at the U.S. Military Academy, West Point, N.Y., on May 22, 1970.

I am always utterly saddened when I learn of the death of yet another Pennsylvanian fighting in Southeast Asia. I

knew of this young man, and I wish to express my condolences and sympathy to his bereaved family.

#### NATIONAL OCEANIC PROGRAMS—ADDRESS BY SENATOR HOLLINGS

Mr. TYDINGS. Mr. President, on June 3, before a joint meeting of the District of Columbia chapter of the National Oceanography Association and the local committee of the Marine Technology Society, the distinguished Senator from South Carolina (Mr. HOLLINGS) delivered an extremely important speech on the vital subject of oceanography. This message of the chairman of the Subcommittee on Oceanography of the Committee on Commerce should be read and studied by all who are interested in the preservation of our vital ocean resources.

I ask unanimous consent that the speech be printed in the RECORD.

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

REMARKS BY SENATOR ERNEST F. HOLLINGS

Mr. Chairman. I appreciate this opportunity to speak to the two groups this evening, and I want to express my appreciation for the support both groups have given our efforts on the Hill to strengthen our national oceanic programs. Several officers of the National Oceanography Association and members of the law committee of the Marine Technology Society have appeared as witnesses in the hearings before the House and Senate subcommittees on oceanography. Your members have been consistently available to me and our staff for valuable advice. No other groups have more clearly seen the vision of what the oceans mean to the United States than have yours. We need your support; we welcome it, and we appreciate it.

On a more somber note, Wib Chapman, one of the Nation's most outstanding and outspoken advocates of strong oceanic programs, lies in critical condition in a San Diego hospital this evening of a cerebral hemorrhage. This man is silenced only momentarily I hope. As he has over the last decade and more, made a great contribution to our Committee's deliberations on the creation of a National Oceanic and Atmospheric Agency this past Spring. He combined scholarship, vast experience, humor, and hard facts to tell the story of our Federal marine organization exactly as he saw it. He saw a pretty bleak picture. His testimony alone was a sizeable piece of work. But that wasn't enough. He also submitted a paper on "The Theory and Practice of International Fishery Development-Management", and another on "Some Problems and Prospects for the Harvest of Living Marine Resources to the Year 2000". And I wouldn't be too surprised if he sent copies of these to most of you in the audience. He has worked, written, and lived prodigiously. It is none too early to pay warm tribute to him for the contributions he has made to his State, his country, and to many other countries and international organizations in their marine programs. I know you join me in sending our prayers and wishes for his full recovery.

In his testimony before our Subcommittee, Wib was alerting the Senate to the importance and urgency other countries have attributed to marine programs. In particular he singled out Russia and Japan. Tap Pryor was another who compared our marine activities to other countries. He said that we don't have to be frustrated any more about our ocean programs. "We can all relax," he said, "or at least just continue spinning our wheels, for soon the Japanese will have ac-

completed everything we ever dreamed of in the oceans." I have only begun to look behind Tap's statement, but what I have found corroborates his observation.

The Japanese are assembling enormous ocean engineering capability to harvest the resources of the Pacific and other areas of the global seas. They have government backing to act. They have the scientific and technological research and development capability to act. They have the industrial facilities and managerial skills to act. They have unique financial backing from the Bank of Japan to act. They have the decision, the will, and the determination to act. And they are acting.

Perhaps we should not be surprised that the Japanese turn to the sea as effectively as they do. Japanese landscape is limited. It lacks many natural resources needed to sustain its population, industrial development, and a growing national standard of living. 60% of its animal protein is derived from the sea. Japanese fisheries regained the number one spot in world fisheries last year. The 167 million tons of cargo carried today by the Japanese merchant fleet ranks second only to the Republic of Liberia. Its shipbuilding industry has led the world for years, growing from 2.2 million tons in 1963 to 8.2 million tons in 1968. Just one of its large shipbuilding companies has an annual shipbuilding production greater than the entire output of West Germany, which is the second ranking country.

About 75% of Japan's land surface is unsuitable for cultivation. Its large population tends to be concentrated in the limited remaining space on the southern islands. With a shoreline of about 16,800 miles, Japan has to reclaim nearshore coastal areas. Arable lands are constructed through reclamation of shallow sea area. Industrial regions are developed by filling up coastal waters of bays or inland seas. The port of Kobe is being doubled in size by building a Port Island offshore.

Twenty-five percent of the total Japanese output of coal is mined offshore. Manganese nodules on the Pacific ocean floor have attracted Japanese attention for their nickel, cobalt, copper and manganese content, for most of which Japan depends on foreign sources.

As long ago as 1961 a Council for Marine Science and Technology was organized in the Japanese Prime Minister's Office to investigate important matters related to marine science and technology. Completing its study in July 1969, the Council selected five priority programs. Those who have read the Stratton Commission report will undoubtedly note a distinct similarity between the projects advanced. But don't mistake it, they arrived at these priorities on their own:

"1. Comprehensive and basic survey of the continental shelf around Japan.

"2. Investigation and research into marine environment and management of oceanographic information.

"3. Development of aquacultural techniques in experimental culture fields.

"4. Development of remote-controlled underwater oil drilling rigs and related facilities as well as the development of relevant technology.

"5. Research and development of pioneering and common techniques for marine development."

Four more projects were recommended as important in addition to the five top priority projects named above. These were:

"1. Development of technology for utilization of sea water.

"2. Exploration of manganese nodules and other mineral resources deposited on the deep ocean floor.

"3. Development of technology for intensive utilization of marine protein resources.

"4. Exploration of unexploited or unutilized marine living resources."

I haven't been able to obtain reliable financial data on these projects, but I believe that they are being well financed. What is clear, however, from every source that I have studied is that the economic growth of Japan is very real and by no means a temporary phenomenon. It is not the result of cheap labor or exports or copying. It is the result of a special system interacting to stimulate growth, and based on unusual methods of financing, unique relations between government and business, and unique ways of using labor resources.

Most Japanese corporate capital requirements are supplied by bank loans. Nearly 85 percent of their capital is obtained by this means; they need not finance their growth out of retained earnings. Unorthodox, even disastrous, as this would be in other countries, it is a source of strength in Japan, for the government stands behind the debt position of major Japanese companies, through the Bank of Japan. Commercial banks can aggressively lend almost 100% of their deposits, and the Bank of Japan effectively stands as guarantor to the commercial banks and the borrowing corporations.

Larger corporations may form *zaibatsu*, industrial groups of noncompeting companies under the fiscal management of a major financial institution. Earnings of member companies tend not to fluctuate together, making the *zaibatsu* less risky and giving them higher debt capacity. Economic fluctuations also tend to be absorbed by small suppliers to which the larger companies subcontract much of their work, by reducing purchases or purchase prices when the economy goes down.

Industrial planning, the directors the country's industrial effort will take, and the enhancement and protection of business is the responsibility of the Japanese government. James Abegglen characterized the government's and industry's roles by analogizing the government to corporate headquarters and large corporations to corporate divisions. In an article in the "Scientific American", he said:

"In this analogy the Japanese government corresponds to corporate headquarters, responsible for planning and coordination, long-term policy formation and major investment decisions. The country's large corporations are thus analogous to corporate divisions: they have a good deal of autonomy within an overall policy framework, are free to compete with one another and are charged with operating responsibility."

The employment pattern is characterized by employment permanence and salary based on age, education, and length of service. There is little mobility between companies or industries. A worker is a member of a corporate family throughout his career. Union contracts do not define jobs or procedures and personnel can be assigned as desired. As a result of these factors, there can be considerable internal mobility between jobs within companies, which gives companies considerable flexibility in use of labor, and permits them to increase investment per worker by adopting the latest production methods and labor-saving devices.

These are the resources and talents that the Japanese are turning to the oceans. And they set a seven to eight year period in which to accomplish them.

Compare this to what we are doing in the United States. We are going to survey and map our continental shelf also. At the present rate, ESSA estimates that it will take twenty years to accomplish. Legal, organizational, political, and technical constraints are all that stand between us and a successful aquaculture program. We have a merchant marine that ranks tenth in the world and leaders who advocate that it shouldn't be that high; we should charter foreign vessels they say. I guess that our oil industry would just as soon see Japanese capital go

into development of remote-controlled underwater oil drilling rigs. Our oil industry tried that a while back, I am told, and decided that wasn't the course they wanted to take. While our fisheries increased catch and dollar-value, essential research services have been cut back in the Bureau of Commercial Fisheries. We've had our planning, too. Dr. Richard Geyer called it an "era for 'in-depth reviews', 'critical analyses', 'ad hoc task forces', and a wide variety of other euphemisms for the phrase 'delaying action'." And we have an Administration that has managed to delay a decision on Federal civil marine organization for eighteen months so far.

Like Sisyphus, the Congress has been pushing the stone of marine programs up a mountain of bureaucracy for the last ten years. We now stand on the threshold to determine whether the boulder will slip back down, or whether we can overcome the curse and gain a new pinnacle, grasping both the need and the opportunity before us.

We are ready to move in the Senate toward a stronger national oceanic and atmospheric program. We have waited, however, for the President to have the opportunity to review his own Ash Council's recommendations and to determine the course for marine affairs that he wishes his Administration to take. Perhaps we shall hear from him soon. As you know, the Administration may seek to use the MTS meeting later this month as a forum to spread its views on marine programs. Whenever it is announced, we shall review the recommendations carefully, and support them if they are strong, or fight if they are inadequate to the important task facing us as a nation.

Whatever course of Federal organization is chosen, the agency will have an uphill fight to fulfill its task. It will not have the deeply ingrained cultural factors of the Japanese and their relations with the sea favoring a strong national oceanic and atmospheric program. We don't get 60% of our animal protein from the sea; we could easily supply all of our animal protein needs from land animals. We have only a rising demand for fish and fish products to encourage our fishing industries to grow. Some contend that this demand should be met exclusively by imports. We don't have a strong merchant marine. We don't have an immediate need to develop hard minerals from the sea. Our land sources, both domestic and foreign, seem adequate for the time being. We don't import 99% of our oil from foreign sources and therefore don't have the same pressing need as the Japanese to explore and exploit the oil and gas resources lying beneath the subsolls of the sea.

But if we succumb to this type of shortsighted thinking we shall do grave damage to the well-being of the United States. And that brings me to my concern for the coastal zone of our country. The United States is no longer an endless land frontier—it is an island of greater land mass than Japan, but an island with limited space nonetheless. And it's not to the vast interior of this island that our population is flocking, but to the coast.

Current estimates are that 75% to 80% of our 205 million population live in the thirty states bordering the Atlantic, Pacific, Gulf of Mexico, and the Great Lakes. By the year 2000, when our population may increase to about 325 million, it is estimated that 80% or around 260 million people, will live within 50 miles of the sea and Great Lakes. More and more we shall witness a compressing of our nation's population in a narrow band around our coasts. More and more the coastal zone is where we shall work and play and die.

We shall live near the coast. We shall build housing. Where? We won't all be able to build right on the beach and not see our neighbors. Shall we reclaim marshes and wetlands for housing? Shall we build out into the sea?

The sewage from our homes and municipalities, already deemed the greatest source of pollution for such bodies of water as Chesapeake Bay, will have to be removed. Where? How will it be treated, if at all? How shall we dispose of the paper, plastic, metals, and other solids we use in our daily lives?

Trends already indicate that we shall probably work fewer hours per week than now, leaving more time for recreation. Where? People are turning more to water for their play, as the sales of boats strongly indicate. Indeed, we can equate the growing recreational use of water, and direct water contact sports such as swimming, fishing, sailing, and water skiing, with the increased awareness of water pollution and the demand that something be done about it.

New methods of transportation will be necessary. We'll need power for our daily living. And at the rate we are presently demanding electric energy, we are doubling our capacity every ten years. The one atomic generating plant needed in 1970 becomes two in 1980, four in 1990, and so on. What do we do with all the heat and radiation that are part of the generating process, and what effect will the heat and radiation have on the coastal environment? Or shall we develop the technology to permit us to place the plants offshore in cool depths, transmitting the energy ashore and perhaps finding useful applications for the heat, such as causing artificial upwelling for aquaculture purposes?

We'll have increasing international trade, most of which will be by sea. Improved port facilities, new concepts in handling bulk and other cargoes, and efforts to cut down pollution of the sea by oil, will be major needs. Shall we continue to improve our old ports, dredging ever deeper to handle the larger vessels that make sea transport so economic, or shall we build regional or offshore harbor facilities for deep-drafted vessels?

These are a few of the questions and concerns we have had as we took the three coastal zone management bills under consideration in the Committee on Commerce. I feel that these bills are among the most important environmental bills that we have pending in the Congress at this time. They would provide for Federal grants-in-aid to the States to encourage and assist them in developing comprehensive coastal and estuarine management plans, and later to implement those plans. The planning process will be basic. We must make wise, rational decisions on the use of our valuable coastal and estuarine areas for housing, transportation, recreation, industrial development, conservation, and waste, disposal. So valuable are these coastal resources that they should receive nothing less than top priority at the Federal, State, and local levels of government. And the coastal zone management bills are an important first step in the process.

As I see it, the prospects for action in the Senate are good. We have received strong support from the States, regional organizations, and citizens' groups in the course of our hearings. Some concern has been expressed by groups representing cities and counties at the prospect of losing some of their planning and regulatory authority. I am convinced, however, that the practicalities of obtaining political support for coastal planning and management within the States will require the cooperation, participation, and strengthening of local government. We are considering amendments that would require participation by the local and Federal governments in the State coastal planning process. As you all know, I am sure, the political problems begin at the outset of the planning process, not simply after the plan has been made. Conflicting and competing uses of the coastal zone should be ironed out in the planning process. They

should not wait for a donnybrook afterwards or risk a Federal veto on review.

The evidence is good so far that we shall find the support necessary to report and pass a coastal zone management bill in the Senate. I am less confident about prospects in the House during this Session, but I understand that efforts will be made to report out a bill in the House before the summer is over, hopefully in time to permit us to go to conference if necessary. If not, I would anticipate action early in the next Congress.

The importance of the oceans to our Nation begins in the coastal zone, stretches out over the continental shelf into the farthest reaches of the global oceans. The oceans affect us physically and are an important key to our survival. They affect us politically, diplomatically, militarily, and economically. The immediate task facing us is to recognize their importance to us and to create institutions strong enough to carry out a national oceanic and atmospheric program. Industry is ready to move. It's already spending about \$25 billion per year on programs ranging from scientific and technological research to exploitation of mineral and living resources of the sea. Financial institutions are ready to move. And from our coastal zone hearings I am convinced that the States are ready to move. But only if we get strong Federal leadership.

The next few weeks will tell much. Let us hope, as Dr. Geyer said, that we are on the threshold of a new and more productive era. But if the Federal response to this important area is inadequate, let us here resolve that we shall continue to fight for a national oceanic and atmospheric program that will strongly meet the Nation's needs. Thank you.

#### CHESLY MANLY: AN APPRECIATION OF A FEARLESS JOURNALIST

Mr. THURMOND. Mr. President, as a Member of the Senate, I have been privileged to observe closely the work of some of our Nation's largest newspapers and their correspondents. The country has just lost one of its ablest journalists—Chesly Manly of the Chicago Tribune.

It will be recalled that on June 26, 1967, the Presidents of the United States and Panama announced the completion of negotiations for three proposed new Panama Canal treaties, which without congressional authorization, undertook to surrender U.S. control over the Canal Zone and canal.

Chesly Manly visited the isthmus, obtained the facts, and in a series of articles in the Chicago Tribune exposed this notorious scheme. I quoted the texts of those proposed agreements in the CONGRESSIONAL RECORD of July 17, 21, and 27, 1967. The result was strong opposition in Panama and in Congress to the treaties, which were never signed.

Chesly Manly made other major journalistic contributions of comparable importance. His career should be an inspiration to the youth of our country, especially those starting in the field of reporting news.

Mr. President, because of the important service by Chesly Manly in fearless writing, I ask unanimous consent to have printed at this point in the RECORD a recent appreciative editorial from the great newspaper that he served so long and so well, the Chicago Tribune of Thursday, June 11, 1970.

There being no objection, the editorial

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

#### CHESLY MANLY

His Tribune colleagues and his many friends mourn today a cherished companion and a forthright spokesman in the cause of freedom and common sense. Chesly Manly served this newspaper for 41 years. He was fearless in the quest for truth, was dogged in the pursuit of facts, and was unquestionably one of the ablest of his generation in this profession.

The spectrum of his experience was very wide and he viewed the world with eyes undimmed by illusion. He reported the activities of the national government and he covered national politics for many years. As United Nations correspondent, he early saw that the hopes that that institution would be a stabilizing force for peace were visionary.

He saw much of the world and was an authority on areas as diverse as the middle east, Africa, Europe and southeast Asia. His research into higher education was deep and his understanding profound. Some indication of the scope of his interests and accomplishments may be gathered from the fact that of the three Edward Scott Beck awards he won for excellence in reporting for this newspaper each was in an unrelated field.

His 1957 award was conferred for a series rating for the nation's universities according to superiority of faculty and curriculum. The 1965 award was earned for his appraisal of prospects in Viet Nam after thoro study in the field. In 1967 he won again with a national scoop in producing details of the secret draft treaties thru which the Johnson administration proposed to surrender United States control over the Panama canal.

This was one of two national news beats produced by Mr. Manly's enterprise. In 1941, shortly before Pearl Harbor, he disclosed the Roosevelt administration's war plan calling for organizing an army of more than 10 million men to intervene in World War II. The story disposed of President Roosevelt's fraudulent professions that he intended to keep out of the war.

For the last year and a half Mr. Manly was a member of the Tribune editorial board, contributing his insights to this page. Altho his judgments were sharp, he was a man of warmth and charm and he will be sorely missed. To his wife, Elisabeth, and to his family we extend our great sympathy.

#### DR. DANIEL J. ELAZAR WARNS AGAINST DIRECT ELECTION

Mr. ERVIN. Mr. President, as the Senate nears the consideration of electoral college reform, more and more thoughtful students of American government are warning the Senate of the dangers of direct election. Last week I received a letter on this subject from one of the most outstanding political scientists in the Nation: Dr. Daniel J. Elazar, the director of the center for the study of federalism at Temple University.

Dr. Elazar has written at length on American government and is truly one of the most knowledgeable men in this country on the federal system. In his letter to me he put his opposition to direct election very bluntly:

Direct election, . . . is a device designed to remedy a supposed evil that has not materialized and which, in doing so, would create an evil far worse.

Mr. President, the addition of Dr. Elazar to the growing list of experts who are indicating concern about the disastrous consequences which would flow



from the passage of direct election should cause the Senate to look behind the misleading facade of the direct election proposal. While it sounds as pleasing as apple pie, Dr. Elazar and others who have truly given the matter serious thought know that direct election will spell an end to federalism and the American political structure as we know it.

Mr. President, I ask unanimous consent that the letter from Dr. Elazar be printed in the RECORD.

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

TEMPLE UNIVERSITY,  
COLLEGE OF LIBERAL ARTS,  
Philadelphia, Pa., June 1, 1970.

HON. SAM J. ERVIN,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR ERVIN: In the very near future you will have the opportunity to cast a vote on one of the most important issues to confront the Congress of the United States in recent years: the fate of the Electoral College. At the present time there seems to be a sharp trend in favor of its abolition and the substitution of direct national Presidential elections. Let me urge you not to take this course of action but to vote to maintain the electoral system as it presently functions.

The record is replete with the testimony of men whose credentials as students of American government and as progressives are unimpeachable and who strongly urge retention of the electoral system and are concerned with its preservation. Theodore H. White, Richard Goodwin, Alexander Bickel, and yourself, have presented forceful arguments on behalf of the retention of the present electoral system in its basic form, showing conclusively how it aids just those groups which seem to be so outnumbered in so many of the institutions of our society. I would only add that, if the systems serves them today, it has served other disadvantaged groups at other times while still serving every other part of the country equally well because it serves the cause of federalism and liberty by requiring that Presidential candidates develop broad-based, nationwide support in order to win the office.

In the passionated discussion of the issue all around us, it is often forgotten that the so-called threats to our system which the Electoral College is purported to engender remain figments of fertile imaginations rather than actualities; that those elected President since Grover Cleveland have, indeed, won in both the popular and electoral votes. Far worse would be a system which, like that now in use in France, would virtually assure a second round run-off election for every Presidential contest and would allow politically ambitious men to create small parties simply to force the major candidates into such a run-off and then bargain with them for the support of their followers. (That, indeed, has happened in a slightly different way in American history, in the election of 1824, before the present system was crystallized. It led to a crisis of confidence in our governmental system far worse than any generated by the Electoral College.)

If any reform of the Electoral College is needed, it would be to eliminate the physical existence of the electors or their theoretical right to cast their votes independently and simply record the state's electoral vote as cast once its popular vote has been established. This proposal would be an acceptable alternative. Direct election, on the other hand, is a device designed to remedy a supposed evil that has not materialized and which, in doing so, would create an evil far

worse. I do hope that you will agree with my position on this issue and will vote accordingly.

With best wishes,  
Sincerely yours,

DANIEL J. ELAZAR,  
Director.

#### THE PARK BENCH PROGRAM IN KODIAK, ALASKA

Mr. STEVENS. Mr. President, last month I took the floor of the Senate to speak on Alaska concerning the very important issue of youth standby fares presently pending before the Civil Aeronautics Board. Today, I have the pleasure of another illustration of constructive efforts by young people; this time the woodshop students at Kodiak High School in Alaska. In cooperation with the Mrs. Kodiak Tours Committee these Kodiak High School students have participated in a program to renew some of the more hospitable aspects of their community that were washed away in the aftermath of tidal waves in the great Good Friday Earthquake in 1964.

Kodiak is an island community, 12,000 people strong, located at the southwest corner of the Gulf of Alaska where it meets the expanse of the north Pacific Ocean. It is the second largest island under the American flag, rich in forest and marine resources. The Department of Fish and Wildlife ranks the fishing port of Kodiak second in the United States in value of fish and landed, and fifth in terms of volume. Rebuilding after the earthquake, Kodiak has asserted its vigorous spirit to create a robust community improved upon that which existed prior to the quake.

The rebuilding process has been sprightly. Through it all, the ladies of the Mrs. Kodiak Tours Committee have sought to maintain Kodiak's hospitable character. Their determination to keep the intangible virtues of their community has led to a program to reinstall park benches for the accommodation of visitors and townfolk alike throughout Kodiak. Not since before the earthquake have park benches been available to residents and visitors in Kodiak.

The park benches in Kodiak are a product of community cooperation and enterprise symbolizing the good will and camaraderie of Kodiakans. They are made from Sitka spruce trees that grow in the timbered hills of the island. After cutting, the logs are sawed at a local sawmill and the benches constructed by woodshop students at Kodiak High School. The Mrs. Kodiak Tours Committee makes arrangements for the benches to be purchased at cost by local merchants and civic groups. In the words of the Kodiak Mirror, where I first learned of this project:

Nobody makes a cent from the bench prices—the students get the experience of building them plus the knowledge that they have contributed to some worthy cause—as do also the ladies of the Mrs. Kodiak Tours Committee.

The result here, Mr. President, is that Kodiak is richer for the efforts of its hospitable ladies and hard-working students. Once again there are benches for

people to languish for a moment, chat with passersby or simply to take in the scenic surroundings.

Community involvement with young people in Kodiak is not an occasional thing, Mr. President. Recently, over 200 proud parents and students at Kodiak got together to pay tribute to youngsters at Kodiak High School who represent their city in athletic programs around the State of Alaska. I think it is significant to point out that this awards banquet was sponsored by a local civic organization, the Benevolent Protective Order of Elks Lodge No. 1772. I would hope the interest in young people illustrated by the Kodiak Elks Lodge will serve as an example of mutual respect between ours and the younger generation that can be recounted across the country. I wish to read into the RECORD at this time, Mr. President, the names and awards presented at Kodiak's fourth annual Elks high school awards banquet.

In cross-country competition, the Captain's Cup Award went to Ivan Lukin. The Inspirational Award was presented to Carroll Pope, and Lonnie Woods won the Outstanding Player Award.

In basketball, the Captain's Cup Award went to Robert Lester. The Inspirational Award was presented to Mike Slagle, and Robert Foster won the Outstanding Player Award.

In wrestling competition the Captain's Cup Award went to Bill Anderson. The Inspirational Award was presented to Lonnie Woods, and Chris Berns won the Outstanding Player Award.

In track competition, the Captain's Cup Award went to Mitchell Pope. The Inspirational Award was presented to Floyd Galloway, and Floyd Galloway also won the Outstanding Player Award.

