SENATE

TUESDAY, APRIL 25, 1967

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God who art the hope of all the ends of the earth: Amid the tragedy of a broken world, at noonday facing the tasks of a new week, in deep humility of spirit we would ascend the altar stairs of this hallowed shrine of our faith in spiritual verities. Before we talk of the Nation's good we would lift our needy hearts to the Nation's God, for in Thee we trust.

Grant unto us that greatness of vision which shall match the vast patterns of this creative day. Save us from setting narrow limits upon our responsibility to our fellow men. May no pettiness in our patriotism rob us of the ruling passion to sacrifice all for the common good. May we never hesitate when the choice is between honor and self-interest. Bring us, we pray Thee, to an enduring peace, when justice shall roll down like the waters and righteousness as a mighty stream.

We ask it in that name above every name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 24, 1967, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 824. An act to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia;

H.R. 828. An act to provide criminal penalties for making certain telephone calls in the District of Columbia;

H.R. 2824. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 2897. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 3370. An act to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended;

H.R. 3399. An act to amend section 2 of Public Law 88-240 to extend the termination date for the Corregidor-Bataan Memorial Commission;

H.R. 3931. An act to amend the act of April 3, 1952; and

H.R. 7417. An act to prescribe administrative procedures for the District of Columbia government.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 824. An act to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia;

H.R. 828. An act to provide criminal penalties for making certain telephone calls in the District of Columbia;

H.R. 2824. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 2897. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 3370. An act to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended;

H.R. 3931. An act to amend the act of April 3, 1952; and

H.R. 7417. An act to prescribe administrative procedures for the District of Columbia government; to the Committee on the District of Columbia.

H.R. 3399. An act to amend section 2 of Public Law 88-240 to extend the termination date for the Corregidor-Bataan Memorial Commission; to the Committee on Foreign Relations.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in connection with routine morning business be limited to 3 minutes, after the speeches by the distinguished Senator from South Dakota [Mr. MCGOVERN] and the distinguished Senator from West Virginia [Mr. RANDOLPH].

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

RECOGNITION OF SENATOR MCGOVERN

The PRESIDENT pro tempore. Under the order of Wednesday, April 19, 1967, the Senator from South Dakota [Mr. MCGOVERN] is recognized for a period not to exceed 1 hour.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield me 3 or 4 minutes, with the time not to come out of his time?

Mr. MCGOVERN. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, all committees were authorized to meet during the session of the Senate today.

TRIBUTE TO SENATOR MARGARET CHASE SMITH—50TH HONORARY DEGREE

Mr. MANSFIELD. Mr. President, over the weekend our distinguished colleague, the senior Senator from Maine [Mrs. SMITH], one of the ranking Senators in this body, received her 50th honorary degree from Bates College in the State of Maine. I take this occasion to extend my congratulations and best wishes to Senator SMITH for a well-deserved honor and also to Bates College for having the perspicacity and judgment to recognize the talents and contributions of the distinguished Senator from Maine.

In the House of Representatives, in which she preceded me, our offices used to be next to one another. I received much in the way of advice and counsel from Representative SMITH, and I have continued to be the recipient of her wisdom in my 15 years in the Senate.

After the completion of a quarter of a century of public service in the Congress of the United States, Senator SMITH has made a record of which she can be proud. She has maintained her integrity, her tolerance, and her understanding of problems and people. She is one not easily swayed after she has studied the facts and made up her mind. Her contributions to the Republic have been many and lasting. They furnish the living monument which she has built over the years and this monument stands straight and tall in the annals of this legislative body.

Again my best wishes and congratulations—and I know I speak for the Senate as a whole—to the senior Senator from Maine for a record of real accomplishments and a job well done.

Mr. AIKEN. Mr. President, on Saturday, April 22, the Senate was signally honored when the senior Senator from Maine [Mrs. SMITH] received her 50th honorary degree from Bates College in Maine. I was very happy to read the remarks of the president of Bates College, Thomas Hedley Reynolds, when he conferred that degree, because he left Vermont to become president of Bates College. His remarks were partially as follows:

MARGARET CHASE SMITH: What could be more appropriate for a recent immigrant from Vermont than to have the privilege of conferring a degree on an indomitable Yankee whose credo is thoroughly understood on the other side of New England and across the world. For your honesty, for your courage, for your simplicity, we honor ourselves in conferring upon you this degree. Therefore, by the authority vested in me by the Board of Trustees, I confer upon you the degree of Doctor of Laws with all of the rights, privileges, and obligations which here and everywhere pertain to this degree.

I do not think that anything I could say would add much to what my fellow Vermonter, who is now president of Bates College, said in presenting the degree to MARGARET CHASE SMITH except to say that we are all extremely proud of this new honor which has come to her. I ask unanimous consent to have printed in the RECORD the citation which accompanied the honorary degree.

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

Mr. President, it is my honor to present Margaret Chase Smith, United States senator from the State of Maine.

In a college which from its founding has

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

declared itself for the principle of equal educational rights for women, it is always gratifying to commend careers which justify this historic commitment, and especially so in the case of Mrs. Smith, who has brilliantly excelled in a field long held as a monopoly of men, and still so dominated.

Born in Skowhegan, Margaret Smith began a career as a newspaperwoman and business executive, before successfully running for her late husband's congressional seat in 1940. Three times returned to the House of Representatives, she won a place in the Senate in 1948, by the largest plurality in the history of Maine politics. Overwhelmingly reelected in every contest since, she is now the only woman ever to have served four elected terms in the Senate. Her seniority has brought her many responsible committee assignments, and she speaks with an increasingly influential voice in public affairs. Her nomination for the presidency of the United States in the Republican convention of 1964, while unsuccessful, did serve both to demonstrate the stature she has within her party, and to serve notice that even the highest political office is considered attainable by a woman.

Mrs. Smith's long and unbroken voting record in the Congress has always been distinguished by a refreshing independence, and shows both a philosophic consistency and a sincerity that transcends party designations. This record of independent wisdom was memorably foreshadowed as early as 1950, when in her first major address in the Senate, she bravely proclaimed her now-famous "Declaration of Conscience" against irresponsible members of her own party engaged in acts of slanderous defamation under the protection of Congressional immunity.

For a long and honorable career in the public life of this nation, and for the inspiration her example has given to men and women alike, I am proud to present Margaret Chase Smith, for the degree, Doctor of Laws.

THE JAPANESE AMERICAN CITIZENS

Mr. MANSFIELD. Mr. President, during the Second World War a great injustice was done to a group of Americans who in dedication, devotion, and patriotism were exceeded by none. I refer to the long and shameful record of discrimination against the Japanese, both foreign and native born, until recent years. They were discriminated against in not being able to become naturalized citizens until 1952. They could not own land in California until a statute of that State was declared unconstitutional in 1952. After Pearl Harbor they were discriminated against still further even though the records show that there has never been a single case of sabotage or espionage, either in Hawaii or on the mainland of the United States.

The Japanese Americans, above all other groups, proved their loyalty to the United States to the extent that the most decorated Army outfit of the United States of the Second World War was the famed 442d Regimental Combat Team, which was composed almost entirely of Nisei. In this respect, may I call the attention of my colleagues to one of our very own, the Honorable DANIEL K. INOUYE, a former Congressman of the United States and now a Senator of the United States, representing Hawaii. DAN INOUYE enlisted in the 442d Regimental Combat Team as a private, engaged in some of the most bloody encounters in the Second World War, lost an arm, earned a battlefield promotion, numerous decorations for bravery, and is now a captain in the U.S. Army Reserve. Incidentally, the motto of this fighting outfit was "Go for Broke," which means "all the way." There is no more dedicated, more patriotic, or more devoted citizen than our outstanding colleague, and I applaud him and his comrades for their many contributions to our country and for their devotion to its principles. They have overcome many handicaps imposed on them without their consent, but they have emerged unscathed.

Earlier this month, the U.S. Supreme Court, by an 8-to-0 vote, decided that the U.S. Government owes $10 million to 4,100 Japanese Americans whose savings were confiscated as "enemy property" 25 years ago. I applaud this decision, but it is only partial compensation for the shame which is this Nation's because of the wholesale uprooting and detention of well over 100,000 Japanese Americans who were guilty of no crime and who were treated with great disrespect and great shame. I know something about these detentions because several thousand Japanese Americans were sent to Fort Missoula, Mont. In that unhappy period I was a member of the faculty of the University of Montana and was one of those who sat as a judge to determine what should be done about these fellow countrymen of ours. I am happy to say that insofar as we were concerned in Montana, they were treated with dignity, respect, and consideration. Yet it is a sad memory.

It would be my hope that the Supreme Court would now make a judgment on whether the mass evacuation was legal and justified so that an incident of this kind would never again occur in the history of the Republic unless completely justified and on solid legal ground.

Mr. President, I ask unanimous consent that an editorial in the latest issue of Life magazine, entitled "Epilog to a Sorry Drama," be inserted in the RECORD at this point.

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

EPILOGUE TO A SORRY DRAMA

The last quiet act in a shameful drama—the wholesale uprooting and detention of 112,985 people who were guilty of no crime—was performed this month in Washington. By an 8-to-0 vote, the Supreme Court decided that the U.S. government owes $10 million to 4,100 Japanese-Americans whose savings were confiscated as "enemy property" 25 years ago.

The decision recalled a page from our past which may be unknown to many of the young Americans who today are concerned with civil rights. It's not something we talk about very much. But perhaps we should, lest we and they grow too complacent about rights we like to think are already well established.

By Dec. 7, 1941, America—and particularly the West Coast—had a long record of discrimination against Orientals. Japanese were ineligible to become naturalized citizens until 1952. A California statute (declared unconstitutional in 1952) prevented Japanese from owning land. But on Dec. 7 came the sneak attack on Pearl Harbor, and there soon spread a pervasive, often irrational, fear of the people in our midst who shared the heritage of the enemy and whose faces set them apart. The Japanese-Americans were treated as enemy aliens, despite the fact that the majority of them—the more than 70,000 "Nisei," or members of the second generation—were born in this country and were thus American citizens.

For the first two months after Pearl Harbor the atmosphere on the West Coast was relatively calm. But as Singapore fell, and as reports of Japanese submarines operating off the coast spread, the West Coast felt its own security from sabotage threatened. Some congressmen, state officials and newspapers began to play on the fear and prejudice.

On Feb. 19, 1942, President Roosevelt signed an executive order giving the military the authority to move the Japanese-Americans off the West Coast. On a few days' notice they were ordered to dispose of their property (many of them lost everything they had; their total loss was estimated at $400 million) and were assigned to "relocation centers"—villages of tar-paper barracks behind barbed wire. Most stayed there until 1945, although thousands were allowed to resettle elsewhere in the U.S. before then.

The official rationale for the evacuation was "military necessity." Yet, even though this could not have been foreseen at the time, the fact is that not a single case of sabotage or espionage involving a Japanese-American was ever established. It is a high tribute to the Japanese-Americans' determination to prove their loyalty to the U.S. that one of the most decorated American Army units of the war was the famed 442nd Regimental Combat Team, manned largely by Nisei.

Today the Japanese-Americans who lived through the ordeal of relocation are remarkably free of bitterness. The Nisei and their children have been conspicuously successful in almost every area of American life. Yet a sorry memory remains. Wartime certainly justifies moving against individuals suspected of sabotage or espionage, and it was probably practical to move enemy aliens from the neighborhood of vital defense installations. But it was wrong to detain indiscriminately thousands of people, without charge or trial, and it is regrettable that even in making restitution, the highest court has not passed judgment on whether the mass evacuation itself was legal and justified.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Dakota yield to me?

Mr. MCGOVERN. Mr. President, I ask unanimous consent that I be permitted to yield to the Senator from Louisiana [Mr. LONG], the Senator from Kansas [Mr. CARLSON], and the Senator from Delaware [Mr. WILLIAMS], without their time being taken out of the time allocated to me.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I wish to congratulate the majority leader for the dramatic statement he has made about the Japanese-American citizens, particularly with reference to DAN INOUYE and the magnificent record of the 442d Regimental Combat Team.

I am familiar with that outfit, and the marvelous record made by those people had much to do with causing me to change my vote to favor Hawaiian statehood, when I became aware of the fine contribution that men like DAN INOUYE had made for their country.

I do not believe the Senator from Montana fully explained the origin of the term "go for broke." I believe it is a term

that one would use in gambling, where one would put everything he had on the line and throw the dice for everything he had left on earth, and he would "go for broke." He either goes broke or he wins.

That is the way those young men felt. They either won for their country or they died. That is what they had in mind. Qualitywise they were, perhaps, America's best fighting unit, with the possible exception of the "Green Berets" or the Army Special Forces, but I doubt whether the Special Service Forces had a better record than the 442d Regimental Combat Team, in light of the courage it displayed.

Mr. President, I recall that not a single man surrendered and that only one man was captured by the enemy, and he had been so badly injured that he was unable to fight any longer.

The record of the 442d Regimental Combat Team is among the finest records in combat anywhere.

TESTIMONIAL DINNER AND PRESENTATION OF HERBERT HOOVER AWARD TO SENATOR HAYDEN

Mr. LONG of Louisiana. Mr. President, it was my pleasure to attend a testimonial dinner yesterday evening in honor of the Senator from Arizona [Mr. HAYDEN], at which the distinguished President pro tempore of the Senate was given the Herbert Hoover Award.

The dinner in honor of the distinguished Senator from Arizona was one of the most enjoyable evenings that I have had in years. I learned many things about the Senator from Arizona that I had never known before. I learned about CARL HAYDEN's record, starting with the days when he was the treasurer of his county, the sheriff of his county, and a football player for Stanford University. I learned many other things about him that I had not known before.

Mr. President, on behalf of myself and the Senator from New Jersey [Mr. WILLIAMS], I ask unanimous consent to have printed in the RECORD a statement delivered by the distinguished Senator from Arizona [Mr. HAYDEN].

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

ADDRESS OF SENATOR CARL HAYDEN IN ACCEPTANCE OF THE 1967 HERBERT HOOVER MEDAL FOR DISTINGUISHED SERVICE, APRIL 24, 1967

Mr. Golden, Secretary Gardner, Secretary Rusk, Secretary McNamara, Fellow Senators, Members of Congress, Mr. Pulliam, President Sterling, Ladies and Gentlemen of the Press, and My Friends:

I was 17 years old when I graduated from the Arizona Territorial Normal School at Tempe, Arizona, in June, 1896. My father, who was a well educated man, decided that I should go to Stanford University. In September, when I presented my Normal School records to the Registrar, he informed me that I had only eight entrance credits and twelve were required for admission to the University. He then softened the blow by saying that I would be permitted to register as a special student and that I could remain as long as I made a passing grade in all my classes, every hour, every semester.

It is needless to say that I did not take Latin, Greek, or mathematics. I devoted my time to courses in economics, history and English. The only exception was a course in elementary geology under Doctor John Casper Branner.

I came to the University wearing a cowboy hat and corduroy trousers. I lived in Encina Hall and nobody paid any attention to me. After some time, I wrote to my mother saying that if she wanted her boy to look like other boys she should send me some money. When it came, I went to San Francisco, where I obtained skin-tight pants, high roll-down collars, and all the other things that a young man then should wear. Immediately afterwards, I received invitations to visit fraternity houses, all of which were declined. I remained a "barbarian" so long as I was a member of the student body.

When I came to the University, I weighed about 130 pounds, so I went to the "gym" to build up my weight, where Tom Storey put me to pulling up chest weights. I tried the track, but my legs were too short to be a sprinter or a hurdler. I later got on the football second team where I played center. In time, I weighed 180 pounds.

In my junior year, I played in a practice game against the Olympic Athletic Club in San Francisco. The opposing center was a big, bull-necked man. When I had my head down as I passed the ball to the quarterback, he placed his big hands on my head and twisted my neck. So, when his head was down, I hit it with my knee and knocked him groggy. I then reflected on his ancestry and told him that he must play like a gentleman.

After that, we got along very well and at the end of the game, when I went to the showers, I asked who was that fellow who played against me. To my surprise, I then learned that he was Jack Monroe, who had fought in Butte, Montana, with Jim Jeffries, who soon afterwards became the heavyweight world champion prize fighter.

I did not take part in another practice game in San Francisco, when the mistake was made of bringing along the first Stanford axe. When the game was over and we were leaving the grandstand, the axe was handed to me to take back to the campus. I only had a few companions with me and we had not walked very far when we were surprised and surrounded by a mob of students from Berkeley. We put up a good fight. I knocked one man down with my fist, but they overpowered us and got away with the axe.

Based upon information that the axe could be found in a fraternity house, I went over to Berkeley one night with some others and raided the place, but our search disclosed that it was not there. After a lapse of years, I was pleased to learn that, as a token of good will, the axe was returned to Stanford.

Antony Henry Suzzalo, who afterwards became President of the Washington State University, was for a time my roommate in Encina. We were members of a Debating Society, and were chosen to represent Stanford in both the Intercollegiate and Carnot Debates. He was a natural orator and I doubt if I could have made either of them without his help.

In 1899, I came home for Christmas. My father became ill and passed away in February, 1900. I had to take charge of his flour mill, general merchandise store, and some farm properties so I could not return to Stanford. Later, I had an opportunity to turn over the mill at a good rental which made it possible for my mother to go to Palo Alto with my two sisters who became students at the University.

In 1904, I was selected at a Territorial Convention in Tucson to be a delegate to the Democratic National Convention held in St. Louis, Missouri, to nominate a candidate for President. I was made the Chairman of the delegation and performed my duty by standing on a chair and saying in a loud tone of voice, "Arizona casts four votes for William Randolph Hearst."

After I came home, I decided that I wanted to be the Sheriff of Maricopa County; but, when I went to the County Convention in Phoenix, the old political heads said that Tom Stout had been a good Sheriff and was entitled to a second term. They then offered me the nomination to be the County Treasurer and I accepted. During my two years as Treasurer, paper money was looked upon with disfavor. I counted out 20-dollar gold pieces to pay the quarterly salaries of all the County officials.

I was elected to be the Sheriff in 1906, and again in 1908. It was a profitable office. I received 30 cents a mile whenever I or my deputies had to travel anywhere in the Territory of Arizona to serve a warrant or papers in a civil suit. The travelling that we did was on horseback or on railroad trains. I could not persuade the Board of Supervisors to buy me an automobile for official use.

It was not until Arizona was admitted into the Union on February 12, 1912, that I turned over the Sheriff's office to my successor, Jefferson Davis Adams.

While I was the County Treasurer, I was elected to be the Captain of Company C, National Guard of Arizona, at Tempe. We cleared off the sagebrush from a thousand-yard rifle range and, by target practice, in the course of time, about half of the Arizona Rifle Team at the National Rifle Matches at Camp Perry, Ohio, consisted of members of my Company. With them, I became a fairly good rifleman—good enough to shoot a possible at 900 yards.

I was at Camp Perry for the third time in the fall of 1911, when I read in a newspaper a statement by President Taft that when Arizona adopted a Constitution it could become a State. I left for home, and with the support of only one weekly newspaper, I won the Democratic nomination for Member of Congress over two very able opponents, and was elected in December, 1911.

Without any legislative experience, I became a Member of the House of Representatives on February 19, 1912. When Congress was about to adjourn, Dorsey W. Shackelford, a Member from Missouri, gave me some good advice by saying, "When you go home you will be a Congressman; but you have not yet learned how to be one. Shake hands as you go along the streets, but if anyone stops to ask you about some piece of legislation, say that you must go on to keep an appointment. If you stop and talk to him, he will soon find out that you do not know any more than he does."

