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40,000 acres and is bounded by highway numbers 770, 105, and 326. The park should also include the great hardwood forests of the Neches River bottoms, which would be about 60,000 acres. Connecting all of these units will be corridors along the major rivers and creeks which will tie all of the different park areas together. These areas which I have described would total 160,000 acres or even more, depending upon the width of the connecting corridors along the rivers and creeks.

The Big Thicket is basically a mixed southern hardwoods area. The creation of a national park of adequate size does not pose a serious threat to the lumber interests of the area, which are dependent upon pine forests for the bulk of their production.

The plan of some of the lumber interests is to bulldoze away the beautiful hardwood forests of the Big Thicket in order to plant pine trees in the future. My plan would save some of these hardwood forests.

I submit that the Big Thicket is big enough for a park of adequate size, such as I propose, and will still leave enough land for the bulldozers and tree farmers.

Mr. President, again I wish to welcome my two fellow Texas legislators to the battle for a Big Thicket National Park. Their proposals would create a real park. Their support is sincerely appreciated. I commend them for their action to help save the Big Thicket. This is the first real legislative assistance in Congress in my long fight for a Big Thicket National Park.

The Big Thicket National Park is gaining strength. It is an idea whose time has come.

S. 3671—A MORE OBJECTIVE INTERPRETATION OF NATIONAL LABOR POLICY

Mr. TOWER. Mr. President, on July 21, the privilege was accorded me of being the leadoff witness before the Separation of Powers Subcommittee, Committee on the Judiciary, on S. 3671, a bill I introduced along with eight other Senators earlier this session.

It has now come to my attention that attempts are being made to paint this bill as antiunion. Nothing could be further from the truth. The bill has absolutely no effect on the substance of labor law. It is jurisdictional only. It does not redefine any unfair labor practices. It does not address itself to the relationships existing between unions, employees, and employers. It does attempt to reaffirm the prerogatives of Congress as the source of national labor policy. It does aim at a more objective interpretation of national labor policy.

Those who claim that S. 3671 is anti-labor are tacitly agreeing with the critics of the National Labor Relations Board who have contended that the decisions of the Board are biased. If simply shifting jurisdiction over unfair labor practices to the Federal district courts is anti-labor, then that is a reflection either on the Board or on the courts. It is either being claimed that the courts can be expected to be antilabor or that the

Board has been prolabor. Since all our experience has been with the Board over the past 35 years, I suggest that the later alternative is closer the truth.

This contention is also supported by testimony which was received by the Separation of Powers Subcommittee in 1968 and by further evidence presented the subcommittee this week in hearings. I shall not go into this mass of evidence now. It is there for all who wish to go into this question.

In my own testimony I address myself to this very matter. Quoting from my statement:

I hope it will not be said that S. 3671 represents an anti-union bias. I think I speak for the cosponsors of S. 3671, as well as for myself, in saying that collective bargaining was the very natural and necessary outgrowth of a social movement based upon contract. As such, it is an institution symbiotically linked to capitalism. On the individual level, it is the ultimate recognition of a system of private ownership of the means of production.

No, if anything, this legislation is designed to include collective bargaining by making its institutions more responsible to the needs of its members, by creating an atmosphere of mutual respect between labor and management within their natural adversary roles, and—perhaps most importantly—reassert Congressional dominance over the Administrative framework.

I want to point out that S. 3671 does not in any way change substantively our body of labor law. What is defined as an unfair labor practice today will still be an unfair labor practice at such time as this legislation may be signed into law. It simply reassigns jurisdiction.

Mr. President, there may be some who for one reason or another will misinterpret the meaning of S. 3671. I suppose that is a problem as old as politics itself and will be with us as long as political issues are debated.

As one who has expressed many times in the past his support of the union movement and even his desire to be a union member were he in a position to join, I state emphatically that S. 3671 is a bill designed to improve and strengthen the union movement by minimizing their failings and maximizing their value to both employers and members.

PRESIDENT BAILEY OF HAMLINE: A REFRESHING PERSPECTIVE ON THE COLLEGE PRESIDENCY

Mr. MONDALE. Mr. President, conditions on our campuses in recent years have given rise to a feeling that the office of a college president is becoming an increasingly embattled one, with the energies of the president becoming devoted more and more to the preservation of order and the protection of his office.

Although I would never disparage the enormously difficult and often trying responsibilities of a college president in these times, I feel that this image is both distorted and probably destructive of our efforts to restore calm and reason to our campuses.

In this light, I was delighted by a short article in the St. Paul Dispatch written by the president of Hamline University, Dr. Richard P. Bailey.

I commend this statement to all Senators as an example of a president and

a campus where reason and respect have prevailed, and where a president and a student body are able to look upon one another with admiration, respect, and warm friendship. I ask unanimous consent that it be printed in the RECORD.