The winners of the two girls' trophies presented by Mrs. Vivian Beukers on behalf of the Emblem Club were: school spirit, Colleen Johnson, best athlete, Clida Peterson.

The three overall awards presented to the boys were: Athletic service awards presented by Leroy Wittich in behalf of the Past Exalted Ruler to Mike Wright. The sportsmanship award went to junior Lonnie Woods while sophomore Robert Foster gained the overall 1969-70 athlete of the year trophy.

#### REPORT ON THE GENOCIDE CONVENTION OF THE COMMITTEE ON INTERNATIONAL LAW OF THE NEW YORK STATE BAR ASSOCIATION

Mr. PROXMIRE. Mr. President, much of the delay on the Genocide Convention has been due to the failure of the American Bar Association to endorse ratification.

But the legal profession by no means is unified in opposition to the treaty. The ABA's standing committee on world order under law, and its sections on individual rights and responsibilities, criminal law, and international and comparative law—those very divisions of the ABA most directly and intimately involved with the Genocide Convention—

all strongly favor ratification. Many of the country's most prominent lawyers have taken stands supporting the constitutionality and the desirability of the Convention.

One of the most recent groups to take a stand on the issue was the committee on international law of the New York Bar Association. This distinguished panel of lawyers issued a report strongly favorable to the Genocide Convention.

The committee noted:

It is plain that the legal arguments previously advanced against ratification of the Convention have not been sustained by the passage of time.

Mr. President, because I believe that many persons still fail to grasp the legal arguments in this issue and because the committee's report summed them up quite briefly and convincingly, I ask unanimous consent that it be printed in the RECORD.

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

NEW YORK STATE BAR ASSOCIATION, COMMITTEE ON INTERNATIONAL LAW

REPORT ON THE GENOCIDE CONVENTION

Twenty years have passed since the Senate of the United States declined to give its advice and consent to ratification of the Genocide Convention.<sup>1</sup> The Convention has not been reconsidered by the Committee on Foreign Relations since its formal vote to table the matter in 1950.

Many local and State bar associations analyzed the convention at the time of its first presentation and reported favorably with respect to the legal issues raised by ratification.<sup>2</sup> The American Bar Association, through a resolution of its House of Delegates, recommended that the proposed convention not be approved since it "raises important fundamental questions but does not resolve them in a manner consistent with our form of Government,"<sup>3</sup> although within the American Bar Association its Section of International and Comparative Law recommended ratification with certain understandings of reservations.<sup>4</sup> Recently the President's Commission for the Observance of Human Rights Year 1968 recommended ratification of the convention following study of the legal questions involved by a Special Committee of Lawyers.<sup>5</sup>

Most currently we are advised that the American Bar Association is in process of reconsidering its former position on the convention,<sup>6</sup> and in view of the position taken by the Chairman of the Senate Committee on Foreign Relations that "the committee's disposition may be influenced if the American Bar Association were to recommend ratification,"<sup>7</sup> the matter appears most appropriate for review by this committee.

DESCRIPTION OF THE CONVENTION

The basic purpose of the convention is prevention of the destruction of a human group as such. The convention defines genocide to mean certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such. The acts include killing, causing serious bodily or mental harm, inflicting conditions of life calculated to bring about physical destruction, imposing birth prevention measures, and forcible transfer of children. The parties undertake to punish guilty persons and to enact the necessary implementing legislation. There is a provision for trial by a court of the State where the act was committed or by such international penal tribunal as may have jurisdiction.

Article I reads as follows:

"The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

Apparently the word "confirm" was used since in 1946 the General Assembly of the U.N. adopted a resolution affirming that genocide is a crime under international law, which the civilized world condemns. The basic concept changed the preexisting principle generally recognized that the manner in which a State treats its own citizens is not a matter with which international law was concerned.

Article II of the convention provides as follows:

"In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- "(a) Killing members of the group;
- "(b) Causing serious bodily or mental harm to members of the group;
- "(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- "(d) Imposing measures intended to prevent births within the group;
- "(e) Forcibly transferring children of the group to another group."

In 1949 the then Acting Secretary of State who transmitted the convention to the President of the United States observed that this article requires that there should be a specific intent to destroy a racial, religious, national or ethnical group as such in whole or in part.<sup>8</sup>

The report further pointed out that "the destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterilization of a group, as may the dispersal of its children."

Cultural groups and political groups are not included in the definition.

Article III of the convention reads:

- "The following acts shall be punishable:
- "(a) Genocide;
  - "(b) Conspiracy to commit genocide;
  - "(c) Direct and public incitement to commit genocide;
  - "(d) Attempt to commit genocide;
  - "(e) Complicity in genocide."

Pursuant to Article IV, the parties agree to punish guilty persons irrespective of their status.

By Article V the parties undertake to enact "in accordance with their respective constitutions" the necessary legislation to give effect to the Convention and in particular to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

The Convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI provides that persons charged with genocide or any of the acts enumerated in Article III shall be tried by a competent tribunal of the state in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction.

The State Department report makes the following observations in this connection:

"... Thus, the commission in American territory of genocidal acts would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide. Should such a tribunal be established, Senate advice and consent to United States ratification of any agreement establishing it would be necessary before such an

agreement would be binding on the United States."

In the intervening twenty years no such international tribunal has come into existence. Were it put forward, Senate advice and consent would still be required for the United States to accept its jurisdiction.

The Convention provides for extradition in accordance with the internal laws of the parties and treaties in force, genocide not to be considered a political crime for purposes of extradition.

ARGUMENTS AGAINST RATIFICATION

The arguments against ratification expressed over twenty years ago do not differ markedly from those recently made in opposition to the human rights conventions on abolition of slavery, on forced labor, and on protecting the political rights of women.<sup>9</sup> They have not improved with age.

The subject matter is alleged not to be of international concern, but domestic in nature, and thus beyond the constitutional treaty-making power. Little need be said to indicate that the subject of genocide is, if anything, primarily of international concern. In 1948 the United States participated in the drafting of the Convention, signed it in 1948, and has reason for being party to the Convention for reasons of its relations with other countries. The concept of annihilation of a group had no prior existence as a subject for domestic treatment and introduced a new concept even to international law. Being a problem of international scope and concern, it is the proper subject of a treaty.<sup>10</sup> There is little doubt that adherence to the Genocide Convention is authorized by the United States Constitution.<sup>11</sup>

It was claimed that since Article III of the Convention makes "direct and public incitement to commit genocide" a crime, the First Amendment right to free speech is violated. This view entirely overlooked the fact that the treaty requires Congress or the states to enact enabling legislation before such acts could be prosecuted. Clearly it is constitutionally permissible to enact legislation that makes incitement, and not advocacy, a crime<sup>12</sup> and we cannot lightly speculate that Congress would pass unconstitutional enabling legislation. Similarly the claim that "genocide" as a crime is defined too vaguely has no merit unless we assume that the Congress is unable to define it for United States standards of intent and specificity when it passes enabling legislation. As lawyers, we should be careful to distinguish between, on the one hand, factual allegations which raise serious question whether genocide as legally defined has been committed and, on the other hand, the frequent loose employment of the term "genocide" for rhetorical purposes without regard to facts which come within the specific definition of the term.

The emotional objection that Article VI of the proposed Convention dooms the American citizen to trial, conviction and sentence in foreign courts without benefit of our tradition criminal law safeguards has no valid basis. The Article does not confer jurisdiction on foreign courts to try Americans for acts committed in the United States and, unless an international tribunal is established, they can be tried only in American courts. As noted above, no such international tribunal has been established and if it should be proposed we would then have to decide whether the United States should adhere to any compulsory jurisdiction given to the court. The argument has no merit.

RESERVATIONS

The resolutions adopted January 27 and 28, 1950 by the New York State Bar Association stated as follows:

"Be it resolved, That the New York State Bar Association, approve the Convention on the Prevention and Punishment of the Crime of Genocide and recommend that the

Footnotes at end of article.

United States ratify the Convention with the understanding or reservation that Article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals, and

"Be it further resolved, That the convention be approved with the further understanding or reservation that the United States assumes no obligation to enact Federal Legislation against genocide where acts which constitute genocide are already punishable by existing penal law."

It would appear that neither of the reservations or understandings suggested at that time is still appropriate. The question of United States understanding as to non-liability for money damages was dealt with by the United States delegation when it voted in favor of the Convention in 1948 and the State Department recommended Senate advice and consent to ratification with the understanding that Article IX be understood in its traditional sense of no state liability for money damages for injuries inflicted on its own nationals. However, the Secretary of State made no mention of any such understanding in his letter of February 5, 1970 urging ratification.<sup>12</sup>

The second suggestion appears totally unnecessary since the Convention requires adoption of legislation to make it effective and neither the U.S. nor the several states could be under obligation to prohibit acts already made criminal under either federal or state law.

#### CONCLUSION

It is plain that the legal arguments previously advanced against ratification of the Convention have not been sustained by the passage of time. As a matter of policy this Committee is of the view that determination of the usefulness of ratification of the Convention to United States foreign policy interests and relations with other nations of the world at the United Nations be left to the appropriate organs of the Executive Department and the Administration. Both President Truman in 1950 and President Nixon in 1970<sup>13</sup> have asked that the Genocide Convention be ratified. We find no sound legal objection to such ratification and accordingly urge prompt ratification by the Senate of the United States.

Dated: New York, N.Y., February 24, 1970.

#### FOOTNOTES

<sup>1</sup> U.N. 1948: S. Ex. O (81st Cong., 1st Sess.) 1949; 78 U.N.T.S. 277.

<sup>2</sup> See e.g. Report of the California State Bar Committee on the Genocide Convention, Vol. 27, Journal of the State Bar of California, p. 405 (Nov.-Dec. 1952); resolution adopted by N.Y.S. Bar Association, Jan. 27, 28, 1950; resolution adopted by Association of the Bar of the City of New York, March 8, 1949.

<sup>3</sup> Bitker, *Genocide Revisited*, 56 A.B.A.J. 71 (Jan. 1970); 74 A.B.A. Rep. 146 (1949).

<sup>4</sup> 74 A.B.A. Rep. 146 (1949).

<sup>5</sup> See *A Report in Support of the Treaty-making Power of the United States in Human Rights Matters* (Oct. 1969).

<sup>6</sup> A.B.A. News, Dec. 1969.

<sup>7</sup> Bitker, *supra*, at p. 72.

<sup>8</sup> 5 Exec. O. June 16, 1949.

<sup>9</sup> See *Proceedings Am. Soc. Intl. Law*, April 1968, pp. 103, 105-108; 2 *Intl. Lawyer* 600-629, 660-666 (July 1967).

<sup>10</sup> Writing in 1945, James N. Hyde, the noted American authority on international law, stated: "Genocide is at present a pressing problem of international concern and therefore a proper subject of a treaty." 2 Hyde, *International Law* 1398 (1945 ed.).

<sup>11</sup> See *Report* cited at note 5, *supra*, and cases collected therein.

<sup>12</sup> *Terminillo v. Chicago*, 337 U.S. 1 (1949); *New Masses Pub. Co. v. Paton*, 244 F. 535 (S.D.N.Y., 1917).

<sup>13</sup> Press Release, U.S. UN-18(70) Feb. 19, 1970.

<sup>14</sup> N.Y. Times, Friday, Feb. 20, 1970, p. 1.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. PERCY. Mr. President, I would hope as many of our colleagues as possible would be able to come to the floor of the Senate to hear the firsthand report and objective report of the distinguished Senator from California (Mr. MURPHY) who has made a very important trip to a very important part of the world. I certainly will be listening with great attention.

Mr. MURPHY. I thank the Senator.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senator from California (Mr. MURPHY) is recognized for not to exceed 90 minutes.

#### SOUTHEAST ASIA

Mr. MURPHY. Mr. President, yesterday we had a very exciting experience in this Chamber. We had a vote that was considered a most important vote. I noticed that the galleries were filled; filled with very young people. An extremely large crowd was trying to get in at all of the entrances. As the vote was taken and the roll called there was intense interest. Finally, when the tally score was announced, there was a burst of applause, the like of which I have not heard in this Chamber in the 5½ years I have served here. At one point during the roll-call there was noticed a reaction when one Senator cast his vote. A ripple of delight seemed to pass quickly through the tense audience. They knew something important had happened, that an uncertain vote had been picked up for their side and very obviously they had a key vote that would probably insure victory for their side. It was most dramatic and inspiring.

Last night, however, I thought it was just a little frightening, because during the long debate and discussion which had preceded the vote, I had not noticed any of those same people in the galleries. I had not been conscious that they were following the reasoning, the logic, the debate and argument of the opponents and proponents of the measure. I found myself a bit concerned and I wondered how so much excitement had been generated. I wondered if their real knowledge of the situation and the question at hand was equal to their enthusiasm as it was expressed here.

Did they have a full understanding of what they were applauding? The applause was spontaneous. It was the applause one hears at a ball game when one of the stars of the teams hits that

long ball with the bases loaded, or when the quarterback throws the long touchdown pass. It was very exciting. But as I have said, I am very much concerned that they understand this particular game, that they know what they were applauding.

Mr. President, for just a moment let us examine what they were applauding. What is it all about? It is about a war in Vietnam, an unfortunate war that none of us enjoys and which all of us wish never happened; and all of us concern ourselves with in attempting to find a proper solution.

It is a war in which we became engaged long ago when my good friend, President John Kennedy, was in the White House and when he properly and honorably carried out the stated policy of the United States to protect the freedom and the right of self-determination for smaller nations which did not have the power and the strength to protect themselves.

It has been a strange war, something like the one just before it, where there were no rules other than rules which said, "Don't win, but don't lose." That was in Korea. We had never been in a war like that where we were not permitted to win and did not dare lose. It was a war with new conditions, "Don't shoot until you have been shot at." But what happens if the one who is shot at gets hit? Well, I suppose he dies.

Who made up this rule? Who was in charge of this strange new type of warfare? I must say at this point I am not sure. There were military experts in the field and at the Pentagon, but it seems they were not entrusted with all the hard decisions. The main decision, as far as I can find out, had been taken over by civilian advisers, civilian advisers responsible only to the man who gave them their jobs. Some of them I must say seemed to be unequal to the job and not qualified for the task. So, therefore, this unfortunate war has dragged on and on. It has never been a popular war. It has never been treated like the other wars that, unfortunately, I have lived through. We did not have a Hitler to hate or a Tojo to target in on.

We had a fellow called Ho Chi Minh but he seemed to be full of little sayings that everyone was reading and quoting. He was "for the people;" he said so. Everything was "for the people." He was not for the people of South Vietnam, of course. He was for taking them over, placing them under his control, and they did not want to be taken over. The proof of that was exemplified when, as soon as they were given the opportunity, 800,000 or perhaps 900,000 and more walked from North Vietnam to South Vietnam so they would not be taken over.

But for some strange reason we did not hit Ho Chi Minh. I doubt very much if many people have taken the trouble to read the record and the history of this man, the number of names and aliases he used, or his background, and what activities he had been up to over the years. We could have hated him, if exposed, but it was not done.

Then came thousands of atrocities, terrible atrocities, murders and abductions. All one had to do was to become

the head man of a village and his chance of murder went up about twenty times or the chance of being abducted went up about fifty times. That is still going on. They have taken our prisoners of war and treated them in a manner that has never before been seen in modern history, where they do not even let family, wives, and children know whether or not the prisoners are alive or even whether they are prisoners. Once in a while through some friendly group, which unfortunately seem at times to be more kindly disposed toward Hanoi's policies than ours, they promise to release some of the names.

They have treated Americans in prison in a terrible manner, but we as a nation never seemed to get mad about this. Oh, some of us did, but not enough of us.

Mr. President, I would like at this point to ask unanimous consent that a column by Marquis Childs which appeared in the Washington Post under date of June 12 be made a part of the RECORD. The article is entitled "Plight of 1,400 Missing in War Tops Frustration in America."

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

PLIGHT OF 1,400 MISSING IN WAR TOPS  
FRUSTRATION IN AMERICA

(By Marquis Childs)

In frustration and sheer despair no aspect of the Indochina war compares with the plight of the 1,400 or more Americans missing in action and their wives and families. Some wives have gone four—even five—years without knowing whether their husbands are dead or alive.

Efforts to exploit this grief for the larger objectives of America's dilemma in the war have from time to time seemed to put the families of these hapless men in a political role. There is no evidence that this has been by choice of the wives. They have wanted to get, by any means possible, at the very last word of the fate of their husbands.

Sen. Robert Dole (R-Kan.) introduced an amendment to the military appropriations bill that was the most open invitation thus far to tie a political issue to the plight of the prisoners. As a counter to the Cooper-Church amendment he proposed that any legislative restriction on the President's right to order future military operations in Cambodia would be forbidden so long as American prisoners were held in Cambodia. The Dole amendment was defeated, 54 to 36, with 15 Republicans joining 39 Democrats to vote against it. One reason was the conviction that the amendment did make the captives pawns in a political byplay.

Repeated attempts by a variety of means to get information about the prisoners have brought only minimum results. A number of wives have gone to Paris and other European capitals to put their case to Communist representatives. While in most instances they have been received politely, they have been told nothing.

On the Meet the Press program Sweden's Prime Minister Olof Palme was pressed hard to say what he had been able to do through North Vietnamese representatives in Stockholm about the prisoners of war. Palme said that of 60 appeals put up to him he had received replies in 14 cases. Among the latter were the names of several men whose fate had already been made known.

The Prime Minister said that he wanted to avoid making the prisoners a political issue and keep it on the humanitarian plane. Hanoi is a signatory of the covenant of the International Red Cross covering the treatment of prisoners of war. But the North

Vietnamese government holds that the men they have taken are war criminals and, therefore, not subject to the terms of the covenant. The fact that the United States has never formally declared war is at least a technical consideration in the status of these victims of the long conflict.

It goes, however, much deeper than that. Individual human life has nothing like the same value in Asia that it has in the West. And the ruthless drive of the doctrinaire Communist adds an extra dimension to this difference in values. Then, too, there is the deep bitterness generated by the suffering of the civilian population from long years of bombing in the two Vietnams. The last is part of the fearful heritage that peace is not likely soon to erase.

State Department officials who talked with Palme were impressed by his sincerity and by the realism of his efforts to get more information out of Hanoi. Under the prisoners-of-war convention Sweden could propose the internment until the end of the war of sick and wounded men. Given the adamant stand of Hanoi, that seems a remote possibility. The grim reality appears to be that these unfortunate men will not be released, granted they have survived the rigors of their captivity, until there is a negotiated peace.

The most spectacular effort to improve their condition and discover whether they were living or dead came from H. Ross Perot, the Texas billionaire. Just before Christmas he was turned back attempting to deliver canned Christmas dinners to 1,400 prisoners. An attempt to deliver the dinners and other gifts for the captives by way of the Soviet Union was also frustrated when Perot was denied permission to fly to Moscow.

Intelligence sources report that Hanoi was rather impressed by Perot's endeavor. Here was a capitalist, one of the men who in the Communist concept rule America, rather than a bureaucrat or an "imperialist lackey." On his own initiative he was trying to do something for his countrymen. Although the Christmas spectacular had its fanciful aspects, it did help to focus attention on victims of the war whose condition has so long been concealed by the bamboo curtain.

When the cultural capital of South Vietnam, Hue, was overrun in the Tet offensive of 1968, 20 Americans were taken. Fifty days after their capture, two, both women, Dr. Marjorie Nelson of the American Friends Service Committee and Sandra Johnson of the International Voluntary Services, were released. They reported then that the others, including Phillip Manhard, an AID official, were alive. It is the frustrating, continuing uncertainty that is hardest to bear for those who have no recourse but to wait and hope.

Mr. MURPHY. So the time went on, Mr. President, and we had another President, and this other President had the same advisers as the previous President. And the war escalated and the numbers of troops increased and more people were sent and more money was spent. But the same rules prevailed—"Don't lose, but you are not permitted to win."

We heard that our Air Force was ineffective. Then we found it was ineffective because it was permitted to bomb only certain targets. I know, Mr. President, I have talked with the pilots who flew those missions—dangerous missions, with important military targets, and they were not permitted to touch them. They were only permitted to attack some secondary, and some really ridiculous, targets. And so it has gone on.

Now we have a third President who has inherited this situation, this terrible problem, this awful mess. And here

it is, a frightful disaster, and what should we do about it? Some, Mr. President, say, "Let us run. Let us just run away from it, run out and slam the door and make believe that it is not there. Leave these people. Forget about them, and maybe the whole thing will disappear. Maybe it was just a nightmare, a horrible dream."

That would be very desirable, Mr. President. It would be comfortable. It would be cozy and easy. But it will not work, because this mess will not go away. It must be solved. We must face up to it and find the solution to the problem, because if we do not, if we take the advice of some and run, it will haunt our national conscience from now on, as long as this Nation remains on earth.

I wonder if these young people who so enthusiastically applauded yesterday really understand all this, really know what it is all about? In the hope that they have not completely lost interest overnight and that they may take the trouble to look at and thoroughly read this RECORD, I am going to talk, if I may, for a few minutes about this unfortunate war and what I think is happening in it. I had a chance to look at it at close range—very close range. I went with a group of observers at the request of the President, a week ago last Tuesday, and I got back the day before yesterday. So it is fresh in my mind.

Of the group that went as observers, all agreed upon what they saw, what they heard, what the existing conditions were—all but one, and even he was not really in disagreement. He merely had misgivings about the future—quite properly so. We all have misgivings about the future, because the future in this unfortunate war is obscure. We are not in complete control. We have control of only one side. We can control what we do, not what the enemy decides to do, or the enemy's allies or suppliers. And it is an uncertain future. It is an uncertain contest.

Here, Mr. President, is what I saw. Under this third and new President, who is facing up to this long, drawn-out problem, things have happened. He has been wise and fortunate in his judgment and he has changed the entire matter from escalation, more involvement, more troops, and more money to a matter of disengagement, with fewer troops, less money, and, thank God, fewer casualties.

He has brought home 115,000 of our troops. They are back in this country right now. He has promised that another 150,000 will be brought home by next spring—50,000 more by this October. And they will be brought home. They will come right on schedule, and there is nothing that has happened thus far that will change that plan. And the casualties, I am pleased to say, are down. And the cost is down, and the military budget, which we hear so much about, is down under this new President. The military budget will be down by \$10 billion, probably, and future military spending, thanks to some of the tireless work of my colleagues in this Chamber, will be approached with great care and caution, always with concern for national security and needs, because here again we do

not control the situation. We do not know what the other side is going to do. All we are certain of is what they are doing and have done, and we must be ready to protect this Nation. But the cost is down—way down.

And now we find ourselves presently concerned with a discussion of this unfortunate war. Mr. President, for a few moments I would like to recount some of the important points that occurred to me, which I think can be repeated and repeated, because nowadays, with the methods of communication, we have so much news that a lot of it slips by and we do not get the full content, we do not get the full meaning.

First of all, Mr. President, in South Vietnam the thing that pleased me most was the fact that people who had been driven off their land have come back to their farms—hundreds of thousands of them.

I was there under the second President, a little over two and a half years ago, and much of the land was vacant, because they, the South Vietnamese, did not dare stay there. They had been driven off by the Vietcong. Now they are back, hundreds of thousands of them. The program of rebuilding the little villages is moving forward on schedule, and in many cases ahead of schedule.

We visited those villages, and we saw the progress that was being made. We saw the families gathered together again, and the youngsters back playing in the old home place, and the crops in the field getting ready for the harvest. They know that when the harvest is ripe, it not only can be taken in, but it can be taken to market now. They could not do that a year ago. They could not do it 2 years ago. They did not dare go down to the rivers or through the canals. It was not safe. The Vietcong on the banks would fire on them, or capture their harvest and take it away from them.

We saw the traffic on the roads; these were not just reports. We flew almost continuously for 2 days in helicopters, anywhere from 500 to 1,000 feet over the earth, so it could be seen very clearly.

We found that confidence that formerly existed in the Communist propaganda has been destroyed. The people have found out that they have been misled, those who formerly would join the Vietcong to fight against their brothers. They have found out that, like so many Communist promises in the past, they were hollow, with no substance.

These people have a desire for liberty, just as we do in America, and for freedom; and they found out that under the Government of North Vietnam, the Communist government, liberty disappeared.

So it was no longer possible for the North Vietnamese to recruit in South Vietnam. The number of recruits has diminished almost to nothing, and, to the contrary, defections from the Vietcong are rising every year. There were more than 30,000 last year. This year the number will be 10,000 more than that.

So now the war is not being carried on by the Vietcong, it is being carried on by

the North Vietnamese Communists sent down from Hanoi.