I have served in the Congress during the Administrations of ten Presidents, the first of whom was William Howard Taft. He was a kindly man, and put me at ease when I went to the White House to see him. I have often thought that if his son, Senator Robert Taft, had been fortunate enough to inherit his father's friendly manner, he might have become the Presidential candidate that he so much wanted to be.

I was an ardent supporter of Champ Clark, but he could not secure the required two-thirds majority to obtain the nomination for President at the 1912 Democratic National Convention in Baltimore, where Woodrow Wilson became the Party's choice. During his eight years in the White House, President Wilson secured the enactment of the Federal Reserve Act, the Clayton Antitrust Act, and tariff reform legislation—all of which was of benefit to our Nation. He not only had to bear the burden imposed upon him by the first World War, but also to suffer the failure of the Senate to ratify the Peace Treaty which he had negotiated in Paris.

Warren Gamaliel Harding became President in 1921. I went to see him at the White House with the late Dwight B. Heard, where we urged that money be provided for construction of a hospital in Phoenix to care

for the many veterans of the first World War, suffering from tuberculosis, who were seeking to benefit by the dry climate of Arizona. He gave us no encouragement by saying that his medical advisors were of the opinion that tuberculosis could be cured in one place just as well as another.

Upon the untimely death of President Harding in San Francisco, in August, 1923, Vice President Calvin Coolidge came to the White House, and during the next five years I had several occasions to talk with him there. President Coolidge was a typical Yankee trader. I never asked him to do anything for me without his asking me to support legislation that he wanted to be enacted.

Herbert Clark Hoover became the next occupant of the White House, and I shall have more to say about him later.

When Franklin Delano Roosevelt became President on March 4, 1933, the Nation was at the bottom of what was called the "Great Depression." Business was stagnant and thousands of men were out of work. President Roosevelt used the radio to bring hope that ways could be found to restore prosperity.

I was then the Chairman of a Senate Committee which authorized appropriations for Federal aid to the States for the Construction of highways, which the States were required to match. At the White House, I suggested to the President that a good way to provide the much-needed employment would be to make highway construction funds available without requiring the States to match the money. He wanted to know what it would cost and I said 400 million dollars. He then asked how I had arrived at that figure and I said that I had telegraphed to all of the State Highway Departments, asking how much they could spend. President Roosevelt then said, "Go tell Bob Wagner to put it in the relief bill," which the Senator from New York did. Four hundred million dollars at that time was equal to twice that much money today.

After Harry Truman came to the Senate in 1935, it did not take us long to become good friends. The way in which he conducted the work of the Senate Committee appointed to investigate the cost of World War II munitions gained him a national reputation.

As Vice President, he had adjourned the Senate on the afternoon of April 12, 1945, and had stopped to talk to me, when he was called to the telephone to be advised of the death of President Roosevelt. He went from the Capitol to the White House where he took the Oath of Office.

As Chairman of the Inaugural Committee, on January 20, 1949, I escorted him up Pennsylvania Avenue from the White House to the Capitol to again take the Oath of Office as President of the United States. I am confident that he will go down in history as one of our great Presidents.

General George C. Marshall appeared before the Senate Committee on Appropriations in 1939. The German Army had invaded Poland and he wanted money to finance maneuvers in order to test the ability of officers to command men in battle.

We provided him with the money, and as a result of the Louisiana maneuvers, General Marshall picked General Walter Krueger, who led the real fighting all the way across the Pacific under Douglas MacArthur. His other selection was General Dwight David Eisenhower, who became the Commander of the American Forces in Europe.

I became well acquainted with President Eisenhower during his eight years in the White House. I opposed him on some domestic issues, but supported him in our relations with foreign nations. I was helpful to him when he needed help and we became good friends.

I got to know John Fitzgerald Kennedy when he came over to the Senate from the House of Representatives in 1953. He always gave me good attention when I went to the White House. At my suggestion, he appointed an Ambassador to a small Nation, and also acted promptly on my recommendation as to who should be the Chief of the United States Forest Service. His untimely death came as a great blow to all of us.

I became acquainted with Lyndon Baines Johnson when he was a Congressman from Texas. As a Member of the Senate Committee on Elections, I joined in counting the ballots which determined that he had been elected to be a Senator from Texas in 1948. I was glad to work with him when he became the Democratic Majority Leader in the Senate. Our long-time friendship has not abated since he entered the White House.

I now return to Herbert Hoover who, in 1928, became the 31st President of the United States. At the age of 17, he came from Salem, Oregon, to become a member of the first or Pioneer Class to graduate from Stanford University. He studied geology and mining engineering under Doctor Branner, and graduated in May, 1895. He worked his way through college by selling newspapers, and later became the manager of the football team which paid him a salary.

One day I saw a tall girl in a red dress walking across the Quad, and decided that I wanted to know more about her. I later learned that her name was Nan Downing and that she and Lou Henry graduated in the same class from the Los Angeles Normal School, and that they were both Kappas. I afterwards learned that in 399, Herbert Hoover came from London to California to marry Lou Henry and take her with him to China.

As the Sheriff of Maricopa County, I delivered some convicts to the Territorial Prison at Yuma, and then went over to Los Angeles to capture Nan Downing. She was with me in Washington in 1917, when Herbert Hoover was appointed by President Wilson to take charge of the Food Administration. As a mining engineer, his activities took him to many parts of the world and he had made a million dollars before he was 30 years old. He later gained a world-wide reputation by the administration of food relief in Belgium to the hungry in Europe who were suffering as a result of the first World War. He knew only a few people in Washington, and it was through Lou and Nan that I first met him.

In 1920, Congressman Phil Swing of California joined with me in sponsoring an Act to create a Commission to apportion the water of the Colorado River among its seven basin States. We prevailed upon Mr. Hoover, whom President Harding had appointed to be Secretary of Commerce, to become Chairman of the Commission.

In 1922, he held hearings in each of the seven States, at the conclusion of which he expressed to me his disappointment because none of the States would agree to any division of the water. I said to him, "You are not a politician. This is an election year and when the election is over, if you will call a meeting of the Commission, you will get an agreement." He called a meeting of the Commission in Santa Fe, and the Compact was signed on November 24, 1922—about two weeks after election day.

When, on August 2, 1927, President Coolidge said, "I do not choose to run," Secretary Hoover took his word for it and set out to capture the Republican nomination for President, and the following year went on to defeat Al Smith for the highest office in the land.

As I review Mr. Hoover's philosophy, I find no fault in his ideals. His faith in the American economic system was founded on his own outstanding record as an enlightened business man. All the unanswered questions on the State of the Union during the 1920's had accumulated until, by 1932, they demanded answers at once. The times were against President Hoover.

His strength of character permitted him to endure the disappointment of a crushing political defeat. When, in the 1940's, he was called upon to head the Hoover Commission to study the efficiency of our Government, it was a tribute to Mr. Hoover, as a man, as an idealist, and a dedicated public servant.

I am pleased that Stanford University has memorialized President Hoover through this Distinguished Alumnus Award, and I am indeed honored to be this year's recipient of it.

I thank you.

CAREER SERVICE AWARDS PROGRAM

Mr. CARLSON. Mr. President, last Friday evening, April 21, the National Civil Service League held its 13th annual Career Service Awards program. The Career Service Awards program is a public service of the National Civil Service League designed to promote efficiency in government by—

Recognizing 10 career public employees for significant contributions; encouraging others in government service to pursue excellence; promoting public appreciation of quality in government; stimulating able young people to choose careers in government.

The recipients of the National Civil Service League's Career Service Awards, inaugurated in 1955, represent the best in public service.

The success stories of the 10 career civil servants who won the Career Service Awards of the League give an inkling of the jobs open to able young people in government today. But there's much more to the story. Their successes, adventures, rewards, satisfactions—though admittedly not typical—are shared by hundreds of thousands of other public employees. And more than 9 million people who staff National, State, and local government share these rewards today in every kind of occupation. They range from managing and manning thousands of social services to the frontiers of space.

This year's awardees are:

Philip N. Brownstein, Assistant Secretary for Mortgage Credit and Federal Housing Commissioner and Urban Development.

Horace D. Godfrey, Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.

Arthur E. Hess, Deputy Commissioner, Social Security Administration, Department of Health, Education, and Welfare.

Donald G. MacDonald, Director, U.S. AID Mission to Vietnam, Agency for International Development.

William H. Smith, Deputy Commissioner, Internal Revenue Service, Department of the Treasury.

Dr. O. Glenn Stahl, Director, Bureau of Politics and Standards, Civil Service Commission.

David D. Thomas, Deputy Administrator, Federal Aviation Agency.

Dr. Floyd LaVerne Thompson, Director, Langley Research Center, National Aeronautics and Space Administration.

Barbara McClure White, Associate Director, U.S. Information Agency.

Dr. Marjorie J. Williams, Director, Pathology and Allied Sciences Service, Veterans' Administration.

At the program honoring these awardees, the president of the National Civil Service League, Mortimer M. Caplin, presided. The banquet was attended by outstanding leaders in government, business, and career employees.

I ask unanimous consent to place the program in the RECORD at this point.

There being no objection, the program was ordered printed in the RECORD, as follows:

SHERATON-PARK, *April 21, 1967.*

PROGRAM

Presiding: Mortimer M. Caplin, President, National Civil Service League.

Invocation: The Reverend Frederick Brown Harris, Chaplain, The U.S. Senate.

Presentation of Colors: Military Color Guard.

Dinner music: Ted Alexander.

Entertainment: U.S. Air Force Pipe Band.

Introduction, Don K. Price, Dean, John Fitzgerald Kennedy School of Government, Harvard University, Board of Directors, National Civil Service League.

Address: The Honorable John W. Gardner, Secretary of Health, Education, and Welfare

Message from the President of the United States: The Honorable John W. Macy, Jr., Chairman, U.S. Civil Service Commission.

Awards Presentation: Bernard L. Gladieux, Chairman, Board of Directors, National Civil Service League.

OPPORTUNITIES FOR PUBLIC SERVICE THROUGH CAREER SERVICE

Mr. CARLSON. Mr. President, an outstanding address was delivered by the Honorable John W. Gardner, Secretary of Health, Education, and Welfare, in which he stressed the opportunities for public service through the career system.

I ask unanimous consent that Secretary Gardner's speech be made a part of these remarks.

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

REMARKS* BY JOHN W. GARDNER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

I have followed the work of the National Civil Service League for at least twenty years and have enjoyed close friendship with many of its leaders.

Long before I came to Washington Bun Gladieux, John Macy and others approached me to speak at this annual ceremony, but it was not easy for me to get down from New York for the occasion. After several tries, they decided they had better move me down here where I'd be more readily available.

I'm proud to be a part of this ceremony. I bow to the award winners. Each of them has in extravagant measure the requisites for high performance—talent, motivation and character.

And they have so much more. Imagination. Versatility. The breadth that enables them to look beyond the conventional definition of their jobs. The courage and stamina to buck the system—as it must be bucked by everyone who hopes to make a significant contribution. Impatience with the obstacles that all human organization throws in the way of decisive action.

As we contemplate these exceptional individuals we can take either of two attitudes. We can sit back complacently and say what a wonderful system we have that produces such great people. Or we can say, "Why doesn't the system produce more—far more—of this calibre?" Of course, we should say both, but most of you know me well enough to guess that I'm going to emphasize the latter. Self-congratulation should be taken in small doses. It is habit-forming, and most human institutions are far gone in addiction.

In my view we do *not* have an adequate supply of candidates for top leadership in government.

To begin at the beginning, despite recent improvements recruiting practices are still not sufficiently imaginative. The Civil Service formed its habits and attitudes, its regulations and practices, in a time when talent was not scarce. Today every institution in our society is competing fiercely for its share of the flow of talent, and those who approach the task without aggressiveness and imgination are bound to lose.

The Federal Government needs its full share of the best and brightest of each generation.

Of course, skillful recruitment cannot stand by itself. Government cannot attract nor hold the best young men and women unless it can offer suitable career opportunities. This involves a variety of considerations, not the least of which is adequate pay. Clarence Darrow once successfully defended a lady in a legal suit, and she said afterward "How can I ever show my appreciation?" Darrow said "My dear, ever since the Phoenicians invented money there's been only one answer to that question."

The plain fact is that at the higher levels we are still not paying the kind of salaries that will enable us to hold our own in the competition. In an earlier day, only business firms paid substantial salaries. Government, the universities and nonprofit groups all paid modest stipends, and all competed on equal terms for the men or women who wanted to devote their lives to intellectual, cultural or public service pursuits. But today the leading universities and nonprofit organizations have frankly recognized that they must pay for gifted people—and they pay handsomely.

Sooner or later the Federal Government is going to have to face up to the competition, particularly in those fields in which talent is acutely scarce. For that reason I'm delighted that the President has appointed a commission under the able chairmanship of Frederick Kappel to come up with recommendations.

Another area in which we may expect important progress is career development. We waste talent scandalously by failing to develop it after recruitment, by letting good people wander into blind alleys, by allowing once effective men and women to get into ruts, by failing to retain people whose skills are outdated.

Career development still stands as a great frontier for all who are seriously interested in the conservation of human talent.

We need more and better training programs, and a higher percentage of our people in those programs. We need far greater flexibility of assignment and reassignment. In a day when recruitment of trained and experienced technicians and subprofessionals is increasingly difficult, we need to learn to "grow our own" so to speak.

We're on our way to learning these things. As all of you know there has been a lot of movement under the great leadership of John Macy. His new Executive Assignment Program holds great promise. And today the President announced another major step in career advancement efforts.

But a tougher and more complex task awaits us. The personnel function must be more broadly conceived and must become a matter of direct concern to line managers. Many line managers are not now using to the maximum the opportunities and choices that already exist within the system—opportunities for training, reassignment, special salary provisions and so on.

The average operating official rarely concerns himself with personnel beyond the hiring of his immediate associates. The failing is not unique to government. I know an industrial executive who shows the most meticulous concern for the quality of the iron ore going into his steel mill and no concern at all for the quality of the human material that runs the mill.

Someday it will be recognized that skilled attention to the supply, quality and development of the men and women who make up an organization is the most critically important factor in the effectiveness of the organization.

Much of the most crucial work of developing personnel must be done by line supervisors. Personnel development properly conceived, properly executed, must be a part of the very texture of the day's work.

We have so many other tasks. We must strive to make careers in large organizations individually satisfying. We must make government a hospitable environment for innovators, for those who question assumptions.

But we could talk all evening about the principles involved in creating healthy and vital organizations and still fall short of accounting for the emergence of such remarkable individuals as we are honoring tonight.

Much of their performance is traceable to personal attributes—motivation, attitudes, values. Intangibles, to be sure, but not wholly beyond description or cultivation.

My friend Caryl Haskins, who is president of the Carnegie Institution of Washington, points out that scientists are "problem-seekers." Unlike most of the rest of mankind, who regard problems as something to be avoided, the scientist goes out and looks for them. If he cannot manage things so that his life is an endless succession of problems, he counts himself a failure.

It seems clear to me that this pattern is the optimum life for man. And the ordinary citizen is far better fitted for such a life than he realizes.

Of course, most men throughout history have spent their lives desperately trying to solve problems they did *not* seek out, and failure to solve those problems has all too often meant trouble, tragedy and death. It is hardly surprising that men have come to think of happiness as a cessation of problems.

But a true cessation of problems would be the beginning of death for a society or an individual. We aren't constructed to live in that kind of world. We are problem-solvers by nature—and as Caryl Haskins would put it, problem-seekers, problem-requirers.

So much so that when the problems of the real world aren't pressing in upon us, we invent artificial problems, such as how to reduce our golf score.

Golfers and scientists have quite a lot in common. They both face problems of their own choosing. And they take frank delight in the never ending *process* of trying to solve the problems they have chosen.

That's living.

I was talking with a friend about this view of life once, and he said, "Aren't you making life seem a little like the task of Sisyphos?" In the legend, as you remember, Sisyphos was condemned to push a great stone to the top of the mountain, and just as he reached the top it would slip from his grasp and roll to the bottom and he would have to push it up again—and so on for all eternity. But the late Charles Curtis pointed out that it was the monotony, not the futility, of the task that made it punishment. If he could have rolled a different stone each time, or the same stone up different mountains, or if he could have experimented with improved ways of rolling it, it might not have been so bad. Certainly, as Curtis pointed out, it would have been better than just loafing around Hades.

Recreational games are, of course, the least exciting games. Walter Bagehot said "Business is really more agreeable than pleasure;

*Prepared for delivery at the 13th Annual Career Service Awards Banquet, National Civil Service League, Sheraton-Park Hotel, Washington, D. C., Friday, April 21, 1967, 6:30 p.m.

it interests the whole mind, the aggregate nature of man more continuously and more deeply. But it does not *look* as if it did."

He was right. And there are activities even more exciting than business, because they engage even *more* fully the intellectual resources and values and social motivations of man, e.g., science, teaching, governing. Surely, the activities engaged in by our award winners compare favorably with the most exciting of recreational games. Those activities involve companionship, novelty, risk, chance-taking, skill, teamplay, competition and all the other attributes of diversion. And they mean something.

What could be more satisfying than to be engaged in work in which every capacity or talent one may have is needed, every lesson one may have learned is used, every value one cares about is furthered.

No wonder such men and women commonly overwork, pass up vacations and neglect the less exciting games such as golf.

It is one of the amusing errors of human judgment that the world habitually feels sorry for such overworked men and women—and doesn't feel a bit sorry for the men and women who live moving from one pleasure resort to the next. As a result, the hard workers not only get all the real fun but all the sympathy too; while the resort habitues scratch the dry soil of calculated diversion and get roundly criticized for it. It isn't fair.

I hope I have convinced you that these men and women whom we are honoring tonight are among the luckiest people we know, and have little need of the rewards offered by our recognition.

But if they do not strictly need this ceremony, we do. The society does. Every society must for its own good celebrate the qualities it values most highly, and ceremonially recognize the men and women who embody those qualities.

That is our purpose tonight.

THE TAX BILL MESS

Mr. WILLIAMS of Delaware. Mr. President, the New York Times of April 24 contains an excellent editorial entitled "The Tax Bill Mess." The editorial strongly recommends that the Senate proceed immediately to restore the tax credit and repeal the election campaign law at the earliest possible moment.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the New York Times, Apr. 24, 1967]

THE TAX BILL MESS

The Senate was supposed to act speedily on President Johnson's request for restoration of the 7 per cent investment tax credit to spur business spending. But the bill containing this simple and timely measure has been bogged down by a number of extraneous amendments. It has been delayed also by Senator Russell Long's strenuous efforts to preserve the new controversial law to finance Presidential elections through taxpayer contributions that he sponsored and that the Senate has voted to repeal.

The whole messy procedure bears an unseemly resemblance to the Senate's tax antics last fall, when it finally approved a long-overdue proposal to provide fairer treatment for foreign investors only after adding a long string of dubious amendments that earned it the title of the "Christmas Tree Bill."

Again this time, there was no real debate over the series of special-interest concessions that were tagged on at the last minute or of Mr. Long's provision for subsidizing election campaigns. Mr. Long has made patchwork attempts to meet objections to his loosely worded campaign law and has offered them as an amendment to the bill to restore the investment-tax credit.

Representative Wilbur D. Mills, chairman of the House Ways and Means Committee, has criticized the Administration for favoring frequent tax changes, pointing out that last year's suspension of the investment-tax credit followed by this year's request for its restoration has not been "a very happy chapter in the nation's fiscal history." Unquestionably, the Administration's timing should —and could—have been better. Its forecasting record and its policy recommendations have been badly flawed. But its poor showing does not excuse Congress's incredible performance on taxes.

