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S. 430 AND S. 431

At the request of the Senator from Arizona (Mr. FANNIN) on behalf of the Senator from Nebraska (Mr. HRUSKA), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Kansas (Mr. DOLE), the Senator from North Dakota (Mr. YOUNG), the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. GURNEY), the Senator from Utah (Mr. BENNETT), the Senator from Wisconsin (Mr. PROXMIER), and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of S. 430, a bill to amend title 18, United States Code, to provide for the issuance of certain persons of judicial order to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes, and S. 431, a bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes.

S. 546

At the request of the Senator from New Jersey (Mr. CASE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 546, to require specific congressional approval of construction of an oil pipeline across Federal lands in Alaska.

S. 745

At the request of the Senator from New Jersey (Mr. CASE), on behalf of the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from New York (Mr. JAVITS), the Senator from Kentucky (Mr. COOPER), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 745, the Federal Environmental Pesticide Control Act of 1971.

S. 887

At the request of Mr. EAGLETON, the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 887, to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology.

S. 927

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 927, to provide criminal penalties for knowingly making false or deceptive claims in environmental advertising.

S. 956

At the request of the Senator from Pennsylvania (Mr. SCOTT), the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 956, to revise the Federal election laws, and for other purposes.

S. 987

At the request of the Senator from Wyoming (Mr. HANSEN), the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 987, the Health Care Insurance Act of 1971.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 5

At the request of the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Washington (Mr. MAGNUSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. MONDALE), the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Vermont (Mr. PROUTY), were added as cosponsors of Senate Joint Resolution 5, designating January 15 of each year as "Martin Luther King Day."

SENATE RESOLUTION 59—SUBMISSION OF A RESOLUTION RECOGNIZING CERTAIN WIVES AS "WOMEN OF THE YEAR" FOR 1971

Mr. LONG submitted the following resolution (S. Res. 59); which was referred to the Committee on the Judiciary:

S. RES. 59

Whereas there are more than 1,500 Americans being held or missing and believed to be held as prisoners of war by Communist forces in Southeast Asia; and

Whereas the Government of North Vietnam has flagrantly disregarded all the provisions of the Geneva Convention of 1949 regarding the humane treatment of prisoners of war, including refusal to identify prisoners of war held by it; and

Whereas because of the inhumane treatment that has been inflicted upon American prisoners of war and because of the almost total lack of information regarding these brave men, their families, and especially their wives, have undergone and continue to undergo extreme mental suffering and other hardships; and

Whereas the wives of American prisoners of war have demonstrated remarkable bravery, patience, and faithfulness under extremely distressing and anxious circumstances: Now, therefore, be it

Resolved, That the Senate hereby recognizes as "Women of the Year" for 1971 all of those brave women of the United States whose husbands are being held as prisoners of war by Communist forces in Southeast Asia or whose husbands are missing and believed to be so held.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 38

At the request of the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. DOLE), the Senator from Tennessee (Mr. BAKER), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of Senate Resolution 38, to give the Select Committee on Small Business authority to consider and report legislation relating to the problems of American small business.

NOTICE OF HEARING ON FARMERS HOME ADMINISTRATION

Mr. TALMADGE, Mr. President, on behalf of the Senator from South Da-

kota (Mr. MCGOVERN), I announce the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture and Forestry will hold a hearing on S. 290 and S. 578 Tuesday, March 9, at 10 a.m. in room 324, Old Senate Office Building. These bills authorize the Farmers Home Administration to insure farm operating loans. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF PUBLIC HEARING TO CONSIDER THE APPOINTMENT OF FEMALE PAGES

Mr. CANNON, Mr. President, I announce that at 10 a.m. on Thursday, March 4, 1971, there will be a public hearing in room 301 of the Senate Office Building on the subject of appointing female pages to serve in the Senate.

The hearing will be conducted by an ad hoc subcommittee of the Committee on Rules and Administration. Testimony will be received concerning existing rules and regulations governing pages, including age, qualifications, education, housing, security, duties, and dress.