We have found out that the people will defend their villages if they are given arms and a little training. They have the determination and they have the desire. They have proved that.

Lately this third President made a decision that he would undertake what some people call a new campaign of excursion into Cambodia. We all know there has been great argument about it—tremendous debate. Was it good? Was it bad? Is it proper? Is it wrong?

There is no question about it, Mr. President. All the military experts, the people trained in these matters, know that it was right. In fact, most of them wanted to do it years ago, and had it been done, we will never know how many thousands of American lives would have been saved.

When the plan was made, it was a hard judgment for this third President, because this plan encompassed estimated casualties up to 2,000; but, balancing that off against what would be saved, the decision was still taken, and I am pleased to say that the casualties are way under the 2,000 that had been guessed at by the military experts, because it was carried out effectively, quickly, with an element of surprise.

They went into Cambodia to clean up the sanctuaries—sanctuaries which most of us, Mr. President, did not realize were only 35 miles from Saigon, where the enemy could arm, mount his attack, come out and strike, and go back over the border, and we were not permitted to do anything about it because we had an unfriendly ruler in Cambodia who did not want us to come across his land.

Now his people have gotten rid of him. It is not a new government in Cambodia today; it is the same government, Mr. President, exactly the same, with only one change: The people of Cambodia have told their former head of state, Prince Sihanouk, that they wanted no more of him, and that they wanted the North Vietnamese, who are improperly on their territory, to leave. They want no part of communism.

So those good people are enjoying our assistance. They are pleased with what this third President has done, because they know it is in their best interest, just as it is in the best interest of our allies, the South Vietnamese, and just as they know it is in the best interest of the protection of American troops who are still in South Vietnam.

We found out that these Cambodians would fight when we visited them. We saw about 200 of them in a field, and their leader told us that the afternoon before—that would have been last Tuesday—they chased a group of Vietcong halfway up the mountainside with nothing but hand grenades. "Oh," he said, "if we had had a few rifles, we could have taken care of them. If we just had a few rifles, we could protect our towns and our villages from roaming bands that come in to destroy everything."

In this regard, Mr. President, I have heard reference to the term "mercenaries." I would like to point out that these

are not mercenaries. These are people who ask our help in order to defend their own homes; and if that constitutes a mercenary, then all of our forefathers were mercenaries. That is not the case. In our Revolution, we asked for help and arms from France. We were not mercenaries; we were fighting for our country and our land, that which was rightfully ours, to protect it.

These people need training. They need to be armed. But they will fight. They have the courage, and all they want is a little help from us.

The morale I found, Mr. President, in all quarters was exceedingly high: With our military, with the South Vietnamese, with the Cambodians, and with the civilians. And I might say that in South Vietnam, the leadership is highly respected. We hear quite often that the Government there is a dissolute government, not a good government, but corrupt. I seem to recall that we heard that about the Government of Free China not too many years ago, that Chiang Kai-shek had no ability, he was corrupt, and his was a bad government. But certainly we find his government on Taiwan is an extremely good government, most successful. They have the model of all the Far East. They are the same people. What happened? What changed all this? I do not really think it changed. I think we were misled in the first instance. Now it can be proved that we were misled, because just recently the Senate Committee on the Judiciary published the full record of the famous Amerasia case, and it is there for all to see—how seven, eight, perhaps 10, by misinforming our Government, by failing to carry out the wishes and orders of our Government, cost us China. I wish the young people who were here yesterday would think about that for a moment. Had we not lost China through this deception, there would have been no Korea, there would have been no South Vietnam, there would have been no Laos, there would have been no Cambodia—no waste of funds, no fighting, no needless deaths. This is part of the background which should be understood and should be known in making these decisions.

In South Vietnam, the government is now training the citizens in their own protection. We found that they have three groups: the army, the ARVN; a district group; and the local police—1,200,000 of them are now armed. When the Vietcong come to the villages now, they will not run through as easily or as quickly or as safely as they have in the past. We found that in 90 percent of the villages, the chief of the village has been selected by free election. This is amazing, because these people had no background in democracy. In their 4,000 years of history, they had always had an imposition of government, a ruler. They never had a chance to choose their own. They are doing it now, and they are enjoying it.

We found on this trip that there was a town called Sihanoukville. We have heard a great deal about the Ho Chi Minh Trail. We have heard a great deal about the Vietcong and the North Viet-

name traveling with a little handful of rice, carrying their supplies on a bicycle. This is not true. Eighty percent, possibly 90 percent, of the supplies that have been captured in the storage bunkers in the sanctuaries came in by ship, through the port of Sihanoukville, and was transported by truck across the highways, and perhaps at long last hidden in the bunkers by individuals taking 200- and 400-pound bags of rice on the backs of bicycles.

I should like to read, for the record, the figures compiled as of Friday, June 12, 8 a.m., as to the success of the Cambodian operation. These are the hard figures which spell out only part of the success:

Enemy killed, 9,802.

Prisoners taken, 2,147.

Individual weapons captured, 16,133.

Crew served weapons—these are artillery weapons, big mortars—2,284.

Rice, 6,240 tons. That is enough rice to feed an army of 274,560 men for a period of 1 month. That is rice that the North Vietnamese will not have.

Rocket rounds captured, 40,234.

Mortar rounds—these are the ones they can carry very quickly, and generally shoot them into a school or a hospital or a crowded place. I recall the night we arrived in Saigon 2½ years ago. We were entertained at the American Embassy by the Ambassador. We had not been there an hour when two of these mortar rounds were fired and landed in the yard next door, just to let us know that they were watching. Mortar rounds captured, 61,978.

Small arms ammunition, 13,233,000.

Land mines captured, 5,240.

Bunkers destroyed, 9,358.

These are the official figures, Mr. President.

I raised the point, with both the civilians and the military, that the accounts of those killed were varied, seemed very high, and I was assured that these were actual counts. In addition, they had evidence that the North Vietnamese in many cases had taken bodies away with them as they were dispersed. And they themselves were dispersed. The sanctuaries are not available to them. Their communications are completely broken, their command posts dispersed. Elements of their troops are wandering through these hills, not knowing where their headquarters may be. They have been made ineffectual; and in my opinion and in the opinion of experts, it will be 7, 8, perhaps 12 months before they can reorganize and rebuild and resupply and reuse these sanctuaries.

I have said, Mr. President, that in my most considered opinion this is, without question, the most important military action of this unfortunate war.

There are other matters of great interest. We received information from the ambassador, which came through official sources from Moscow, that the Russians are becoming disenchanted with this entire exercise. It is not known whether they are disenchanted because they are tired of the cost and the expense or difficulty in supplying the North Vietnamese, or whether they are concerned

about what the Chinese are doing. There is a difference of opinion between the Red Russian and the Red Chinese governments. As we read history, we find that this friction has existed for nearly 500 years, and this may operate in our favor, because if they become concerned with each other, maybe they will be less concerned with us and give us an opportunity to get back to pursuing the peaceful, progressive, and productive world that we all so greatly desire.

The initiative in this war has changed completely under this new President. The initiative has swung from the enemy to our friends. The evidence is everywhere.

With regard to the Government of South Vietnam, it has a land reform schedule that is working very well. It has broken up all the old tenant farms and large farms once controlled by absentee landlords, and each citizen will now get his share and be able to work an adequate farm, enough to keep him and provide him with an income so he can live decently. That is ahead of schedule.

The program for training leaders is also of schedule. Eighty percent of the elected leaders in the villages are standing for reelection. President Thieu will stand for election next year.

The defections within the enemy are very important to us. The night before we left Saigon, we talked with two men, both of whom had been members of the Communist Party for over 10 years. One had been in command of 8,000 troops in the area referred to as Parrot's Beak. These two men had come over to the allies—our friends—and brought all the information they could with them. When asked why they had changed their minds, they said they found out they had been lied to, that it was not the kind of life they wanted for themselves and their families. These defections are increasing daily.

We were told that the Russians and the Chinese thought we had deposed Sihanouk, which of course is not true, we had nothing to do with it, as I checked that carefully. He was deposed by his own people who finally, at long last, concluded that they had had enough of his nonsense, of playing both sides against the middle at the expense of his nation and his people.

We talked with military leaders and civilian leaders, and we spent a couple of hours with South Vietnamese General Tree.

Remember that name, Mr. President (Mr. PACKWOOD), because you will hear a great deal of him. He is an amazing man. He led the first large scale, coordinated attack and operation by the South Vietnamese Army. It was the initial attack into the sanctuaries from the south. He did it brilliantly, and much better than we thought.

The South Vietnamese are supplying us with excellent pilots and excellent mechanics. They are turning out to be very fine, capable, and courageous people.

General Tree, along with President Thieu, explained to us that they have no intention of staying in Cambodia. They said that without question, their prob-

lem is the protection and security of their own country, that they have no interest in Cambodia except to make certain that Cambodian sanctuaries cannot be used to attack South Vietnam.

I have heard a good deal about the possible friction between Vietnam and Cambodia. I saw none. I saw that the Cambodians were very much pleased to have the help of the South Vietnamese, and were extremely pleased that we had come there.

The governor of a province came down to greet us and we not only saw the military group that came with him but also all the other people from the village came out, about 2,000 in number, and we talked with them. They were very happy that we were there. I saw no evidence of any possibility of friction.

There has been a strange credibility gap which has been contrived about this whole situation in Southeast Asia. A good deal of confusion has resulted from it.

There was a valuable meeting held a week ago Saturday in Jakarta, attended by all the free nations of Southeast Asia. It was inspired by their own leadership, not by the United States and not by any outside influences. They got together on their own, for the first time in history. They got together because they jointly agreed that they did not want to be dominated by the Communists, either from China or from Russia. They want to be free. I think we will hear more of this meeting because I think it was an important one.

We also heard a good deal about the economic problems in South Vietnam. They have them. We heard a great deal about their inflation. They do have it. We have it here, of course. But they have it to a lesser degree, in spite of all their years of war and turmoil, than some of the nations in Latin America are having right now without having had any war.

Thus, inflation is really not all that bad there. They think they can control it. The wealth of the country is not in the cities. It lies in the countryside, in the rich land, the crops, and their produce.

Oh, Mr. President, it could be such a wonderful land, such a happy land.

Mr. President, these are the things I have outlined, which I think are important:

The people are going back to the farms.

The people can defend their villages.

The training of the leaders is taking place.

Land reform is taking place.

Traffic is moving on the rivers and the canals and the roads.

The marketplaces are filled.

Sihanoukville, through which 90 percent of the supplies used to attack South Vietnam moved, is closed. Now they have to bring those supplies down the Ho Chi Minh Trail. The North made great preparations. It has pipelines built in the area of the DMZ. They seem to be preparing for a long war. The South Vietnamese tell us that if we will arm them and give them the training they need, they will be able to handle their own

problems, and we will not have to lose any more American boys and we can bring them home. Hopefully, then, we will get to a negotiated peace. Everyone has hoped for that. President Thieu has made endless attempts, as did President Johnson, and as is President Nixon, to arrive at a negotiated peace.

Yes, Mr. President, things are better than they were. They are not, however, completely satisfactory yet.

Vietnamization is working. It is ahead of schedule.

Our troops will be coming home.

That brings me to the current business now before the Senate. We have concerned ourselves here with writing new laws which would, somehow or other, restrain and restrict this new President, the third President to inherit this problem, the one who is meeting with success.

Some said immediately when the Cambodian decision was announced that it was broadening the war. That is not true. It deescalated the war.

We are fighting in a different area, but there is a lot less fighting. I just told the Senate about the 13 million bullets that will not be used by the enemy to kill American boys.

The casualties are down. The effort is moving in the right direction. And we are meeting here to debate and discuss new laws that will restrain and restrict the powers of this third President.

Mr. President, I have said, and I repeat, that I think it is proper that we debate and eventually delineate exactly the powers of the President of the United States as Commander in Chief with regard to declarations and actions that may bring involvement in war. I think it is to be desired. But I do not think that this is the time for it. I do not think that this is a well chosen date for this discussion and debate.

I can see nothing productive, nothing that would help solve the problems of the United States that could come from such discussion at this time.

I think this debate should be held at a time when we are at peace, held with calmness and with complete, cool reasoning.

We can make this delineation then and spell it out so that it will be clearly drawn for all future time. But let us see what happens as we do it in these days, with these problems facing us, with this ongoing situation.

I can see immediately that certain elements of the unfriendly, foreign press will say that the American people have lost confidence in their President. That is not true. That is a falsehood. The polls show this.

Regardless of the fact that some of our highly publicized editorial writers indicate this, it is just not true. It adds to the confusion. And they should rectify this because in time of war this Nation must be solidified and there must be full understanding.

It is difficult to write restrictions, because we do not know the conditions. We only know our side of the story. What will the enemy do? What would have happened in the Cambodian incursion, had there been a debate in this Chamber

ahead of the incursion and at long last the President had been given permission to do what should have been done so many years ago?

I will tell the Senate what would have happened. It would have cost the lives of thousands of American boys, because the enemy would have known about it. They would have been prepared for it. The element of surprise would have been denied us.

The first two moves into the southern sanctuaries could possibly have failed. As it was, one of the defectors told us they had 20 hours notice. That is not very much notice.

The Senators will be glad to know that they did not have time to booby trap the bunkers. When we left, there had been only two cases of booby traps. And they were quickly contrived. They simply were hand grenades with the pins pulled and placed under boxes so that if one raised a box, it would detonate and explode.

They moved a lot of supplies. There is no doubt about that. We heard it said that we did not capture the headquarters. We never really expected to, because they are very mobile. They never put their roots down firmly in any one place. However, we captured enough of their communications and supplies to destroy their efforts and break them up so that they are and will be ineffective.

We do not know what may be necessary. We do not know what action, what quick, sudden decision may be necessary for the safety of our men, for the success and final victory and for a solution to this awful dilemma.

That is why I say that this is not the time and that these are not the days for this type of discussion.

I have the greatest confidence that my colleagues, the proponents of such restraints and restrictions, feel that what they are doing will bring about an end to this awful dilemma. They want to see it finished. But I assure them, Mr. President, that no one wants to see it finished more than the President of the United States. No one wants to see it brought to an end sooner than the Senator from California. But it is a matter of judgment. It is a matter of certainty that it must be carefully considered.

We have made too many mistakes in the past. And some of those who have advised us in the past and must share partially the responsibility of this awful experience, continue to raise their voices in this debate. I think they should be-think themselves and be cautious and careful. We cannot afford any more unfortunate mistakes.

Mr. President, I have concluded that the advantage in this unfortunate war has changed, that the third President is on the right track. And I would suggest and recommend most highly that we join solidly behind him and give him our support. And as long as he is going in the right direction, we should give him all the help we can and urge him on so that not only in the negotiations in Paris but also in the negotiations in the SALT talks, the disarmament talks and the confrontations which must take place with regard to the problems in the Mid-

east, the world will know that we have confidence in this third President and that we, the great majority of the people, believe that his judgment has been good, his decisions have been well taken, courageous, daring, and have been based on facts and reality, not on fiction and theory and he is arriving at the accomplishments which are desired by all.

These are the things that I believe should concern us at this time. That is why, Mr. President, I hope that many of my colleagues will express their feelings with regard to these restraints and restrictions.

I know that some of the opponents have said, "We will only do what the President said he would do."

However, I get the feeling that they want to lock him in. They say, "He said this. So, to make certain, we will put it into law."

It would almost appear to some that there was a matter of distrust there. I do not think that should exist.

I do not think that is based on the evidence. I do not think it is healthy or helpful at this particular time. Let us not lose the advantage that has been gained after such a long struggle, after such a costly experience. Let us keep that advantage and let us see if we cannot improve on it so that at long last we can bring about the honorable, lasting, and decent peace that all of us so earnestly desire.

Mr. President, I hope that the people, and the young people particularly, who were here yesterday and who were so enthusiastically interested in the outcome of the vote that took place in this Chamber, will take the trouble to read what I have said here today; that they take the trouble to get an understanding of the entire situation.

This is not a matter of who wins or who loses a vote on the floor of the Senate. That is incidental. That is gone as the sun goes down. The matters that concern us are matters of permanent policy that will affect the future of this great Nation for years and years to come, and that is why these matters should be approached with careful and mature judgment. Enthusiasm is wonderful; it is great; but it never should burn so brightly it overcomes the fires of wisdom, good sense, and reason.

So, Mr. President, I can only wish in closing that these galleries had been as filled this morning as they were yesterday. We hear quite often now that the older generation—and I am certainly a part of that older generation, having lived in this great country for over 60 years—does not communicate with the younger generation.

I made a promise to some of the students in my State that I am going to communicate and I am going to be available to them in the universities, not to those who are concerned with a confrontation, but I will be available to those who are interested in sitting down and having a free, honest, and open-minded discussion. I hope I learn a great deal from them, and possibly, with good luck, they may learn something from me and my experience. Out of the

interchange may come some ideas that will be of advantage to the future of this great Nation. I hope that these same young people will take the time to read the RECORD as I have attempted to make it this morning.

#### THE MIDDLE EAST

Mr. MURPHY. I have talked for several years and at great length about the problem in the Middle East. I have taken a firm public position on the importance and the necessity of the healthy, strong viability of the new country of Israel.

In the Washington Post this morning, there was published a most interesting article by Mr. Joseph Alsop entitled "Mideast Crisis Provokes Only Silence From the Left," 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:

#### MIDEAST CRISIS PROVOKES ONLY SILENCE FROM THE LEFT

(By Joseph Alsop)

The most bewildering feature of the Middle Eastern crisis is the strange silence on the left. Here is the most dangerous situation that the United States has had to face since the Second World War. Here is the Nixon administration pursuing, at least to date, a policy so limp that it actually increases the danger to Israel.

Here are the liberal Democrats in Congress, with their highly articulate allies, the liberal and leftwing intellectuals, in a perfect fever of rage about Cambodia, which promises to be a brilliantly successful U.S. operation. Yet they have not given the Nixon administration as much as a tap on the wrist where it is most vulnerable, in its management of the Middle Eastern crisis to date.

The contrast is so extraordinary that it cries out for explanation. The only available explanation is not exactly creditable, however, to the liberal and leftwing intellectuals and their heroes in active politics.

With ludicrously premature sighs of relief, this entire, highly influential American group firmly decided, some years ago, that all problems of the Cold War had ceased to exist—if indeed they had not been imaginary problems in the first instance. The tragic loss of President Kennedy, who never went in for self-delusion, seems to have been the signal for the beginning of this enormous exercise in self-delusion by so many who had admired him.

Thus a new world view began to be promulgated, as unchallengeable doctrine. The view was that all the dangers of history in the latter half of the 20th century could be largely blamed on the United States. The whole American effort to maintain a reasonably safe balance of power in the world was seen the exclusive source of all risks and troubles.

This world view leaves no room at all, of course, for an increasingly militarized Soviet Union, bent upon crushing Israel, and by crushing Israel, aiming to gain control of the entire Middle East. The choice has been, therefore, between continuing to peddle the world view above-defined, or publicly swallowing it whole, as a grossly erroneous view, and thereupon facing the terrible new facts.

Vanity, ignorance and arrogance have all combined to prevent the admission of error that is now in order by the liberal and leftwing intellectuals and the liberal Democrats in Congress. So Israel's deadly peril has been all but ignored. Or if not ignored, it has been treated as really no more than Israel deserves. And the Indian war dance about Cambodia has continued, with a rising decibel count.

For the short run, this is quite bad enough. The Nixon administration badly needs to be hammered on its Middle Eastern policy. Otherwise, none of the right things are likely to be done. For the long run, too, the continuing liberal and left-wing exercise in self-delusion is bound to end in disaster for the self-deluders, among others.

The Middle Eastern facts alone are enough to show the threat to the self-deluders. The unprecedented Soviet injection of Russian troops into the Middle Eastern war quite directly menaces Israel's very existence. The design, furthermore, is not just to crush Israel. The design is to exclude any form of power except Soviet power from the Middle East.

Suppose that the Israelis are beaten to their knees or actually destroyed. Suppose that we also experience the immense upset in the entire world balance of power that will result if the Kremlin's Middle Eastern design is successfully carried out. We shall then be doubly haunted, by the ghost of Israel, and by the obvious danger of a third World War caused by the upset in the balance of power.

Can anyone suppose that the self-deluders will not then be rent asunder, in the storm of fury, recrimination, fear and scapegoat-hunting that will follow in this country? The answer is obvious. Yet this is only part of the story, for the Middle Eastern crisis is only part of the danger.

Except for Japan after the rise of the militarists, the Soviet Union today stands alone among major nations in this century. With the exception noted, it is in fact the only major nation that has allowed the uniformed leaders of the armed services to name their own boss, the defense minister.

That grim fact is clearly linked to other facts—the Soviet pilots in Egypt; the invasion of Czechoslovakia; the rising pressure on Romania; the increasing number of divisions deployed along the Sino-Soviet border. The Nixon administration's defense policy, which amounts to shambling disarmament, is therefore as vulnerable as its defense policy.

But on this front, too, the administration is never attacked, except for not disarming fast enough. The truth is that the geese that should sound the alarm on the Capitol have all been taking mind-blowing drugs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRANSACTION OF FURTHER ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of further morning business, with statements limited to 3 minutes.

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

#### COMMUNIST TERROR AGAINST SOUTH VIETNAM

Mr. DOLE. Mr. President, the basic objective of the Vietnamization program initiated by President Nixon is to realize an orderly withdrawal of American forces from the war zone and, at the same time,

secure the safety of the people of South Vietnam against possible acts of terrorism which might be perpetrated by the forces of North Vietnam and the Vietcong.

Some of my distinguished colleagues in the Senate have questioned the likelihood that such atrocities as mass civilian execution and lengthy incarceration would result if the United States left the South Vietnamese without adequate means for defense. Yet, as President Nixon pointed out in his April 30 speech to the American people, we cannot expose 18 million South Vietnamese "who have put their trust in us to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who choose freedom when the Communists took over North Vietnam in 1954." I believe the President is correct in this position.

In order to determine whether the North Vietnamese and Vietcong have changed their method of assuring obedience and loyalty we must inquire about the expressed intentions and actions of Communist forces.

The record is not encouraging. In fact, Reuters News Service reported this morning that at least 70 South Vietnamese civilians were killed and another 70 wounded in a 2-hour bloodbath when Communist forces attacked a village near Danang. The Associated Press said that civilian deaths in the incident might be as high as 115.

News reports also quote a South Vietnamese military spokesman as saying it was the worst toll of civilians since the Tet offensive of 1968.

Mr. President, I ask unanimous consent that the Associated Press account of the tragedy printed in the Washington Post this morning be inserted in the RECORD at this point.

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

#### KILLING OF 115 CIVILIANS CHARGED AGAINST VIETCONG

SAIGON, June 11.—About 115 South Vietnamese civilians were killed and another 70 wounded in a two-hour bloodbath today when Vietcong troops overran a village south of Danang, reliable sources said.

The U.S. Command said 70 civilians were known to have been killed and 70 wounded in the assault on Baren, a hamlet of about 2,000 residents 17 miles southeast of Danang.

[Reuters reported that a South Vietnamese military spokesman said it was the worst toll of civilians since the Tet offensive in February, 1968. In the city of Hue alone, during that offensive, several thousand civilians were massacred by the Vietcong. In the village of Mylai, U.S. forces have been formally charged with the deaths of 109 civilians.]

The assault followed a withering mortar barrage which set fire to much of the river-side village.

One U.S. officer, who flew over the smoldering remains of the hamlet, said it was about 90 per cent destroyed or damaged.

Survivors said Vietcong ran through the streets of Baren "shooting anyone they saw" and hurling grenades into homes and civilian bunkers, he said.

The U.S. Command in Saigon reported a sharp drop in American battlefield deaths last week. (Story on Page A16.)

The attack on Baren came less than a week after a Vietcong assault against another village two miles south of the same bridge,



when 22 villagers were killed and 13 wounded.

Today's attack occurred as other Vietcong troops hit an outpost at the end of the bridge just north of Baren, manned by U.S. Marines.

The attack was the heaviest of seven reported Thursday against civilian population centers ranging from deep in the Mekong Delta to Dalat in the central highlands.

The commander of the Marines at Baren, Lt. T. S. Miller, 27, New Kensington, Pa., was quoted by the command as saying the Vietcong's "main objective was to destroy this village."

"They kept my Marines pinned down while they infiltrated the village, and then they started their massacre," said Miller. He estimated that more than 200 mortar shells hit the village.

Mr. DOLE. Mr. President, some critics of President Nixon's Vietnamization program have argued that reports of Communist terrorism are exaggerated. They contend that no "bloodbath" would ensue should we make a hasty withdrawal since the situation of mass terrorism in the north in the 1950's is not analagous to the present.