Far from supporting the case for less frequent tax changes, the Administration's failure and Congressional fumbling substantiate the case for frequent tax changes. Admittedly the President will have to get much better economic advice than he has been getting. But if forecasting is improved and appropriate tax changes sought, the most good could be accomplished by giving discretionary authority to the President to raise and lower taxes.

The Administration has not requested such authority and Congress is not, at the moment, likely to give it. But the Senate can make a contribution by ending its confusion on taxes. It could do so by restoring the tax credit and repealing the election campaign law at the earliest moment. It could then take time to compose a workable bill for financing campaigns and to formulate other tax proposals in the public interest.

SPOTLIGHT ON CAMPAIGN SPENDING

Mr. WILLIAMS of Delaware. Mr. President, the Washington Evening Star yesterday published an editorial entitled "Spotlight on Campaign Spending." The editorial points out the merit of my amendments to the Corrupt Practices Act which are now a part of the present bill and suggests their retention by the Senate.

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

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

[From the Washington Evening Star, Apr. 24, 1967]

SPOTLIGHT ON CAMPAIGN SPENDING

The outlook for the tax incentive bill remains uncertain in the Senate. If any more amendments are added, the measure seems destined for a veto. Perhaps the best solution for Senate leaders is to kill the whole package and begin anew.

But before this measure vanishes from sight, the public should be made aware of a noteworthy amendment by Senator Williams of Delaware which was actually approved some days ago. It would go a long way toward cleaning up our stealthy ways of financing national elections.

The Williams proposal sought to amend the Corrupt Practices Act by requiring any committee formed within a state or the District and supporting a national candidate to make public all its finances. It would have also applied the act to primaries.

The way things stand now, a kind of charade goes on every election year. National committees are limited to spending $3 million a year, senatorial candidates to $25,000 and House candidates to $5,000. Obviously this does not reflect what actually goes on; professionals may exaggerate in saying it takes a million dollars to run for the Senate, but certainly it takes far more than $25,000. And the way candidates cope with the problem is through local committees, which don't have to report their spending.

This is the first time that such fund-disclosure legislation has advanced so far in Congress. A previous measure introduced by Senator Clark of Pennsylvania was defeated in the Senate Rules Committee last year without benefit of hearings. It is a tribute to Senator Williams' skill and doggedness that the idea surfaced on the Senate floor this month and that it won by a 48 to 42 vote.

Whatever the fate of the rest of the bill, this particular clause was both sensible and much-needed.

THE LESSONS OF VIETNAM

Mr. McGOVERN. Mr. President, before delivering the prepared text of my remarks on Vietnam, which were completed several days ago, I wish to make a few comments that are prompted by recent developments. For several years, a number of Senators, including the majority leader [Mr. MANSFIELD], the chairman of the Foreign Relations Committee [Mr. FULBRIGHT], the most senior Republican Senator from Vermont [Mr. AIKEN], and other Senators have warned against our escalating troop commitment to Vietnam. These Senators, myself and others have predicted that each new escalation of forces on our part would lead to a further escalation on the other side, thus setting the stage for a larger and bloodier war on the Asian mainland. One of the difficulties in this formula is that in this kind of guerrilla war, 10 additional soldiers from our side can be offset by one soldier on the other side, which gives them an enormous advantage in a war of attrition. This is the very course that most of our best generals have warned against for many years.

The predictions and the warnings of our generals and the Senate critics have proved to be largely correct.

The glittering military solutions of the war hawks on the other hand, have proved to be wrong.

Now in their frustration, the hawks are trying to blame the failure of their policy on their critics.

I do not blame General Westmoreland for his speech in New York, because obviously he is doing, whether in Vietnam or in New York, exactly what he is told to do by his Commander in Chief.

From General Westmoreland on down, we have in Vietnam our finest soldiers and marines. They are brave men, and they have fought with valor and distinction, as American fighting men have always fought. This only adds to the heartache of those of us who feel that these brave men are in Vietnam because of the shortsightedness of our political and diplomatic policymakers.

In trying to imply that it is American dissent which is causing the Vietnamese opposition to continue the war, the administration is only confessing the weakness of its own case by trying to silence its critics and confuse the American people.

It is not the impact of the dissent on Hanoi that worries the administration;

it is the fact that the dissenters have exposed the contradictions, the falsehood, and the resulting credibility gap which surrounds administration policy.

Hanoi knows very well that America is not going to surrender or withdraw from this war.

Hanoi knows very well that not a single U.S. Senator has advocated either U.S. surrender or U.S. withdrawal.

What we have advocated is that the administration quit widening the war; that the administration quit sending more and more American boys to do the job that ought to be done by Asian boys.

Although we have opposed sending American men to Vietnam, we have not urged withdrawal of those men until a satisfactory settlement has been negotiated.

Frustrated by the failure of the escalation policy to produce anything other than a bloodier war as we warned it would do, the administration is now trying to blame their failure on those who have warned them all along that they were playing with fire.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. LONG of Louisiana. Some of us think that there is more to fear than a bloodier war; that a Communist victory, a Communist takeover in southeast Asia, particularly if it led to Communist expansion elsewhere, would be a much greater disaster than a bloodier war in Vietnam.

While we deplore the cost to us of fighting this war, some of us feel that what a defeat in Vietnam would mean is a much greater price to pay for victory than our present sacrifice.

We have not lost the war; we plan to win it.

Mr. McGOVERN. I intend to develop the case against that line of reasoning later on. I will say quickly that it is my conviction that the course we are now following is one that is most likely to draw down the Chinese Communists into southeast Asia. This has been one of the fears I have shared with other Senators from the beginning; that we will miss an opportunity in southeast Asia to encourage the kind of fracturing of the Communist world that has taken place in Central and Eastern Europe, and might take place in southeast Asia if it were not for our policy which tends to unite the Communist countries.

If the Senator will be patient, I shall develop that point in more detail.

Mr. LONG of Louisiana. May I suggest that it is somewhat unfair to develop an argument to a point of ridiculousness; I am sure the Senator is not going to suggest the sooner we let the Communists take over the world, the sooner they will stop killing American troops.

Mr. McGOVERN. I am not suggesting that, I am suggesting that the policy we have followed in southeast Asia plays into the hands of the Chinese Communists, and no one is happier about our being bogged down in Vietnam than the leaders in Peking.

Knowing full well the political hazards involved in questioning the Administration's wartime policy, I can only warn again today that the new level of escalation marked by our bombing of the North Vietnamese airfields has brought us one step closer to a major war involving the legions of China and backed by the enormous firepower of Soviet Russia.

Thus, I do not intend to remain silent in the face of what I regard as a policy of madness which sooner or later will envelop American youth by the millions in a war without end.

Mr. President, our deepening involvement in Vietnam represents the most tragic diplomatic and moral failure in our national experience.

The mightiest nation in history—a nation with a glorious democratic tradition based on the dignity and brotherhood of man—is, with allegedly good motives, devastating an impoverished little state and ravishing the people whose freedom we would protect. In the process we are sacrificing many of our bravest young men, wasting valuable resources, and threatening the peace of the world. We are being pulled step by step into a jungle quicksand that may claim our sons and the sons of Asia for years to come. This is the path of which the late Douglas MacArthur said:

> Anyone who commits American forces to a land war in Asia ought to have his head examined.

If the war continues on its present course, our dreams of a Great Society and a peaceful world will turn to ashes. Vietnam is degenerating into a defeat for America whether we "win" or "lose" on the battlefield; indeed, the more complete our military conquest, the more tragic our real loss may become.

What will we have really won if we succeed at long last in killing enough Vietnamese to bring us victory on the battlefield?

I have no doubt about the capacity of this greatest and most powerful of all countries eventually to score a military decision of sorts in Vietnam.

Shortly before he was killed with a U.S. Marine unit in Vietnam, the learned Bernard Fall, whose expertise on southeast Asia was, in my opinion, unequaled, had an interview in Saigon with a reporter named Bronson P. Clark. I should like to read one paragraph from that interview:

> "The one overwhelming fact about this situation," Fall told me, "which makes all considerations of ideology or politics pale, is the enormous might of American firepower." Operation Cedar Falls in the Iron Triangle twenty miles northwest of Saigon was fresh in his mind: "It looked like giant steel claws had raked the jungle." He spoke of the ground effect of fourteen consecutive B-52 raids which the triangle had received during the operation. "But remember, when it was all over the Vietcong struck again and from the Iron Triangle. That is the real story of this war. The Americans can destroy but they cannot pacify. They may 'win' the war but it will be the victory of the graveyard."

Our policy in Vietnam has been rationalized by a crude misreading of history and a distortion of our most treasured ideals. There was no American interest, no issue of political freedom, no moral imperative that called for sending our troops and bombers into Vietnam. Freedom is worth fighting for, but it cannot be achieved through an alliance with unpopular forces abroad that deny freedom. Communism is a force hostile to American ideals, but we do not meet its challenge by forcing an American solution on a people still in search of their own national identity. Mao Tse-tung may have claimed that "power grows out of the barrel of a gun," but that has not been the chief source of American power in the world, and it does not answer the basic yearning of the people of Asia. After all the dead are counted—American and Vietnamese—and the countryside is laid waste, what will we then have accomplished? Could it be that having sown the wind, we shall reap the whirlwind?

We fight in Vietnam, not for any enduring objective; rather, we fight because of a highly questionable notion that this is the only honorable course. Implicit in our Vietnam involvement is an assumption that we may be ordained to settle the struggles and determine the ideology of the people of Asia.

We fight, also, perhaps, to save the professional reputation of policy planners who have recommended a series of steps, each one seemingly prudent and restrained, yet each one inexorably setting in motion the next step to a larger war. Our policymakers have inadvertently placed American power in opposition to basic forces, including the currents of revolutionary nationalism and social ferment convulsing much of Asia. Our course has run afoul of the desire of many of the Vietnamese people to escape outside interference, whether French, Japanese, Chinese, or American. We seem to be trying to demonstrate that American power can enable unpopular, incompetent regimes in Saigon to offset a widespread insurrection; that bombing bridges, roads, and oil depots—and now the airfields of North Vietnam—will somehow compensate for the weak government in the south.

For years we have been told that some new show of American strength would bring the other side to the negotiating table. Instead, a Vietnamese civil conflict has been transformed gradually into a cruel international war. Our leaders talk about stopping aggression from the north, but this was a struggle among groups of Vietnamese until we intervened.

We seem bent upon saving the Vietnamese from Ho Chi Minh even if we have to kill them and demolish their country to do it. As the native people survey bombed-out villages, women and children burned by napalm, rice crops destroyed, and cities overrun with our military personnel, they are doubtless saying secretly of the Vietcong guerrillas and of the American forces, "A plague on both your houses."

The responsibility for our present predicament in southeast Asia cannot be placed on any one man or on any single administration or agency of government. Its roots go back more than 20 years to embrace four administrations as well as Congress and the American public.

Senators must bear a portion of the blame for the drift of our policy in Vietnam—for we have been slow to speak clearly or even to ask hard questions

about obvious contradictions, poor intelligence, and false prophecies involving the highest officials of our Government. Dissent in Congress and the Nation has been sharp and frequent in recent years, but it has come late in the day.

Many of the Senate's most influential members, including the chairman of powerful committees, have believed for years that the United States made a serious mistake in intervening in Vietnam—first by trying to defeat the Vietnamese independence struggle led by Ho Chi Minh against imperial France, and second, by fostering a divided Vietnam leading to civil conflict after the expulsion of the French. Yet, upon this privately admitted error a strange syllogism has been constructed:

First. The United States erred in entering and enlarging the Vietnamese struggle.

Second. We are, nevertheless, now deeply involved in that struggle.

Third. Therefore, we have no recourse except to see it through at any cost, or force the other side to negotiate on our terms.

It is a strange piece of logic, indeed, which holds that, once committed to error, we must compound the error by more of the same medicine, to salvage the original mistake. It would seem more reasonable, having accepted the premise of error in our involvement, to avoid further widening of the war while devoting our most imaginative efforts to finding a way to end the killing.

Before we take any further steps toward a larger war—and I notice in the press that our commander is said to be asking for considerably more troops in Vietnam—or before we undertake any new ventures of this kind elsewhere in the world, I would hope that we will reexamine the assumptions which have involved us in what I believe to be a mistaken course.

Perhaps the only positive benefit that may come from an otherwise melancholy venture is for us to see the errors of this one clearly enough to avoid being drawn into another one.

To assist in stimulating such a reexamination, I make the following indictments of our Vietnam policy:

First. Our Vietnam policymakers have distorted history to justify our intervention in a civil conflict supposedly to defend a free nation against external aggression from another nation; actually we are backing a dictatorial group in Saigon against a competing group backed by a dictatorial regime from the north.

Second. Our Vietnam policymakers are unwittingly advancing the cause of communism while seeking to contain it.

I do not see how anyone can controvert that statement in view of the developments of the last few weeks, which seem to indicate a cementing of the once splintered Communist bloc.

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

Mr. McGOVERN. I yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, is it not significant also that neither Russians nor the Chinese have to date committed a single soldier to combat; whereas our own men are bleeding there, we have lost some 10,000 fine young Americans killed in combat, 50,000 wounded, crippled, left armless or legless, the enemy—so-called—has not put a single soldier into the war? So I think the distinguished Senator from South Dakota is quite right when he says we are not weakening communism; we are aiding it. We are weakening ourselves; and for what purpose?

Mr. McGOVERN. I think the Senator's point is well taken. Looking at it from the standpoint of naked power, doubtless the Communist leaders in Peking must find some cause for joy in our being bogged down in Vietnam, where they can sit on the sidelines and see the enormous drain on American resources, at very little cost to their position. I think that is why some of the most thoughtful generals in our country, including General Ridgway and General Gavin——

Mr. GRUENING. And General MacArthur.

Mr. McGOVERN. And General MacArthur have warned against the very situation into which we are now being drawn, because this plays into the hands of the Communist world.

If the situation were reversed and massive forces from the Communist world were bogged down in some tiny quarter of the globe, I am sure many of our military strategists would view that situation with considerable pleasure, knowing the other side was dissipating its resources without any substantial involvement on our part.

So I think the point can be established that the course we are now following is the one most likely to reunite the Communist bloc and to cement what was once a fracturing of the Communist bloc.

I do not think it is too late to turn back. I do not paint a hopeless situation here. But I would hope we would not view the situation in Vietnam so narrowly that we lose sight of the world picture. The United States is a world power, with commitments around the globe, and to sacrifice our overstrength for one tiny section of the world, where the situation is so complex and confusing, seems to me to be an act of folly.

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

Mr. McGOVERN. Yes; I yield to the distinguished Senator from Arkansas, chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. The Senator has said he did not think it was too late. I wonder what justification he has for believing it is not too late when we consider the speech yesterday of General Westmoreland, who was brought back here to talk to the leading newspapermen of the United States; the talk of General Greene in Detroit; the fact that General Westmoreland is going to speak to a joint meeting of Congress. There is to be a special luncheon for him. I was invited to a briefing at the Pentagon this morning on the same subject.

Why does the Senator think it is not too late and why does the Senator think there is the slightest possibility that our Government will not proceed to a total, all-out victory in Vietnam?

Mr. McGOVERN. I must say to the Senator that I am a little apprehensive about it. I like to think that the door to negotiations has not been slammed shut by the administration; but I think each act of escalation, including the request for more and more troops, makes it that much more difficult.

Mr. FULBRIGHT. The Senator said it was not too late, and I hoped the Senator would indicate any reason for the slightest hope that there remains any intention at all to entertain any negotiating at all short of surrender. Does he have any reason to believe that?

Mr. McGOVERN. I certainly cannot develop a case that would convince the Senator beyond doubt. The thrust of my remarks this morning is to warn against the direction we are now taking, because it is the very direction that the Senator from Arkansas has been warning against for the last 2 or 3 years.

Mr. FULBRIGHT. In connection with that last point, if we proceed with this course, do we leave any alternative to the powerful Communist countries but to draw together because such a course is a real challenge to them?

Mr. McGOVERN. I am afraid that will be the result of the policy of escalation—that each new commitment on our part leads to a greater effort on the other side; and I frankly do not see how either the Russians or the Chinese can sit silently and watch one of their allies being destroyed. They remember the lessons of Munich, too. They have the problem of saving face and they have obligations. It is very hard for me to understand the apparent ease with which we keep pushing up the level of our forces and bombers, knowing full well—and our policymakers must know—that it could lead to massive Chinese or Russian intervention, which would, in effect, be world war III.

Mr. FULBRIGHT. My administrative assistant told me a moment ago he heard on the radio that the Chinese allege that a U.S. plane was shot down over China. Did the Senator hear that?

Mr. McGOVERN. I have not heard of it.

Mr. FULBRIGHT. I am not sure whether the report says it was shot down or shot at, but it had to be in the Chinese airspace in either event. I am not sure they said it was shot down. It seems to me that one of the most ominous aspects of escalation is the almost inevitable joining together and drawing together of the Chinese and Russian and the other Communist countries to resist this all-out attack on North Vietnam.

Mr. McGOVERN. One of the things that disturbs me is that so many times the highest officials in our Government explain to us why we cannot follow a certain course lest it lead to the dangers that the Senator has referred to, and then, almost before those words have died away, they turn around and do the very things they warned us would be disastrous.

If the Senator will permit me, I would like to read a couple of paragraphs from this morning's Washington Post that underscore the point I am trying to make. I am reading from the first page of the Washington Post of this morning:

In answer to a question, Westmoreland said he was "delighted" at the news of yesterday's American raids on airfields in North Vietnam. Earlier, Sen. Charles H. Percy (R-Ill.) expressed his "strong dissent" to the wisdom of these attacks.

Percy told an Associated Press panel the bombing was "exactly opposite" the policy both the State Department and the Defense Department had advocated as recently as last week.

Percy said "the State Department told my office only last Friday" that attacking the Mig bases would "only force the North Vietnamese to move their planes to Chinese bases" and thus "bring us one step closer to Chinese involvement in the war."

Percy said the Defense Department told his aides there was no military necessity for attacking the bases, because the United States has lost only 11 planes to enemy aircraft since the start of the war.

But Westmoreland contended that the Mig attacks had been a hazard to American pilots and said there was a clear military advantage to forcing them to operate from Chinese bases where "their reaction time will be increased."

Asked about the dangers of Chinese or Russian intervention, the General said, "From a military point of view, we should be prepared for any contingency."

It seems to me that this is just one of a series of apparent contradictions and reversals in administration policy that, if not confusing to the enemy, is certainly confusing to the American people.

Mr. FULBRIGHT. I thought it was right remarkable that Mr. PERCY had the courage to dissent, in view of the criticism General Westmoreland voiced about Senators yesterday. The general seemed to think it very unpatriotic to take any different view from that of the administration, did he not?

Mr. McGOVERN. That was the apparent implication of the general's statement. I wish to add, if the Senator will permit me, that I do not think it is fair to blame General Westmoreland for what he does or what he says, either in New York or Vietnam, because, presumably, he is a soldier who is carrying out the orders of his Commander in Chief.

Mr. FULBRIGHT. I agree with the Senator completely. He is a good soldier.

I have just been handed an Associated Press dispatch from Saigon, which reads as follows:

Communist China said today its Air Force shot down two U.S. fighter planes in a dogfight just over the Chinese border from North Vietnam, but in Saigon a U.S. spokesman denied the claim, broadcast by radio Peking.

The broadcast said the U.S. planes, identified as F4Bs, "invaded Chinese air space."

"I have no indication that any aircraft 'Invaded Chinese air space' and that any aircraft were shot down," said a U.S. spokesman in Saigon.

He did not say they were not; he just says, "I have no indication they have been shot down."

The dispatch continues:

"I can find absolutely nothing to substantiate this. I can find no report that would even remotely relate to this."