"THE SELLING OF THE PENTAGON"— COLUMBIA BROADCASTING SYSTEM DOCUMENTARY

Mr. FULBRIGHT, Mr. President, on the evening of February 23 the Columbia Broadcasting System presented one of the most important documentary productions about our Military Establishment I have ever seen.

Written and produced by Mr. Peter Davis and narrated by Mr. Roger Mudd, the program is a most graphic and impressive portrayal of why our country has become so profoundly dedicated to military affairs.

I ask unanimous consent to insert as a part of my remarks two reviews of the CBS production of "The Selling of the Pentagon," one from the New York Times and the other from the Washington Post.

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

[From the New York Times, Feb. 24, 1971]

TV: CBS EXPLORES PENTAGON PROPAGANDA COSTS

(By Jack Gould)

The Columbia Broadcasting Systems' news division packed its old-time wallop last night in a brilliant documentary entitled "The Selling of the Pentagon." The fur seems certain to fly in Washington, since C. B. S. nailed down traveling colonels dabbling in foreign policy, the chairman of the House Armed Services Committee making a propaganda film for the Department of Defense, small children being introduced to generally deadly weapons and a frank admission that C. B. S. and its nightly anchorman, Walter Cronkite, had either been duped or had knowingly cooperated in shows not under their independent supervision.

Richard S. Salant, president of C.B. S. News, is a man known for basic guts. In "The Selling of the Pentagon" he authorized an uncompromising look at the incredibly extensive and costly efforts of the military services to win public support and struck a whale of a constructive blow for unfettered TV journalism free from Washington manipulation.

I believe, was wrongly decided. See *Niagara Reservation, passim*. In any event, it has no relevance to our question. That case held that a Senate reservation to a treaty with Canada, providing that the treaty would not go into effect in the United States until Congress adopted legislation, did not have the effect of law in the United States since it was not part of the contract with Canada. That case suggests that only provisions that are "contractual," i.e., part of the agreement with the foreign nation, can be law of the land. Nothing in that case suggests any limitations on the kinds of provisions that can be made subject of a contract with other nations. In a human rights convention, the provisions are "contractual," imposing obligations upon the parties.

"The majority opinion in the case adopted the views of Professor Jessup, counsel for the Power Authority in the case, and author of a legal memorandum published earlier on the same issues. Professor Jessup has been one of the leading exponents of the position which would have the individual a subject of international law, and has expressly favored multilateral conventions to promote human rights." P. JESSUP, *A MODERN LAW OF NATIONS* 87-93 (1948).

"Even minor agreements have a foreign relations purpose. In 1963 President Kennedy asked the advice and consent of the Senate to three United Nations conventions dealing with the abolition of slavery, the abolition of forced labor, and the enforcement of political rights of women. He said:

"United States law is, of course, already in conformity with these conventions, and ratification would not require any change in our domestic legislation. However, the fact that our Constitution already assures us of these rights does not entitle us to stand aloof from documents which project our own heritage on an international scale. The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations.

"These conventions deal with human rights which may not yet be secure in other countries; they have provided models for the drafters of constitutions and laws in newly independent nations; and they have influenced the policies of governments preparing to accede to them. Thus, they involve current problems in many countries.

"They will stand as a sharp reminder of world opinion to all who may seek to violate the human rights they define. They also serve as a continuous commitment to respect these rights. There is no society so advanced that it no longer needs periodic recommitment to human rights.

"The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny."—*Hearings on Human Rights Conventions Before a Subcomm. of the Senate Comm. on Foreign Relations*, 90th Cong., 1st Sess. 40 (1967).

⁷¹ U.S. Dep't of State, Dep't Cir. No. 175 (1955), reprinted in 50 AM. J. INT'L L. 784 (1956).

⁷² For other reassurances to the Brickerites, see *Law of the Land* 934-35 n.66.

⁷³ U.S. Dep't of State, Dep't Cir. No. 175, at 2 (1955). The Circular, in turn, echoes remarks made by Dulles two years earlier during the hearings on the Bricker Amendment. See *Hearings on S.J. Res. 1 and S.J. Res. 43 Before a Subcomm. of the Senate Comm. on the Judiciary*, 83d Cong., 1st Sess. 824-25 (1953). The circular has since been revised and the quoted language eliminated.