The evidence to support this position is hardly convincing, especially in light of today's reports of atrocities.

I submit that the enemy's intentions and actions are to similar today to risk the further preparation of such atrocities against the people of South Vietnam.

All available Communist propaganda points to a continuation of the strategy of terror and savagery by the north. On September 18 of last year a high official in the North Vietnamese Communist Party said:

It is absolutely essential to use violence against the counter-revolutionaries and exploiters who refuse to submit to reform.

He continued:

We must pay continuous attention to consolidating the repressive apparatus of the people's democratic state.

For those who "stubbornly oppose the revolution" a decree issued by the President of North Vietnam provides for severe punishment, ranging from 2 years to life imprisonment and capital punishment. Edicts such as these are hardly unusual coming from the Communists.

The distinguished Senator from Colorado (Mr. ALLOTT) has pointed out repeated statements by North Vietnamese leaders demanding what are called "blood debts" of their opponents in South Vietnam. His address to the Senate of May 21 as printed in the RECORD includes some of the statements of the Communists which hardly seem to indicate a change in policy from the massacres of the early 1950's.

Mr. President, this most recent report of Communist terrorism should not be hastily forgotten, especially considering past behavior and expressed intentions of the Vietnamese Communists.

#### LATEST BLS AND SEC STUDIES SHOW NEED FOR PENSION REFORM

Mr. JAVITS. Mr. President, for several years I have sponsored legislation

intended to secure certain reforms of the private pension system. Last year, I again introduced this legislation as S. 2167. Today, I am more convinced than ever that unless these basic reforms are undertaken, the American worker will lose his confidence in the value of these plans.

The harsh facts are that despite close to \$126.2 billion being accumulated in these pension plans, and despite indications that they will grow to over \$200 billion by 1980, only a relatively small number of employees in many of these plans will ever receive a single dollar in retirement benefits.

The underlying reason for this alarming state of affairs is that the private pension system has failed to respond to new realities generated by technical, business, and social change. This failure is most noticeable with respect to the so-called "forfeiture" problem. It seems to be a recurring theme, for example, that:

First. Employees with relatively long periods of service are laid off due to technological or business reasons without having acquired pension rights.

Second. Employees who voluntarily quit to accept more advantageous employment often forfeit benefits they had expected to receive in retirement.

Third. Many employees cannot even hope to qualify for a private pension because the characteristics of their occupations as well as the nature of their job opportunities demand such mobility that they cannot earn a pension benefit even under the more progressive plans.

What makes these circumstances profoundly disturbing is that in all these cases contributions on behalf of these employees have been made into a pension fund. These contributions, which are tax deductible, are supposed to provide employees with retirement benefits, but restrictive requirements in many of these plans virtually insure that these contributions will not, for the most part, achieve this purpose. In the technical language of the pension specialist, the right to obtain some type of retirement benefit when leaving employment prior to retirement is known as a "vested right." When an employee leaves employment without obtaining such a vested right he is said to have "forfeited" all moneys credited to him for retirement benefits based upon his service with the employer.

The shocking extent of the risk of forfeitures of private pension benefits in this country is fully revealed by the latest Bureau of Labor Statistics' study. This study is summarized in press release No. 11-024 issued this year by BLS. Very briefly, the BLS study of vesting coverage in private pension plans shows that despite the fact that the proportion of plan participants belonging to plans with vesting provisions increased by 29 percent in 1969, only one out of every three plan participants will receive a vested pension right if he leaves employment with 10 years of service under the plan, and only one out of every two participants will receive a vested pension right if he leaves employment after 15 years

of service. Moreover, even this estimate may be too rosy since many terminating participants with the requisite years of service may still not qualify for vested rights if they have not attained an age specified by the plan.

The currently unacceptable level of vesting protection is further magnified by the continued spectacular rise in the growth of private pension fund assets. For example, the latest SEC survey—described in SEC press release No. 2437, April 20, 1970—shows that noninsured pension fund assets increased by \$7 billion during 1969 while insured pension reserves increased by \$4 billion. The current book value of assets in all private noninsured pension funds is over \$87 billion while in insured pension reserves it is at \$39 billion. Ten years ago, the total assets in both insured and noninsured pension funds were at \$52 billion. I question whether the enormous wealth being built up in these funds could not support a more equitable system of vesting than is presently the case, and, indeed, whether one of the factors bearing on this phenomenal growth in assets is an unwarranted level of forfeitures.

These statistics speak for themselves. I believe these releases, as well as earlier reports in this connection, fully justify the steps which I have continually urged as a necessary corrective to a significant inequity in the private pension system. While it is gratifying to learn that voluntary progress has been made in this regard, it is quite evident that the rate of progress is hardly adequate.

Lack of adequate vesting is, of course, only one of a number of problems presented by the present operation of the private pension system. For example, there is a widening concern, which I share, that the vast resources concentrated in these funds are not being sufficiently utilized in connection with the resolution of pressing domestic social problems. Also, recent business reverses in certain industries, notably aerospace, has once more turned the spotlight on the general problem of employers who terminate their business operations with the result that their employees are not only out of jobs but find that their pension rights have been severely reduced and, in some instances, virtually destroyed.

Solutions to these persistent problems cannot be deferred much longer. Pursuant to Senate Resolution 360, the Senate Labor Subcommittee is in the process of conducting an indepth exploration of the private pension system to ascertain the facts surrounding many of these matters. I am hopeful that the subcommittee will hold hearings in the summer on this subject and that backed by the findings of its investigation, serious attention will be given to appropriate reform measures.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the charts and tables contained in the BLS and SEC release.

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

TABLE 1.—ASSETS OF PRIVATE NONINSURED PENSION FUNDS

[Book value in millions of dollars; figures may not add to totals due to rounding. Includes funds of corporations, nonprofit organizations and multiemployer and union plans]

Annual	1960	1961	1962	1963	1964	1965	1966	1967	1968	† 1969
Cash and deposits.....	550	660	710	770	890	940	900	1,320	1,640	1,590
U.S. Government securities.....	2,680	2,720	2,920	3,050	3,070	3,100	2,610	2,170	2,540	2,590
Corporate and other bonds.....	15,700	16,880	18,100	19,560	21,210	22,700	24,580	25,500	26,160	26,640
Preferred stock.....	780	760	750	710	650	750	790	980	1,320	1,740
Common stock.....	10,730	13,340	15,730	18,120	20,840	24,450	28,340	33,830	40,260	45,960
Mortgages.....	1,300	1,560	1,880	2,220	2,750	3,320	3,810	3,940	3,910	4,010
Other assets.....	1,400	1,590	1,800	2,120	2,510	2,820	3,430	4,110	4,450	4,740
<b>Total assets.....</b>	<b>33,140</b>	<b>37,510</b>	<b>41,890</b>	<b>46,550</b>	<b>51,910</b>	<b>58,090</b>	<b>64,470</b>	<b>71,840</b>	<b>80,280</b>	<b>87,240</b>

  

Quarterly	1967		1968		1969		1st quarter	2d quarter	3d quarter	4th quarter
	3d quarter	4th quarter	1st quarter	2d quarter	3d quarter	4th quarter				
Cash and deposits.....	1,050	1,320	1,120	1,290	1,500	1,640	1,240	1,640	1,490	1,590
U.S. Government securities.....	2,180	2,170	2,400	2,390	2,330	2,540	2,600	2,480	2,600	2,590
Corporate and other bonds.....	25,420	25,500	25,830	25,900	26,140	26,160	26,010	26,080	26,530	26,640
Preferred stock.....	940	980	1,020	1,150	1,210	1,320	1,460	1,570	1,710	1,740
Common stock.....	32,460	33,830	35,210	36,810	38,640	40,260	41,760	43,350	44,140	45,960
Mortgages.....	3,930	3,940	3,950	3,910	3,920	3,910	3,940	3,910	3,970	4,010
Other assets.....	3,780	4,110	4,190	4,270	4,350	4,450	4,360	4,530	4,570	4,740
<b>Total assets.....</b>	<b>69,760</b>	<b>71,840</b>	<b>73,720</b>	<b>75,710</b>	<b>78,090</b>	<b>80,280</b>	<b>81,380</b>	<b>83,560</b>	<b>85,010</b>	<b>87,240</b>

† Preliminary.

TABLE 2.—ASSETS OF ALL PRIVATE AND PUBLIC PENSION FUNDS  
[Book value in billions of dollars; figures may not add to totals due to rounding]

	1960	1961	1962	1963	1964	1965	1966	1967	1968	† 1969
<b>Private:</b>	<b>52.0</b>	<b>57.8</b>	<b>63.5</b>	<b>69.9</b>	<b>77.2</b>	<b>85.4</b>	<b>93.9</b>	<b>103.9</b>	<b>115.3</b>	<b>126.2</b>
Insured pension reserves.....	18.8	20.2	21.6	23.3	25.2	27.3	29.4	32.0	35.0	† 39.0
(Separate accounts, included above) <sup>2</sup> .....			( <sup>1</sup> )	( <sup>1</sup> )	.1	.3	.6	1.2	2.2	( <sup>2</sup> )
Noninsured pension funds <sup>4</sup> .....	33.1	37.5	41.9	46.6	51.9	58.1	64.5	71.8	80.3	87.2
<b>Public:</b>	<b>56.4</b>	<b>59.3</b>	<b>61.4</b>	<b>65.0</b>	<b>69.5</b>	<b>72.8</b>	<b>80.4</b>	<b>90.3</b>	<b>98.4</b>	<b>111.3</b>
State and local.....	19.6	22.0	24.5	26.9	29.7	33.1	37.1	41.7	46.0	52.0
<b>Federal:</b>										
Federal old-age and survivors insurance.....	20.3	19.7	18.3	18.5	19.1	18.2	20.6	24.2	25.7	30.1
Federal disability insurance.....	2.3	2.4	2.4	2.2	2.0	1.6	1.7	2.0	3.0	4.1
Civil service retirement and disability program <sup>7</sup> .....	10.4	11.4	12.5	13.5	14.7	15.9	17.0	18.1	19.4	20.8
Railroad retirement.....	3.7	3.7	3.7	3.8	3.8	3.9	4.1	4.2	4.2	4.3
<b>Total private and public.....</b>	<b>108.4</b>	<b>117.1</b>	<b>124.9</b>	<b>134.8</b>	<b>146.6</b>	<b>158.2</b>	<b>174.4</b>	<b>194.2</b>	<b>213.6</b>	<b>237.6</b>

† Preliminary.

<sup>2</sup> Estimated.<sup>3</sup> Separate accounts of life insurance companies, set up for specific pension plans, allow greater investment latitude than is permissible under State laws for general life insurance assets.<sup>4</sup> Less than \$50,000,000.<sup>5</sup> Not available.<sup>6</sup> Includes funds of nonprofit organizations and multiemployer plans.<sup>7</sup> Includes Foreign Service retirement and disability trust fund.

## BUREAU OF LABOR STATISTICS

TABLE 1.—NUMBER OF PRIVATE PENSION PLANS, AND NUMBER OF COVERED WORKERS AND PERCENT OF WORKERS IN PLANS WITH VESTING PROVISIONS BY SELECTED PLAN CHARACTERISTICS, 1969, 1967 AND 1962-63

Characteristic	1969	1967	1962-63	Characteristic	1969	1967	1962-63
Number of plans <sup>1</sup> .....	17,403	17,091	16,031	Percent of active covered workers:			
Number of active covered workers (thousands) <sup>1</sup> ..	19,511	17,485	15,787	Plans with vesting provisions.....	76	63	59
Single employer plans.....	13,869	12,555	11,802	Single employer plans.....	87	77	71
Multiemployer plans.....	5,550	4,929	3,985	Multiemployer plans.....	51	26	23
Noncontributory plans.....	15,368	13,351	11,784	Noncontributory plans.....	74	57	51
Contributory plans.....	4,051	4,134	4,003	Contributory plans.....	89	80	78

<sup>1</sup> Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period of about 2

years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

TABLE 2.—PREVALENCE OF VESTING AND EARLY RETIREMENT PROVISIONS IN PRIVATE PENSION PLANS, 1969

Type of provision	Type of employer unit						Method of financing			
	Total		Single employer		Multiemployer		Noncontributory		Contributory	
	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans number (workers in thousands) <sup>1</sup> .....	16,874	19,419	15,230	13,869	1,644	5,550	12,482	15,368	4,392	4,051
Plans with either vesting or early retirement provisions.....	14,902	17,619	13,515	13,315	1,387	4,306	10,535	13,733	4,367	3,886
Vesting and early retirement.....	12,309	14,241	11,631	11,631	678	2,601	8,526	11,003	3,783	3,230
Vesting only.....	632	640	478	418	154	223	523	284	109	356
Early retirement only.....	1,961	2,738	1,406	1,256	555	1,482	1,482	2,446	475	292
Plans with neither vesting nor early retirement provisions.....	1,972	1,799	1,715	555	257	1,244	1,947	1,634	25	165

Type of provision	Type of employer unit						Method of financing			
	Total		Single employer		Multiemployer		Noncontributory		Contributory	
	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
Percent of all plans.....	100	100	90	71	10	29	74	79	26	21
Total.....	100	100	100	100	100	100	100	100	100	100
Plans with either vesting or early retirement provisions.....	88	91	89	96	84	78	84	89	99	96
Vesting and early retirement.....	73	73	76	84	41	47	68	72	86	80
Vesting only.....	4	3	3	3	9	4	4	2	2	9
Early retirement only.....	12	14	9	9	34	27	12	16	11	7
Plans with neither vesting nor early retirement provisions.....	12	9	11	4	16	22	16	11	1	4

Note: Because of rounding, sums of individual items may not equal totals.

<sup>1</sup> Data relate only to those private pension plans covering more than 13 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans)

were excluded from all studies. The active worker count in each study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

TABLE 3.—OLDEST AGE AND ASSOCIATED SERVICE AT WHICH THE WORKER ACQUIRES A NONFORFEITABLE RIGHT TO A PRIVATE PENSION BENEFIT PRIOR TO NORMAL RETIREMENT AGE, 1969

[Workers in thousands]

Minimum service requirements <sup>1</sup>	Minimum age requirements <sup>1</sup>									
	Total		No age requirement		40 and under		45 <sup>2</sup>		50 <sup>3</sup>	
	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans <sup>1</sup> .....	14,901	17,404	5,885	8,090	2,524	3,692	862	832	857	1,699
Less than 5 years.....	610	277	366	120	100	15	.....	.....	102	11
5 to 10 years.....	5,826	7,033	2,957	4,817	1,099	1,098	236	311	112	185
11 to 15 years.....	4,734	6,639	1,526	1,421	1,304	2,537	278	343	457	1,078
16 to 20 years.....	2,742	2,136	726	923	18	39	347	172	165	319
21 to 25 years.....	698	748	287	364	3	3	1	7	19	96
Over 25 years.....	291	573	23	445	.....	.....	.....	.....	2	10
					455		60		462	
All plans <sup>1</sup> .....					2,893	1,850	1,531	863	349	378
Less than 5 years.....					38	100	4	31	.....	.....
5 to 10 years.....					1,027	381	259	193	136	48
11 to 15 years.....					622	816	408	219	139	225
16 to 20 years.....					788	418	653	192	45	73
21 to 25 years.....					177	111	182	135	29	32
Over 25 years.....					241	25	25	93	.....	.....

<sup>1</sup> Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans. Age and service requirements shown are those at which the worker first acquires a nonforfeitable right to a benefit prior to the normal retirement age. The term service as used in this table is defined to include preparticipation service. The distribution includes 1,010 plans, with 2,300,000 workers, that provide vested rights as shown in the table only in the event of involuntary separation (including continuous layoff—but excluding retirement mainly at the employer's request); almost all of these plans also provide for the attainment of nonforfeitable rights, prior

to normal retirement, in the event of voluntary separation. In such cases, the eligibility requirements are typically more stringent than those for involuntary separation. Plans which provide for special early retirement—essentially those providing for early retirement at the employer's request with an unreduced or higher than normal retirement benefit, are excluded from this table.

<sup>2</sup> Includes 1 plan with 4,458 workers at age 46 with 11 years' service.  
<sup>3</sup> Includes 52 plans with 440,287 workers at age 52 with 15 years' service.  
<sup>4</sup> Includes 2 plans with 20,400 workers at age 57 with 20 years' service and 6 plans with 12,900 workers at age 58 with 10 years' service.  
<sup>5</sup> Includes 20 plans with 6,500 workers at age 63 with 25 years' service.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 4.—TYPE OF VESTING PROVISIONS IN PRIVATE PENSION PLANS WITH VESTING BY TYPE OF EMPLOYER UNIT AND METHOD OF FINANCING, 1969

[Workers in thousands]

Type of employer unit and method of financing	Plans with vesting									
	All plans		Total		Type of vesting				Plans without vesting	
	Number	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans <sup>1</sup> .....	16,874	19,419	12,941	14,882	10,277	13,017	2,664	1,865	3,933	4,537
Single employer.....	15,230	13,869	12,109	12,059	9,596	10,942	2,513	1,117	3,121	1,810
Noncontributory.....	11,080	10,098	8,365	8,668	7,238	8,144	1,127	524	2,715	1,429
Contributory.....	4,150	3,772	3,744	3,390	2,358	2,797	1,386	593	406	381
Multiemployer.....	1,644	5,550	832	2,823	681	2,075	151	748	812	2,727
Noncontributory.....	1,402	5,270	684	2,619	563	1,963	121	656	718	2,651
Contributory.....	242	279	148	204	118	112	30	92	94	75

<sup>1</sup> Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in such study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans

covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 5.—PROVISIONS FOR VESTING AND EARLY RETIREMENT IN PRIVATE PENSION PLANS BY TYPE OF EMPLOYER UNIT, TYPE OF VESTING, AND CONDITIONS FOR VESTING, 1969

[Workers in thousands]

Type of vesting and conditions for vesting	Type of employer unit—Single employer							
	All plans		All plans		With early retirement		Without early retirement	
	Number	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans <sup>1</sup> .....	16,874	19,419	15,230	13,869	13,037	12,897	2,193	973
With vesting.....	12,941	14,882	12,109	12,059	11,631	11,641	478	418
Deferred full.....	10,277	13,017	9,596	10,942	9,378	10,557	218	384
Any separations.....	9,524	11,027	8,876	9,256	8,683	8,887	193	369
Involuntary separation.....	753	1,989	720	1,686	695	1,670	25	15
Deferred graded.....	2,664	1,865	2,513	1,117	2,253	1,084	260	34
Any separation.....	2,407	1,525	2,262	832	2,002	798	260	34
Involuntary separation.....	257	340	251	285	251	285		
Without vesting.....	3,933	4,537	3,121	1,810	1,406	1,256	1,715	555
MULTIEMPLOYER								
All plans <sup>1</sup> .....			1,644	5,550	1,233	4,083	411	1,467
With vesting.....			832	2,823	678	2,601	154	223
Deferred full.....			681	2,075	579	1,939	102	136
Any separations.....			648	1,771	557	1,654	91	118
Involuntary separation.....			33	304	22	286	11	18
Deferred graded.....			151	748	99	661	52	87
Any separation.....			145	693	94	636	51	57
Involuntary separation.....			6	55	5	25	1	30
Without vesting.....			812	2,727	555	1,482	257	1,244

<sup>1</sup> Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

TABLE 6.—SELECTED CHARACTERISTICS OF PRIVATE PENSION PLANS WITH EARLY RETIREMENT PROVISIONS, 1969

[Workers in thousands]

Characteristic	Number		Percent		Characteristic	Number		Percent			
	Plans	Workers	Plans	Workers		Plans	Workers	Plans	Workers		
All plans <sup>1</sup> .....	16,874	19,419	100	100	With employer's consent.....	5,440	3,757	32	38	19	22
Plans with early retirement provisions.....	14,270	16,979	85	100	Multiemployer plans.....	1,233	4,083	7	9	21	24
Single employer plans.....	13,037	12,897	77	91	Noncontributory.....	1,069	3,870	6	7	20	23
Noncontributory.....	9,003	9,579	53	63	Contributory.....	224	213	1	2	1	1
Contributory.....	4,034	3,317	24	28	Permitting early retirement:						
Permitting early retirement:					Solely at employee's option.....	1,122	3,937	6	8	20	23
Solely at employee's option.....	7,597	9,139	45	53	With employer's consent.....	111	146	1	1	1	1
					Plans without early retirement provisions.....	2,604	2,440	15		13	

<sup>1</sup> Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period about 2 years

earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

**CONDITIONS IN VETERANS' ADMINISTRATION HOSPITALS**

Mr. BYRD of Virginia. Mr. President, I was concerned when I read the Life magazine article of May 22, 1970, entitled "From Vietnam to a VA Hospital—Assignment of Neglect," describing or purporting to describe conditions in the veterans' hospitals of our Nation.

In order to obtain additional facts and information on this subject, I addressed a communication to the Administrator Donald E. Johnson. I ask unanimous consent that his response to my inquiry be printed in the RECORD at this point.

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

Hon. HARRY F. BYRD, JR.,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR BYRD: Thank you for your inquiry requesting my views on the Life Magazine article of May 22, 1970.

From the obviously contrived cover page and the many staged hospital photographs right down to every biting word of narrative, the Life article gives a totally distorted picture of the VA medical program.

Life describes the VA medical program as the largest in the world, and yet in not one picture or one word of the text did the magazine find a good word to say about this vast health complex that is ably serving more sick and disabled veterans than ever before in history.

Everything in the article seems arranged to heighten Life's theme of "From Vietnam to a VA Hospital—Assignment of Neglect," including the cover of the magazine. The designed contrast in the two photographs on the cover should be evident to every reader.

The top photo on the cover—in bright color—shows happy and smiling servicemen during a moment of respite on the Cambodian front. The lower photo—an unlighted study in plain black and white—shows a single veteran posed in an attitude of dejection. Aside from the obvious color and lighting contrasts, neither picture is at all typical. Certainly not all of our boys fighting

JUNE 10, 1970.

in Cambodia are happy and smiling, and I can say with even more assurance that not all VA patients—including the one on the cover—are in a perpetual state of dejection.

The same unsmiling patient is pictured in the first photograph in the article itself. Life says he "waits helplessly to be dried." These patients are not left unattended in the shower room. Actually, hospital attendants help bathe these paralyzed patients, and then dry them immediately. In this instance, the busy attendant was asked to step aside while the "wait helplessly" picture was taken.

When we first saw the Life article it was noticeable that in only two of the 10 photographs of the Bronx VA Hospital were any VA hospital employees clearly visible. This seemed strange considering that the hospital is served by more than 1,600 VA employees as well as hundreds of helpful volunteers. Then we learned that employees were asked to stand outside camera range—apparently to heighten the impression of patient neglect.

Our official investigation at the Bronx hospital resulted in many sworn affidavits volunteered by reliable eyewitnesses telling in detail how this and other Life photographs were posed or staged.

Although Life officials deny any staging or posing of pictures, it is interesting to note that the veteran-patient featured in most of the Life pictures has, according to the New York Sunday News, admitted that some photographs were indeed posed or exaggerated.

We take issue not only with the photographs that appeared in Life, but also with the selection of the photographs finally used.

For instance, Life staffers visited the Washington, D.C. VA Hospital on three separate occasions, talked freely to many patients, including severely disabled Vietnam veterans, and shot scores of photographs. Many of the pictures centered around the hospital routine of a 22-year-old Vietnam amputee.

This young man told the Life reporter he thought his VA treatment was good—much better, in fact, than the military hospital from which he transferred. Other Vietnam veterans made similar comments. Yet, none of these veterans who praised VA care rated one word or one picture in the final article.

The truth is that each month VA hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

We take exception to much of the text of the Life article as well as the misleading pictures. For example, there has never been a single verifiable report of a rat ever having been seen in the hospital. And most certainly the VA hospital system is not a "medical slum" as branded by Life.

Offended by the Life article and other recent media attacks on the VA medical program, the Council of Deans of the American Association of Medical Colleges at a recent meeting unanimously went on record in two particulars.

First, the Council, composed of the Deans of 101 medical schools in America that set the pace for the very best there is in medicine, condemned—as completely unjustified—what the body referred to as intemperate and inaccurate attacks on the VA program. The distinguished Council then reaffirmed its complete confidence in the continuing ability of VA hospitals to render high quality medical care.

The Life reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single sentence in the final article, and even this one sentence was belittled by Life in the very next line of the article.

Here are just a few of the VA facts about the so-called "medical slum" given the reporter, all of which were totally ignored in Life's final summation:

The highest medical evaluation board in the land is the Joint Commission on Hospital Accreditation. Sponsoring the commission are the American Medical Association, the American Hospital Association, the American College of Physicians, and the American College of Surgeons. All of VA's 166 hospitals are fully accredited by this commission.