A denial to a Communist broadcast by the U.S. command is rare. Normally, the command refuses to comment in any manner on claims by Hanoi or Peking or other Communist outlets.

Radio Peking said the dogfight took place yesterday.

That was the same day we attacked the airfields, was it not?

Mr. McGOVERN. That is correct.

Mr. FULBRIGHT. It continues:

The planes flew into China's Kwangsi Province, a Chinese Air Force unit immediately engaged them and "destroyed both of them," the broadcast said.

It proclaimed the battle an "important victory" for Communist Party Chairman Mao Tse-tung's proletarian cultural revolution—a purge of anti-Maoists in China.

Of course, there have been reports similar to that before, which I believe were eventually admitted, were they not?

Mr. McGOVERN. That is right. The Senator is correct.

Relative to the problem of trying to understand just what the limits of our policy are, I think the Senator will recall that last June, just before we hit Hanoi and Haiphong the first time, Gen. Harold K. Johnson, who is the Army Chief of Staff, delivered a speech in which he made this statement:

It would be foolish to expand the war and destroy North Vietnam's economic and military capabilities, since this would only double the price of the war, because the United States would have to ultimately rebuild what it had destroyed.

Of course, it was only 3 or 4 days later that we began doing exactly what General Johnson said it would be foolish to do. It seems to me that that kind of contradiction and reversal of policy leaves all of us confused as to where we are heading. If one could be sure that there was a carefully thought-out and rational policy, and that our policy planners knew exactly what they were doing, we might be worried and apprehensive about it, but at least we would know where we stood. But when each new pronouncement is reversed a few days later, it leaves one wondering just where we are headed.

Mr. FULBRIGHT. I do not wish to delay the Senator any further. I only say I compliment him. I think this is one of the best and most thoughtful speeches I have heard on this subject.

Mr. McGOVERN. I thank the Senator.

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

Mr. McGOVERN. I yield.

Mr. GRUENING. I also wish to join in congratulating the Senator from South Dakota on his excellent speech. I have a question concerning the remark he just made that General Westmoreland, being a soldier, was not free to say what he believed, or had to follow a certain line. While it is true that he has to obey orders as a military man, his expressions certainly must be his own. I notice that in the address to the Associated Press in New York, he said:

What we have is not a civil war, it is a massive campaign of external aggression from North Vietnam.

There is a great deal of evidence, of course—convincing evidence—that that is not correct and that the United States has taken sides in a civil war. For example, we have, as rather striking evidence, the statement of the distinguished Senator from Ohio [Mr. YOUNG], who is now presiding over this body. In a speech to the Senate on February 6 of last year, after his return from southeast Asia, he made the following statement:

This is a civil war going on in Vietnam. Before I visited Southeast Asia, it had been my belief that all of the Vietcong fighting in South Vietnam were communists and infiltrators from the North. But I had not been in Vietnam for more than 4 days—and during that period of time, I was in every area of Vietnam—when almost immediately I observed very definitely that we were involved in a miserable civil war in the steaming jungles and rice paddies of South Vietnam.

Then he went on to say:

I learned from General Westmoreland that the bulk of the Vietcong fighting in South Vietnam were born and reared in South Vietnam. I learned from General Stillwell and other Generals that 80 per cent of the Vietcong fighting the Americans and the South Vietnamese in the Mekong Delta south and west of Saigon were born and reared in that Mekong Delta area. This is a civil war in which we are involved.

I think it is unfortunate that General Westmoreland, who has apparently been brought back here to pep up morale at home, and to counter the rising tide of opposition to this war, should fall into the oft asserted and now discredited fallacy that this is not a civil war, especially when the distinguished Senator from Ohio heard from General Westmoreland's own lips, when Senator YOUNG was in southeast Asia a year ago, that it was a civil war. I think an explanation of these two conflicting statements from the same source is desirable.

Mr. McGOVERN. I wish to say to the Senator, perhaps somewhat in defense of General Westmoreland, that at least he seems to understand that the war is not going to be won by the bombs dropped in the north. He is calling again for more troops on the ground in the south, which would seem to imply a recognition on his part that he knows that it is in the rice paddies of the south where this war, if it is ever resolved, will be resolved.

The best established Vietcong stronghold in Vietnam, as the Senator knows, is a thousand miles away from the North Vietnamese boundary, in the Delta country of the south. That is where their greatest strength lies, and where it has been for many years. I think General Westmoreland recognizes that more clearly than some of those who seem to think that just by obliterating everything north of the 17th parallel, we can eventually resolve this conflict.

Mr. GRUENING. Yet General Westmoreland is approving this bombing that took place of the Mig airports yesterday; so that would seem to be contrary to the view the Senator ascribes to him that this war will be won on the ground in South Vietnam.

Mr. McGOVERN. I think that again comes back to the fact that the general is, after all, a soldier, who has a boss, the same as the rest of our soldiers. I have tried to make clear, in my remarks earlier, that I have nothing but the highest admiration for General Westmoreland and our other forces who are there, however much I might deplore the political and diplomatic decisions which sent them into the Vietnamese jungle.

Mr. President, I have given two of my indictments concerning our Vietnamese policy. I continue with the others, which are:

Third. While orally calling for nego-

tiations, we are practicing military escalation and diplomatic rigidity in such a fashion as to foreclose negotiations.

Fourth. Our policymakers have frequently misled the American public, the result being a serious loss of credibility for the U.S. Government.

Fifth. We are wasting human and material resources needed for the revitalization of our society.

Sixth. We are jeopardizing essential U.S. foreign policy interests, including a promising improvement in East-West relations.

Seventh. We bypassed the United Nations until the 11th hour and have disregarded the opinion and the sensibilities of the international community.

Eighth. We are weakening America's moral position and beclouding American idealism.

Ninth. We are creating at home a climate of intimidation designed to silence dissent and meaningful discussion of policy.

This is a grave indictment. I will summarize briefly the facts and arguments which substantiate these charges.

First. The historical rationalization of our Vietnam intervention is based on the Munich analogy or "the domino theory." At Munich in 1938 the Western allies failed to stand up to Hitler's demand for a piece of Czechoslovakia. The result of this surrender was a series of aggressions leading to World War II. In Vietnam—so the theory goes—we are faced with another Hitler in the form of Ho Chi Minh, or perhaps Moscow or Peking working through Ho Chi Minh. If only Ho or his backers can be stopped in Vietnam, we will have averted another Munich and saved mankind from world war III.

As one of our soldiers was reported to have said, according to a newspaper in my State:

> We are fighting in Vietnam so we won't have to have foxholes and barbed wire entanglements on the Main Street of Aberdeen, South Dakota.

It is said that if we do not crush Ho, his control of Vietnam will topple such other dominoes as Laos, Thailand, Cambodia, Burma, the Philippines, and perhaps India, Pakistan, Australia, and Japan, and then on to Hawaii and San Francisco. We are left to wonder how a flotilla of Vietnamese or Chinese junks is going to get by the 7th Fleet en route to San Francisco.

This, I think, is a piece of historical nonsense. There is no analogy between Munich and Vietnam, and countries are not dominoes.

Hitler was a madman commanding the world's mightiest military machine—a machine with the mobility, the offensive power, and the assigned mission of leaping across national frontiers until the world was conquered. At Munich, he directly threatened Czechoslovakia, a highly developed democratic state that was ready to fight for its survival with any indication of Western support.

Ho Chi Minh, doubtless guilty of many sins, has nevertheless devoted most of his public life to winning independence for his country. A confirmed Marxist, he is more significantly an ardent nationalist, bound less by the claims of international communism than by Vietnamese nationalism. He is far less interested in what Peking or Moscow want, than he is in what he wants for his own country.

During World War II he stood with the United States against the Japanese and assisted American flyers shot down over Japanese-held jungle areas. With the end of World War II, he resisted French efforts to regain colonial control of his people. After 8 years of fighting, he defeated the French and emerged a national hero. At the Geneva Conference of 1954, he agreed to end the fighting, withdraw his forces north of a temporary cease-fire line at the 17th parallel, and await an election 2 years hence that doubtless would have led to his election as leader of a united Vietnam. President Eisenhower has written that in 1954 after expelling the French, Ho had the support of at least 80 percent of the Vietnamese people, both north and south.

But the promised elections were blocked by Premier Ngo Dinh Diem whom we were instrumental in installing in South Vietnam. Of equal significance—and this is sometimes lost sight of—Diem cut off all trade and other relationships with North Vietnam and ruthlessly suppressed his internal opposition.

I remember that the late Bernard Fall, whom I referred to a while ago, said that the cutting off of trade between the north and south had as much to do in causing the conflict that eventually developed as anything else.

This was the background for the Vietcong revolt in the south, aided by Ho Chi Minh from the north. Although marked by bloodshed and violence, it is scarcely analogous to Hitler's attempted global conquest in moving against international frontiers with a mighty military machine. The insurrection in Vietnam grew out of local conditions which pitted one group of Vietnamese against another. Even if there had never been such a country as China, the probability is that that revolt would have taken place.

Ho Chi Minh heads one of the smallest and most impoverished states in the world. Neither in capacity nor by inclination can he be seriously seen as a Hitler-type conquerer threatening the security of America and the world.

As for the falling dominoes that are said to be marked for "wars of liberation" elsewhere in Asia and therefore seems to be the rationalization for the enormous commitment we are making there—it is clear that the challenge to them is not a Hitler or a Ho from the outside, but their own domestic political, economic, and social problems. A country that builds a government responsive to the needs of the citizenry—that faces up to the internal problems of misrule, injustice, and human misery need have little fear of falling victim to a "war of liberation." A government that ignores these fundamental concerns of its people as the dictators of South Vietnam have done is headed for trouble and does not deserve to be saved—indeed, it probably cannot be saved—by American soldiers.

The late Winston Churchill, who predicted the subsequent aggression of Hitler if he were not stopped at Munich, just as clearly warned in 1954 against any intervention in Vietnam by Britain or the United States. He saw no analogy between Ho and Hitler and flatly rejected the appeal of Secretary of State Dulles in the spring of 1954 that Britain and the United States should intervene against Ho on the side of the French. It is regrettable that the world did not listen to Churchill before Munich; it is also regrettable that we did not follow his warning against the Vietnam intervention.

One final note of irony in the Munich fallacy is the testimony by our ally in Saigon, General Ky, that his only political hero is Adolf Hitler.

Second. To contain Communist Chinese influence and power in Asia, we have set up a series of unpopular dictators in Saigon. Ignoring Vietnam's deep-seated historic opposition to China, we have assumed that since Ho Chi Minh was a Communist, he must therefore be a tool of Peking or Moscow.

Mr. President, it is an uncontested historical fact that for a thousand years the people of southeast Asia have resisted the Chinese more than any other outside power.

Actually, the most powerful force moving in Vietnam as elsewhere in Asia is nationalism—not international communism. Ho Chi Minh left to his own devices might have united the Vietnamese as an effective buffer against Chinese penetration of southeast Asia. U.S. policy, far from containing Peking or Moscow, is most likely to draw outside Communist power and influence into southeast Asia. It may even reunite the feuding Communist world.

Since I wrote that statement, there has been all kinds of evidence compiled by our best observers, that that is exactly what is happening. The war is reuniting Peking and Moscow in a common policy with reference to southeast Asia.

The destruction of South Vietnamese villages by American bombers and the growing occupation of city and countryside by American forces raises the unpopular specter of a Western-style occupation again and plays into the hands of Communist propagandists all over Asia. In the north, American bombers are pounding away at the North Vietnamese economic and industrial strength. The resulting chaos or vacuum is hardly calculated to provide a formidable barrier to Chinese penetration.

Third. Our diplomacy before, during, and after the Geneva Conference of 1954 has been narrow and self-defeating. For years we made no effort to negotiate or even offer to negotiate an end to the violence. When Ho Chi Minh indicated in 1964 to the Secretary General of the United Nations, U Thant, that he was ready to talk about a settlement, we rejected this opportunity as we rebuffed other peace feelers before and since. The Johnson administration has insisted it is prepared to embark on "unconditional discussions." Thus, on April 27, 1967, President Johnson said:

> I will talk to any government, anywhere, any time *without any conditions*, and if they doubt our sincerity, let them test us.

When tested, however, as it has been on a number of occasions, the administration has insisted on conditions—and pretty harsh ones at that. Some of the conditions would, in effect, virtually require the prior capitulation of the other side. This was the central fact that emerged from President Johnson's celebrated letter to Ho Chi Minh in February, a letter which far from representing a new and more moderate approach to peacemaking was, in fact, a hardening of our previous position in terms of the conditions we demanded of Hanoi.

Fourth. The American people have been given in the past decade a bewildering array of false assurances, contradictory interpretations, and mistaken predictions about Vietnam. We were assured that our role would be limited to an advisory function—that this was a war which the Vietnamese people must win or lose. Time after time, top administration officials contended that this was basically a political struggle that could be decided in Saigon's favor only if the government there could draw together enough grassroots support to offset the guerrillas. We were repeatedly assured that American troops and bombers could not solve that problem and in fact would make it worse. For example, speaking on June 12, 1966, just a few days before the first bombing of Hanoi and Haiphong, the U.S. Army Chief of Staff, Gen. Harold K. Johnson, said:

> It would be foolish to expand the war and destroy North Vietnam's economic and military capabilities since this would only double the price of the war because the United States would have to ultimately rebuild what it destroyed.

Yet, only days later, we began doing exactly what General Johnson had said it would be foolish to do. Repeatedly, administration spokesmen have explained in vigorous terms the limits of our policy and our operations in Vietnam only to have those limits abruptly exceeded before the previous words had died away. Defense Secretary Robert S. McNamara and Secretary of State Dean Rusk's major pronouncements on the war have been marked by one consistent quality—they have all proved to be wrong.

In the 1964 presidential campaign, millions of Americans rejected Senator Goldwater's prescription for victory in Vietnam through bombing, jungle defoliation, and a major escalation of American forces. President Johnson and his top Cabinet officers built a convincing case against bombing and the escalation of American ground forces. "We seek no wider war" was the winning slogan of 1964.

Yet, the mandate for peace of 1964 has been translated into the Goldwater prescription on the installment plan. Little wonder that the administration is faced with a credibility gap as wide as the Grand Canyon.

If one were to attempt a balance sheet on the costs and benefits of our Vietnam venture, high on the cost side would be the planting of doubt and resentment leading to a loss of faith in Government on the part of many of our people, especially the youth. One of the invaluable sources of national strength is the capacity to enlist the enthusiastic support of the young for essential national interests. To blunt that enthusiasm and vital faith in the reliability and fundamental honesty of our Government is a grievous blow to a democratic society.

Fifth. There are other incalculable costs to America and to the world that stem from Vietnam. We are now pumping Federal funds into the war effort at a rate of over $2 billion monthly. This is a serious drain on our balance of payments, our dollar, and our fiscal health. It represents money urgently needed to rebuild our decaying, explosive, riot-ridden city slums; to strengthen educational, recreational, and employment opportunities in rural America; to clean up our polluted rivers and streams. It would be ironic, indeed, if we devote so heavy a proportion of our resources to the pacification of Vietnam that we are unable to pacify Los Angeles, Chicago, and Harlem.

Sixth. It may be that the greatest cost of our Vietnam involvement is its regrettable impact on other vital foreign policy interests of the United States. The improved relations with the Soviet Union that followed the sobering Cuban missile crisis of 1962 gave promise of a detente between the world's two great nuclear powers. Likewise, the fragmentation of the international Communist bloc opened the way for new U.S. initiatives. The reaction against heavy-handed Chinese interference in Africa, Indonesia, and elsewhere suggested further opportunities for a sensitive, flexible U.S. policy. In eastern Europe, the so-called Soviet satellites have seemed to beckon for better relations with the West. Progress toward nuclear control was promised by the limited test ban treaty of 1963.

All of these hopeful and challenging foreign policy opportunities have been threatened or thwarted by the fast-deepening U.S. preoccupation with the war in Vietnam. Our policy planners, the Congress, and the American people are devoting so much energy and attention to one tiny corner of southeast Asia that we tend to lose sight of the fast-changing global panorama that is unfolding before our eyes.

Seventh. The United States was founded by men who declared our national independence with "a decent respect for the opinions of mankind." Our Nation 170 years later, took the lead in establishing the United Nations to preserve the peace. On several occasions we worked through United Nations channels to meet international crises—the Arab-Israel conflict, the Suez crisis, Korea, the Congo, Cyprus, Kashmir, and Yemen. But in Vietnam, we have plunged in alone with only a belated reference to the United Nations.

The United Nations Charter commits us to seek the settlement of disputes through the international machinery of that organization. Our SEATO treaty commits us only to confer with the other treaty signatories on possible action. Yet, in the name of a vague international commitment we fight on in Vietnam with no backing from the United Nations, no broad SEATO support, and, indeed, little support from any source other than a few small states heavily dependent upon our favor. The only important power publicly backing our Vietnam course is Britain which is dependent upon American support for maintenance of the pound. Even in this instance, Prime Minister Harold Wilson has disassociated his government from our bombing of Haiphong and Hanoi.

Eighth. America's greatest asset in the world has been our democratic tradition, our concept of human dignity, and a humane society devoted to peace. But Vietnam presents a different view of America. Here the world sees America intervening with massive military power—napalm, artillery, and bombing—on a scale heretofore used only against Nazi Germany and Tojo's Japan in the 1940's. American actions in Vietnam, however well intentioned, do not square with the image of America that the world has traditionally admired.

In November of 1965, I visited a civilian casualty hospital in Danang near the site of one of our largest airbases in Vietnam. The poorly equipped wards were jammed with terribly burned, broken and torn men, women, and children, innocent victims of our bombs, napalm, and artillery. They lay silently—two persons on each cot—their pained eyes following me as I walked from bed to bed. I wondered that day, as I do now, if this great Nation of ours has the right to make so costly a decision on behalf of another people who have already suffered so grievously.

Ninth. Our course in Vietnam does not square with the conscience of the judgment of many thoughtful Americans. But as the tempo of the battle increases and the martial spirit rises, the dissenter will need to draw deeply on his courage. Our official spokesmen have demonstrated a growing resentment toward the doubter and the dissenter. The impression is being created that while freedom of conscience and expression are desirable theoretical principles, they are too dangerous to practice in wartime. Even when the claims of top level officials prove to be groundless or contradictory, the pressure is on to accept the next pronouncement without question. To challenge the soundness of our policy judgments is more and more being equated with "letting down the boys in Vietnam" or giving aid to Hanoi. It is almost as though we are fighting so intently to secure freedom in Vietnam that we are willing to sacrifice it in America. It is still a regrettable truism that truth is the first casualty in wartime. Yet, it is in times of national crisis and conflict that America most urgently needs men who will speak out with maximum candor.

For my own part, I reject the assumptions that lie behind our involvement, and I regret each new step toward a deeper involvement. Before we take those fateful additional steps that may lead to Armageddon, I recommend now as I have in the past, but with a new urgency and a deeper concern, that we:

Stop the bombing, north and south, end search and destroy offensive sweeps, and confine our military action to holding operations on the ground. Bombing the north has failed to halt or seriously check the flow of troops to the south and

may, in fact, have prompted a much greater war effort by Hanoi. Secretary McNamara himself told a Senate committee:

> I don't believe that the bombing . . . has significantly reduced (nor would reduce) the actual flow of men and material to the South.

In the south, our bombs have killed or maimed countless numbers of innocent people and alienated others whose support we covet. A defensive holding action in the south as advocated by Generals Gavin and Ridgway could be pursued while determined efforts are being made to negotiate a cease-fire. It is the bombing of North Vietnam that presents the greatest obstacle to a settlement and greatest danger of involving Russia or China in the war.