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

[From the St. Paul (Minn.) Dispatch,
June 30, 1970]

THE STUDENTS NEXT DOOR

(By Dr. Richard P. Bailey)

Everyone knows where Hamline's president lives—over there in that big white house with the pillars and the balcony. There are no fences, no alarms, no special police protection, and I own no guns. There is a dog but she barks only at squirrels and bites only dog biscuits. My wife is small and about as threatening as a faculty tea.

I am a sitting duck, exposed, identified, unprotected and vulnerable.

My nearest neighbors are 750 college students, far removed from home and parents. Physically I am closer to more Hamline students more of the time than any other member of faculty or staff. Few citizens in the nation of my generation have a similar residential opportunity; fewer still might want it. It seems a precarious position indeed given the tendency toward violence and disrespect we read about so prevalent among campus youth.

I would like to bask in an heroic role. But that would be dishonest and would bring hoots of derision from my 750 neighbors. The truth is that I feel safer, and probably am, than 99.44 per cent of my fellow citizens who live amid less youthful neighbors.

I have never been threatened, pillaged, de-rid or molested.

My sleep, alas, has often been disrupted. This spring my zestful neighbors were occasionally noisy and playful well beyond my normal 10:30 time for retiring. They sing, they play hide-go-seek, they explode what sound like firecrackers, they turn the volume of their hi-fi's up to decibels beyond middle-age tolerance, and they move over the campus from here to there and back with joyous sociability after dark. They beep the horns of their cars and squeal their tires.

One night I was awakened at 1:30 by the noise of a touch football game developing on the street just below my bedroom window.

"That's too much," I thought and I pulled on my trousers and assumed by "authoritative air" to express my presidential petulance in person. The game was being joined by other players even as I dressed. They had all finished studying for exams and were enjoying a recreational break before bedtime. Their schedule was not the same as mine. Did that make mine better? I decided not. Removing my "authoritative air" and my trousers I went back to sleep before the game ended.

Certainly they ask favors of me as would any neighbor. They run cords in my windows to light their outdoor dances, they borrow firewood to burn in their lounge fireplaces, they ask me to support their drives and campaigns, they have snowball fights in my yard, they strip my mountain ash tree of its fall berries for chemistry experiments, and once they borrowed my front door. But they also sing Christmas carols to my family, and perform sorority initiation stunts for my admiring 11-year-old.

Never have they been destructive in any way. Never have they purposely annoyed me. Never have they shown any of the disrespect for authority about which you have read so much.

On commencement evening this year as I was retiring I heard the beeping of a horn out on the street below my open window. I

looked out and someone I must identify as a departing Hamline graduate called out:

"So long, Rick!"

It had been a long day and commencement had been momentarily disrupted, you remember, by non-Hamline young radicals. I needed no more youthful demagoguery. My "authoritative air" began to form. . . .

But this was youthful friendship being offered—all of my friends call me Rick.

"So long, Piper," I called as the car and its unknown occupant sped away into the night. And to myself I whispered, "and God bless and keep you, young friend and Hamline—and 2,300 other colleges and universities and this our beloved country—and our neighbors who live beyond the borders of campus and nation."

MR. CHET HUNTLEY

Mr. ALLOTT. Mr. President, let us pause a moment and ponder the hazards of life experienced by Mr. Chet Huntley recently.

It is well known that Mr. Huntley, who is about to leave his position with the National Broadcasting Co., recently gave an interview to Life magazine. This interview quoted Mr. Huntley as saying some very harsh things about the present administration, and specifically about the President and the Vice President.

Now comes Mr. Huntley to say—of all things—that he has not been treated fairly by the media. He has confided to the Bozeman, Mont., Chronicle that he was misquoted by Life.

Mr. President, it is not entirely clear why Mr. Huntley thought the Bozeman Chronicle was the best place to deny the accuracy of an interview which was published in a magazine read by scores of millions of Americans. But be that as it may, it is even more curious that there is only one part of the Life interview which Mr. Huntley does not disavow.

This is the part where Mr. Huntley says some very hostile things about the Vice President. Of course what has mediaman Huntley upset about the Vice President is that the Vice President has said that the media is often unfair.

Evidently Mr. Huntley thinks Life is unfair to him, and it is fair for him to attack Life, but it is unfair of the Vice President to join Mr. Huntley in complaining about the media, so it is fair for Mr. Huntley to denounce the Vice President.

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

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

HUNTLEY FINDS LIFE HAS ITS DRAWBACKS

BOZEMAN, MONT., July 21 (AP)—Chet Huntley of the Huntley-Brinkley news telecast says Life magazine incorrectly quoted him as saying it "frightens me" that Richard M. Nixon is president.

In a letter to the Bozeman Chronicle Huntley declared Monday that he actually said he "worried about all presidents of the United States—whether they will stay healthy, whether they can stand the strain, their power, the decisions they make, and our tendency to make monarchs out of them."