(Had the Life reporter bothered to inquire at the Bronx VA Hospital, he would have learned that the Joint Commission made its periodic inspection of this hospital just last December. The commission's January 10, 1970, report on the hospital said, "The medical staff and administration are commended for the evidence shown of continued high quality care given to the patients in this facility." The Bronx accreditation was renewed without reservation.)

VA hospital staffs include many of the real experts in American medicine. More than 2,200 of VA's 5,100 doctors are board certified specialists as the result of three to five years of extra medical training.

VA hospitals are now funded at the highest level in history. The basic medical care budget for Fiscal Year 1970 was a record \$1,541,701,000. President Nixon has asked Congress for \$210,000,000 more than even this record sum for Fiscal Year 1971, which starts July 1, 1970. The extra money for the new fiscal year will permit the hiring of 5,700 more medical employees, bringing the agency to an all-time high employment peak.

The real tragedy of the Life article is not the erroneous impression left in the mind of its millions of readers, but the fact it does great damage to the very program it says it is trying to strengthen.

The article has been demoralizing to the many thousands of dedicated hospital employees whose sole mission is to serve sick and disabled veterans. It will make even more difficult the recruitment of scarce-category health field employees needed to take care of these veterans. As a result of the article, we have noted real apprehension among young Vietnam veterans destined for transfer from military hospitals to VA installations—an alarm that is needless and totally unfair to these men, for VA will give them the best of care.

By constantly preaching the theme of neglect, the article is also a reflection on the wonderful citizen-volunteers who regularly visit and help veterans in every VA hospital across the land. There are more than 100,000 of these volunteers who give in excess of nine-million hours of their time each year to bring a touch of home into our hospitals.

I trust that these comments will assure you in regard to the Life article. I want to assure you, too, that our medical personnel will continue to provide the best possible medical care, for our hospital staffs feel just as I do that we are privileged to serve America's finest citizens—our veterans.

Sincerely,

DONALD E. JOHNSON,  
Administrator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

#### THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order Nos. 922 and 923.

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

#### THE FORD'S THEATRE NATIONAL HISTORICAL SITE

The bill (H.R. 12860) to establish the Ford's Theatre National Historical Site, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-921), explaining the purposes of the measure.

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

#### PURPOSE

The purpose of H.R. 12860 is to designate Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died as the Ford's Theatre National Historic Site, and to add to that complex the property and building adjacent to the Theatre known as 517 Tenth Street NW. Hearings were held by the Parks and Recreation Subcommittee on S. 2613, a

companion measure, sponsored by Senators Young of North Dakota and Jackson.

#### BACKGROUND AND NEED

Ford's Theatre is one of the famous, historic structures in Washington, D.C. Constructed in 1863, it was considered one of the finest theaters of its day; however, its fame today evolves not from its contributions to the performing arts, but from the tragedy which occurred there on April 14, 1865. It was there—on that day—that Abraham Lincoln was shot, and it was from there that he was carried to the Peterson House where he died.

Both the theater and the House Where Lincoln Died have been Government properties for many years—in fact Ford's Theatre was acquired in 1866. In more recent times, they have been administered by the National Park Service as a part of the National Capital Park System. The theater has now been restored to its appearance on the night of the assassination and it is a major visitor attraction in the city. It serves a dual function:

First, it houses the Lincoln Museum containing many priceless artifacts and memorabilia associated with his era; and

Second, it has been converted into a living history exhibit which accommodates live theater performances.

The historical importance of the events which took place in this area, the authenticity of the restoration effort, and the demonstrated attractiveness of the buildings to the visiting public merit its designation as a national historic site. Few places in the Nation have set the scene for events which so dramatically affected the course of the history of this country.

Since the restoration of the theater a few years ago, visitations have increased rapidly. In 1969, the committee was told, visitations totaled 424,000, but tours of the building during periods of heavy use are made difficult because of restricted access. There are three front doors to the theater which must serve both as points of ingress and egress so that an efficient traffic pattern cannot be developed.

This problem can be resolved if the property adjacent to the theater on the north is purchased and used to help accommodate the flow of visitors. In addition, the installation of emergency exits through that building will make the theater safer for the visiting public.

The property and the building can help to assure the safety of the visiting public, to protect the Federal investment in the restored theater, and to provide needed space for administrative offices and theater-related support facilities. All of these factors argue most persuasively for the purchase of the property.

Title to the property involved is presently held by the Jackson Hole Preserve, Inc. It was purchased in December 1967, at the request of the National Park Service because it viewed the property to be essential to the effective use of the theater. The Park Service recognized that the structure is a potential fire hazard to the restored theater and it was also concerned that the property might be converted into an enterprise adverse to the historic preservation effort. Since the National Park Service was not in position to acquire the property, the present owner purchased it as a "holding action" to halt the rapid price escalation of the property in order to preserve the opportunity for the Government to buy it. Because of his willingness on the part of Jackson Hole Preserve, Inc., to invest in the property, the Government may still acquire the property at the December 1967 price, but congressional authorization is required before the National Park Service can formalize its agreement with the owner and take title to the property at the price agreed upon.

**THE MOUNT BALDY WILDERNESS,  
THE PINE MOUNTAIN WILDER-  
NESS, AND THE SYCAMORE CAN-  
YON WILDERNESS**

The bill (S. 710) to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 710

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the areas classified as the Mount Baldy Primitive Area, the Pine Mountain Primitive Area, and the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on maps entitled "Proposed Mount Baldy Wilderness", "Proposed Pine Mountain Wilderness", and "Proposed Sycamore Canyon Wilderness", dated respectively April 1, 1966, April 1, 1966, and April 15, 1966, which are on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, are hereby designated the Mount Baldy Wilderness within and as a part of the Apache National Forest, comprising an area of approximately seven thousand acres, the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, comprising an area of approximately nineteen thousand five hundred acres, and the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-six thousand five hundred acres.

SEC. 2. As soon as practicable after the Act takes effect, the Secretary of Agriculture shall file a map and legal description of each wilderness designated by section 1 of this Act with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal descriptions and maps may be made.

SEC. 3. The areas designated as wilderness by section 1 of this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classifications of the Mount Baldy Primitive Area, the Pine Mountain Primitive Area, and the Sycamore Canyon Primitive Area are hereby abolished.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-922), explaining the purposes of the measure.

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

**PURPOSE**

This bill, S. 710, would designate areas in three national forest primitive areas as part of the national wilderness preservation system, in accordance with the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890).

**DESCRIPTION**

The proposed Mount Baldy Wilderness would include most of the Mount Baldy Primitive Area, and 335 acres of contiguous national forest land for a total of 6,975 acres. Area lies about 225 miles northeast of Phoenix. No mineral deposits of commercial importance. Elevation 9,000 to 11,500 feet, with heavy stands of spruce, Douglass fir, white fir, and Ponderosa pine. Headwaters of the east and west forks of the Little Colorado River.

An area of 7,400 acres adjacent to the proposed Mount Baldy Wilderness on the Fort Apache Indian Reservation has been designated as a primitive area by the White Mountain Apache Tribal Council (Resolution No. 66-20, January 13, 1966). This area, in accordance with the resolution, will be preserved in a virgin state for a period of 5 years. After the 5-year period ending December 31, 1970, the tribal council will review the area again, and make a further determination on the desirability of retaining the primitive area status.

The proposed Pine Mountain Wilderness would encompass 19,569 acres, including most of the Pine Mountain Primitive Area and some contiguous national forest lands. There is no mining production and no known deposits which could be mined profitably. Located near the center of Arizona, the area is generally rugged and mountainous, and ranged by Elk, antelope, desert bighorn sheep and mountain lion, with fishing for black bass and rainbow trout. During hearings on S. 710, the Forest Service was asked to provide additional data regarding water yield improvement opportunities within the proposed wilderness as it might affect the Maricopa Water Conservation District. This was subsequently provided, indicating that the proposed wilderness would include only 2.6 percent of the district's watershed, that conversion for water yield would contribute only 185 acre-feet per year, and that conversion outside the wilderness would be more favorable.

S. 710 would add 46,500 acres of the Sycamore Canyon Primitive Area in the Coconino, Kaibab, and Prescott National Forests in Arizona to the wilderness system. The area is located 20 miles southwest of Flagstaff.

No minerals are known to occur within the boundaries that could be mined economically, nor is there any evidence of oil or gas.

This is a deep and colorful gorge in the Colorado Plateau. Elevations range from 7,000 feet on the highest part of the canyon rim to 3,600 feet on Sycamore Creek, 2 miles north of the Verde River. Geologic forces that carved the canyon left massive formations of red and white sedimentary rock.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

**AMENDMENT OF THE FOREIGN  
MILITARY SALES ACT**

Mr. BYRD of Virginia. Mr. President, it seems unclear at this point just when a vote will occur on the motion to strike section 5 of H.R. 15628, the bill to amend the Foreign Military Sales Act. The Sen-

ator from Virginia has commitments elsewhere.

It may not be possible for the Senator from Virginia to be in the Senate this afternoon.

I hope I will be able to be present for this vote; but if I am not present, it will be because I have been unavoidably detained.

I should like the RECORD to show that were I present and voting, I would vote in opposition to striking section 5 from the bill. I favor leaving section 5 in the bill.

I hope to be present to vote to that effect; but if I am not here because of being unavoidably detained, I should like the RECORD to show that I am in opposition to striking section 5.

**ORDER OF BUSINESS**

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended briefly for the laying down of the unfinished business.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

**EXECUTIVE SESSION**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

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

The ACTING PRESIDENT pro tempore (Mr. METCALF). The nominations on the executive calendar will be stated.

**NATIONAL SCIENCE FOUNDATION**

The bill clerk proceeded to read sundry nominations in the National Science Foundation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, the confirmation of the four Assistant Di-

rectors to the National Science Foundation is a most significant event. These posts have been unfilled for too long; the positions were created last year. I have confidence in the caliber of the appointments and hope that the effort to make the National Science Foundation the Government agency with the primary responsibility for this Government's science policy can move swiftly ahead.

I believe that the movement of resources for the conduct of basic research to the civilian agencies is a most healthy development. I have a growing confidence that the National Science Foundation will be equipped to channel the resources responsibility to the Academic research community.

It is my hope that the research community will establish a growing confidence in NSF, a confidence that funds will be available through that agency similar to the past attitude toward the Department of Defense.

The attitude in Congress is rapidly changing—the resources are being transferred to civilian sponsorship. The primary responsibility and the most significant resource should be with the National Science Foundation. This year, for the first year, the National Science Foundation has been given a larger role than the Department of Defense in sponsoring basic research.

This change in role should be continued. The academic community should become aware that Congress is going to rely more heavily on NSF—to make it the primary channel of Federal resources to sponsor basic science.

These new assistant directors should assist Mr. McElroy in carrying out the responsibilities of leadership for the government science policy; I commend the quality of these appointments.

#### U.S. AIR FORCE

The bill clerk read the nomination of Brig. Gen. Frank A. Bailey, Arkansas Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force, in the grade of major general.

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

#### U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

#### U.S. NAVY

The bill clerk read the nomination of Adm. Ignatius J. Galantin, U.S. Navy, for appointment to the grade of Admiral, when retired.

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

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE PUBLIC HEALTH SERVICE, AND IN THE ARMY

The bill clerk proceeded to read sundry nominations in the Public Health Service, and in the Army, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The clerk will state the unfinished business.

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

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The time is now limited to 1 hour, to be divided equally between the Senator from Delaware (Mr. WILLIAMS) and the majority leader.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized for 10 minutes.

Mr. WILLIAMS of Delaware. Mr. President, my amendment now pending would strike from the bill sections 2, 3, 4, and 5.

As agreed on yesterday, the amendment has been divided into two sections, to vote on the first section, striking sections 2, 3, and 4; and then to vote on the second section, to strike section 5.

I shall discuss the first part of the amendment, to strike section 2, 3, and 4.

The bill would authorize an appropriation of \$250 million for each of the fiscal years 1970 and 1971 to be used for the sale of arms. At the same time it sets a ceiling on credit sales of military weapons of \$300 million for each of the fiscal years 1970 and 1971.

Thus, we are dealing with the question of a \$250 million authorization and credit sales of not to exceed \$300 million.

Let me make it clear that my amendment does not affect the basic Military Sales Act. That would be left intact. It is the authorization bill. I am not offering this as a proposal that would indicate this money will all be saved and that the sales would not be made.

Theoretically, the same amount of sales could be made even if the sections were deleted. The only difference is that under the basic law the President would send to the Congress his request for arms for country A, B, or C, and we would approve or disapprove it as a line item, just as we now approve line items in appropriations for any other project in this country, whether it be a public building in my State, a dam in the Midwest, or dredging a river in a certain State. If my amendment is adopted all future arms sales will be approved as a line item for country X, say, whether it be planes, tanks, or whatever. It could be that Congress itself, if it wanted to initiate the action, could put in a line item for an appropriation for country A, B, or C.

This does not bypass the Appropriations Committee. I have made this suggestion in earlier administrations. It has always been my position that Congress should exercise a greater role in determining to what extent and to whom we sell our arms. I have taken that position under preceding administrations, and I still think it should be the policy under this administration also.

There has been much said about the President usurping the powers of Congress. As I pointed out in debate the other day, neither President Nixon nor preceding Presidents have usurped the powers of Congress. That argument has only been an excuse for those who wished to criticize or second-guess his decisions. Presidents have only exercised the powers which Congress by its vote had delegated to them.

For example, if we do not delete this section what we will be doing in this bill is delegating to the President of the United States authority to extend credit up to \$300 million for military sales anywhere in the world, and the only determination he has to make is whether he decides that sale is in the best interests of the United States. He then has a responsibility at the end of the fiscal year to report back to Congress what he has done. The President has no obligation to report before.

To those Members of Congress who have been criticizing the President for not cooperating with Congress I can only say that they should stop delegating this power if they do not want the President to use it.

I think that Congress should take a greater role concerning where we sell our arms, to whom we sell them, and to what extent we are getting involved in a future war.

These arms are sophisticated weapons in most instances, and when they are sold under this authority the President can send his advisers to these countries to advise them on how these arms are to be used. The next step is sending a few troops to protect the advisers. And then more troops will be sent in to protect those troops. The next thing we know we are involved in a war.

To be frank, that is how we got involved in Vietnam in the first place. And that is the reason why no criticism is made as to the President's exceeding his

constitutional right. He got this authority under the power delegated by Congress. He got the power to furnish arms and supplies and to supply advisers and then to send in men to protect the advisers from authority delegated to him by the Congress.

I think it is time for us to exercise a greater role in Congress in determining our foreign policy. If Congress wants to sell the arms or make them available to country X on credit or at a reduced rate then let us vote our approval. We should do it affirmatively, and then if we get involved in a shooting war we have a joint responsibility.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. GOLDWATER. Mr. President, I want to point out something that is rather embarrassing. Because of this lack of congressional control in this general area, we have sold some jet fighters to an Arab state.

We are required to train Arab fighters on this equipment. I do not have the exact equipment, but we are training 28 Arab pilots at Williams Air Force Base in Arizona to fight against our friends in Israel.

I understand there is a total of approximately 250 officers and men from Arab states being instructed in this country in the use of the equipment that we have sold these people.

I thank the Senator for letting me make that statement. I thought that it might aid in the argument.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the remarks of the Senator from Arizona. In addition, the President under the delegation of his authority could have sent some of our men there and helped further to train and instruct these men in the use of those planes.

The point I am making is that Congress should approve these sales as line items, and if we approve of this type of action we are the ones who have to share the responsibility.

If, however, the Senate decides to delegate this blank authority to the President we should not criticize him and engage in Monday morning quarterbacking.

Mr. GOLDWATER. Mr. President, I am not certain about this, but I believe there is something in the law that requires us to instruct these people. Whether the instruction is given in this country or overseas, I do not think that is particularly relevant.

I would not be surprised to see some of our men carrying on this instruction in what we call enemy countries.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the remarks of the Senator from Arizona. I am not sure that it is required, but I know that it is permitted and expected. If we sell sophisticated weapons to a country that does not know how to use those weapons we have to furnish instructors to teach them how to use them.

Much has been said in the last few weeks about the President usurping the power of Congress. Here is an opportunity for us to approve this first amendment and retain in Congress the control over the sale of these weapons and have

the opportunity to say something in advance.

If the Senate insists upon its right to criticize the President's decisions, then we should be willing to share the responsibility.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. AIKEN. Mr. President, I might suggest another reason why Congress should keep a much closer watch on the sale and distribution of arms to other countries.

This bill was introduced March 25. It was some time in April that officials spoke to me and said that they would like to get the bill passed, because so many countries—and they named them—were waiting to receive supplies and arms from us.

One of those countries is a rather large country in the Western Hemisphere. If the bill had been passed, there would undoubtedly have been a transfer of arms to that government before this time.

Mr. President, it so happens that a couple of weeks ago the government in that country was thrown completely out of office by a bloodless coup and another government installed.

The question arises as to which government we would deliver the arms to.

It so happens that with respect to that particular country, I do not think the nature of the government has changed too much. But it is conceivable that in some countries, as has been stated by the Senator from Arizona, there might be a very radical change in the ideology. I think we should be aware of those situations and be careful.

The ACTING PRESIDENT pro tempore. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself an additional 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized for an additional 5 minutes.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. Mr. President, I gather that what the amendment of the distinguished Senator from Delaware actually does is simply to change it into an authorization bill and to take from it the element of being an appropriation bill.

Mr. WILLIAMS of Delaware. Technically, that is correct. It leaves the authorization of the main law intact.

Mr. COTTON. Someone might raise the question of whether it was necessary in the interest of these countries throughout the world that we announce publicly to all countries as to which countries were getting arms and how many and how much.

As a matter of fact, under the present system the President has to report to Congress what he has done. And even if they did not find out who some of them were, that would notify the whole world as to whom we were giving arms after we had given them.

Mr. WILLIAMS of Delaware. Mr. President, there is no question about that. In addition to that, we cannot sell a fleet of jets or tanks to a country with-

out its being known because it would be found out when we shipped them. I agree that that cannot be used as an argument against this amendment.

Mr. COTTON. Mr. President, should a situation arise where the interests of this country were deeply involved and there was a real crisis and it was necessary to furnish arms, it would not take very long for the President to ask for an appropriation. In the event of an emergency, Congress could respond. We are in session practically all the time now and it looks like we will always be.

Mr. WILLIAMS of Delaware. The Senator is correct; Congress could respond, and Congress should respond and assume its responsibility.

There are two other laws that deal with the sale of arms. We sell altogether about \$2.5 billion worth of arms a year under various acts, and all of these sales are now being made under broad powers delegated to the President by the Congress.

I have felt for a long time that this procedure was wrong. Testimony before the committee confirmed that we could pass the bill as it is presently before the Senate, and assuming that the Cooper-Church amendment is retained, it would mean that the President could sell the arms to any country in the world except Cambodia. He could even sell arms to Red China or to Russia. All he has to do is decide that in his opinion it is in the best interests of the U.S. Government and then report to us at the end of the year on what he has done.

That could be done under powers given to the President by this Senate. And if these amendments now pending are rejected those broad powers will be extended for another year.

Mr. COTTON. Mr. President, if the Senator's amendment is agreed to, that would aid the President in one particular. It would be one less chance for people to talk about the credibility gap and start these rumors that we are secretly giving arms to this country or that. That is correct, too; is it not?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. COTTON. There is one additional question which I think is more important, and the only one that would trouble me at all about the Senator's amendment.

This country has citizens with many national backgrounds. These may have intense sympathies.

The fact the President had to come to the Committee on Appropriations and ask for an appropriation to give arms to X country might in some cases cause a disruption and an uproar in our own Nation by those of our people who are sympathetic with that country and those who may be unsympathetic with that country.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 1 additional minute.

Mr. COTTON. What would the Senator say with respect to that?

Mr. WILLIAMS of Delaware. That is possible. But on the other hand if there is a controversial decision being made



why should Congress not take a part in the settlement of that question? Why delegate all that responsibility to the President to make the determination on controversial questions on the premise that then we, as Members of Congress, could go into one part of our State and take the credit and into another part of our States where the decision might be unpopular and say, "Congress did not do it; the President did it; blame him."

This amendment merely means that we would assume our responsibility in Congress.

Mr. COTTON. I thank the Senator. I supported the President yesterday.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield myself 1 additional minute.

Mr. COTTON. I do not intend to vote for any amendment to hamstring or harass the President. That was the reason for my vote yesterday. But in this case, as a member of the Committee on Appropriations who views with some alarm all this bypassing of the committee, I do not think this is in any way a slap at the President. The Senator has convinced me he has a meritorious case, and I shall vote for his proposal.

Mr. WILLIAMS of Delaware. I thank the Senator. Certainly this is not a slap at the President, quite the contrary. I have taken this position consistently over the years with other Presidents. This would not restrict his authority; it would merely mean that Congress would assume some of the responsibility.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

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

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I find myself in a somewhat ambivalent position concerning the first part of the amendment offered by the senior Senator from Delaware. As one who has worked for many years to curtail the world arms race, and the part our own Government plays in fostering that race, I would find the amendment very attractive if I thought it would cut down on our traffic in arms. But as floor manager of this bill, I feel bound to support the committee's position which is embodied in the credit sales authorization that his amendment would strike.

Furthermore, I am very wary of eliminating the authorization ceiling that this bill contains. That would be the effect of agreeing to the amendment of the Senator from Delaware. We would go into a Senate-House conference with a bill without ceilings, and I think it would be most unfortunate if we were to emerge from such a conference with legislation that was open ended, thereby transferring the entire responsibility for determining the size of future programs to the Committee on Appropriations alone.

I think that while this would be done in the name of giving Congress greater control, in effect it might reduce the effective control Congress can exercise in

the future on the scope of the arms ceiling and credit program.

I also wish to remind Senators that in the early days of this debate, on May 14, the Senate, in adopting the first two committee amendments, by votes of 70 to 3 and 64 to 7, approved the committee's recommended authorizations for the Army sales program. The Senator from Delaware's amendment would reverse those actions.

Now let me say a few words about the basic problem toward which the Senator's amendment is directed. For a number of years many members of the Foreign Relations Committee have tried, with limited success, to reduce the size and scope of our Nation's arms sales and giveaway programs. We have discovered, however, that when we get restrictions put on one program the bureaucrats, with a vested interest in perpetuating the role of the United States as the world's leading arms merchant, find some way around them. Last year, for example, the committee was told that the Defense Department planned to give away \$80 million in surplus arms and equipment, but they now expect to give away about \$550 million worth—a C-5A size overrun. It was admitted by executive branch witnesses before the committee that the reason for the vast discrepancy between what the Congress was told would be done, and what was actually done, was because the Congress kept cutting down on military grant aid. It did not seem to bother the Defense Department that they were making an end run around the Congress and, consequently, in effect undermining the effort Congress had made in proposing limitations on the grant-aid program by using surplus arms to do what the executive intended to do all along, so that the limitations that had been written into law were simply ignored.

A more recent example of the executive branch's disregard for the intent of Congress is the charade used in filling the requirements of the law relating to giving military aid to Cambodia. The required Presidential findings and determinations were signed 1 month after the shipments of arms began. And, in an attempt to provide an aura of legality, were made retroactive to the date the shipments began. It appears that only some weeks after the decision was made to give arms was any attention given to meeting the restrictions imposed by Congress.

These two examples illustrate why the Congress must write additional and more restrictive provisions to govern the military aid and sales programs. The committee made a good start, I believe, in writing in provisions limiting the excess arms program and requiring partial payment in foreign currencies for military grant aid. Next year, when the committee plans to review in depth the entire foreign aid and the military sales programs, there will be an opportunity for a complete rewriting of the applicable laws.

I am certainly sympathetic to the basic objective of the first part of the Senator's amendment but I do not believe that the adoption of it is the best way to achieve that objective. I can assure the Senator that the committee will give

thorough study to his suggestions in connection with its review next year of the military grant aid and sales programs. I am confident that this review will result in some much needed improvements in these programs.

On this basis, I must ask that the amendment be rejected.

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

Mr. CHURCH. I am happy to yield to the Senator from New York for 5 minutes.

Mr. JAVITS. Mr. President, I would like to join the Senator from Idaho (Mr. CHURCH) in this matter and identify myself with the views he has expressed.

I shall deal only with another problem which seems to me to be decisive in this matter and that is where we stand now. Today is the 12th of June and the authorizations which we are talking about here bring us up against very short deadlines in terms of fiscal 1970, with a very incendiary situation in the world.