We should clearly state our willingness to negotiate directly with the Vietcong with some recognition that they will play a significant role in any provisional government resulting from a cease-fire and a negotiated settlement.

We should use what influence we have to encourage a more broadly based civilian government in Saigon—a government willing to start discussions with the other side looking toward arrangements to end the war.

We should advocate an international presence to police a cease-fire, supervise elections, provide an umbrella for the resettlement of Vietnamese concerned about their safety, and arrange for the withdrawal of all outside forces and the conversion of military bases to peacetime uses.

The path to sanity and peace in southeast Asia will not be easy. The ways to a larger war is enticing and simple. But before we make that choice, let us recall the words of Virgil:

> Easy is the descent to Hell; night and day the gates stand open; but to reclimb the slope and escape to the outer air, this indeed is a task.

But if we can accomplish that task, we should use the Vietnam experience as a guide to future policy. The enormous destruction of life and property in Vietnam, both American and Vietnamese, will have served no useful purpose unless we learn well the lessons that this tragic conflict can teach us. Those lessons, I believe, include the following:

First, conflicts of this kind have historical dimensions which are essentially political, economic, and psychological; they do not respond readily to military force from the outside. Surely, the military might of the United States can subdue little Vietnam, south and north.

But is this what the struggle is all about? I think not. We are confronted in Vietnam with an indigenous guerrilla force that has enjoyed the sympathy or the complicity of much of the local peasantry. The ineffective and unpopular regimes of Saigon have not earned the confidence of their subjects. Urgent priorities, of which land reform is probably the most important, have been ignored. Thus, the destruction of the military power of the guerrillas and of North Vietnam leaves fundamental political and economic problems still festering to set the stage for future conflict or continued tyranny and injustice.

Second, in the future the United States should avoid committing its power to internal struggles of this kind. The factors involved are so complex and confusing that it is beyond the capacity of an outside nation to know which group deserves support and which opposition. In spite of the administration's strenuous efforts to picture the situation as a war of aggression from the north, it is essentially a civil conflict among various groups of Vietnamese. The Vietcong control is strongest in the delta country of the south a thousand miles from North Vietnam and that control is exercised by indigenous forces who enjoy the cooperation of the local peasantry.

Such internal disputes should be fought out by the competing groups without outside interference, or be referred to the United Nations. We have no obligation to play policeman for the world and especially in Asia, which is so sensitive to heavy-handed interference by even well-meaning white men.

Third, unpopular, corrupt regimes of the kind we have been allied with in Saigon do not deserve to be saved by the blood of American boys. Local governments that have done a good job usually have the confidence of the local citizens. They ordinarily do not have a guerrilla problem and when they do, their own people are loyal enough to the Government to take care of the guerrillas instead of depending on us to do that for them.

Even if one assumes that we are faced with a battle for power between Ho Chi Minh of the north and Marshal Ky of the south, there is no clear issue here of black and white or tyranny and freedom. Ho is a Communist tyrant, but does Marshal Ky with his admiration for Adolf Hitler represents the kind of ideals and morality that American men should die for?

I have never regretted my service as a bomber pilot in World War II when we stopped the madmen Hitler, Mussolini, and Tojo. But I do not believe that Vietnam is that kind of testing ground of freedom and free world security. It is a confusing civil conflict with no real certainty as to the issues at stake. I do not want to see my son or other boys die in that kind of doubtful struggle.

Fourth, those who believe that American military power has an important role to play in the Pacific should return to the once-accepted doctrine of our best generals that we should avoid committing American soldiers to the jungles of Asia. Our power in the Pacific is in naval and air strength as a deterrent against aggression. Local governments must deal with their own guerrilla problems.

Fifth, Congress must never again surrender its power under our constitutional system by permitting an ill-advised, undeclared war of this kind. Our involvement in South Vietnam came about through a series of moves by the executive branch—each one seemingly restrained and yet each one setting the stage for a deeper commitment. The complex of administration moves involving the State Department, the CIA, the Pentagon, AID, and various private interests—all of these have played a greater role than has Congress. Congress cannot be very proud of its function in the dreary history of this steadily widening war. That function has been very largely one of acquiescence in little-understood administration efforts. The surveillance, the debate, and the dissent since 1965, while courageous and admirable, came too late in the day to head off the unwise course charted by our policymakers.

For the future, Members of Congress and the administration will do well to heed the admonition of Edmund Burke, a distinguished legislator of an earlier day:

> A conscientious man would be cautious how he dealt in blood.

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

Mr. McGOVERN. I yield.

Mr. FULBRIGHT. A moment ago, the Senator from South Dakota made the point that Members of the Senate were slow to recognize what was going on in Vietnam—I know that I am one of those to whom he referred, and properly, I may add—having been too slow to recognize the war and to do anything about it to warn the country. But I submit that one of the reasons, through these years—for 3 or 4 years in my committee, at least, and I am sure in others—we were given a very different story about the attitude of the administration, and even about what was going on in Vietnam, from what proved to be the truth. As a matter of record, I wish to point that out. It never occurred to me, as chairman of the committee, back in 1963 or 1964, that our policy would ever become what it is today or that the war would be allowed to grow as it has.

As the Senator has pointed out, the whole purpose of the presidential campaign in 1964 was to make this point—that the Democratic Party and this administration were committed to no wider war. I campaigned, and I am sure the Senator did, on this basis.

It is quite natural, believing that, that we could not have been given warnings about what would result if the war was made wider, because we believed it would not be made wider, we believed the war would be restricted and a peace would, we hoped, be negotiated. We believed that if the war were restricted, about the only logical conclusion would have been a negotiated settlement. Am I correct?

Mr. McGOVERN. The Senator's point is well taken.

I involved the Senate in my statement about responsibility for our policy in Vietnam in an attempt to be magnanimous about the matter. I believe that all of us have some responsibility for the course our country has been following. I certainly do not single out the Senator from Arkansas for any criticism. He has been the leader of the national dissent, and I believe the point he makes is well taken. Members of Congress have been misled as to administration policy.

Mr. FULBRIGHT. I have often said, both on and off the floor of the Senate, that the action taken on the Tonkin Gulf resolution, which was considered in my committee—I did not originate it; I did not write it; it was written downtown—was taken under the false im-

pression that there was no intention to do what has been done.

Mr. McGOVERN. I agree with the Senator and I am going to be very cautious about ever again voting for such a resolution.

Mr FULBRIGHT. When we look back, it is easy to say that was a foolish thing to do, and I agree that it was foolish to have taken the resolution on faith. But I submit that it would have been extremely difficult, under the conditions existing at that time, to have raised the question that this resolution would lead to the situation we are now in; because it would have been going directly against the assurances of the then President of the United States and the candidate for reelection, would it not?

Mr. McGOVERN. The Senator's point is well taken.

Mr. FULBRIGHT. I believe this fact should be kept in mind when we consider what the role of the Senate has been. The role of the Senate is always secondary to any Chief Executive. But if the Senate is not given the facts on which to make judgments, it certainly is at a great handicap in making correct judgments.

Mr. McGOVERN. I agree with the Senator.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. KENNEDY of New York. I join with some of my colleagues in commending the Senator from South Dakota on the speech he has made today.

I believe it is a very courageous speech. In my own analysis of the situation, and supported by the polls, the position the Senator from South Dakota is taking is not a popular position in the United States. The fact that he will run for political office in 1968, the fact that he makes this speech on the floor of the Senate and takes on these added political problems—these facts cause me to believe that this is one of the most courageous speeches delivered in the Senate since I became a Senator. There is no hedging. There is no effort to avoid the issues or to avoid the questions. He talks about the mistakes that have been made in the past, and I believe quite rightfully. He does not point to any one President or any one administration.

As I said in my speech about a month ago, the war is the responsibility of all of us, including myself. In any event, the Senator points that out and makes recommendations as to what can be done in the future—which, in my judgment, takes much courage. I commend the Senator from South Dakota.

I was interested in the remarks of the Senator from South Dakota as well as the Senator from Arkansas [Mr. FULBRIGHT] regarding the steps that have been taken during the last week by the United States, and how this action might drive the Soviet Union and Communist China together again.

I had a visitor, a rather important visitor, from the Soviet Union during the last week, and he spoke about the Berlin crisis of 1961 and the Berlin crisis of 1962.

He admitted quite frankly that those two efforts by the Soviet Union had driven the allies and NATO countries—France, Germany, the United States, and England and other countries—very closely together, in a way that they had not been in the past. He said that is what is happening in southeast Asia today. He said:

> Through the efforts of the United States, you are accomplishing what we thought was impossible, because you are bringing Communist China and Russia back together again.

I was interested in the statement of the Senator from South Dakota about the destruction in South Vietnam and the casualties. There was a report in the newspapers last week by a representative of the United States that civilian casualties in South Vietnam are about 50,000 a year, and that is a low figure. That is a tremendous responsibility for all of us. These are not civilian casualties in a country that we are fighting against; these are civilian casualties in a country we are allegedly fighting for. These casualties represent men, women, and children who are not involved in the armed services of their country, who are wounded, or die, or are maimed at least partly because of the actions of the United States. Again, this is a tremendous responsibility for our consciences, as public officials and as Americans. Whether we are doing all we should have been doing and can do in this connection, I believe, is a most serious matter.

Describing the Roman campaigns of many years ago, Tacitus, one of their generals, said, "We made a desert and we called it peace."

I believe that what the Senator from South Dakota has said here bears on this very question: if what we are trying to do in Vietnam is to bring about a peace through military action, which is really going to bring about destruction of Vietnam and the people.

I have read a description of the beginning of the First World War which begins with the serving of an ultimatum by the Austro-Hungarian empire on Serbia. The Austrians foresaw only a small Balkan war. But the reaction of the Russians at that time was that we cannot have the Balkans dominated by a central power. The Germans thought they could not allow the Russians to mobilize without German mobilization; and then came the confrontation which brought about the deaths of millions of people, the downfall of empires, the rise of the Soviet State, in fact, the destruction of the world order of the early 20th century.

In the beginning of the war, there was great celebration in Berlin, Paris, and to a lesser extent in Moscow and other capitals. It was said, "We are finally going to war; our manhood is going to be served, and we are going to teach our adversaries a lesson as to which side they are going to be on." But after 3 or 4 years of death and destruction, there was no celebration.

I know in war a country is under strain and stress, and that once our countrymen are being shot at, it is appealing to automatically support that effort and not criticize. I think the courage of the Senator from South Dakota is to be commended. Not that he has all of the answers, because nobody has all of the answers. He has come to the floor of the Senate and touched the conscience of this body and reminded the people of the United States that war is not always the answer, that killing people is not always the answer to our problems, that violence is not the answer; and that for rational men there might be some other solution.

Bolivar once said that we have wars because of the failure of human wisdom. I know that the Senator from South Dakota will try to bring a little wisdom into our deliberations.

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

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 10 additional minutes.

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

Mr. McGOVERN. I wish to thank the Senator from New York for his stirring words, which mean a great deal to me, and particularly what he had to say about the courage involved in dissent in time of war. I especially appreciate those words coming from the Senator from New York who has himself demonstrated great courage not only on this issue but on many other issues.

I am sure it is a hazardous course for anyone to question our policy at a time when we are committed to battle. More and more I suspect an effort will be made to equate any reservation we might have about our military policy in Vietnam, with letting down the troops.

It is my feeling that the most damaging way that we could let down the troops in Vietnam is to quit speaking about a course that we think is leading toward the destruction of tens of thousands of American boys on the Asian mainland. This, it seems to me, is the end result of pursuing the course the administration is now on.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. KENNEDY of New York. I do not want to take more of the Senator's time. However, is it not really inevitable that after the events of last week, our adversaries in that part of the world will have to take other steps themselves? As surely as we are standing here the Soviet Union, Communist China, and North Vietnam will have to react to what we have done by acting themselves.

Mr. McGOVERN. This was predicted, a few days ago, by our State Department and the Department of Defense.

Mr. KENNEDY of New York. Is it not also inevitable, as surely as we are standing here, that when they take that stand our leaders will then appeal to the American people and say, "We cannot accept that and we have to react," and thus appeal to patriotism and love of country. Is that not as sure to happen as we are standing here today?

Mr. McGOVERN. I do not see any other possibility.

Mr. KENNEDY of New York. We will

take that further step, and they, in turn, will have to take still more steps.

If we trace the history of the world is it not a fact that that is how the destruction of mankind is ultimately arrived at? To say that a third world war in that part of the world is inevitable, is an overexaggeration. But the fact is that we are certainly moving toward a serious escalation and it is clear from the events of the past weeks that that is going to continue from our side and our adversaries.

(At this point, Mr. SCOTT assumed the chair.)

Mr. McGOVERN. I think the Senator's point is supported by history. In the early 1950's, when our troops crossed the 38th parallel in Korea, that brought a million Chinese soldiers into the war and thousands of Americans men were killed. It seems that we are repeating the same mistakes all over again in a more dangerous situation.

Mr. FULBRIGHT. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. FULBRIGHT. I wish to emphasize that last point. If the war is widened to include the Chinese, then the question of compromise becomes quite a different one. Vietnam is a small country, which the Senator described so well. Our honor, really, is not involved in the war in Vietnam in anything like the same way it would be if we were to become engaged in war with China or Russia. Is that not true?

Mr. McGOVERN. I think the Senator is absolutely correct. I have often wondered how we could justify the enormous commitments we have made already to Vietnam unless somewhere in the back of the minds of our policymakers they have thought that we are really fighting China. Has the Senator ever had that concern?

Mr. FULBRIGHT. Yes. This has been one of the confusing aspects of discussion in the past. There has been a kind of ambivalence as to who is the enemy. At one time the enemy is Ho Chi Minh, at another time we are restraining China.

The Senator will remember in our committee hearings last year when we had members from the administration discuss this matter, we got the impression the administration thought they were justified in being in Vietnam because we were ultimately restraining China. Now, however, they have begun to talk about the terrible aggression, the overt, unprovoked aggression by North Vietnam and apparently that is the principal reason for our involvement. In recent weeks, there has been little said about restraining China, not nearly so much as there was a year ago. The administration seem to try to justify the war on the basis of repelling aggression from North Vietnam. The Senator has already dealt with that point, as to the distinction between aggression and civil war. The Senator has history on his side, there is no doubt about that. The best authorities, not a part of any administration, but objective observers, all to the best of my knowledge, agree with the Senator as to the historical background of the war.

But the reason this is so critical, and the reason the Senator's speech is so important is that here, at the last moment, I am afraid, I am not sure that the war for total victory can be turned back. That is why the Senator said a moment ago——

Mr. McGOVERN. I would say to the Senator that I am not sure, either.

Mr. FULBRIGHT. He thought it might be turned back. I have the feeling, in turn, that bringing General Westmoreland to Washington to make speeches and to meet with us, is a final drive for a vastly enlarged manpower commitment and a great drive for a military victory. But, I think it is helpful that the Senator is so courageously making this great effort to give a final warning, a warning that if the administration follows that course, it is very likely that the war will be enlarged to include the Chinese, and probably the Russians, and we will then be in the third world war.

Then, there will be no turning back. The Senator from South Dakota and the rest of us, probably, will not have the nerve to say anything. There will be a clampdown on any kind of disagreement with official policy, because the war will be so serious, then, that there would be no alternative but to go along. There would not be much point in discussing it any further.

Mr. McGOVERN. I think that the Senator's points are well taken. There is an article in the Washington Post this morning which deals precisely with that point, written by George Wilson. Mr. President, I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

Mr. McGOVERN. The article makes the same point which the Senator does. Let me quote one paragraph:

> North Vietnam's leaders must make the decision whether to risk further attacks—

Referring to the attacks on the airfields yesterday—

> or negotiate with Red China to permit use of Chinese airtrips for their Migs.
>
> The new bombing raids thus could force Hanoi into greater dependence on China. It also would limit the time the short-ranged Vietnamese jets could spend in the air over their own country. North Vietnamese planes already use an air base in China, 225 miles northwest of Hanoi.
>
> The United States, faced with North Vietnamese Migs flying out of Chinese bases, would have to decide whether to pursue fleeing planes into China. Another question is whether bases in China should be bombed.

Thus, there is no end to the escalation except a major war. As the Senator from New York just said, this is the way big wars always get under way. They start off with some duke being assassinated, or some guerrilla taking a shot at a village chief, and from there on the escalation begins. It seems to me that it is being raised to another dangerous new level. The bombing of the air bases raises all these questions to which I have just alluded, accompanied by reports that General Westmoreland is requesting 50,000 more troops. I expect that before that request is acted on, there will be a news release saying that they have already sent 30,000 or 40,000 troops that we did not know about.

Mr. FULBRIGHT. I have no doubt. That is what happened last year.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the Senator from South Dakota may be allowed to proceed for 10 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, will the Senator from South Dakota yield to me?

Mr. McGOVERN. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I compliment and congratulate the distinguished Senator from South Dakota on the magnificent and logical address he is making. I have listened to every word of it, and I desire to advert to the same general subject.

General Westmoreland, who has been our commanding officer in Vietnam for 3 years, has now returned to the United States.

He is coming to Washington to seek, as has been stated, further escalation of our intervention in the civil war in Vietnam.

I am thankful to the distinguished Senator from Alaska [Mr. GRUENING] for referring to the fact that we are involved in a civil war in Vietnam. When I was in South Vietnam, not only did General Westmoreland make the precise statement to me that the bulk of the Vietcong fighting in Vietnam were born and reared in South Vietnam, but Gen. Richard Stillwell also informed me, somewhat to my surprise at that time, that 80 percent of the Vietcong fighting in the Mekong Delta, which is south and west of Saigon, were born and reared in that area. If that does not make it a civil war, I do not know what does.

It is unfortunate that General Westmoreland is absenting himself from Saigon when, within a matter of a few hours our Ambassador, Deputy Ambassador, senior advisers on political and economic matters and several area commanders will be new men. Stability and continuity need emphasis with this changing of the guard, one would think. I regard General Westmoreland as a highly competent general officer, but perhaps it would have been better to postpone his visit to the United States.

General Westmoreland, of course, will further compound this mistake by making a greater mistake in calling for 50,000 or 100,000 more American soldiers in Vietnam, and for increased bombings of North Vietnam. All this at a time when we are proposing to transfer from West Germany to Vietnam more than 200 airplanes and their crews on the statements of General Westmoreland that such reinforcements are sorely needed.

Furthermore, in recent weeks, there has been a definite downturn in the progress of the fighting. The facts are that just south of the DMZ zone, at the 17th parallel, American forces, under the great field leadership of a fighting general, Lewis N. Walt, have been hard pressed. It is said that forces of North Vietnam, numbering in the thousands,

are poised for infiltration across the DMZ zone. That may be an exaggeration. I do not know. There is also talk of building a sort of Maginot Line or Chinese Wall across the southern part of the DMZ zone. It has been necessary to send additional Army units to reinforce our marines now fighting there. It would seem to me that General Westmoreland is really more urgently needed in his command post at this time than in Washington lobbying for additional forces and urging an escalation of the war. Very likely he is in this country at this time largely for propaganda purposes.

If the President yields to his urgent requests and those of the Joint Chiefs of Staff for 100,000 or 50,000 additional fighting men, does that mean that additional draftees will be sent into combat in South Vietnam, following only 4 months of training, while four divisions of highly trained soldiers, most of them career men, are leading the "good life" in West Germany with their wives, and, with their officers who never had it so good, living with their families and servants? There are presently more than 250,000 highly trained American fighting men stationed in western Europe. For the most part they are volunteers. They are well trained and ready for combat service.