⁷⁴ In fact, when President Kennedy in 1963 sent three minor human rights conventions to the Senate, see note 66 *supra*, it did eventually consent to one of them. *CONG. REC.*, vol. 113, pt. 23, pp. 30905-06 (consent to convention on abolition of slavery).

⁷¹ American Bar Association, *Report of the Standing Committee on Peace and Law Through United Nations: Human Rights Conventions and Recommendations*, 1 INT'L. LAW. 600, 601 (1967). Note that the Circular, *supra* note 69, speaks of "domestic concern," not of "domestic jurisdiction." The latter has become a term of art in international law; the former has not. See notes 72-74 *infra* and accompanying text. The Circular may have intended to use "domestic concern" in contradistinction to Hughes' "international concern." In fact, this is a leading play on words. "Domestic concern" and "international concern" are not closed, exclusive categories. To say that something is essentially a matter of domestic concern may be merely a way of expressing a determination not to negotiate about it. But what is essentially a matter of "domestic concern" becomes a matter of "international concern" if nations do, in fact, decide to bargain about it. See note 75 *infra*.

⁷² Compare U.N. CHARTER art. 2, para. 7, with Declaration on the Part of the United States, 61 Stat. 1218 (1946), T.I.A.S. No. 1598 (promulgated Aug. 14, 1946), in which the United States accepted, with reservations, compulsory jurisdiction of the International Court of Justice under I.C.J. STAT. art. 36, para. 2. One of the stipulated exceptions related to "... disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America. . . ." Declaration on the Part of the United States, *supra*.

⁷³ See e.g., Declaration on the Part of the United States, 61 Stat. 1218 (1946), T.I.A.S. No. 1598 (promulgated Aug. 14, 1946).

⁷⁴ See Advisory Opinion on Nationality Decrees Issued in Tunis and Morocco, [1923] P.C.I.J. ser. B, No. 4.

⁷⁵ The authors of this argument might insist that they are using "domestic jurisdiction" in some special sense. I do not know what it is. It would seem that they are trying by this phrase to read back into the Constitution the notion that a treaty may not deal with a "local matter"—a notion long rejected and finally demolished in *Missouri v. Holland*. The point is that the concept of "domestic jurisdiction" is irrelevant to the constitutional question whether an agreement relates to our foreign relations and has some foreign policy purpose.

⁷⁶ E.g., *Heart of Atlanta Motel v. United States*, 379 U.S. 241 (1964); *Katzenbach v. McClung*, 379 U.S. 294 (1964).

⁷⁷ See, e.g., *Steward Mach. Co. v. Davis*, 301 U.S. 548 (1937).

⁷⁸ E.g., *Katzenbach v. Morgan*, 384 U.S. 641 (1966). See also *United States v. Guest*, 383 U.S. 745 (1966).

⁷⁹ *Law of the Land*, 936.

MARTIN LUTHER KING DAY—SENATE JOINT RESOLUTION 5

Mr. TUNNEY. Mr. President, I am pleased to join the Senator from Massachusetts (Mr. BROOKE), in sponsoring a resolution to designate January 15 of every year as Martin Luther King Day.

On April 4, 1968, the Nation and the world was shocked and saddened at the brutal loss of a truly great leader. His long years of commitment and devotion to the cause of racial equality and the leadership he gave will be his true monument in history. It is most fitting, however, that we pay honor and give continued attention to the goals which he set before us by setting aside this day each year.

This resolution designates January 15 of each year as Martin Luther King Day and authorizes the President to issue the appropriate proclamation. On this day

citizens across the entire Nation pay tribute to the goals which Dr. King so nobly served. Let us also renew each year on that day our national commitment to the cause of racial equality and justice for every person in every part of this Nation.

U.S. WITHDRAWAL FROM VIETNAM

Mr. TAFT. Mr. President, I support an irreversible policy of withdrawal from Vietnam. In that context I support the action in Laos and Cambodia solely on the basis that it may be directly related to the acceleration of our troop withdrawals.