We know, generally speaking, the countries which will be permitted to buy arms on credit, and I am at liberty, because I checked it this morning, to state the principal countries. They are not necessarily in the order of the amounts they will share, but they are identified as principal recipients and beneficiaries. They are Israel, Turkey, Iran, and the Republic of China.

In the case of the Middle East, where most of this money will go, in terms of credit sales—we are not dealing with any giveaway propositions here, but we are dealing solely with the extension of credit—there is, right this minute, the most incendiary conflagration imaginable. While I sympathize with my colleagues' attitude on South Vietnam, where the pattern has been arms, advisers, combat troops, this does not necessarily have to be the case if we assert our authority. It is only the abdication of our authority which has brought us to this pass, and that abdication has continued for about 31 years, ever since 1939. We have yielded because we apparently shrank from making the decisions ourselves. The decisions were left to the President in the warmaking activities which are not based on a declaration of war.

But to deprive ourselves of authority and power in the world necessary to our own security and defense which inheres in arms supply, standing alone, seems to me to give us more, rather than less, exposure to the danger of war. It has never been our policy, and I do not think it should be our policy. I think we should be very aware of the fact that we should not allow arms to be the first step tantamount to a state of war, but we should use management, intelligence, prudence, and foresight. It should not cause us to be children and simply cut off the effectiveness of our policy which can inhere in furnishing arms, where it is desirable and appropriate to do so, rather than furnishing American troops, an umbrella, and a commitment. I think we are adult enough to deal with the emoluments of power in the legislative as well as the executive.

My objection to the proposal of the Senator from Delaware with which, like

the Senator from Idaho (Mr. CHURCH), I have great sympathy, is the timing.

We know very well some of the things we have been called upon to do under this measure, under credit sales, are urgent, absolutely requisite, right now. The Senator from Delaware is right about the fact that we should have a line item and we should be permitted to decide whether we should or should not allow credit sales to Israel, or the Republic of China, or Iran, or any other country; but sometimes we are in a situation where, because of the elapsing of time and the confluence of historic events, we cannot have that privilege at that particular minute. So our problem, if we put it to the Senate only as a major debate problem, is that, if we act as the Senator from Delaware wishes us to do, it will seriously inhibit American policy in the attempt to exercise ways and policies at a particular moment.

Therefore, I hope we go along with this particular provision, which is not so overwhelming in terms of money as to commit ourselves unduly, and then, as the Senator from Idaho has suggested, resolve the matter in a very fundamental way when the foreign aid bill comes before us.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes.

Mr. President, I appreciate the position of the Senator from New York and can understand his concern. I do feel, however, very strongly that we can and should take action on these various proposals as the need arises, and we can do it promptly.

The case of Israel was mentioned. We have known about that Mideast conflict for several weeks. There has been plenty of time to act.

The Senator from Idaho mentioned one item of \$80 million in surplus arms that were to be given away. It later developed that they will actually give away some \$550 million. Those arms were given away under powers delegated by the Congress to the President. He had the right to take that action.

Senators who vote for this broad delegation of power forfeit their right to criticize the President's decisions.

Under the Foreign Assistance Act, Congress delegated to the President the right to give away surplus arms. One of the proposals presented last year was that we would give \$341,000 worth of military equipment to Taiwan, or the Republic of China. Later we found that, not \$341,000 worth of military equipment, but \$143 million worth was given to that country.

I do not criticize the President for making that determination. Congress by its vote last year gave the President the authority to make that decision as to what he thought was in the best interest of our country. I do not think any Member of Congress who voted for that delegation of authority should try to second-guess the President now and say, "You made a mistake."

I can understand the position of those who feel that all this authority should be delegated to the President. But if we are going to delegate it to him let us stop this Monday morning quarterback-

ing about how he has used it. My proposal is that we should not delegate this broad authority. Congress has some responsibility, and I think we should exercise it.

Just for a moment, I mention this question of arms for Cambodia: The Secretary of State did come before the Committee on Foreign Relations. I believe it was the Monday before he made his speech on Thursday. The Senate was consulted in advance of his decision on Cambodia.

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

Mr. WILLIAMS of Delaware. I yield myself 3 additional minutes.

Secretary Rogers came to the Committee on Foreign Relations and asked our opinion on whether or not we should grant or approve this request from Cambodia for large shipments of arms.

The committee, by a substantial majority, recommended against that, because we felt that if we were to furnish those arms we would have to send in advisers, then we would have to send in men to protect the advisers, and we were afraid we would get involved in another Vietnam. The administration rejected that particular approach.

The point I make is this: The President did consult with Congress about the advisability of complying with this request for arms by Cambodia a couple of months ago, but he did not have to consult with us. He could, under authority Congress gave to him last year when we approved the foreign aid bill, have approved supplying \$100 or \$200 million worth of arms for Cambodia if he had so desired. So President Nixon really went out of his way, far beyond that which was required by law, when he consulted with Congress and obtained the opinion of the Foreign Relations Committee in advance of his decision on arms aid to Cambodia.

I am glad that he did, but I point out that those who insist on criticizing the President for making decisions in these various areas should either stop delegating authority or stop criticizing. I do not think we can retain for ourselves a position of being Monday morning quarterbacks, where we can take the credit if it works out well or blame the President if it works out badly.

I appreciate the position of the Senator from Idaho. He has been very fair. I do not think we differ greatly in our basic objectives, but I do feel we should retain the responsibility right here in Congress. Let the Congress approve these items as line items, one by one, for the respective countries.

With that thought, Mr. President, I am ready to vote.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

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

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

Mr. MANSFIELD. With the time to be taken out of both sides.

The ACTING PRESIDENT pro tem-

pore. The time for the quorum call will be taken equally from both sides.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. 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. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the second part of the amendment.

Mr. JAVITS. That is on section 5?

Mr. WILLIAMS of Delaware. On section 5.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require, and I intend to be brief.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. CHURCH. Mr. President, I simply want to point out to the Senate that the bill as reported by the committee does undertake to plug the loophole through which the executive branch has been enabled to ignore the efforts of Congress in the past to impose overall limitations upon the size of this program.

In the past, for example, the executive branch has been free to simply declare weapons in our own arsenal surplus, and then transfer those weapons—after reconditioning them—to such foreign governments and in such quantities as the executive branch may decide.

It was never intended for this provision in the law to be used to circumvent the intent of Congress. But that, in truth, is how this provision in the law has come to be misused. Therefore, this bill plugs that loophole by providing that no more than \$35 million worth of weapons can be transferred as surplus, and that any further transfers above that level would be charged against the authorization in the military aid program—that is, the military aid part of the foreign aid program.

Furthermore, the bill contains a provision that in appraising the value of the equipment that is designated as surplus, the value of such equipment may not go below 50 percent of the original acquisition cost. In these two ways, we are attempting, by means of the committee bill, to plug this loophole which has enabled the Pentagon simply to disregard the effort of Congress, through the years, to limit the size of the overall program.

I think we have made a good start. Although I sympathize greatly with the viewpoint of the Senator from Delaware, I do think that the better procedure is to proceed with the bill as reported by the committee, thereby rejecting the amendment offered by the Senator from Delaware. Then, next year, the committee, in a very thoroughgoing review of the entire program, would be able to approach both the foreign military sales program and the legislative question in an orderly and proper way.

On that basis, Mr. President, I urge that the Senate reject the amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I should like to address a question to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes remaining.

Mr. WILLIAMS of Delaware. I shall yield 3 minutes to the Senator from Rhode Island, but first I should like to comment on the remarks of the Senator from Idaho as to this bill's closing certain loopholes. That statement is correct. I supported those sections—8, 9, and 10—they will not be affected by the adoption of this amendment. I supported the Senator in the committee and support him now, and I would support the retention of those sections, regardless of the outcome of this vote.

Mr. CHURCH. The Senator is correct.

Mr. WILLIAMS of Delaware. I yield to the Senator from Rhode Island.

Mr. PELL. Just one or two points, to clarify my own thinking.

Would it not be correct to say that if we wish to give airplanes to Israel—and I am one of those who believe very strongly in the necessity of supporting that country—the sentiment in favor of that move is probably stronger on Capitol Hill than in the executive branch?

Mr. WILLIAMS of Delaware. I do not know about that; but regardless of that, if weapons are to be made available to country A, B, or C, Congress should vote, conceivably the administration could veto our decision, but at the same time we could override their veto if the Senate so desired.

I am not trying to pass on the merits or demerits of whether country A, B, or C should or should not get the weapons, but I think it would be better for Congress to pass on them. The Senator, I think, will concur in this, because last year he offered one amendment that blocked aid to a certain country. We did it negatively rather than affirmatively. I think it would be better to act affirmatively for country A, B, or C, than to give blanket authority to the President and start negatively saying that countries A, B, and C cannot get aid.

Mr. PELL. I agree with the Senator from Delaware. I think that what is happening here is that Israel, a country for which we have great sympathy, is being used as the vehicle to carry the load of military credit sales to many countries to which I feel such credit sales should not be made. For that reason, I think the Senator's proposal has merit. I believe the giving of credit for arms sales should be done in an affirmative way, and I would tend to support any such measure to help Israel, and hope one would come forward.

Mr. WILLIAMS of Delaware. I thank the Senator.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. GOLDWATER. Mr. President, in this morning's Washington Post is a very interesting column by Joseph Alsop entitled "Mideast Crisis Provokes Only

Silence From the Left." Because I think it is apropos of the discussion in which we are engaged, I ask unanimous consent to have the column printed at this point in the RECORD.

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

MIDEAST CRISIS PROVOKES ONLY SILENCE FROM THE LEFT

The most bewildering feature of the Middle Eastern crisis is the strange silence on the left. Here is the most dangerous situation that the United States has had to face since the Second World War. Here is the Nixon administration pursuing, at least to date, a policy so limp that it actually increases the danger to Israel.

Here are the liberal Democrats in Congress, with their highly articulate allies, the liberal and leftwing intellectuals, in a perfect fever of rage about Cambodia, which promises to be a brilliantly successful U.S. operation. Yet they have not given the Nixon administration as much as a tap on the wrist where it is most vulnerable, in its management of the Middle Eastern crisis to date.

The contrast is so extraordinary that it cries out for explanation. The only available explanation is not exactly creditable, however, to the liberal and leftwing intellectuals and their heroes in active politics.

With ludicrously premature sighs of relief, this entire, highly influential American group firmly decided, some years ago, that all the problems of the Cold War had ceased to exist—if indeed they had not been imaginary problems in the first instance. The tragic loss of President Kennedy, who never went in for self-delusion, seems to have been the signal for the beginning of this enormous exercise in self-delusion by so many who had admired him.

Thus a new world view began to be promulgated, as unchallengeable doctrine. The view was that all the dangers of history in the later half of the 20th century could be largely blamed on the United States. The whole American effort to maintain a reasonably safe balance of power in the world was seen the exclusive source of all risks and troubles.

This world view leaves no room at all, of course, for an increasingly militarized Soviet Union, bent upon crushing Israel, and by crushing Israel, aiming to gain control of the entire Middle East. The choice has been, therefore, between continuing to peddle the world view above-defined, or publicly swallowing it whole, as a grossly erroneous view, and thereupon facing the terrible new facts.

Vanity, ignorance and arrogance have all combined to prevent the admission of error that is now in order by the liberal and leftwing intellectuals and the liberal Democrats in Congress. So Israel's deadly peril has been all but ignored. Or if not ignored, it has been treated as really no more than Israel deserves. And the Indian war dance about Cambodia has continued, with a rising decibel count.

For the short run, this is quite bad enough. The Nixon administration badly needs to be hammered on its Middle Eastern policy. Otherwise, none of the right things are likely to be done. For the long run, too, the continuing liberal and leftwing exercise in self-delusion is bound to end in disaster for the self-deluders, among others.

The Middle Eastern facts alone are enough to show the threat to the self-deluders. The unprecedented Soviet injection of Russian troops into the Middle Eastern war quite directly menaces Israel's very existence. The design, furthermore, is not just to crush Israel. The design is to exclude any form of power except Soviet power from the Middle East.

Suppose that the Israelis are beaten to their knees or actually destroyed. Suppose that we also experience the immense upset in the entire world balance of power that will

result if the Kremlin's Middle Eastern design is successfully carried out. We shall then be doubly haunted, by the ghost of Israel, and by the obvious danger of a third World War caused by the upset in the balance of power.

Can anyone suppose that the self-deluders will not then be rent asunder, in the storm of fury, recrimination, fear and scapegoat-hunting that will follow in this country? The answer is obvious. Yet this is only part of the story, for the Middle Eastern crisis is only part of the danger.

Except for Japan after the rise of the militarists, the Soviet Union today stands alone among major nations in this century. With the exception noted, it is in fact the only major nation that has allowed the uniformed leaders of the armed services to name their own boss, the defense minister.

That grim fact is clearly linked to other facts—the Soviet pilots in Egypt; the invasion of Czechoslovakia; the rising pressure on Romania; the increasing number of divisions deployed along the Sino-Soviet border. The Nixon administration's defense policy, which amounts to shambling disarmament, is therefore as vulnerable as its defense policy.

But on this front, too, the administration is never attacked, except for not disarming fast enough. The truth is that the geese that should sound the alarm on the Capitol have all been taking mind-blowing drugs.

Mr. GOLDWATER. Mr. President, it is rather unusual to find the Senate split, with one group wanting to limit the powers of the President, and when a question comes up whereby they can do it in an intelligent way, they do not want to do it. I think it is a rather strange situation, but it is interesting; and I think that this column by Mr. Alsop will help bring this situation to a head.

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

Mr. WILLIAMS of Delaware. I yield. The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes.

Mr. WILLIAMS of Delaware. I yield to the Senator from Wyoming.

Mr. HANSEN. I might wish to ask the Senator for some additional time.

Mr. WILLIAMS of Delaware. I yield 3 minutes to the Senator.

Mr. HANSEN. Mr. President, I will vote against this amendment. I will do so because I think it is important that I be consistent. I have opposed the adoption of the Cooper-Church amendment as it applies to Vietnam.

If we are going to be honest with ourselves, if we are going to be consistent, we cannot possibly justify saying on one hand to the President of the United States, "We know better how to pursue and prosecute the war than you do, so we are going to tell you how to run it over there, but we are going to give you a blank check to run it your way any other place in the world." It seems to me that those persons who say we will limit and control the President of the United States in his constitutional responsibility as Commander in Chief of the armed services, to say how we are going to continue to fight the war that he did not start in Vietnam, are not being consistent when they turn around and say,

"But we are not going to apply the same rule any place else in the world, because we have different interests."

I will vote against the Williams amendment because I cannot bring myself to be that dishonest with myself. I think the President should not be limited. I was one who joined in signing the letter urging that planes be made available to Israel. I think they should be made available.

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

Mr. HANSEN, I yield.

Mr. DOLE, Would it be fair to call this the consistency amendment?

Mr. HANSEN, I certainly will say this: I think the Senator from Delaware is entirely consistent and honest with himself, as he has been for some 24 years, in what he proposes here this morning. The moment of truth is at hand right now.

Let those who say that a constitutional provision, which is exactly what the distinguished senior Senator from Montana said about this argument not many weeks ago—he said it is a constitutional question that is being posed—let those who say it is going to apply in that part of the world but does not apply some place else indicate their own justification for taking what I think is a very dichotomous position.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WILLIAMS of Delaware, I yield back the remainder of my time.

Mr. CHURCH, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back. The question is on the adoption of the first part of the amendment No. 666, of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AIKEN (after having voted in the affirmative). On this vote I have a pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Rhode Island (Mr. PASTORE). If he were present and voting, he would vote "nay;" if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD, I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL),

the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBROUGH) are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Texas (Mr. YARBROUGH), and the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN, I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. FANNIN), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 6, nays 56, as follows:

[No. 155 Leg.]		
YEAS—6		
Allen Cotton	Curtis Goldwater	Pell Williams, Del.
NAYS—56		
Anderson Boggs Brooke Burdick Byrd, Va. Cannon Case Church Cook Cranston Dole Eagleton Eastland Ellender Ervin Fong Gore Griffin Hansen	Harris Hartke Hatfield Holland Inouye Javits Long Magnuson Mathias McCarthy McClellan McGee McGovern McIntyre Metcalf Miller Moss Murphy Nelson	Packwood Pearson Percy Proxmire Randolph Ribicoff Schweiker Scott Smith, Maine Sparkman Spong Stennis Stevens Talmadge Thurmond Tydings Young, N. Dak. Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Aiken, for.  
Mansfield, for.

NOT VOTING—36		
Allott Baker Bayh Bellmon Bennett Bible Byrd, W. Va. Cooper Dodd Dominick Fannin Fulbright	Goodell Gravel Gurney Hart Hollings Hruska Hughes Jackson Jordan, N.C. Jordan, Idaho Kennedy Mondale	Montoya Mundt Muskie Pastore Prouty Russell Saxbe Smith, Ill. Symington Tower Williams, N.J. Yarborough

So the first part of amendment No. 666, of Mr. WILLIAMS of Delaware, to strike sections 2, 3, and 4 of the bill, was rejected.

Mr. JAVITS, Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHURCH, Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. EAGLETON). The question now recurs on the adoption of the second part of the amendment.

Mr. WILLIAMS of Delaware, Mr. President, I think we can vote very quickly on this second part of the amendment. It involves the same arguments that were made for the preceding amendment. However, first I want on behalf of the President of the United States to express his appreciation to the Members of the Senate who today have so overwhelmingly extended their vote of confidence to him and by so doing have said that they think he knows best where military arms sales should be made throughout the world.

I hope that there will not be any future criticism against the decisions that the President makes, because by this rollcall vote—which I certainly accept and respect and which I more or less anticipated—Congress has delegated to the President of the United States the authority to sell or make available to any nation in the world—Red China if he wishes, or even Russia or any other nation in the world—up to \$300 million in credit sales of military weapons if he deems it to be in the interest of the U.S. Government. The only requirement is that he report back at the end of the next fiscal year what the sales were and to which country he made the sales.

I certainly made it clear when I offered the amendment that I thought Congress should retain its authority and assume its responsibility on where we make these sales. I have felt very strongly that we should have a greater voice in these policy decisions which may mean war. I took this same position under the preceding Presidents. I still think that Congress should exercise its authority. Nevertheless, I accept the decision of the Senate here this afternoon in deciding that it prefers to delegate this authority to the President.

I am sure that Senators' votes were cast on the basis that Senators feel the President knows best.

I only hope that we will not be confronted with a continuation of this recent example of Monday morning quarterbacking.

The rejection of my amendment here today was such a tremendous vote of confidence in the President that I do not see how Senators can criticize him from here on. Seldom has any President received such a vote of confidence in his conduct of foreign policy; and, just think, his most vocal critics were leading the parade here this afternoon in his support.

Mr. President, as far as the second part of the amendment is concerned, the same arguments made on the first amendment apply. Originally I had offered it as one amendment. However, I recognized that

the amendment was subject to a division under the rules of the Senate, and I had promised some of my colleagues that I would ask for a division in the event they were not here and thus protect them.

That has been done. And as far as I am concerned, I am perfectly willing to proceed to a vote on the second half of the amendment and abide by the decision of the Senate.

Mr. JAVITS. Mr. President, I do not believe it is necessary to discuss, with the Senator from Delaware, his conclusions as to whether this represents an overwhelming vote of confidence in the President.

I think that, if this bill is passed, we will have given the President such authority as we feel he ought to have in the circumstances. We have given the executive branch of the Government billions of dollars to spend, including well over \$70 billion for defense. So I do not feel that it really has all the broad, deep connotations that my colleague sees in it. However, even if it does, the Senate has made its decision.

I believe the same principle that has been injected, insofar as it has been argued thus far, applies to section 5. I point out that section 5 came to us from the House of Representatives.

The Senate committee might not have felt it necessary to write in any such provision. But it is in. And considering the circumstances and the great danger facing this Nation today, I hope that the Senate will vote overwhelmingly against any amendments—as it has on the previous amendment—proposing any action to strike it out because of the wrong implications that might be drawn from that action.

The Senator from Delaware (Mr. WILLIAMS) is a very distinguished and learned friend indeed. I think so highly of him that I had printed in the RECORD a very flattering article about him from yesterday's Wall Street Journal.

The fact that I do not think he is right about this matter in no way detracts from my very high regard and respect for the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, we can differ in the Senate and still respect each other's position.

The only point I make is that if arms are to be made available to Israel or to any other country they should be made available as line items in an appropriation bill, letting the Senate vote on the question.

The adoption of the pending amendment merely provides that before military weapons could be made available to any country there would have to be a request made by the President and Congress would have to take action on them as line items in a bill.

Once again I state that I think the Senate has in the past been negligent in meeting its responsibility in helping to determine our foreign policy. I was hopeful that the Senate would retain control of some of these determinations, but apparently the Senate does not wish to accept any responsibility but merely to retain the political right to criticize.

The only way Congress can retain its authority is to exercise and discharge our responsibilities. We cannot do it by

delegating our responsibilities. That is the reason for these amendments.

I am willing to abide by the decision of the Senate.

Mr. HANSEN. Mr. President, I have already spoken on the amendment that the Senate just acted upon. However, in order to clarify my thinking and make certain that none of us are laboring under any illusions as to what might be the thrust of the amendment that is pending before the Senate, I would like to read section 5 of the bill which is before us. This amendment would strike section 5 from the bill, if I understand it correctly.

Section 5 reads:

Sec. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

The first question that arises in my mind is that I assume Presidents Eisenhower, Kennedy, Johnson, and Nixon have pursued policies similar to those in Southeast Asia, believing that they were trying to support efforts of friendly nations and friendly countries. It is obvious that some of my colleagues, in fact, a substantial number, do not agree with the assumption I have made in that regard. I think that can rightly be interpreted from the actions we have taken up to date.

But speaking with specific reference to the Middle East, and in order that we know precisely what is intended by the Foreign Military Sales Act now before us, I would like to ask the distinguished senior Senator from Idaho how he regards the nation of Jordan. Would it be one of the other friendly states that is referred to in section 5?

Mr. CHURCH. I would say to the Senator that that determination would be left with the President.

Mr. HANSEN. May I observe I think one of the things before us now is that it certainly is apparent the Senate is not satisfied with determinations that have been made by the President. Is that right?

Mr. CHURCH. I am sorry.

Mr. HANSEN. My question was: If I understood the response of my distinguished friend from Idaho, it was that I was under the impression the Senate was not satisfied with the determination that had been made by the President so far as other friendly nations in other parts of the world go. Am I right about that?

Mr. CHURCH. I would have to disagree with the Senator, if he had reference to yesterday's vote. I mean, there is nothing in the Cooper-Church amendment, if that is his reference, that bases any judgment at all on what the President did with respect to Cambodia.

Mr. HANSEN. No. I thank my good friend. My point is this: As I read section 5, the section which is now being debated, and which may be stricken from the act if the amendment of the distinguished Senator from Delaware should prevail, would have the effect of taking from the President the determination of what countries in the Middle East, at least, are considered to be friendly states. Is that right?

Mr. CHURCH. No. The Senator is not correct in that. The President would still have that power. That is a power he possesses under the Constitution in his executive capacity to direct American foreign policy; and to establish formal relations with foreign governments.

Section 5 is merely a sense of Congress provision that the other body inserted in the bill. It has no effect other than to express the sentiment of Congress. It does not confer power on the President he would not otherwise have. It takes no power from the President that he would otherwise have. It is merely an expression of congressional sentiment.

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

Mr. CHURCH. I yield to the distinguished majority leader.

Mr. MANSFIELD. The Senator mentioned Jordan. I would assume he could mention Kuwait.

Mr. HANSEN. I intend to.

Mr. MANSFIELD. And he could mention Lebanon.

Mr. HANSEN. I intend to.

Mr. MANSFIELD. And Saudi Arabia and Jordan.

I think they would come under the designation of other friendly states. Our relations with them are friendly. I do not see how they could be excluded. This is not indeterminate. It looks to me as if the language is pretty clear.

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

Mr. CHURCH. I yield.

Mr. SPARKMAN. Mr. President, I would like my colleagues on the Committee on Foreign Relations to check me on this statement. This is almost identical language that we have used on different occasions in the foreign aid bill.

Mr. MANSFIELD. That is right.

Mr. SPARKMAN. We have used the same expressions and the same provision. Certainly this language should not be construed as being unfriendly to the President. We have used it several times before.

Mr. HANSEN. I did not mean to imply by any statement I have made so far that there is any desire on my part to read into the actions now before the Senate, some of which have already been taken and some of which are prospective in nature, any personal animosity or unfriendly attitude by any Senator toward the President. But I think I am on fairly firm ground in saying that actions that have been taken by Presidents Eisenhower, Kennedy, Johnson, and now Nixon certainly do express the feeling of this body that these decisions, which we propose to continue to leave to the good judgment of the President, have not entirely squared with our present convictions.