We have, of course, the finest fighting men in the world in Vietnam at the present time, and their morale is of the highest. They are the cream of the crop. However, what justification is there for sending draftees to Vietnam while career soldiers are enjoying plushy European assignments? It seems that at the very least those soldiers who have reenlisted one or more times—who have chosen the Army, Navy, or Air Force as a career—should be called upon for combat duty in southeast Asia before draftees are assigned to Vietnam, except in cases where the special skills of these career men are urgently needed elsewhere, if there are such cases.

It is a fearful thing to add another 100,000 fighting men to combat in the ugly civil war in Vietnam, which we have allowed to become an American war. It is a fearful thing also that Americans generally have reason to doubt that our leaders are striving to their utmost to bring about a cease-fire and an armistice. It is a highly questionable tactic when our Commander in Chief says we are willing to end the bombing of North Vietnam provided the Hanoi government immediately and at the same time ends infiltration into South Vietnam. We are saying by this sort of a message to Ho Chi Minh that if he immediately stops infiltrating men and supplies—and I emphasize the word supplies—to his forces in South Vietnam—in other words, if he abandons those forces—we would stop our bombing of North Vietnam for a certain period in order to afford those of the Hanoi government the opportunity for a conference. We did not state that we, at the same time, would stop supplying our forces in Vietnam or increasing their number.

Furthermore, our leaders have never yet stated explicitly that the National Liberation Front, or Vietcong, may be represented at a future peace conference by independent delegates along with the delegation of the Saigon government and delegates of the Hanoi government and of the United States. Secretary of State Dean Rusk has claimed he really desires a cease-fire and an end to the killing of American GI's and incidentally the killing and wounding of VC in huge numbers and also men, women, and children living in both North and South Vietnam who are being killed daily, many by our napalm bombing. If so, then what has he to fear by agreeing that the U.S. offer to send six delegates to be seated at a conference table in any Asiatic city along with six delegates from the Saigon government, six from the Hanoi government and six representing the National Liberation Front, whose leader is a Saigon lawyer who is not a Communist? There would be 12 delegates representing our Nation and the Saigon government and 12 delegates representing the VC and Hanoi government. If our leaders in the executive branch of the Government are manifesting good faith and really seeking peace, what is wrong with following this procedure or a similar one?

Rather than calling General Westmoreland home at this time to lobby for further escalation of the war, administration leaders would do well to part company from their "warhawk" military advisers and make greater efforts toward seeking a cease-fire and an armistice in Vietnam.

I again compliment the distinguished Senator from South Dakota for rendering a real and needed public service today.

Mr. McGOVERN. I thank the Senator from Ohio for his helpful comments.

Mr. GRUENING and Mr. HOLLAND addressed the Chair.

Mr. McGOVERN. I promised to yield to the Senator from Alaska.

Mr. GRUENING. One of the very important aspects of the speech of the Senator from South Dakota was his analysis of the so-called efforts to achieve negotiations with our adversaries in southeast Asia which are put forward as being desperate but unsuccessful attempts on the part of the administration to bring those adversaries to the negotiating table but that they have refused adamantly to give any signal to help that situation come about. Senator McGOVERN feels these allegations are not true. There is indeed another side to this story and that side should be told; namely, that we have consistently made it impossible, or next to impossible, at the moment when there was a signal—and there have been quite a few—for them to negotiate.

I ask unanimous consent that a very comprehensive article by the well-known journalist, Theodore Draper, which appears in the current issue of the New York Review of Books entitled "Vietnam: How Not To Negotiate," which tells another side of the story, and one which should be told, be included at the conclusion of the Senator's remarks. It is desirable that this important article be printed there, because it is supplementary to and amplifies the point he has made as to why there have been no negotiations. It is not true that the other side has adamantly refused to come to the negotiating table. They have given signals, some of which we have ignored, and at other times when those signals have been given, we have made it impossible for those negotiations to come about by actions which are described in Mr. Draper's article. This is an important part of the picture. These obstacles to negotiation, coupled with our continuing escalation, may well result in bringing China, or Russia, or both, into the war. I fear our policy may make that imminent. I hope not. But the fact is that we have made it next to impossible for the other side to come to the negotiating table when those signals had been made.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Is there objection to the request of the Senator from Alaska?

Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. I appreciate the Senator's comments. I read the article to which he has referred. It is a carefully written, thoughtful, and, in my opinion, irrefutable case. Mr. Draper is a brilliant, highly capable student of international affairs.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senator from South Dakota be granted an additional 10 minutes. I have some questions I would like to ask him.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLAND. Without commenting on the Senator's speech in any detail at all, I am going to ask the distinguished Senator if it is not true that it is helpful rather than hurtful to have General Westmoreland here in our Nation, as the commander of our troops in South Vietnam for nearly 3 years, to make his appearance before the news chiefs of the Nation at New York, to come down here and make an appearance before a joint session of the Congress, as I understand it, to be available to be summoned by the Senate Foreign Relations Committee, if they wish to hear him, to be summoned by the Senate Armed Services Committee, of which the Senator from Ohio is a part, if they wish it.

It seems to me it is a very good thing. The Senator from Ohio, I think, made it very clear he understands that General Westmoreland came here at the behest, at the request, and with the permission of the Commander in Chief, the President of the United States. I think we all know that is the case.

How better could the actual facts in this matter be communicated to the American public than by the coming of General Westmoreland here? That seems to me to be a very fine development, which I approve and applaud. How else could the people get a better understanding of what goes on in that remote country than by having General Westmoreland come back to report?

Mr. McGOVERN. Let me say to the Senator that before he came into the Chamber, I made it perfectly clear that as far as I personally was concerned, I was not criticizing General Westmoreland in any way. I think we all under-

stand he is here carrying out his orders, the orders of his Commander in Chief. He is a good soldier, I am sure, who obeys the commands and follows the policies that are laid down by his superiors. I have no criticism of the general in any fashion. I think he is doing the job that he was ordered to do.

I do question his judgment that the reason Hanoi is staying in the war is because of dissent in the United States. I think that is completely mistaken and misleading. It would be just as easy to say—and I believe this with all my heart—that Hanoi knows very well that the United States is not going to surrender or withdraw from this war. We have a half million men over there, and we are building up our forces all the time, and stepping up the war on a day-by-day basis.

But they have been fighting for 25 years. They are a very determined people; and the experts who have studied this war most closely, for whose judgment I have the greatest respect, have pointed out all along that the more pressure we put on them, the more they will resist. That is perfectly natural. The Senator knows from previous wars that people who believe in their cause, as I am convinced the other side does in this war, are not going to pick up their guns and run away because we put pressure on them.

So I think the general has misread the real reason for the resistance on the other side. A good many of us predicted exactly the kind of resistance they have demonstrated. We predicted that if we escalated the war in the south, they would respond with more troops from the north. We predicted that if they were hit from the air, since they have no air force of consequence, they would retaliate on the ground, which is the only way they can retaliate.

I predict further that if we continue to push this war toward the Chinese borders, with perhaps the bombing of their airfields, that country will be involved a short time later. So it is not a question of criticizing the general for doing his job, but of criticizing the policy which he is trying to execute.

Mr. HOLLAND. Mr. President, the Senator from Florida does not think that General Westmoreland is a Charlie McCarthy, to come over here and tell the people of this country what someone else wants them to hear. I believe General Westmoreland will tell our people, Congress, and any committee by which he is summoned—and I hope he will be summoned by the Committee on Foreign Relations, and the Committee on Armed Services of the Senate, and similar committees of the House of Representatives—what he honestly believes. I know he will state the truth.

Mr. McGOVERN. May I interrupt the Senator?

Mr. HOLLAND. I think any examination of his record will indicate that he is the kind of man who cannot be directed to say something he does not believe in.

Mr. McGOVERN. If the Senator will——

Mr. HOLLAND. I think he will state very fully what he does believe in. My own feeling is that he is in a much better position to know what he is talking about, when he tells us that the trouble in Vietnam is being greatly accentuated by the criticism here on the home front, than are we who are here at this great distance, and who are hearing every day the persuasive voices of our brethren here in the Senate and elsewhere trying to make it very clear that the rest of us are all wrong, and that they are right; that the President is all wrong and that they are right; that General Westmoreland is all wrong and that they are right; that the Joint Chiefs of Staff are all wrong and that they are right; that Henry Cabot Lodge and other statesmen whom we have all known a long time, and in whom we have great confidence, are all wrong, but they are right.

My own feeling is that the general comes from a vantage point at which he has had the very best chance to observe what goes on there, and what are the soundest reasons for the recalcitrance and the adamant position of the North Vietnamese. I think we all ought to welcome his coming, and should look to him to tell us what he believes, and pay a great deal of attention to it. I hope that the Senator from South Dakota and my other fellow Senators will all adopt that point of view. If we cannot get a truthful report from our own commander in the field, who has been there at the risk of his life every minute for about 3 years, and who is permitted to come over here so that he can communicate with his fellow citizens in the United States; if we cannot welcome him, believe in him, and take some comfort from what he tells us, and in some degree formulate our opinions upon what he tells us, as the best possible observer, I think we shall have passed up a tremendously good opportunity to get a much clearer view of what is happening over there than we have had heretofore.

I personally welcome his coming. I think it was a wonderful thing for him to come, and so far as I am concerned, I think the President was completely right in approving his coming. I do not think that the President could any more tell him what to say and get him to say it, if he did not believe it, than he could tell the Senator from South Dakota what to say—and I know that no man living could tell him what to say or put words in his mouth. I know that no man living could put words in the mouth of the junior Senator from Ohio, and tell him what to say and get him to say it, or in the mouth of the Senator from Alaska, or in the mouth of the Senator from Arkansas, because I have much respect for their independence.

But I personally think that they are very wrong in questioning the value of General Westmoreland's comments.

Mr. McGOVERN. Will the Senator yield at that point?

Mr. HOLLAND. I think that he knows much better than any of us can possibly know what are the real fundamental reasons for the adamant and unyielding position of Ho Chi Minh and the North Vietnamese.

I thank the Senator for yielding.

Mr. McGOVERN. If the Senator will permit me to comment, I have not even hinted here today any criticism of General Westmoreland's coming to the United States. It is fine with me that he is over here. The only suggestion I made is that he presumably is following the policy of our Government. My remarks are directed at the Commander in Chief and the administration. If the general is not following the policy of our Government, if we have a Westmoreland policy and a Johnson policy, we are in even worse shape than I thought.

The Senator will remember that the last time we had a prominent general come back from Asia with his own policy somewhat different from that of the White House, he got fired. I am thinking about General MacArthur in the Korean war.

I think the presumption is that while General Westmoreland may believe in what he is doing, it is also quite clear that he is carrying out administration policy.

I will say to the Senator that I was somewhat startled when I was in Vietnam in late 1965, at a time when top administration officials were saying that our policy was one aimed at negotiation, and that we wanted to arrive at negotiations as soon as possible, to hear every single general officer that I talked with in Vietnam saying they were opposed to negotiations, that negotiations would be a disaster, that it would leave the Vietcong in control of the country. That disturbed me at the time. I have never said anything about it, because I was frankly a little embarrassed to see that kind of inconsistency between what our generals were saying to Senators who were visiting in Vietnam and what the President was telling us, both publicly and privately, here at home.

Mr. HOLLAND. Mr. President, if the Senator will yield, I think he has demonstrated in what he has just said the fact that generals can be independent. Generals can have opinions of their own and state them frankly.

Mr. McGOVERN. Does the Senator——

Mr. HOLLAND. And that generals will state what they believe. I think that is what General Westmoreland will state. Just because he happens to accord, in the main, with the position of the President, does not mean any more that he is taking directions from the President than that the President, perhaps, is following the advice he gets from him and from others.

I think he is a good one to give advice. The point I am making is that while I did not hear, and I am sorry—I am sure I was the loser by not having a chance to hear them—all the remarks of the able Senator, I did hear some of the interruptions by two or three Senators, and I gathered the impression that they were very much out of humor with General Westmoreland's coming, that they thought he was somewhat of a Charlie McCarthy, and was saying what someone else told him to say.

I think he is very much like the other generals the Senator from South Dakota talked to in Vietnam. I think he is too used to serving his country to come here and say what somebody else tells him to say, if he does not believe it. As far as I am concerned, I think this is a wonderful opportunity for our country to get a

clearer, closer picture and view of what is happening there.

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

Mr. HOLLAND. I see the Senator from Arkansas is on his feet. I hope he will summon General Westmoreland to appear before the distinguished committee which he heads, and I hope that the Senator from Ohio, who, while not the chairman of his committee, is a very valuable member of the Committee on Armed Services, will use his utmost persuasive influence to achieve that same result, and have General Westmoreland appear before that committee.

I think the more rapport we can get, the more advice we can get from a man like General Westmoreland, who is reported to me by the men whom I know best in the service—including one I have known ever since kindergarten days—as being one of our best soldiers and most conscientious Americans at the present time. I want to hear what he says.

I believe he is a good American. I believe that he will tell us what he believes from the bottom of his heart and that his information is based upon a much clearer chance to observe than the Senator from Florida has had, or than any of his brethren in the Senate have had, to observe the actual facts.

Mr. LAUSCHE. And he is not running for reelection anywhere.

Mr. McGOVERN. Anyone who runs for reelection for or against the war in Vietnam is doomed to be disappointed. This is not an issue to be exploited for political purposes.

No Senator who has spoken here today has directed his remarks at reelection. Speaking out on the issues involved in Vietnam, pro and con, is very hazardous, and the Senator knows that.

Mr. LAUSCHE. Is it not a fact that the President of the United States is in a most dangerous position because he is carrying out his honest judgment—the following out of his honest judgment on Vietnam has made him politically weak?

Mr. McGOVERN. What does the Senator from Ohio think the rest of us are doing but carrying out our honest judgment?

Mr. LAUSCHE. It is one thing for the President to say that we cannot pull out of Vietnam; it is another thing for others to say that we should pull out. The President is being plagued and hit from every side.

Mr. McGOVERN. No Senator is suggesting that we pull out of Vietnam. Not a single Senator has suggested that.

Mr. LAUSCHE. The Senator says that we should not pull out. What does he propose?

Mr. McGOVERN. I recommend, and have recommended for 3 years, that we stop widening the war and the sending of more and more American men in an effort to end a problem that has to be settled by the Vietnamese people.

Mr. LAUSCHE. Would it not be better to pull out than to let our men sit there and be mowed down by the fire and the bullets of the North Vietnamese? I reaffirm that rather than have our men sit there it would be better that we pull out.

Mr. McGOVERN. The course I have recommended is the course that is best calculated to save the lives of American men in Vietnam.

The course the Senator from Ohio has recommended is the course designed to lead to a larger war and to the loss of more life on both sides.

Mr. LAUSCHE. I have not recommended any course. However, the Senator recommends that we stay there. I insist that if our men are to be required to stay there, we must stop the movement of troops and equipment from the north.

I would not stand by for one moment and watch equipment and troops coming in from the north mowing down our men and then tell them: "You stay there. We will not protect you."

That, in my judgment, is not the course to follow.

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

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

Mr. McGOVERN. Mr. President, I yield to the Senator from Florida first; I shall then yield to the Senator from Idaho.

Mr. HOLLAND. Mr. President, I am grateful to the Senator for yielding. The Senator from Florida did not rise to create any inflammatory conditions on the floor of the Senate. He rose to make it perfectly clear that he feels that the coming of General Westmoreland to speak to his own people—his fellow countrymen whom he has served all his life since he graduated from West Point—is a wholesome and healthy thing. It is naturally designed to give us the clearest view and the best and most dependable information which we could possibly have.

The Senator from Florida gained the impression from the colloquy to which he listened after he came to the Chamber that there was another position, to the effect that General Westmoreland ought to be back in Vietnam.

I think it is important now for our people to understand better this situation in Vietnam. When the General comes and tells us that the things that are happening here are making it more dangerous for the half million men we have there, I think he is entitled to be heard.

I am going to listen with great confidence to what he says. He has a much better vantage point than we have had. His life has been long in danger, every minute. He has had a much closer chance to know what the facts are.

I hope that we will utilize his presence by having him appear before our committees and give us the benefit of all the information he has.

Mr. President, I thank the distinguished Senator. I am not mad at anybody. I think that having General Westmoreland here will be a grand opportunity for us to gain more information on the subject.

Mr. President, I ask unanimous consent that the lead editorial in the Evening Star of today, entitled "Westmoreland's Appeal," be printed at this point in the RECORD.

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

WESTMORELAND'S APPEAL

In his address to the Associated Press managing editors, General Westmoreland was calling for two things—understanding of the war in Vietnam and support on the home front. It was an admirable performance, one which should inspire confidence in the man who is responsible for the direction in combat of some 435,000 Americans.

This general is not a wishful thinker. "The end," he said, "is not in sight. I foresee, in the months ahead, some of the bitterest fighting of the war."

But General Westmoreland also spoke with confidence in our "battlefield capability." The problem as he sees it no longer involves danger of a military defeat. A military victory is beyond the reach of the Communists. He is concerned, however, with the attitude of some Americans.

"The magnificent men and women I command in Vietnam," he said, "have earned the unified support of the American people." But a noisy minority denies them this unified support. And our troops "are dismayed, as I am, by recent unpatriotic acts here at home. This, inevitably, will cost lives—American, Vietnamese, and those of our other brave allies."

General Westmoreland knows, of course, that it is impossible to ban anti-war demonstrations in this country. Even as he spoke to the editors, demonstrators were marching in front of the hotel, one of them carrying a placard which read: "Westmoreland Wanted for War Crimes."

What can be done, however, and what General Westmoreland evidently hoped to do, is to isolate the peaceniks by appealing to the patriotism and the good sense of the American people.

The same thing is true of the address to the Economics Club of Detroit by General Wallace M. Greene, Jr., commandant of the Marine Corps.

A great many, perhaps most, Americans are uneasy and unhappy with the war in Vietnam. But they also know that there is no easy way out. And as they come to realize that such shameful episodes as the recent demonstrations in New York and San Francisco serve no better purpose than to encourage the enemy and prolong the war, we think they will listen to the General Westmorelands and the General Greenes, not to the shrill, irrational clamor on the American Left.

Mr. FULBRIGHT. Mr. President——

Mr. RANDOLPH. Mr. President, reserving the right to object, and I shall not object——

The PRESIDING OFFICER. Will the Senator from Arkansas make his request?

Mr. FULBRIGHT. Mr. President, I wanted to have an additional 10 minutes. I understood that the Senator from West Virginia had gone to lunch and was in no hurry. I was told that by one of his staff.

Mr. RANDOLPH. Mr. President, nobody has been authorized to say that. I have been waiting here.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. Mr. President, I would like it clearly understood that the Senator from West Virginia is very easy to accommodate. However, I have been waiting for an hour and 15 minutes, and I had an order, just as the distinguished Senator from South Dakota had an order.

We all have commitments that we have to adjust to. We have a vote scheduled for 2:30 this afternoon.

Some seven other Senators are joining with me in the subject that we shall discuss.

Mr. President, I shall not object.

Mr. McGOVERN. Mr. President, I will make my remarks as brief as I can.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I want to make one point to correct the impression of the Senator from Florida that there was any criticism of General Westmoreland. There was none whatever, from any point of view. As a matter of fact, I think he inadvertently has rendered a great service.

It is quite clear to me, although no one has said so in such words, that the very fact that General Westmoreland is here and made the kind of speech he did, plus the kind of speech that General Green made, that there is not the slightest doubt that all the pressure is on and in the eyes of the President the war is going on to a military victory. These events are more revealing than anything else that has been done.

I agree with the Senator from Florida that it is much more likely that the administration has now come around to the views of General Westmoreland than the reverse. I think he is saying what he thought.

Mr. McGOVERN. I agree with that statement.