In New York, a Life spokesman said, "After reading the account of what he said, Mr. Huntley may have regretted saying it. But there is no question about the accuracy of what was reported. Mr. (Thomas) Thomp-

son's (the Life reporter) notes are available if Mr. Huntley wants to see them."

Huntley, 58, retires from the telecast after the Friday night show and will devote full time to developing a Montana recreational complex.

The newscaster also disowned another quote in the Life interview: "The shallowness of the man—President Nixon—overwhelms me."

In disclaiming that quote, Huntley said he had ventured the judgment that the 1968 campaign, as waged by all candidates, was shallow and that the President's rationale for Cambodia was thin.

"But that was transformed into the statement that I think Mr. Nixon was shallow," Huntley said.

Huntley also denied having said he had "poured Scotch" for President Johnson.

"Well, so it goes," concluded Huntley. "The only reasonably accurate quote was the one about the Eastern Establishment."

In that passage the newscaster was quoted as saying "Spiro Agnew is appealing to the most base of elements" and that the networks had "almost created" Agnew through intensive news coverage.

THE CONGRESS AND THE WAR

Mr. MCGOVERN. Mr. President, the constitutional considerations discussed in connection with Senate debate on the Church-Cooper amendment will doubtless occupy our attention again when the McGovern-Hatfield amendment to the military procurement authorization bill becomes the pending business.

That amendment, which would set a definite timetable for withdrawal of U.S. forces from Vietnam, does not seek to make any retrospective declarations on the constitutionality or legality of the war. It does not in any sense pose a legal challenge to the actions of President Johnson or President Nixon in the pursuit of the policies they have deemed appropriate. This is a matter over which there is room for substantial dispute, and many of us have strong feelings on the matter. But we should emphasize that our amendment does not seek to adjudicate the past; that it rather charts a course for the future.

In connection with our discussion, however, I do think it is pertinent to note the fashion in which constitutional issues are being drawn in court tests pending now. I refer specifically to two New York cases, Orlando against Laird in the U.S. District Court for the Eastern District of New York and *Berk v. Laird*, Docket No. 35007 in the U.S. Court of Appeals for the Second Circuit.

In the former case, the district court, in denying a preliminary injunction against enforcement of orders that would send the plaintiff to Indochina, concluded that Congress has ratified the war through many legislative acts and particularly through appropriations. It said:

The huge appropriations annually voted to sustain the expanding combat activity cannot be read out of being as extorted by the exigencies created by presidential seizures of combat initiatives. . . . The power of the purse was lodged in the House and the appropriation power was expressly limited when exercised to raise and support armies as part of the conscious constitutional scheme for controlling the Executive's resort to combat activities. Specific appropriation statutes here, as the Government's brief points out,

leave no uncertainty about Congressional will and purpose.

The Court said further:

Political expediency may have counseled the Congress's choice of the particular forms and modes by which it has united with the presidency in prosecuting the Vietnam combat activities, but the reality of the collaborative action of the executive and the legislative required by the Constitution has been present from the earliest stages.

In *Berk* a preliminary injunction was also denied and that decision has been affirmed on appeal. It is interesting to note, however, that the court of appeals remanded the case for further proceedings, calling upon the plaintiff to show first that he does not present an unmanageable political question. If that obstacle is surmounted there apparently will be an inquiry on the question whether congressional action has or has not fallen short of a determinable standard of authorization for the Vietnam war.

On a pending motion to dismiss, it is the Government's contention, in line with the holding in the Orlando case, that appropriations for the war have amounted to authorization. It argues:

The law is clear that "Congress may . . . do by ratification what it might have authorized. . . . And ratification may be effected through appropriation acts . . . (where) appropriation . . . plainly shows a purpose to bestow the precise authority claimed." *Ex parte Endo*, 323 U.S. 283, 303, n.24 (1944 Douglas, J.).

It seems to me that these arguments and holdings have a direct bearing on the amendment. As I read them they say that approval of the appropriations used for the prosecution of a war is equivalent, in practical effect, to a declaration of war.

Mr. President, I have voted for most of the military appropriations bills which have been used for the war in Vietnam. At the same time, going back to 1963, I have firmly opposed our escalating involvement in that conflict. There has been no period of time in which I would have supported a declaration of war in Vietnam. I am sure I have not been unique in the Senate in feeling an obligation to provide full support to the young Americans who have been dispatched to Vietnam, while at the same time believing that they should be brought home.

But it may be that we cannot have it both ways. Regardless of how we construe our votes on appropriations, it appears that the courts, if they reach the question, are likely to treat them as legislative approval for prosecution of the war.

The McGovern-Hatfield amendment to end the war, does no more, therefore, than place directly before the Senate a decision which it has made indirectly each year since the war began. It is a decision we cannot escape, because what the courts are really telling us is that the power to authorize war is not delegable; that we are exercising it even though we may think we are only providing funds to support the troops placed in the field by the President.

Congress not only has the power to review and approve or disapprove the com-