So I would like to pursue further and get on the RECORD the feeling of the distinguished Senator from Idaho and from any other Senator who wishes to address himself to this question: Would it be the feeling of the Senator from Idaho that Libya would be regarded as one of the other friendly states?

Mr. CHURCH. I say to the Senator that is possible, but, again, this is a determination for the President to make.

I could think of other states in the Middle East with which we maintain friendly relations: Lebanon, Saudi Arabia, Jordan, Kuwait, Tunisia, Morocco, if one wants to extend the scope of the whole Arab world.

But I remind the Senator this provision is merely a sense of Congress provision as to what Congress feels the President should do. It is in no way binding upon the President.

Mr. HANSEN. I fully realize that.

Mr. CHURCH. Furthermore, the administration has raised no objection to it. It was passed by the House. No objection that I know was raised in the Committee on Foreign Relations. It corresponds to language that previously has been used in legislation in the past, as the Senator from Alabama pointed out. For these reasons I feel we should reject the amendment proposed by the Senator from Delaware.

Mr. HANSEN. Mr. President, I wish to assure my distinguished friend from Idaho that I propose to join with him. Assuming he intends to reject the amendment, I shall be voting with him.

My purpose in raising these questions arises from an entirely different concern and that is, that it is my contention that former Presidents of the United States, including the present one, have tried as best they know how to discharge their responsibilities to protect the best interests of the United States, to recognize the importance of trying to maintain some balance of power in the world today, and in order to do that, actions have been taken by the President which obviously, at least with specific regard to one country, Cambodia, do not square with the positions taken by Senators.

So I am going to persist, if I may, with the indulgence of Senators, in seeing that I know exactly what countries, in the sense of the Senate, are considered to be friendly nations; so that if the President moves in, he will not be confronted, day after tomorrow, with action such as we have been going through here in the last 4 weeks, and be told, "Well, we meant this, but you should not have done it." That is exactly what we are talking about.

We are talking about something that could be called Monday morning quarterbacking or, in retrospect, trying to pass on the judgment of the President of the United States, which he has the constitutional responsibility of discharging, a responsibility which I can only say each former President has discharged with the greatest ability he had, with nothing but the best of motives for this country. We have not agreed with the way things have worked out many times, but I do not think anyone in this body would question for one minute the good

intentions and the right motives and the proper incentives on the part of President Eisenhower, President Kennedy, President Johnson, or President Nixon. If they do, that is a different proposition.

As Governor of Wyoming, I joined with a majority of Governors in the adoption of resolutions supporting Presidents Kennedy and Johnson on moves they made in Southeast Asia. I did it not necessarily because I thought the actions they were taking may have been tactically or strategically the most appropriate, but because I felt they had information I did not have, and, as a consequence, I believed that my support should be given to them.

I just want to persist, in spite of, I suspect, a little frustration on the part of some Senators here, in naming each country, so I will know which the friendly nations are. I can easily see, if things continue to heat up in the Middle East, and we got involved in a war even of less magnitude than the one in Southeast Asia, there could be a lot of people saying, "Why did we do these things that wound up in our eventually being involved up there?" So I want to know, insofar as I can be apprised now, precisely what the sense of the Senate is, as to which these other friendly nations are, because they are not specified. The only one we specify is Israel.

As I assume many Members of this body also believe, I think we have an interest in Israel. The people of Israel are an independent people. They have a government more nearly like ours than any other government I know of. I respect the quality of life they have given their people. I have great admiration for their determination to pursue, against what many people seem to think are overwhelming odds, a policy that is committed to the survival of that tiny nation. I just want to do everything that I can, here and now, to be certain that somebody does not come around next month and say to us, or say to me, "If we are so concerned about the nations that the President is going to help, why didn't we raise these questions ahead of time, instead of doing it after the fact?"

It is a very easy thing, Monday morning, to tell the coach what plays he should have made on Saturday. I do not want to do that, insofar as I am able to prevent it.

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

Mr. HANSEN. I am happy to yield.

Mr. SPARKMAN. Before the Senator starts reading that list, I would like to say that I think the Senator knows I have pretty much the same views as he has with reference to our Southeast Asia situation. I shall vote on this amendment just as I am sure the Senator from Wyoming will. But I hope the Senator will see that certainly it cannot be a good policy for us, here on the Senate floor, to point out in legislation, or even in discussion, particular countries that we deem today to be friendly countries, or even particular countries that we deem to be unfriendly, because conditions change from time to time. I do not think we should put ourselves in a straitjacket in that manner. I do not think it

is a good thing to do, from a policy standpoint, in connection with our relations with different countries of the world, to try to list here on the Senate floor those that we deem friendly.

The assumption will be, if we list those that we deem friendly, that all the others are unfriendly. I do not think that is good policy.

I hope my friend from Wyoming will not insist on following that course and trying to get us to name them here on the Senate floor.

Differences that arise are going to arise in the future, as they have in the past. This is not the first time. Down through the history of this country, we have had situations where there have been differences of opinion here as to what we should do or what we should have done. I do not think there is any way of guaranteeing that it will never happen again.

I just think it is poor policy, and, if I may say so, a dangerous policy, to try to identify in legislation, or even in discussion on the Senate floor, the countries that would be categorized as friendly or unfriendly. I hope the Senator will not insist on following that course.

Mr. HANSEN. Mr. President, let me say first of all that I have the greatest respect for the distinguished Senator from Alabama, as he so well knows. I think he has made some very wise observations. I agree with him in the general thrust of his comments. What disturbs me, however, is that what we are doing now in Southeast Asia is to go back on judgments that have been made by the President of the United States. We are saying to him now, despite the great amount of effort that has gone into our actions in Cambodia, despite the obvious success of this venture, "We want to cut it off."

I can think of no more fatal way to try to pursue a foreign policy than to give the President of the United States, as indeed the Constitution does, the responsibility and the obligation to take such actions as he deems in the best interests of this country in the discharge of his duties as Commander in Chief of the Armed Forces, and to say, as the Constitution does, "This is your job; this is your responsibility; this is your obligation," and then to come around, after he starts an action, and say, "But this one was wrong, so we are not going to do that any more."

Mr. SPARKMAN. Mr. President, will the Senator yield once more?

Mr. HANSEN. I yield.

Mr. SPARKMAN. It does not matter what we do here on the Senate floor. People in the future—Senators included—will continue to use hindsight in making these judgments. We cannot eradicate them. We cannot do it. Listing the countries at this time is not going to affect that in the years ahead.

Mr. HANSEN. I am certain that not only will it not affect that, but it probably will not affect this vote on section 5 which we are going to take before too long.

I still must ask, however, Mr. President: What is the attitude of the dis-

tinguished Senator from Alabama insofar as our support of friendly nations in others parts of the world, not in the Middle East, is concerned?

Mr. SPARKMAN. Mr. President, I think the United States, the great power that it is, has an interest in seeing peace and good conditions prevail throughout the world, and that we remain interested in world affairs, and that we have a proper regard for friendly nations throughout the world.

I believe that in every piece of legislation similar to this we have ever enacted we have left it in the hands of the President to determine those nations. We have, many different times in the foreign aid bill, provided a contingent fund that we simply gave the President, regardless of who he was, Republican or Democrat. We gave him a contingent fund that he might use as he thought best in the interests of this country, and so far as I know, he has never been questioned on the use of that contingency fund.

Mr. HANSEN. Would it be the opinion of the distinguished Senator from Alabama that this has been a wise action by Congress?

Mr. SPARKMAN. Yes. We have done it time after time. I do not know whether they have asked for a contingency fund this year or not. I have not seen the bill. But, it has been done year after year, and without exception, I do not believe I have ever heard the use of it criticized. I do not think I have ever heard criticism of his exercise of the completely open powers that we have given him to make use of it.

Mr. HANSEN. But I think the Senator also mentioned, Mr. President, that he spoke not only of the contingency appropriation, but as well of the policy which permitted the President of the United States to take such action as he deemed in the best interest of this Nation.

Mr. SPARKMAN. That is right. And we wrote that into law.

Mr. HANSEN. Of course, I agree wholeheartedly, enthusiastically, and completely with my good friend from Alabama.

Let me ask the Senator, what is his opinion as to the actions of the President in Southeast Asia? I shall not ask him to identify as friendly or unfriendly nations the nations of Thailand, Indonesia, Laos, Korea, Japan, or China; but, having in mind those nations, and saving him and this body the embarrassment of having to say whether a particular nation, in the sense of the Senate at this particular moment, is friendly or unfriendly, let me ask the Senator, does he believe that it would serve the interests of this country to continue to permit the President to exercise the type of authority to which I understand the Senator to have subscribed only a few moments ago?

Mr. SPARKMAN. Well, I would rather put it in my own words.

Mr. HANSEN. I would be happy for the Senator to do that.

Mr. SPARKMAN. Certainly I think it would be proper and wise for us to continue to recognize and, insofar as we have anything to do with it, to vest in the President of the United States the right

to exercise the powers given him under the Constitution or any legislation that we may enact for the best interests of this country, within his constitutional powers or powers given him by Congress.

I feel confident that any President we have, whether he is a Democrat or a Republican, will do that. The President has exercised that power under the contingency fund, but that is just one example. In the bill that we are considering here—this is a Foreign Military Sales bill we are considering—

Mr. HANSEN. I am aware of that.

Mr. SPARKMAN. And I am sure the Senator is aware of the fact that we make a blanket authorization. We do not say, "Sell arms to this country" or "Sell arms to that country" or "Sell arms to some other country." We do not list the countries. We establish a ceiling that he can use in making these sales, but it is left up to his good judgment as to whom they should be made to, and when they should be made.

Mr. HANSEN. I should like to ask my good friend from Alabama, does he have any concern insofar as the President's full exercise of his discretion in terms of this Foreign Military Sales Act in Southeast Asia is concerned. Does he have any more concern about the exercise of that judgment over there than he does in the Middle East?

Mr. SPARKMAN. The Senator knows I have not questioned the President's exercise of his authority in Southeast Asia. Some of my best friends have. I think there is a real difference, and I can understand how the difference comes about. There are differing provisions in the Constitution, and I think that is where the division comes, primarily. In one place, the President is given the power to do what he deems it necessary to do as Commander in Chief of the armed services. In another place, Congress is given the sole power to declare war. It is between those two provisions in the Constitution, I think, that all of our division arises.

I personally believe in strong constitutional powers for the President as Commander in Chief of our armed services, and as I look back over our history, I can recall many instances in which it was exercised without coming to Congress.

I remember—well, I do not remember except from reading it in my history books—back in the time of Thomas Jefferson, was it not?—when we had the Barbary pirates. I remember the incident down in Venezuela—that was under Theodore Roosevelt, was it not?—when he threatened to go down and straighten them out. It was our friends the British who were involved then.

At the time of the Spanish-American War, Congress passed a declaration of war, but not until after the President had sent a battleship down to Havana and it was blown up. That was the overt act.

The President sent the Marines into Nicaragua way back there, and into several of the Latin-American countries, without Congress declaring war or without Congress being told.

I remember, right here on the floor of

the Senate, as my friend across the aisle (Mr. Young of North Dakota) will recall, that back on June 25, 1950, when the North Koreans went across the 37th parallel, President Truman, as quickly as that was done, ordered General MacArthur, if my memory is correct, to make available the naval and air forces, as I recall, to help the South Koreans.

Then, just a day or so later—I do not recall whether it was on that Sunday or whether they waited until Monday—the Security Council of the United Nations met and said action should be taken, and asked the United States to be its agent. President Truman then directed General MacArthur to send ground forces in, without asking Congress.

I remember one of the ablest Senators who ever served in this body, the late Senator Robert Taft, stood right there and said he was in favor of the action, but he added this statement:

I wish the President had sent a resolution up. It would have been agreed to, there is no question about that.

I could name other incidents in which the President has exercised the power given him under the Constitution, and I believe rightly so; and I think the Presidents will continue to do so. I do not know whether we had any such incidents in the administration of George Washington. We did in the time of John Adams, I am quite sure, and of Thomas Jefferson, and others on down through the years; and I believe in that strong power.

May I say to my good friend from Wyoming, as I have said a good many times, I wish very much that there could be brought together a group of the most able constitutionalists in the land, and that they could arrive at a clear dividing line delineating the powers of the President as Commander in Chief of the Armed Forces and on the other side the power of Congress to declare war and even to control matters by use of the appropriations bill. In other words, if we could once get this constitutional question clearly delineated, I think we all would have a better view of it and a better chance of standing together. But we do not have it. I doubt that we shall ever have it, because it is one of the gray areas we see so often. I believe we ought to do what we have done in many situations. Economic aid in the foreign aid bill is left to the discretion of the President. Military aid, military assistance, which has been given through the years in foreign aid bills, has been left to the discretion of the President.

This matter has come up in the Committee on Foreign Relations from time to time, particularly when we wrote in some anti-Communist provisions, to name certain countries. One or two times it was done on the floor of the Senate; an amendment was offered on the floor, I believe. But even then, the list was not complete.

It is much easier to determine what is a Communist country than it is to determine what is a friendly or unfriendly country, because, again, we run into that gray area. I submit that there are many countries that may be unfriendly today that would be friendly in the future.

Mr. HANSEN. Mr. President, let me observe that I am aware of the fact that several of our colleagues have commitments this afternoon. It is not my desire to inconvenience any of them. Yesterday, when these two amendments were submitted by the distinguished senior Senator from Delaware, he offered to have a time limitation, and objection was raised to that time limitation. In order that my colleagues might get away and meet some commitments they have already made I would be happy, if it would suit their convenience, not to have a vote on this amendment this afternoon. I simply offer this in a spirit of cooperation.

I would like an expression from my good friend the senior Senator from Idaho, if he would care to comment on that. I am vitally interested in the line of reasoning I am pursuing, and I have not yet had the opportunity to explore the mind of the senior Senator from Idaho in this regard. Before we go into that, just let me ask him what his feeling would be about our agreeing upon a time next week at which we might vote.

Mr. CHURCH. Mr. President, I think it is becoming increasingly evident that a filibuster is being waged on this bill. I think it is time to begin to say so.

The request of the Senator from Wyoming to put over until next week a vote on this sense of the Senate provision, or sense of Congress provision, certainly collides with what had been generally anticipated, I know, by the majority leader and others, that we could reach a vote today on both divisions of the amendment offered by the Senator from Delaware. So I am not in a position to make any agreement that would conflict with what I know has been the anticipation of the majority leader.

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

Mr. HANSEN. Not at this time.

Mr. President, the Senator from Idaho certainly has been very fair and very considerate. It is his privilege to reach any conclusion he may choose. I must correct him, however, if he thinks I am trying to filibuster this point. I do not intend to do that at all. I do have some very basic questions, and I have asked most of them. I have a few more to ask.

It was not my thought at all that we might put the vote over. I was just approached by two of my colleagues who said they had plane times they would have to meet. I want my friend to understand that I am not trying to filibuster this bill.

Mr. CHURCH. Mr. President, I want to withdraw that remark as it applies to the Senator from Wyoming. If he has the intention to ask some further questions—

Mr. HANSEN. I do.

Mr. CHURCH. And then to proceed to a vote, I would hope that we could proceed to vote this afternoon, and I hope he has taken no offense.

Mr. HANSEN. Not at all.

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

Mr. HANSEN. I yield.

Mr. JAVITS. I rose only for that purpose. I am sure the Senator from Wyoming is not filibustering. There is plenty of opportunity to filibuster this bill and many things other than this one.

I was the one who objected to time, and I will tell the Senator why. It is precisely what he has demonstrated. Everybody knows that I have a deep interest in whatever happens in this tremendous conflict, and all the more reason why there should be free, open, full opportunity to explore it as thoroughly as anyone would wish.

May I say to the Senator—perhaps what I say might be rather useful in that regard—that I, too, see no limit whatever on the President's authority in the words "other friendly states." Frankly, I would not have put this in the bill if it were up to me, for precisely the reason the Senator is emphasizing. But it is in. I was faced with a fact, not a theory, and under the circumstances, its being stricken out either in the Foreign Relations Committee or on the floor, I thought, would be very unfortunate.

But to affirm what the Senator is affirming, that there are any number of nations—remember, we have given military aid to Jordan. It will interest the Senator to know that the Israelis themselves thought that was a good idea, instead of having another cat's-paw for the Soviet Union. I am not privy to all the secrets, but I think it is very likely that Jordan may get something under this. I want to explain to the Senator that there is no exclusivity about the fact that this appears, and I have given the Senator the reasons. I think the Senator from Idaho will confirm that there is no implication or intention by naming Israel that any other state is excluded, including the states of the Middle East.

Mr. HANSEN. I thank my distinguished colleague and very much admired friend from New York. As the Senator knows, I do not always vote with him, but he also knows that I have the highest respect for his intelligence, for his honesty, for his dedication, and for his loyalty to our country and to the purposes that he serves in the Senate.

I have no intention at all to filibuster this bill. I just want to be sure—I think it is entirely proper and appropriate—that we ask the questions now. We should not take action now, and then have our constituents come to us the day after tomorrow and ask us, "Why didn't you identify what are friendly countries if you object to actions taken by the President of the United States in clear conformity, as he interprets the thrust of this bill to be, with the language of the bill and specifically with the language of section 5?"

Let me ask the distinguished Senator from Idaho: Does he have any greater concern about the friendly countries in Southeast Asia as compared with the friendly countries in the Middle East, insofar as the action that may be taken by the President of the United States is concerned?

Mr. CHURCH. I would say to the Senator, let us remember that this bill is a military sales bill; that the section to

which the Senator has addressed his remarks relates to the sale of military equipment to countries in the Middle East; and that this is quite a different matter from engaging in combat, committing forces of the United States to combat. I think we are talking about a different subject. The subject is the transfer, the sale, of weapons to foreign governments.

Mr. HANSEN. Will the Senator yield at that point?

Mr. CHURCH. I should like to answer the Senator's first question.

The bill leaves to the discretion of the President, within the feeling established, to make the determination as to how much and how many weapons will be sold to particular countries. It has been felt in the past that this is not the kind of judgment that Congress can properly reach in a fluid world of changing conditions. The bill gives the same discretion to the President in that matter, with reference to his dealings with friendly nations in Southeast Asia, as it gives to him with reference to nations in the Middle East. I see no reason why the President should be dealt with differently with respect to one part of the world than another.

Mr. HANSEN. Let me observe that we did not just start fighting in Southeast Asia. Rather, we pursued a course of action that I think could very well see its initial implementation occurring in the Middle East.

In order for everyone to bear in mind my feeling about that part of the world, I was one of those who signed the letter to the President urging him to make the sale of 125 jets to Israel. I think that would be a wise decision on his part. I support it.

I am trying to be consistent and honest with myself when I say that we did not just start fighting in Southeast Asia. We first made some assistance available and, in due time, we sent some advisers over there to help those people, who were receiving the arms from us to better operate the sophisticated pieces of weaponry which they had received.

That will not be necessary with Israel. But I remind my good friend from Idaho that we are authorizing action by the President of the United States that could very well result in our eventually having to make the tough decision on how much further will we go in trying to maintain a balance of power in the Middle East, how much further are we willing to go in order to help maintain the independence and sovereignty of the nation of Israel.

I would ask my good friend from Idaho if he sees no relevancy in this parallel to the actions that were begun in Southeast Asia before the 1960's which have now resulted in the incursion into Cambodia, and the provisions of section 5 which authorize both cash sales and credits being made available, not only to Israel but also to other friendly countries as well. Does the Senator see any parallel at all in these situations?

Mr. CHURCH. I understand the basis of the Senator's concern. I certainly do not want to see us repeating the mistakes



in the Middle East that I think we have made in Southeast Asia. I hope that we profit from our experience there and have learned the lessons that are there to be learned.

But, I remind the Senator from Wyoming that the bill is limited to the sale and transfer of weapons to foreign governments, either on a cash or a credit basis. But, in either case, our experience has been in the past that we are paid for the weapons either at the time of delivery or within, at the most, 5 years following delivery. At least, I think the maximum credit period has been 10 years; but, for the most part, they are short-term credit sales, and the bill goes no further than that.

I would feel much concern if the President were to decide to send military instructors into the Middle East, or to commit the United States to the defense of one government or another, particularly so without first coming to Congress, as I think he should properly do in that case. But none of that is contemplated by this bill. The kinds of things that led to our deepening involvement in the quicksands of Southeast Asia, really, are not embraced in this legislation. It is restricted to the sale of arms, either on a cash or a credit basis.

Thus, I would say to the Senator from Wyoming, that although I appreciate the basis for his concern, in view of the tragedy of the war in Southeast Asia, I really do not think that the bill would fit into the motion or sequence of events which could lead to a similar involvement for the United States in the Middle East.

Mr. HANSEN. The distinguished Senator from Alabama, I think, is not in the Chamber at this moment. It is not my purpose to take issue with him. He said, though, while he was here earlier, I think he expressed the hope, or at least suggested the desirability of a group of constitutional lawyers getting together and trying to winnow out from the chaff the grain in this whole question, to determine, on the one hand what are the constitutional responsibilities and extensions of power of the President, and on the other, what, by the Constitution, has been reserved exclusively to the Senate.

Then he went on to say that perhaps this will never be done and perhaps it should not be done. Having read the excellent paper by the distinguished junior Senator from Arkansas (Mr. FULBRIGHT) which was printed in 1961 in the Cornell Law Review or Journal—I have forgotten the name of the publication at this moment—I gathered that, at that time, it was his conviction that greater extension of power to the Executive rather than a restriction of those powers was indicated, if we were to serve the best purposes and interests of this country in these turbulent times of the last half of the 20th century.

I state this, because earlier in debate on the bill, numerous persons referred to the constitutional question posed by the Cooper-Church amendment. Thus, for those who would argue that it really is not all that important, let me say that

as I have reviewed the record of these debates for the past several weeks, certainly in the opinion of some it is a very important question and it is a constitutional question.

I submit that if it is a constitutional question, then I do not think it can be resolved on the basis of friendly or unfriendly nations in this part of the world or that part of the world.

Either the President of the United States has the authority and the power to take action, or he does not have that authority or that power.

Either Congress, conversely, has the authority to take action and to restrict what the Executive may do, or it does not have that authority.

It is this gray area, between the clearly recognized powers of the President on the one hand and the clearly recognized powers of the Congress on the other, that we come to a lot of tough decisions in between that make it highly relevant in this day and in this debate to ask the question: Where does the power lie?

So I am going to conclude, Mr. President. I have asked all the questions I want to ask. I will leave it up to each of us to decide in his own mind how best to vote on this issue.

I do want to compliment the distinguished Senator from Delaware for offering us the opportunity to search our consciences on this question. As the Senator from Delaware knows, I will not support him.

I do not think that the President's hand should be curtailed. I think that the best interests of this country will be assured by extending and continuing to extend to the President, whoever he may be, the authority to take such actions as he deems to be in the best interests of the United States, consistent with the delegation of powers by the Constitution.

Likewise, I believe he must bear the responsibility for those actions.

Mr. President, I yield the floor.

Mr. CHURCH. Mr. President, I simply want to say that there ought to be no question in any Senator's mind as to the authority of Congress in the matter of selling weapons to other nations or asserting control over the sales of these weapons abroad.

If it chose, Congress could, I am certain, prohibit the sale of weapons as a matter of public policy. That authority falls under the power of Congress as a matter of law under the Constitution.

Without question it certainly is within the power of Congress to set a ceiling on how many weapons may be sold, to establish a top level on the sale of weaponry each year. And that is a purpose of this bill.

It would be possible, if Congress chose to do it, to list all of the countries in this bill and specify how much may be sold to each. However, Congress in its wisdom has chosen not to do that.

Congress has recognized that the President should have a flexibility to make these decisions in a highly fluid world. We have established an overall ceiling and have consequently left it to the Presi-

dent to make a determination as to individual countries to be sold arms—and those not to be sold arms.

Section 5 sets forth the "sense of Congress" as to what it believes the arms sales policy of the United States should be in the Middle East. Section 5 is designed as an expression of congressional intent.

I feel that the Senate should properly act to reject the amendment offered by the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I will be ready to vote in a couple of minutes. Congress can always put a ceiling on military sales by means of line items in the appropriation bill and by rejecting the requests.

There is not a great constitutional area involved here as between the powers of Congress and the powers of the President. That question is not involved here.

There has never been any argument about Congress controlling the purse strings. Congress can approve or disapprove all arms sales. Congress has that power; the only problem has been that Congress has heretofore been delegating that power to the President.