Mr. FULBRIGHT. I do not know how the Senator from Florida can think that General Westmoreland knows more about the psychology of dissent on Ho Chi Minh than many other citizens. I do not understand that the general has any pipeline to Ho Chi Minh or possesses any special qualifications, in Vietnam or anywhere else, to interpret the political significance of the voice of people who have a different view from that of the administration.

I do not admit that. I think that General Westmoreland knows what goes on in his jurisdiction. But merely because the general is a great general, I do not accept him as an authority on all subjects. He is a general, and I am not quite ready to admit that only generals know anything about human relations or diplomacy or other nonmilitary activities.

I do not accept him as an authority in every respect.

There is a legitimate difference of opinion as in our best course of action as a nation. It is quite clear, however, that there is a growing implication that dissent will lead to charges of disloyalty and muddleheadedness and then finally to implications of treason. This, I fear, is one of the last times that anybody will have courage to say anything else about the war.

Mr. HOLLAND. Mr. President, it would be incomprehensible to me that anybody should accuse any of my distinguished friends of disloyalty or treason because they have a different opinion than others.

Mr. FULBRIGHT. They are already doing it.

Mr. McGOVERN. The Senator will agree that they are coming pretty close to that.

Mr. HOLLAND. Mr. President, I have assured my good friend on the floor, privately and publicly, that I have respect for people who have convictions and speak them. However, I call attention to the fact that General Westmoreland has access to all of the information that has been adduced from interviewing prisoners of war and defectors from the Vietcong and from North Vietnam, and there are thousands of these. Which of us has access to any of those sources, which are multifarious?

To my view, the Commander in Chief, who has been the responsible party for evaluating everything in the field, not only is entitled to have an opinion as to what is most responsible for the adamant attitude of North Vietnam, but also, he probably has the best possible opportunity to have the correct view. At any rate, I believe it is a great service to our people to have an opportunity to hear General Westmoreland, and it will help to clear up these difficulties.

I again say that I hope that my distinguished friend, the Senator from Arkansas, who always keeps an open mind, will invite General Westmoreland before his committee. I hope the Committee on Armed Services will do the same. I hope we will all feel free to have conferences with General Westmoreland, because I think he is a very fine gentleman as well as a great commander, and he is certainly a patriotic American.

Mr. FULBRIGHT. There is no question about that.

Mr. HOLLAND. I believe that his point of view will be the most valuable contribution to the thinking of our people on the home front that we have had in a long time.

Please pardon me for intervening again. I rose in the beginning to make that point, and not to question anybody's attitude.

INVESTMENT TAX CREDIT

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the clerk will report.

The ASSISTANT LEGISLATIVE CLERK. A bill—H.R. 6950—to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

The Senate resumed the consideration of the bill.

THE LESSONS OF VIETNAM

Mr. McGOVERN. I wish to make two brief observations on the remarks of the Senator from Florida. First, we have the time-honored tradition of the civilian supremacy over the military, which I, for one, hope we never surrender; and, second, let us not forget that even a great general can be wrong.

General MacArthur, in my judgment, was every bit as great a general as is General Westmoreland. Both are great generals. But General MacArthur had access to the same kind of information that the Senator from Florida says is available to General Westmoreland. General MacArthur was on the home ground, he was involved on the scene, and he assured our President that if he had the authority to take American forces into the Yalu River area, the Chinese would not intervene.

Nevertheless, the Chinese came in, a million strong, and we paid an enormous price in blood and treasure because of that miscalculation on the part of a very fine general.

I yield to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

I commend the Senator for the courage and the candor of the statement he has made today.

I was dismayed to hear the senior Senator from Ohio [Mr. LAUSCHE] intimate that the Senator from South Dakota's position may be somehow related to the fact that he is up for reelection. If there is one thing that should be clear—and all of us know it in our hearts—it is that it takes a great deal of political courage to express a dissent over national policy once the country has become involved in war.

There is safety and even favor to be gained by marching in step. But there is obvious political danger involved in expressing dissent. And to try to turn that situation around is little less than appalling to me. So I commend the Senator from South Dakota for his courageous speech.

I should like to ask the Senator two or three questions concerning the bombing, the scope of which has been enlarged in the past 24 hours.

How long has the bombing been going on? Approximately 2 years? Is that not correct?

Mr. McGOVERN. The bombing began in the south, I believe, on February 9, 1965, and began in the north about a week later. As I recall, it was February 16 or 17 of 1965. So is has been in progress, in both the south and the north, for a little over 2 years.

Mr. CHURCH. As I recall, the stated objectives of the bombing, announced at the time, were two: first, to interdict the supply lines from the north, and thus to cut down on the amount of men and material being infiltrated into South Vietnam; second, to bring pressure to bear upon Hanoi, to persuade Ho Chi Minh to come to the conference table, and thus to terminate the war. Is that not correct?

Mr. McGOVERN. The Senator is correct. Those were the stated reasons at the time.

Mr. CHURCH. Now, the bombing has gone on for 2 years. What have been the results as acknowledged by spokesmen for the administration itself? First, has the supply of men and material from the north been substantially reduced? Is it not true that actually the supply of men and material has increased during the period of the bombing, rather than having been reduced?

Mr. McGOVERN. My understanding is that at the time the bombing was started in North Vietnam, 400 North Vietnamese regulars were reported to be south of the 17th parallel. I believe it was said that there was one battalion of the 325th Division of the north. There was some conflict even about that. I remember reading reports that we were not sure it was an organized North Vietnamese unit, but they later settled on the figure of 400 men.

Today it is my understanding that a good many thousands of North Vietnamese regulars are fighting in the south. I am not sure what the figure is, but certainly many, many times the number who were there when we started the bombing 2 years ago to shut off the infiltration.

Mr. CHURCH. So, on the record, the bombing has failed to accomplish its first objective. Is that not so?

Mr. McGOVERN. The Senator is correct.

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

Mr. CHURCH. I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. CHURCH. As to the second objective, has there been any indication whatever, since the bombing commenced, that it is breaking the will of the Hanoi government to persist in the prosecution of the war?

Mr. McGOVERN. Quite the contrary, I believe there has been a hardening of the attitudes of Hanoi toward negotiation.

Harrison Salsbury, who was in North Vietnam—which is not true of General Westmoreland or of any of our field commanders—and other on-the-spot observers have reported that the bombing is doing what bombing usually does: it is hardening the will of those under attack.

Mr. CHURCH. Can the Senator recall any war in which the will of a country has been broken by an aerial assault alone, where bombing in fact has produced the result that we are apparently seeking for it in North Vietnam?

Mr. McGOVERN. The only example might be the atomic bombing of Japan, where the shock was so enormous that it literally paralyzed the Japanese. But no one is suggesting that we use that approach against the guerrilla fighters in Vietnam.

Mr. CHURCH. Wherever conventional bombing has been used in the past, as in Korea, as in Germany in the Second World War, bombing alone has never resulted in either breaking the morale of the bombed people, or destroying the resolve of the bombed government, to persist in its prosecution of the war. Is that not true?

Mr. McGOVERN. The Senator is correct. Certainly, that was true with the bombing of Britain, and with the bombing of Nazi Germany and other countries in World War II.

Mr. CHURCH. In fact, is it not true that it was possible for Hitler to retain control of Germany in a most astonishing fashion until there was nothing left of Germany but the black, smoking, twisted ruins of Berlin, that he remained in charge until he put a pistol to his own head, underground in his bunker in Berlin? And, it was only at that moment, the moment he took his own life, that he stopped being dictator of Germany.

Mr. McGOVERN. The Senator is correct.

Mr. CHURCH. And is it not true that one of the reasons for this remarkable feat ascertained afterwards, was the unifying effect that the bombing had in holding the German people together under Hitler until the Allied armies actually occupied Germany?

Mr. McGOVERN. The Senator is absolutely correct.

Mr. CHURCH. Well, that is the record of the past, and I believe it testifies to the force of the argument that the Senator from South Dakota has made on the floor this afternoon.

Mr. McGOVERN. I appreciate the comments of the Senator from Idaho.

I feel badly about delaying the delivery of the talk by the distinguished Senator from West Virginia [Mr. RANDOLPH]. I appreciate his courtesy in yielding the additional time.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles and editorials supporting my speech.

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

FLAT-OUT WAR WINS IN WEST VHTNNNG

(By Arthur Hoppe)

It was in the 38th year of our lightning campaign to wipe the dread Viet-Narian guerrillas out of West Vhtnnng when a dispute arose on how best to save that beleaguered nation for democracy.

Some strategists favored bulldozing a 200-yard-wide "Death Strip" between West Vhtnnng and East Vhtnnng. And some strategists favored declaring the entire border province of Whar Dat a "Free Kill Area" in which anything that moved would be blasted.

It was the U.S. military commander, Gen. Zipp K. Zapp, whose clear thinking resolved the issue. "Both plans have merit in our unending struggle to save our beloved allies," he said thoughtfully.

"So let's stop talking and start doing."

"Do which, sir?" said an aide.

"Do both, damn it," said Gen. Zapp.

And so it was that the entire province of Whar Dat was bulldozed flat and declared a "Free Kill Death Strip Hands Up Don't Move Democracy-Loving Area."

Naturally, such an ambitious undertaking was not accomplished without some carping. Indeed, the provincial governor of Whar Dat, Gen. Ngo Mahn Ngo, dictated an eloquent letter of protest to his Premier, Gen. Hoo Dat Don Dar. Unfortunately, the letter was never transcribed as Gov. Ngo succumbed to an uncontrollable urge to scratch his left ear while seeking a phrase. This drew an immediate response from 42 Strategic Air Command bombers. And Ngo Mahn Ngo was ngone.

This ended the protest movement in Whar Dat. In fact, it ended all movement.

"I am proud to report that the province of Whar Dat, for the first time in 38 years, is entirely free of Viet-Narian guerrillas and thus secure for democracy," Gen. Zapp reported proudly to the President. "Please color it red, white and blue on your map."

"I think you've found a way out of this scrape we're in," said the President jubilantly. "Keep scraping."

Thus it was that the bulldozers ground forward to the next province, Opp Krik, and scraped that clean, too. Victoriously moving on, they had flattened half of West Vhtnnng by the next January. Everyone was delighted with the new strategy.

"This is getting to be the cleanest war we ever fought," the Army said happily.

"Our pilots have not mistakenly bombed a friendly village in months," the Air Force said happily.

The only person who wasn't absolutely delighted was Premier Hoo Dat Don Dar. "I'm not complaining, mind you," he said, "but the Loyal Royal Palace is sure getting filled up with my poor relations from what used to be the sticks."

He said that just before the bulldozers smashed through the East Portico.

And so it was that peace and total victory came at last to West Vhtnnng. Our President himself in a broadcast to the surviving Vhtnnngian people summed it all up.

"We have honored our commitment to stem the tide of communism in Asia," he said, "and make your beloved Vhtnnng safe for democracy."

There was no question that the President's stirring words would have met with heartfelt applause from the grateful survivors. But none of the seven wanted to make the first move.

[From the Saturday Evening Post]

COME HOME WITH THAT COONSKIN

The essence of democracy is that the citizens of a nation shall have the right to vote on the major issues confronting them. The essence of our tragedy in Vietnam is that no such right has ever been exercised, either in Vietnam or in the United States. In South Vietnam, where the last elected leader was murdered three years ago, our 36-year-old protégé, Marshal Ky, recently presided over an "election" that provided only for "respectable" candidates to join in writing a still unwritten constitution. In our own country, where the Congress has not been consulted about its constitutional duty to vote on a declaration of war, the inability of the people to express their free choice has been even more astonishing.

Two years ago, when there were only 23,000 American "advisers" serving with the Vietnamese, and when we still adhered to John F. Kennedy's statement that "in the final analysis it's their war," Barry Goldwater horrified a great many people by advocating such drastic measures as bombing Communist bases in North Vietnam. The Democrats promptly produced television commercials strongly implying that a vote for Goldwater was a vote for World War III. "We are not about to send American boys nine or ten thousand miles away from home," said President Lyndon Johnson, "to do what Asian boys ought to be doing to protect themselves." Yet no sooner had Americans cast their votes for, among other things, peace, than President Johnson adopted the Goldwater policy as his own. Now that he has sent more than 300,000 American troops to "do what Asian boys ought to be doing," now that 5,630 of them have been killed, now that we are dropping more tons of explosives on Vietnam than we dropped on Europe or the Pacific during World War II, now that we have drifted into a major war, every public-opinion poll shows the American people baffled and dismayed. And as always, baffled and dismayed people favor totally contradictory policies. Thus a Gallup poll last month showed that a majority favored escalating the fighting, but a majority also favored greater peace efforts, and a majority feared the whole struggle would end in stalemate. As for a free election, however, no matter how analysts try to assess the recent off-year balloting, the basic fact is that the American people, like the people of Vietnam, haven't had a chance to vote. No alternatives were proposed, and there was no way to vote for or against that murky collection of improvisations known as "President Johnson's current policy."

For connoisseurs of the presidential "style," it was fascinating to watch Lyndon Johnson scoop up a handful of "allies," along with an army of reporters and TV camermen, and whisk off to Manila for a series of pre-election meetings billed as a "conference." It was fascinating, too, to see him and the camermen stage a "secret" trip to Vietnam,

so that the President could tell the troops to "come home with that coonskin." But the Manila communiqué that concluded all this was a restatement of all our illusions—not the least being the illusion that the enemy consists of raccoons. Once again, the war was presented as a matter of enemy "aggression"—as wars always are—and the so-called "allies" promised to withdraw all foreign forces within six months after "the other side withdraws its forces to the North, ceases infiltration, and the level of violence thus subsides."

It would be easy if everything were so simple, if it were a matter of "the other side" just going away. According to official U.S. figures, however, the number of North Vietnamese regular troops in South Vietnam amounts to about 50,000—no more than the force of South Koreans we have shipped into Vietnam, and only a fraction of the number of American troops involved. And if we are talking not about regular troops but "infiltrators," we might begin by shipping South Vietnam's Premier Ky back to his native North Vietnam, and then we might welcome North Vietnam's Communist Premier Pham Van Dong back to his native south.

The theory of "aggression" is, in short, virtually worthless. Vietnam is one country, torn by the agony of civil war, and the major outside intervention is our own. We can justify this, of course, as all great powers justify their use of force—by claiming that might makes right. We can claim that we have a right to assert our military power to protect our access to Southeast Asia—or anywhere else. We can claim that we have a right to veto who will govern South Vietnam—or anywhere else. We can claim that we have a right to kill anyone who stands in our way.

There is a long and distinguished tradition in America that can best be summed up in Stephen Decatur's celebrated toast: "Our country! . . . may she always be in the right; but our country, right or wrong." True to that tradition, a whole generation of American youth has proven once again that this nation can produce fighting men who are second to none in their courage, skill, determination and loyalty. But this is also a tradition that applies to other centuries and other countries, to the foolish Charge of the Light Brigade, "theirs not to reason why," and to the suicidal fanaticism of the Kamikaze pilots of Imperial Japan, and just possibly to the Viet Cong as well. It is thus a tradition that not only has created great heroes but has sent millions to die for false causes.

It is a tradition whose whole merit depends, finally, on the nature of "our country," and the country to which Stephen Decatur took his pledge was one that claimed "its just powers derived from the consent of the governed." We have come a long way since then, and we have come that way partly because "our country, right or wrong" does not mean "our president, right or wrong," and because the great issues that rise to divide a nation have ultimately been resolved by a combination of moderate leadership and the popular vote. There is in any true nation a great natural resource known as patriotism, and presidents and kings and generals have always exploited it to carry out their plans for good or ill. But patriotism is not a justification for everything, nor was the world designed to suit our convenience, and in due time we all learn to judge our leaders by the wisdom and justice of their causes, not by the amount of blood they shed in their quest for shining victories.

RAIDS ON MIGS RAISE MAJOR QUESTIONS

(By George C. Wilson)

The first United States attacks on operating Mig bases in North Vietnam raised major military and political questions yesterday for both Washington and Hanoi.

President Johnson, now that he has approved attacks on the Hoalac and Kep airfields, could order bombing of the other active Mig bases as a further indication of U.S. determination.

North Vietnam's leaders must make the decision whether to risk further attacks or negotiate with Red China to permit use of Chinese airstrips for their Migs.

The new bombing raids thus could force Hanoi into greater dependence on China. It also would limit the time the short-ranged Vietnamese jets could spend in the air over their own country. North Vietnamese planes already use an air base in China, 225 miles northwest of Hanoi.

The United States, faced with North Vietnamese Migs flying out of Chinese bases, would have to decide whether to pursue fleeing planes into China. Another question is whether bases in China should be bombed.

The Pentagon said yesterday that Air Force F-4 fighter-bombers destroyed "up to nine Migs" on the ground at Hoalac while Navy planes were credited with hitting 19 to 20 Migs at Kep. This, according to the latest Pentagon estimate, leaves North Vietnam with between 90 and 120 Migs of various types, including some modern Mig 21s.

Both the bombed air fields are near Hanoi—Hoalac 19 miles west of the city and Kep 37 miles northeast. Still untouched are the North Vietnamese Mig bases at Phucyen and Gialam near Hanoi, Catbi at Haiphong. Baithuong down the coast from Haiphong near Thanhhoa was bombed while it was under construction.

Military leaders would have preferred bombing all the operational Mig fields at once rather than let the North Vietnamese concentrate their anti-aircraft defenses at the untouched bases.

But President Johnson, evidently preferred to escalate the war more gradually.

If the United States does hit the other Mig bases in the coming weeks, Hanoi would have little choice but to move its Migs into China.

But the Mig is basically a defensive fighter—a plane the Russians designed to intercept enemy bombers. As such it has comparatively short range. Moving its bases farther away from Hanoi and Haiphong would reduce the time it could stay up over those cities to harass U.S. fighter-bombers.

In fact, the defensive character of the Migs long had been an argument for not bombing their bases. They were not related to the infiltration from North to South Vietnam but were for national defense, according to this argument.

Another argument against bombing the Mig fields was that the fighters were not enough of a nuisance to justify the international complications of such an action.

Just three weeks ago—on April 3—Defense Secretary Robert S. McNamara said the Mig bases had been spared "to avoid widening the war."

He added: "We think that at least under present circumstances, and this belief can change as time goes by, but we think under present circumstances the loss in U.S. lives will be less if we pursue our present target policy than they would be were we to attack those airfields. It is always a balancing of gains and losses in terms of U.S. lives and U.S. political objectives."

When asked what had changed in the Vietnam War since April 3 to justify the bombing of the Mig fields, a Pentagon spokesman would not go beyond this statement: "The actions speak for themselves. The possibility of strikes against air fields has never been ruled out."

Pentagon figures show no big change in recent Mig successes against U.S. planes. As of yesterday, Migs had shot down 11 of our planes and the U.S. had bagged 40 Migs.

The Joint Chiefs and Staff have argued the Mig bases should be bombed because the fighters interfered with bombing raids. The menace was not measurable just in U.S. fighters downed, they said. The presence of Migs, the chiefs argued, often forced U.S. fighter-bombers to jettison their bombs so they could maneuver in a dogfight. Also, Migs often forced U.S. planes into murderous anti-aircraft fire.

Some military leaders—like retired USAF Gen. Curtis E. LeMay—contend Mig fields in China should be bombed if the planes there support the Vietnam War. The argument is that there should be no sanctuary like there was in Korea. But the bombing of Chinese airfields would appear to be one of the last steps the President would take.

He already has intensified international problems with the bombing of the two Mig fields. Besides the China involvement, the bombing has now confronted Russia with the problem of keeping North Vietnam supplied with Migs.

There is the possibility that the tit-for-tat character of the war may prompt Russia to give North Vietnam better aircraft with improved missiles for knocking down U.S. planes.