For years, Cambodia and Laos have been used as supply routes for the continuation of the war in Southeast Asia. Bombing was not a successful means of halting the flow of troops and material. If, however, the South Vietnamese are able to block the Ho Chi Minh Trail, this may be the best means of slowing down their war effort and enabling the United States to accelerate its withdrawal.

On February 13, 1971, the Economist magazine published an article entitled "Just What Giap Ordered." I commend the article to the Senate as we consider means of facilitating the withdrawal of American forces from Vietnam and 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:

JUST WHAT GIAP ORDERED

THE ATTACK INTO LAOS IS IN ACCORDANCE WITH THE BEST ADVICE AVAILABLE ON THE INDOCHINA WAR

The South Vietnamese have finally gone ahead with the operation in southern Laos that they have been dreaming about for years. The Americans mounted a huge logistical exercise up around Khe Sanh to support them, and American planes and helicopters nosed ahead as the South Vietnamese drove westward down Route 9 into Laos soon after daybreak on Monday. But on the ground they will have to face the enemy alone. They have already shown some efficiency in offensive operations in Cambodia. This will be a harsher test of their staying power. So far there have been only a few early skirmishes between the South Vietnamese and the communist forces posted along the Ho Chi Minh trails; * * *. But there could be some major battles ahead.

There are good reasons why the North Vietnamese may be more interested in taking on the South Vietnamese than they were in Cambodia in April and May last year, when they simply faded away into the bush. The terrain favours them as practised guerrillas; they know the lie of the land, and they may try to cut off South Vietnamese units and encircle them. They may be encouraged by the fact that they are not facing American ground troops—although no one should underrate the battalions from South Vietnam's 1st Division that have moved into Laos. But the big factor is that the stakes in Laos are even higher than they were in Cambodia. If they lost control of their Laotian supply lines, the North Vietnamese would eventually be forced to pull out of the war in Cambodia and South Vietnam. Those supply lines are what this operation is all about. The surprising thing is not that President Nixon consented to the entry into Laos now, but that it did not take place three or four years earlier.

It is not clear how much the South Viet-

and, under regulations prescribed by the Secretary or his delegate, the election under paragraph (1) shall also include or be accompanied by such an election under section 3121 (r)."

(b) Section 3121 of such Code (definitions under Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(r) Service Excluded Under Election Made by Individual 65 Years of Age or Over.—

"(1) In general.—For purposes of this chapter other than for purposes of the taxes imposed by section 3111, the term 'employment' shall not include any service with respect to which an election under paragraph (2) applies.

"(2) Election of exemption—

"(A) In general.—Any individual who at the close of his taxable year (which shall be determined in the manner provided by section 211(e) of the Social Security Act) is 65 years of age or over may, at his option, in the manner provided in subparagraph (C), elect to be exempt from the tax under section 3101 for such taxable year. An election made by an individual for any taxable year under this paragraph shall be irrevocable (and may not be changed by amendment of such individual's return for such year or otherwise).

"(B) Applicability of election.—An election made by an individual under this paragraph shall apply with respect to all service performed by such individual during the taxable year for which it is made which would constitute 'employment' for purposes of this chapter but for this subsection.

"(C) Manner of election.—An election by an individual under this paragraph to be exempt from the tax under section 3101 for any taxable year may be made only by filing a claim (which must be included in or accompany an election made under section 1402(i)(1) in the case of an individual who is described in section 1402(i)(3)) for a special refund of such tax under section 6413(d), by means of a credit against the income tax on account thereof under section 31(b) for such taxable year or otherwise."

SEC. 3. (a) (1) Section 6413 of the Internal Revenue Code of 1954 (special rules applicable to certain employment taxes) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) Special Refunds Arising Out of Exemption Based on Age.—

"(1) In general.—If an employee described in section 3121(r)(2)(A) receives wages from one or more employers for services performed during the taxable year, such employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate).

"(2) NOTIFICATION TO SECRETARY OF HEALTH, EDUCATION, AND WELFARE.—The Secretary or his delegate shall promptly notify the Secretary of Health, Education, and Welfare of each special refund allowed under this subsection."

(2) Section 6413(c) of such Code (relating to special refunds) is amended—

(A) by inserting "Based on Multiple Employment" after "Refunds" in the heading; and

(B) by inserting after "during such year" where it appears in clause (D) of paragraph (1) the following: "(after the application of section 3121(r)(1) in any case to which it applies)".