My suggestion is that we exercise that authority and assume our own responsibility.

Instead the Senate by its earlier vote has given to the President authority to make up to \$300 million in credit sales of military weapons to any country in the world as he deems necessary.

The Senate has delegated the President that authority by its earlier vote, and I am sure President Nixon appreciates their expression of confidence.

I had felt that Congress had some responsibility for determining these policies, many of which may lead us into war. We should have an equal responsibility with the President. But if Congress in its wisdom wants to delegate that authority to the President my suggestion would be that the same Senators stop acting as Monday morning quarterbacks and stop trying to outguess the President when by hindsight they feel that he has made a mistake.

I respect the power of Congress, but that power can only be retained if Members of Congress want to exercise their authority and assume their responsibility.

If Senators want to delegate this power to the President let us stop criticizing him later for any decisions he makes.

Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the second part of amendment No. 666 offered by the Senator from Delaware (Mr. WILLIAMS). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. GOLDWATER (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." Therefore, I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from Indiana (Mr. BAYH), the

Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Texas (Mr. YARBOROUGH), and the Senator from North Carolina (Mr. JORDAN), would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. FANNIN), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 1, nays 59, as follows:

[No. 156 Leg.]

YEAS—1

Williams, Del.

NAYS—59

Aiken	Griffin	Packwood
Allen	Hansen	Pearson
Anderson	Harris	Pell
Boggs	Hatfield	Proxmire
Brooke	Holland	Randolph
Burdick	Inouye	Ribicoff
Byrd, Va.	Javits	Schweiker
Cannon	Long	Scott
Case	Magnuson	Smith, Maine
Church	Mansfield	Sparkman
Cotton	Mathias	Spong
Cranston	McCarthy	Stennis
Curtis	McClellan	Stevens
Dole	McGovern	Talmadge
Eagleton	McIntyre	Thurmond
Eastland	Metcalfe	Tydings
Ellender	Miller	Williams, N.J.
Ervin	Moss	Young, N. Dak.
Fong	Murphy	Young, Ohio
Gore	Nelson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Goldwater, for.

NOT VOTING—39

Allott	Goodell	Mondale
Baker	Gravel	Montoya
Bayh	Gurney	Mundt
Bellmon	Hart	Muskie
Bennett	Hartke	Pastore
Bible	Hollings	Percy
Byrd, W. Va.	Hruska	Prouty
Cook	Hughes	Russell
Cooper	Jackson	Saxbe
Dodd	Jordan, N.C.	Smith, Ill.
Dominick	Jordan, Idaho	Symington
Fannin	Kennedy	Tower
Fulbright	McGee	Yarborough

So part 2 of amendment No. 666 of Mr. WILLIAMS of Delaware, to strike section 5 of the bill, was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, an unfortunate situation has arisen which plagues Senators from time to time. At the present time we have only one trolley operating between the old building and the Capitol, and that trolley is not always in working condition.

Unfortunately, while the distinguished Senator from Wyoming (Mr. MCGEE) was hurrying to the Chamber to cast his vote on the motion which was just defeated—and he would have voted "nay" had he been here—the trolley broke down and he got here just after the vote was announced.

So I wish, as majority leader, to announce that because of that situation, the distinguished Senator from Wyoming was about 30 seconds late in getting to the floor, through no fault of his own, and that, had he been here, he would have voted "nay."

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

## RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the latest summary of the results of the Cambodian sanctuary operations be printed in the RECORD.

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

Total operations	Number	4-day change
Individual weapons.....	16,101	+592
Crew-served weapons.....	2,269	+29
Bunkers/structures destroyed.....	9,358	-240
Machinereg rounds.....	3,943,647	+192,505
Rifle rounds.....	8,619,203	+735,532
Total small arms ammunition (machinereg and rifle rounds).....	12,562,850	+928,037
Grenades.....	48,780	+7,388
Mines.....	5,150	+540
Miscellaneous explosives (pounds) (includes satchel charges).....	76,600	(0)
Antiaircraft rounds.....	159,816	+28,506
Mortar rounds.....	60,242	+9,244
Large rocket rounds.....	1,931	+224
Smaller rocket rounds.....	37,569	+10,593
Recoilless rifle rounds.....	26,611	+3,830
Rice (pounds).....	12,458,000	+138,000
Man-months.....	274,076	+3,036
Vehicles.....	388	+25
Boats.....	90	(0)
Generators.....	36	(0)
Medical supplies (pounds).....	186	(0)
Enemy KIA.....	50,800	(0)
POW's (includes detainees).....	9,711	+202
	2,104	+172

1 Unchanged.

2 Field adjustment.

## ORDER FOR ADJOURNMENT TO MONDAY, JUNE 15, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

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

Mr. MANSFIELD. Mr. President, I made that request because no amendments seem to be available at the present time.

For the information of the Senate, it is anticipated that we will be back on section 7, the so-called Cooper-Church amendment, on Monday next. I am delighted to see that certain Senators are here so I can look them in the eye and warn them in advance. There will be no further votes today, and no amendments.

## MISLEADING NEWS STORIES ON ABA CRIMINAL LAW COUNCIL'S APPROACH TO ORGANIZED CRIME BILL

Mr. McCLELLAN. Mr. President, the American Bar Association was asked recently by President Nixon to urge speedy congressional action on pending crime legislation, including the Organized Crime Control Act, S. 30. See CONGRESSIONAL RECORD page 16926, May 25, 1970. tentially explosive situation that could

The ABA responded by setting in motion the complex process by which it considers legislation. An ad hoc committee was established to make recommendations on those provisions of S. 30 not already approved to the Council of the Criminal Law Section. When those recommendations had been made, that Council met in Chicago on June 6 and 7 and decided how to report its supplementary recommendations to the board of governors.

The process will be completed when the council reports to the board of gov-

errors, who can determine the ABA's position or refer the matter to the house of delegates. I add here, too, that the house has already approved several major sections of the bill. When the board or the house rules, its decision constitutes the position of the ABA on S. 30.

While that process is underway, however, the Washington Post has published, under the byline of John P. MacKenzie, two articles concerning the deliberations of the ad hoc committee and the council—Washington Post, June 6, 1970, page A2 and Washington Post, June 8, 1970, page A1.

The burden of the first article was the allegation that administration and congressional staff members attending the Chicago meeting of the council did so to "lobby" for ABA endorsement of the District of Columbia and organized crime bills.

The thrust of the second article was an assertion that the council in Chicago had substantially disapproved the two bills.

The two presiding officers at the Chicago meeting, Judge H. Eugene Breitenbach and Prof. Samuel Dash, then wrote letters to the Post taking sharp exception, however, to the tenor of the articles. Terming the second article "distressingly misleading" and "unfortunate," Judge Breitenbach and Professor Dash stressed the "very constructive and positive approach toward the legislation" taken by the council, and its "complete approval of major provisions." They noted further that the Government staff members attended the Chicago meeting as technical experts, by invitation of the council.

The character and quality of the MacKenzie articles are apparent from a comparison of them with the two letters. They are an example, I am sorry to say, of the low level of accuracy and responsibility that I have come to expect often from the Washington Post.

The newspaper compounded its error by declining to print either letter until June 12, 4 days after they were hand delivered to the Post. During those 4 days, the misleading articles were allowed to stand as truth in the public's mind. It hardly is coincidental, too, that publication by the Post of Judge Breitenbach's letter was delayed until the morning after Charles Bellows, a leading defense attorney from Chicago who has heretofore represented members of La Cosa Nostra, testified before the House Judiciary Subcommittee considering S. 30. Mr. Bellows, a member of the council and extreme opponent of S. 30, testified, in response to leading questions, that the ad hoc committee had substantially disapproved the bill and the council had objected to many of its major provisions.

The false impressions created by these events were reflected and reinforced by a misleading press release issued on June 11 by the American Civil Liberties Union. In that release, the union falsely stated that the American Bar Association—not a committee, but the association itself—had called for a complete revision of S. 30.

The Washington Post's reckless articles concerning the Organized Crime Control Act may have done grave and, to some

degree, irreparable damage to the public view of the merits of that legislation. I hope, though, that the paper's publication of one of the letters from the presiding ABA council officers—however tardy—will mitigate, to some extent, at least, the harm done by the Post's irresponsibility.

We in the Congress have the fate of crime legislation—and ultimately the safety of all citizens—in our hands. We must do our duty. We must respond not to careless or biased newsmen, but to the public at large. We need to pass the laws necessary to protect the public, and we must do it this year.

Mr. President, I ask unanimous consent that the texts of the two articles and the two letters to which I have referred be printed in the RECORD at this point.

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

AMERICAN BAR ASSOCIATION,  
Chicago, Ill., June 8, 1970.

The EDITOR,  
*The Washington Post*,  
Washington, D.C.

DEAR SIR: I was most disturbed over the news item in *The Washington Post*, Monday, June 8, 1970, under the Byline of your staff writer, John P. MacKenzie, purporting to report action by the Council of the American Bar Association's Section of Criminal Law on certain crime legislation pending in the Congress. The entire tenor of the story is distressingly misleading.

The report of the Council has not yet been drafted and even the complete transcript is not yet available. When drafted, the report must be submitted to the ABA's Board of Governors for approval of that group on behalf of the Association; or, in the discretion of the Board of Governors, the report may have to be submitted for the approval of the Association's House of Delegates.

The most unfortunate aspect of Mr. MacKenzie's story is the emphasis on the negative and his failure to report any favorable action by the Council. When the report can be released I am confident you and your readers will agree it adopts a very constructive and positive approach toward the legislation.

For example, with respect to the Organized Crime Control Act of 1969, the Council recognizes the need for legislation to cope with this serious problem and it recognized the merit in many of the approaches taken in various titles of S. 30.

The Council expressed complete approval of major provisions. In other instances the Council suggested amendments to clarify, avoid questionable constitutionality, or otherwise to strengthen and improve the current Bill. In still other cases, the Council's action was designed to alert the Congress to specific provisions inconsistent with prior established positions of the ABA, either based on specific legislative proposals or as enunciated in the ABA Standards for the Administration of Criminal Justice.

In all instances the actions of the Council in opposing some of the legislation were based on constructive reasons, and affirmative recommendations will be made to assist the Congress to accomplish the objectives sought in a manner more harmonious with criminal justice.

I should also like your readers to know that the "key Justice Department and Congressional Committee staff members" attended the Council meeting as invited guests of the Council. Their presence was requested as expert resource persons to facilitate the Council's careful and complete considera-

tion of the numerous proposals embodied in the legislation. They had no vote, but because they have been working closely with the legislation, they were of outstanding assistance in furnishing valuable background information and technical data on request of individual Council members.

As is so often the case with misleading news, the corrective story cannot completely undo the damage. Because of the seriousness of the issue involved, I hope you will promptly print this letter so the facts will at least be available to your readers.

Sincerely yours,

H. EUGENE BREITENBACH,  
Chairman,  
Section of Criminal Law.

AMERICAN BAR ASSOCIATION,  
Chicago, Ill., June 8, 1970.

The EDITOR,  
*The Washington Post*,  
Washington, D.C.

DEAR SIR: I have just read the letter of Judge H. Eugene Breitenbach, Chairman of the Section of Criminal Law, relating to the article in *The Washington Post* under the byline of John MacKenzie.

As the moderator of the meeting referred to in Chicago, where this legislation was under review by our Council, and as Chairman-Elect of the Section, I fully concur with all statements of Judge Breitenbach in his letter. I wish to especially join in his objection to the negative emphasis of the story and the omission of any reference to the major affirmative positions taken by the Council in support of the crime legislation in question.

Sincerely yours,

SAMUEL DASH,  
Chairman-Elect.

[From the Washington Post June 6, 1970]

NIXON AIDES LOBBY FOR ABA SUPPORT ON  
ANTICRIME BILLS

(By John P. MacKenzie)

In a rare turnabout, emissaries of the Nixon administration and of key members of Congress are making a special trip to Chicago this weekend to lobby with the American Bar Association.

The objective: To secure the lawyer's blessing and backing for two crime bills that are stalled on Capitol Hill. One is the D.C. crime bill, with its controversial provision for pretrial detention of some defendants without bail. The other is the bill to combat organized crime, which among other things would greatly enlarge grand jury powers and would authorize extra-long imprisonment of organized or "habitual" criminals.

Ordinarily it's the ABA that lobbies with the administration or Congress—happy to have an audience with someone in the executive branch or a chance to tell a congressional committee how the organized bar, or some specialized branch of it, feels about pending legislation.

Now, however, the administration is hurting. President Nixon complained in a letter to ABA president Bernard G. Segal last month that no major crime bill had reached his desk for signature. He said the delay was "inexplicable," and asked for help in pushing legislation.

But his request came just when both measures are under attack within the ruling council of the ABA's criminal law section.

The council, whose two dozen members represent 5,000 lawyers within the 140,000-member ABA, reflects the entire range of legal philosophy on crime. Its members range from John J. Flynn of Phoenix, the defense lawyer who won the famous 1966 Ernesto Miranda confession case, to onetime FBI assistant director Louis B. Nichols.

Liberals on the council have challenged

the proposed law for the District of Columbia, particularly its provisions for preventive detention and for stiff mandatory minimum sentences for certain crimes. They oppose on philosophical grounds, saying the bill denies the constitutional right to bail and is a setback for enlightened correction policy.

They further contend that the ABA has to oppose pretrial detention because the ABA House of Delegates in 1968 took a strong stand for the right to bail.

A council subcommittee also blasted the organized crime bill, saying it "far exceeds its target area" with "unconstitutional provisions" and "ill-disguised attempts to overrule recent Supreme Court decisions."

The D.C. crime bill has passed both houses but House-Senate conferees are hung up over the House version's preventive detention section and other differences. The organized crime bill sailed through the Senate but is under criticism by Chairman Emanuel Celler (D-N.Y.) in the House Judiciary Committee.

The Justice Department's pitch will be made by Associate Deputy Attorney General Donald E. Santarelli, principal draftsman of the D.C. crime bill. Sen. John L. McClellan (D-Ark.), architect of the anti-Mafia bill, is sending G. Robert Blakley, chief counsel of his criminal law subcommittee, to defend it.

[From the Washington Post, June 8, 1970]

#### CRIME BILLS CRITICIZED BY ABA COUNCIL

(By John P. MacKenzie)

A key policy body of the American Bar Association voted disapproval yesterday of some of the most controversial proposals in the Nixon administration's legislative war on crime. Both the District of Columbia crime bill and the national organized crime bill were criticized.

The 24-member council of the ABA's section on criminal law found unacceptable the preventive detention sections of the District crime bill, which is now in a Senate-House conference.

Also disapproved in the District legislation were wiretapping sections, a proposal to shift the burden of proof to the defendant in insanity cases and a requirement that plaintiffs pay the legal expenses of police officers in false arrest cases even if the plaintiffs win.

The criminal law council is not the ABA's final spokesman on policy matters, but its recommendations carry great weight within the organized bar.

The council's deliberations were considered so important that key Justice Department and congressional committee staff members made special appearances before the council to defend the legislation.

The council met in Chicago for a total of 20 hours Saturday and yesterday.

Major sections of organized crime legislation drafted by Senate conservatives and supported by the Justice Department also were disapproved.

The council rejected a provision that would make federal grand juries more autonomous and said that the grand juries should not be given the power to criticize public officials when there was insufficient evidence to indict them.

The council, whose members include prominent defense attorneys, prosecutors and judges, said several administration proposals run counter to policy positions taken by the ABA in recent years.

Mr. McCLELLAN. Again I say, Mr. President, this legislation is opposed by some sources from whom we could expect opposition, but in all fairness, in reporting the news about it, I think the press should not be biased and should not print articles that are so misleading that they seem calculated to create an

erroneous impression, and thus, by design, or at least by result, create a prejudicial attitude against this legislation.

Bear in mind, Mr. President, the Senate passed this bill after several days of debate by a vote, I believe, of 73 to 1; and subsequent to that time some 22 Senators, as I recall, have had recorded in the RECORD the fact that they support the bill. So that there are not 95 Senators, Mr. President, who are on record in support of this legislation. I cannot conceive that that great number—actually, only one Senator was recorded against it—of the Members of this body would knowingly or even inadvertently pass by such a strong majority a bill that should be subjected to the sort of unfair treatment that this measure apparently is receiving from some quarters.

I know that the House of Representatives has the bill under consideration, and I have every confidence that in due time the House Judiciary Committee will act on the measure, and that it will reach the floor of that body for debate and final action.

I make no contention, Mr. President, that the bill is perfect. Almost any legislation involving the areas and issues that are covered by this particular bill can be improved. I have the hope that, after careful examination and full deliberation, the House Judiciary Committee may make some constructive improvements in the measure, if they are found to be needed, but that the House of Representatives will approve the bill and we will get it enacted into law at this session of Congress.

Action is needed, Mr. President. The Senate has acted. I believe the House of Representatives will approve the bill and that when it does, it will join with the Senate in the enactment of a good measure, a strong measure, a measure within the framework of the Constitution, which will provide some of the additional tools essential to strengthening the arm of law enforcement in our country and providing better protection for the citizens of this Nation against the ravages of organized crime.

#### THE MIDDLE EAST

Mr. GORE. Mr. President, the situation in the Middle East grows ever more dangerous and ever more complex. The Soviet Union has acted to increase its military presence in Egypt and its political influence in the Mediterranean; and the Palestinian guerrilla movement operates beyond the effective control of some governments in the area. Both of these factors make achievements of a lasting peace even more difficult than it otherwise would be, and they create a potentially explosive situation that could escalate the level of hostilities, with all of the danger that would entail.

On May 28 of this year, in a speech on the floor of the Senate, I spoke of the growing danger in this important area of the world. I have spoken on this subject many times. Moreover, I have visited the area and I have made a study of the vexatious and dangerous problems there. This strategic area has throughout history been plagued by controversy. Gen-

erally speaking, political stability extending for any appreciable length of time has been unknown.

Settlement of the Arab-Israel controversy in a manner which will permit Israel to live in peace and harmony within the community of Middle East nations will involve, on the one hand, acceptance by the Arab nations of the concept of an Israeli State on a permanent basis. It is not sufficient, however, to say that the Arabs must accept the concept of a Jewish state. It will be necessary to go further and define the extent of its territorial boundaries.

Other important questions, too, must be settled. For instance, 1 million Palestinian refugees, the original victims of the Arab-Israel conflict, are well into the third decade of refugee camp existence, with their future no more certain now than it was 10 years ago, or even 20 years ago. These people have multiplied. The population has grown, and these unfortunate persons have become pawns in international politics while, at the same time, certainly in some areas, becoming dominant political forces in domestic politics.

After visiting the Palestinian refugee camps nearly 10 years ago as chairman of an investigating subcommittee, I reported to the Senate that the refugee camps were spawning extremism and hatred that would surely threaten the stability of governments in the area and would certainly be a source of strife and war danger. I proposed an amendment to the foreign aid bill in 1960 which would have terminated U.S. financial support of the ration program after January 1, 1961, except for those refugees whose eligibility and need for relief had been certified after July 1, 1960. Both the Senate Foreign Relations Committee and the Senate approved this amendment. Unfortunately, the House of Representatives declined to accept the amendment.

I did not suggest that this amendment would have solved the refugee problem or the problems of the Middle East, but I believed then and I believe yet that such an action on the part of the United States would have set in motion events which would have contributed to a solution. As we have seen, continuation of the refugee camps has continued to build a dangerous source of extremism, and it is precisely this force that poses a grave threat today in both Jordan and Lebanon. Jordan appears to be teetering on the brink of chaos or worse.

The guerrilla movement constitutes somewhat of a third force in the area, and, as I have indicated, its leaders have vowed that they will accept no peace formula whatever and that they will pursue their mission of the complete destruction of Israel. Unless the governments in the area are able to exercise some degree of control over this movement, continued hostilities in the area are inevitable; attacks upon Israel and counterattacks by Israel will continue; and ultimate resumption of full-scale hostilities will be gravely threatened.

In my speech of May 28, I also discussed in some detail the growing Soviet military involvement in Egypt. Reports

of Soviet pilots flying Soviet planes in combat-type situations sharply increase the danger of direct Soviet-Israel confrontation. Moreover, the Soviet buildup of naval forces in the Mediterranean that has occurred over the past several months makes clear Soviet intentions of exercising a greater degree of political influence in the Mediterranean and the countries that surround it.

Installation in the delta and Nile Valley of Russian Sam III missiles to protect against low-level Israel attack appears quite significant. The batteries are reportedly Russian commanded, operated, protected, and supported; and it is said that they virtually insure Alexandria, Cairo, and Egyptian air facilities well south of Cairo against Israeli bombs.

It has been the policy of the United States throughout the post World War II period to seek to insure the security of the State of Israel. This policy was specifically restated by Secretary Rogers on December 9 and in his statement of March 23, at which time the administration deferred a decision on making additional combat aircraft available to Israel. No tangible benefits from this delay are visible. The dangers grow.

While the United States has the responsibility to seek to restrain an unlimited arms race in the Middle East, which I support, we also have a responsibility to insure that Israel has access to the weapons and planes to defend herself. Israel does not ask the United States to defend her. She asks only for the materials with which to defend herself.

Recently, 70-odd of my colleagues have signed a joint letter addressed to the Secretary of State urging that the Government announce its intention to provide additional combat aircraft to the State of Israel. I wish to identify myself with the sentiment and the recommendation expressed in that letter. I preferred to write the Secretary of State to express my own views more precisely. On June 5, 1970, I wrote a letter to President Nixon in which I pointed out some of the factors which I have stated here. The concluding paragraph of my letter to President Nixon is as follows:

Under all these circumstances, and in the absence of some private understanding be-

tween yourself and Russia, I respectfully urge your approval of the sale of needed planes to Israel.

Mr. President, reports this morning of events in Jordan reflect a very tense and a very precarious situation. I urge the President and officials of his administration to accord full consideration to this situation on a priority basis, and to make the required planes available to Israel.

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

Mr. GORE. I yield.

Mr. GRIFFIN. Mr. President, the Senator from Tennessee has indicated that he wishes to announce his intention to be associated and identified with those who signed the letter recently directed to the President, urging that planes be made available to Israel. On behalf of the Senator from New Hampshire (Mr. Corron) I want to indicate that he, also, wanted it noted in the RECORD today that he wishes to be identified and associated with those who have signed that letter to the President of the United States.

Mr. GORE. I wish so to be recorded, also, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ADJOURNMENT TO MONDAY,  
JUNE 15, 1970

Mr. ANDERSON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, June 15, 1970, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate June 12, 1970:

DEPARTMENT OF LABOR  
James D. Hodgson, of California, to be Secretary of Labor.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1970:

NATIONAL SCIENCE FOUNDATION

The following-named persons to be Assistant Directors of the National Science Foundation:

- Edward C. Creutz, of California.
- Lloyd G. Humphreys, of Illinois.
- Louis Levin, of Maryland.
- Thomas B. Owen, of Washington.

PUBLIC HEALTH SERVICE

The nominations beginning Arnold B. Barr, to be surgeon, and ending Dennis R. Shipman, to be an assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 15, 1970.

U.S. AIR FORCE

Brig. Gen. Frank A. Bailey, [redacted] FG, Arkansas Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force to the grade of major general, under the provisions of chapters 35 and 337, title 10 of the United States Code.

U.S. ARMY

The following-named officers to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. James Dyce Alger, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Andrew Jackson Boyle, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. John Edward Kelly, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Charles Wythe Gleaves Rich, [redacted] Army of the United States (major general, U.S. Army).

U.S. NAVY

Adm. Ignatius J. Galantin, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. ARMY

The nominations beginning Gerald O. Anderson, to be major, and ending Felix D. Winter, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 5, 1970.

EXTENSIONS OF REMARKS

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 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 1,500 American prisoners of war and their families.

How long?

DISTINGUISHED PUBLIC SERVANT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DORN. Mr. Speaker, yesterday before the Subcommittee on Roads we received the testimony of one of America's distinguished public servant's, my dear friend, the Federal Highway Administrator, Hon. Frank C. Turner. He testified in his usual knowledgeable and helpful manner. By coincidence today also marks the beginning of his 42d year as a public servant.

Frank Turner is a great human being, a fine engineer—a real American.

He has served the American people in many parts of the world including Central America, the Philippine Islands, and Alaska. He has been one of the key figures in directing the progress of our interstate highway program.

He is a graduate of that great university, Texas A. & M., which contributed more officers to service in World War II than any other university. He expresses the spirit of that great university in his dedication to duty.

Frank Turner through his public service over the years has contributed immeasurably to the social, economic,