(b) Section 31(b) of such Code (relating to credit for special refunds of social security tax) is amended—

(1) by inserting "or 6413(d)" after "section 6413(c)" in paragraph (1); and

(2) by inserting after "to which paragraph

(1) applies" in paragraph (2) the following: "and which represents a special refund allowable under section 6413(c)".

(c) Section 205(c)(5)(F)(i) of the Social Security Act is amended by inserting after "information returns" the following: ", elections made under sections 1042(i) and 3121(r) of the Internal Revenue Code of 1954,".

SEC. 4. The amendments made by this Act shall apply only with respect to taxable years beginning after the date of the enactment of this Act.

By Mr. BAKER (for himself, Mr. HRUSKA, Mr. RANDOLPH, and Mr. TAFT):

S. J. Res. 66. A joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States; referred to the Committee on the Judiciary.

Mr. BAKER. Mr. President, I send to the desk on behalf of myself and Senators HRUSKA, RANDOLPH, and TAFT a joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States. I ask that it be appropriately referred.

Mr. President, one may recall that a little over 2 years ago, the late Senator Dirksen introduced this resolution in his typical unique style. He spoke of the marigold's rugged character which enables it to resist most insects as well as air pollution, but what impressed him the most and impresses me the most is the true beauty of the flower.

Although we have adopted the American eagle and the American flag to represent the strength and freedom of our land, we have no symbol that properly represents the vast beauty of this Nation. I feel that the American marigold could very appropriately be that symbol. It is a native American flower which grows in great profusion in all 50 States and yet it is not the official flower of any State.

As my good friend, David Burpee, of W. Atlee Burpee Seed Growers, has pointed out, the marigold is quickly and easily grown from seed packets which are readily available at most nurseries and hardware stores.

Therefore, in view of the fact that the United States is the only major free country in the world without a national floral emblem, I introduce this joint resolution, stating very simply that the American marigold—*Tagetes erecta*—shall be designated and shall be adopted as the national floral emblem of the United States, and that the President be requested to declare that fact by proclamation.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

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

S. J. RES. 66

Joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States.

Whereas the peoples of the world have from time immemorial adopted emblems—flags, birds, flowers—for their countries, representative of their national virtues; and

Whereas the people of the United States have similarly adopted emblems—the American flag and the American eagle—to represent the virtues of this country; and

Whereas each of the fifty sovereign States of the United States, in addition to its State flag has a floral emblem which it cherishes as its own; and

Whereas the United States is the only major "free" country in the world without a floral emblem; and

Whereas the American marigold represents the character of the United States more appropriately as an emblem than does any other flower in that it is an American native and native of nowhere else in the world; grown in abundance in the home gardens of every State in the Union yet not the floral emblem of any State in the Union; grown easily and quickly from seed; already acknowledged as a symbol of religious faith; a flower in its very appearance representing not just beauty but a rugged humility of character; and, like the American eagle and the American flag, an exclusively American emblem, unclaimed by any foreign nation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the flower commonly known as the American marigold is hereby designated and adopted as the national floral emblem of the United States, and the President is requested to declare such fact by proclamation.

ADDITIONAL COSPONSORS OF BILLS

S. 34

At the request of Mr. KENNEDY, the Senator from New Jersey (Mr. CASE) and the Senator from North Carolina (Mr. JORDAN) were added as cosponsors of S. 34, the Conquest of Cancer Act.

S. 582

At the request of Mr. HOLLINGS, the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. GURNEY), the Senator from Washington (Mr. JACKSON), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 582, a bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones.

S. 726 AND S. 727

At the request of Mr. MONDALE, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 726, the National Agricultural Bargaining Act of 1971, and S. 727, the National Agricultural Marketing Act of 1971.

S. 743

At the request of Mr. McGOVERN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 743 designating the birthday of Martin Luther King, Jr., as a legal public holiday.

S. 859

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 859 to improve programs of aid to the blind.

S. 973

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PASTORE), the Senator from Alaska (Mr. STEVENS),