Already there have been reports that North Vietnamese pilots are training in the Soviets' SU-7 fighter—more modern than the Mig 21s believed in North Vietnam before yesterday's raid.

Another worrisome possibility is that Russia, in response to yesterday's escalation, may decide to supply North Vietnam with other modern arms, like surface-to-surface missiles which could be fired from miles away into tightly packed U.S. air bases like Danang.

IS THERE A WAY OUT OF THE VIETNAM WAR?

(By Harrison Salisbury)

I strongly suspected before I arrived in Hanoi that the North Vietnamese authorities would not have taken what was for them the giant step of authorizing my visa unless they had decided that the time had come for active exploration of the possibility of peace-by-negotiation in Southeast Asia. I departed from Hanoi with that suspicion transformed into positive conviction. No other sensible interpretation could be placed on the conversations which I had with the Premier and other North Vietnamese officials.

It was apparent that the war was approaching one more of those crossroads which had marked its development over the years. It could proceed in one of two totally opposed directions: down the arduous but productive path of negotiation toward settlement and peace; or it might be precipitously escalated and carried far beyond Vietnam, suddenly to embrace vast areas of Asia or the world. This evaluation was not contained in what anyone in Hanoi was prepared to say publicly. In fact, even in private there was a tendency to fall away from declaring explicitly what was expressed implicitly. But that North Vietnam was prepared to explore actively and seriously the possibility of bringing hostilities to an end was no longer a matter of doubt.

What had produced this attitude in Hanoi? Certainly I had not found that our bombing had achieved this result. I thought that a circumstance far more dangerous to Hanoi, and quite probably to the world, lay in the background of the changed thinking. That circumstance was the chaos in China. In Hanoi one felt the hot breath of the Peking crisis like a fiery draft from a suddenly opened furnace. The events in China were like some terrible charade. Everyone's attention was riveted on them. Everyone knew the fateful consequences which might flow from them. But no one knew how to influence them.

A year earlier I did not believe Hanoi had been especially eager for negotiations with the United States. At least I did not think that North Vietnam was then prepared to talk in terms of a settlement which would have been acceptable to the United States. Earlier than that, I believed, negotiations would have been even less productive.

Going back over the course of events from 1945—the struggle against the French, the victory at Dienbienphu, the Geneva settlement, and the gradual transition from political struggle to warfare—it seemed to me that Hanoi's ambition had undergone great changes. In the early period, and probably as late as 1958 or 1959, I thought that the North Vietnamese and other Asian Communists, with Chinese encouragement, had been thinking in grandiose terms. They had dreamed of the creation of a great Asian Communist movement which would have the sympathetic guardianship of Peking. Peking would help with ideological support, material means, and possibly even the kind of logistic and tactical support which had helped General Giap to succeed at Dienbienphu. The fulcrum of the movement would be Vietnam. There was every reason for Hanoi to think that political evolution in Vietnam favored the North and specifically favored Ho Chi Minh, who then (and now) was the only national leader which the country possessed. Communism or quasi-Communism might then readily spread from Vietnam and possibly from Indonesia to Malaya and to Vietnam's companion successor states of French Indochina, Cambodia and Laos.

This has been a dream and possibly more than a dream in those years. But with the steady rise of conflict within the Communist world this goal had begun to appear less and less realistic. By the early 1960s, I believed, it must have seemed quite impossible. By this time the polemics between the Soviet Union and China had begun to affect the world Communist movement radically, and no Communist regime was more caught in the middle than that of North Vietnam.

During this period, however, it was still possible for Hanoi to dream of political domination of Vietnam or at least a close working partnership with the South under National Liberation Front leadership. There had not been demonstrated up to that time (nor to the present) any political vitality in the Saigon Government which was likely to last once the war ended or the United States removed its props. The inauguration of the American bombing offensive had not changed Hanoi's evaluation of the probable outcome in Vietnam. It still seemed that Hanoi and the Front would survive long after Marshal Ky or his successors had vanished.

The bombing would make it harder for Hanoi and the Front. It would prolong the struggle. It would cost North Vietnam most, if not all, of the restricted socioeconomic gains achieved since establishment of the regime. But the gains were not essential, and the losses would not be decisive. The country was still too primitive, too poorly developed. Even if all the industries, all the improvements were destroyed, even if all the towns and cities were wiped out, the country, its essential peasant life and rice culture, would endure. There was nothing about the bombing of the North which, in the long run, was likely to add to the political viability of Saigon. On the contrary, in the end the results would be the same except that the North Vietnamese would suffer more, the casualties would be higher, the losses greater.

On the other hand, the United States would also suffer. It would begin to cost America a great deal to maintain its war effort. Those members of the Hanoi Government who took ideological guidance from Peking did not think this was at all bad. They shared the view of the Peking Marxists, who held that the more places in the world in which the United States could be mired down in grinding, endless, expensive, frustrating conflict in formerly colonial areas, the more the United States would be bled, the more its resources would be expended, the greater the burden on its social and political structure, the more intense the strain on its relations with other nations, and the greater the political defeat for the United States through loss of world support, particularly among the former colonial peoples, who possessed the majority of global population, who dominated the United Nations, and who in the future would have to be reckoned with.

China was playing the long game. It was counting on the Vietnam war as the first in a series of skirmishes in which the United States would be entrapped. When enough United States forces had been tied down in Asia, in Africa, and in Latin America, Peking would come out on top. It was an attractive theory. It would require decades to work out. But Asia had more time than anything else. Eventually this strategy might involve the United States in war with China. But that, too, would be endured. Indeed, the Chinese had already worked out the tactics whereby they believed they could survive American nuclear attack.

Here the strategy of Peking and that of Hanoi showed a remarkable concordance. Ho Chi Minh talked about the inevitable escalation of the United States war effort. He and his associates noted how we had first bombed only a little way above the 17th parallel, then gradually widened out until the whole country was attacked. At first we did not hit Hanoi and Haiphong. Then gradually we moved on the two big cities. Eventually, Ho contended, the worst would happen—Hanoi and Haiphong would be attacked in a systematic and sustained fashion. But, he insisted, this would not mean the end, North Vietnam would retire to its caves and its jungles and struggle on for ten, twenty, fifty years and finally the United States would be defeated. Long before that another thing would have happened. The volunteers would have come into the war—the manpower of China and possibly of the Soviet Union and of Eastern Europe which stood ready to come to Hanoi's call.

Did Ho really think that events would take this course—that the destruction of his country, the involvement of all the Communist world, was virtually certain? Possibly not. Quite possibly he thought that the prospect of total involvement would, in time, bring the United States to discuss terms acceptable to the Communists. But now history had taken a turn which not even the least sanguine North Vietnamese had anticipated. The brooding quarrel between the Soviet Union and China had boiled over. The consequences already were disastrous for the orderly conduct of North Vietnam's defense. Month by month and week by week the problem grew more grave. North Vietnam was spending more effort now trying to maintain relations with its two great neighbors, trying to keep the flow of supplies coming through, than on any other aspect of the war. And the possibility daily heightened that graver disaster lay ahead.

China could at any moment erupt into civil war, which would mean the diminution or cutoff of the supply route. The intraparty conflict in China might reach such bitterness that one faction would halt supplies or close the roads. The Chinese already were hampering the movement of Soviet goods. They might stop them entirely. The conflict between Moscow and Peking might move into the open warfare. This would make deliveries impossible.

Any one of these combinations might produce the worst of consequences for North Vietnam. The country and its leadership might be drawn into the intra-China dispute through the simple fact that so many of Ho's associates had intimate relations with the Chinese. Many in his entourage had connections as close with Peking as they had with Ho. Suppose Peking thought that Soviet influence was coming to the fore in Hanoi—might it not instruct its friends in Hanoi to intervene? Might Peking already have intervened through third parties to try to affect Hanoi's policies?

It was possible the Chinese would try to confront Ho with a *fait accompli* and subvert his government if they thought he was beginning to side with the Soviet Union. In their present hysteria almost any act of Hanoi's could be interpreted in Peking as hostile to China or pro-Soviet. Hanoi had stated flatly that it would not receive "volunteers" from China or any other Communist state except in certain specific instances and only when it called for them. But could Ho be certain that Chinese "volunteers" would not suddenly pour over the frontier in response to a demand from a member of the North Vietnamese Government acting on the instruction of Peking?

There was not a diplomat with whom I talked in Hanoi who was not sensitive to these potentials. They had changed the whole aspect of Hanoi's attitude toward peace and negotiations. There was not a diplomat from Eastern Europe with whom I talked who did not strongly favor negotiations at the earliest possible moment. Not all of them favored this course because of fear of China. Many had strongly favored it before the Chinese crisis. But the Chinese crisis strengthened their feeling that the war represented a grave fissure in the world political structure, that it created a situation which under the stress of events in Peking might lead the world to nuclear catastrophe.

A nuclear war, they pointed out, was regarded with horror by all the world—except Peking, which had prepared a strategy for dealing with the nuclear devastation of China. Peking, they noted, was talking about the inevitability of American nuclear assault, the wiping out of Chinese nuclear centers, the destruction by nuclear weapons of all China's large cities. Peking thought this would merely create a trap (killing, incidentally, possibly 300 million Chinese) into which the United States would fall. Because, said Peking, after the bombs had done their work the Americans would still have to enter the nuclear-poisoned countryside and seize the land, and there they would find the Chinese, 400 million strong, emerging from caves and bunkers, ready to fight with primitive bombs and grenades at a range of 200 yards or so—closer than America's technology could be effectively employed.

The European Communists were familiar with this Chinese thinking. They were chilled by it and by the consequences it might bring to themselves and to Southeast Asia. I could not find many North Vietnamese who relished the idea, but they were so accustomed to talking of protracted war, of retreating into the hills, of fighting through decades while the Americans exhausted themselves, that the prospect did not fill them with so much horror. But I did not believe that Ho wished to lead his country down that avenue. I thought that he and his leaders had taken the measure of what the next year was likely to bring. And the year after that. It must look to them that the chances for bringing more strength into a negotiation in 1968 were less than the chances in 1967. Beyond 1968 lay more and more grave question marks.

I did not know whether Moscow, in seeking to free its hands of the China crisis and in its hopes of uniting the West in a common front against Peking, had sought to persuade Hanoi of the desirability of negotiation. Perhaps not. The Russians had found themselves in a delicate position vis-à-vis Hanoi and the Communist world. Every Communist knew Moscow had no deep interest in Vietnam. Everyone knew Moscow wanted the war settled. But that made it difficult for the Soviet Union to take a direct hand. Possibly, with the rapid deterioration in Peking, Moscow had finally spoken more directly.

Whatever the event, now, at this late hour, Hanoi was interested in talking terms. But

even so there was a grave impediment. It could not talk openly or directly lest this provoke the very intervention and reprisals by the Chinese of which it was most fearful. At a hint that Hanoi was ready to talk peace Peking was apt to intervene forcibly—by closing the frontier and cutting off supplies, by bringing political pressure to bear within the North Vietnamese Government, or by sending in the "volunteers" to shift the balance back toward war.

I had felt before going to Hanoi that the only effective method of exploring the possibilities of negotiation was by private, completely secret talks, far from the spotlight of world opinion. It was not hard to see the futility of publicized techniques. Some efforts occurred while I was in Hanoi. The British Foreign Secretary, George Brown, made a public appeal for talks, putting the weight of his stress on Hanoi. He added for good measure the suggestion that the talks be held in Hong Kong, oblivious of the fact that the Chinese two days earlier had charged that Hong Kong was a base for the aircraft carriers whose planes were bombing North Vietnam. It was incredible bumbling. Or possibly it was not intended seriously except to ease the pressure on the Labor party at home to take some action toward ending the war.

The Pope made appeals and U Thant made appeals. None of these received a very enthusiastic welcome in Hanoi. There had been suggestions that General de Gaulle might make a good mediator. There was no doubt in my mind that de Gaulle was well regarded in Hanoi. But the attitude of the North Vietnamese officials suggested that they much preferred such a delicate business to be carried on without the intervention of third parties. They had had considerable experience in the past—a bit more than I was aware of when I was Hanoi—of the difficulty of making and maintaining contacts with the United States. Publicity was the one thing they did not want. The intervention of a third party merely increased the possibility of a leak, with the unpleasant consequences which might follow.

The talks could not stand publicity. Of this I was certain. The North Vietnamese had to see the light at the end of the tunnel before they started down the passageway. Until they could feel, privately, that there was a real possibility of an agreement they could not afford public negotiations. Because the moment they entered public negotiations they could expect the China route to be cut and they could expect active Chinese efforts to upset the talks. This would be fatal unless they knew that they were going to be able to reach a peace agreement. If they started out on negotiations and failed, they would find themselves in a critical situation, compelled to renew the war against the United States but with their principal source of supply cut and the possibility that their government might have been severely weakened internally.

They had other fears, which paralleled the fears with which the United States approached the idea of negotiation. They feared that if they started to talk, their people would be convinced that peace would inevitably follow. If the talks stalled and war was resumed, it would not be possible to restore the remarkable fighting morale which they now had and which constituted their chief resource against the powerful United States. They did not have many assets and they did not feel they could jeopardize this one. They also feared that if they entered talks without a clear notion of the agreement which lay at the end, the United States might utilize the period of negotiations to increase its force levels in the South and prepare for resumption of hostilities when the talks came to an inconclusive end. This fear paralleled two great fears of the United States—that if bombing once halted it would not be possible (because of public opinion) to resume it and that the North might enter into talks simply to utilize the period for reinforcement and regrouping, which would then enable it to emerge from a deadlocked negotiation in a far stronger position.

These were the dangers which lay in the minds of the North Vietnamese and the Americans as they gingerly approached the idea of negotiations. The only way in which they might be removed was for each side to attempt an exploration in complete secrecy. They would have to see what each side was prepared to do; whether the ingredients of a deal existed. This was by no means certain. But the possibilities could be assessed through this process. I recommended it strongly to Hanoi, speaking as an interested observer. I had no diplomatic role. Anything I said was said just as an American newspaperman who happened to be in Hanoi. Therefore I could talk with a freedom which a diplomat would not possess. The same held true on the other side. When I returned to the United States, it was possible for me to talk to Washington with the same frankness and lack of reserve that had marked my conversations in Hanoi.

It seemed obvious both in Hanoi and in Washington that each side was aware of the critical moment which had arrived. If the turn toward negotiation were not taken, what was the alternative? On Hanoi's side, the deterioration of the situation in its rear would bring an inevitable turn toward radical expedients. On the American side, the pattern surely would follow the channel of escalation to higher and higher force levels. What specifically would we do? I was in no position to guess. But the speculation in military quarters had been fairly precise: intensification of bombing, sustained air attacks on Hanoi, blockade or bombing of Haiphong, land operations north of the 17th parallel, amphibious landings in the Gulf of Tonkin—all of the ominous developments which would produce the entry into the war of the "volunteers." Chinese volunteers.

The options were epochal. Peace or a land war, very possibly a nuclear war, with China. Possible Soviet intervention. To say that events had arrived at a turning point was an understatement.

I returned from Hanoi convinced that a settlement of the Vietnam war by negotiations lay within our grasp. I was convinced it would not be easy to negotiate, and I was by no means convinced that we were prepared to understand or undertake this difficult and complex task. But that the ingredients of a settlement—one which would be viable, enduring, and relatively favorable to our objectives in Asia, at least as I understood them—now had come within reach I had no doubt.

This, I must say, came as something of a surprise to me. I had explored the ground in Southeast Asia with some care only a few months earlier, in the late spring and early summer in 1966, in a trip which led me all around the periphery of China. I had gotten the impression then that the establishment of a secure and comparatively stable Southeast Asia might be impossible on terms which Washington would consider acceptable. As I understood our objectives in Southeast Asia, they comprised the following:

We had no desire to overthrow the Communist regime of North Vietnam. We accepted the continuance of Ho and his successors in that country.

We had no territorial aspirations in Vietnam and none in Southeast Asia. We had no desire to remain in South Vietnam or any part of Vietnam.

We desired the establishment in South Vietnam of a viable regime which would not be Communist-dominated, Communist-oriented, or Communist-threatened, but we did not insist that this regime be necessarily that which now held power in Saigon.

We desired to reduce the Communist threat to all Southeast Asia and to increase the security of the area, particularly that of Laos, but we had not spelled out specific aims so far as this point was concerned.

We were prepared, once peace and stability had been restored, to withdraw our armed forces and to offer economic and technical assistance on a massive scale, which would help to create the material foundations for a rapid advance in standards of living and development.

We were prepared to assist in cooperative multi-nation projects such as the Mekong River development.

If these were, in fact, our objectives in Southeast Asia it seemed to me, on the basis of my conversations with representatives of the Hanoi Government and of the National Liberation Front, that with hard bargaining we could come reasonably close to fulfilling them.

So far as the public record went, the chief difficulty concerned the future status and regime of South Vietnam. The problem centered on Hanoi's support of the Front as the appropriate spokesman for the South. We did not recognize the Front, although, we had said cryptically that there would be "no difficulty" about a place for the Front at the negotiating table. The existing Saigon Government of Marshal Ky was our ally-of-record, and while we had not committed ourselves to perpetuating his regime, our inclinations naturally went toward the Saigon Government, with all its faults rather than the Front, with which we had done mortal combat.

Was there room for maneuver on this point? I suspected there was, although I did not expect the Front or Hanoi to put this on the public record or even to agree to it in the first round of private discussion. But both sides had publicly agreed that they would back a "coalition" government. The Front had spelled this out to include members of South Vietnam's Constituent Assembly and some members of the Ky Government (but not Ky). We had not gone so far, but the Saigon Government had at least intimated that it looked toward a coalition. The sentiment for a coalition certainly was strong among members of the Constituent Assembly.

The problem here was balance. Who would have the majority? Was there some nonaligned or moderate figure around whom a coalition government might be constructed? Would a coalition government possess durability or would it, even if headed by a non-Communist, quickly fall apart or succumb to Communist intrigue? We did not wish to see repeated in Southeast Asia the history of Eastern Europe's postwar coalition governments, which quickly fell under Communist pressure.

I believed that the vital ingredients of the Liberation Front program (at least as described in Hanoi)—a mixed economy, free rights for all parties, neutral foreign policy, no alliances—would permit construction of such a government. Its stability could be insured by United States economic aid, guarantees by Asian powers and the Great Powers, and guarantees by Hanoi. There was an armory of factors which could be utilized to give the structure strength if it possessed the vital ingredient of political virility.

What about the North? It seemed clear that the moment was appropriate to restore the North to the situation which had been envisaged by the Geneva agreements, to try to cut its military links to Peking and to Moscow. The divisions within the Communist world favored such neutrality. It would ease the pressures on Hanoi enormously. Of course, Hanoi, even more than Saigon, would require guarantees. Not only of support (against Chinese intervention) but of economic aid and assistance in rehabilitation.

The situation had developed in an appropriate manner for the achievement of aims which had been far beyond the horizons of possible diplomacy a year earlier. It was an unequaled opportunity for the United States, one which might not recur and which might slip away in certain eventualities, such as the reduction of political tensions in Peking or a rapprochement between Peking and Moscow, both of which might occur.

But establishment of neutralized regimes in Saigon and Hanoi would be only the start. It seemed to me that Laos represented an equally dangerous problem. Laos had become a mere fiction—a land which was in the hands of an uncertain number of guerrilla operations, some sponsored by the United States, some by the Communists, and some of purely Laotian origin.

Unless Laos could be quieted and sanitized, the whole theater of struggle might simply shift westward from Vietnam, with the warriors of the CIA and the Chinese International going at it hammer and tongs (or hammer and sickle). This would undermine the area dangerously. Cambodia had managed to stay out of the war, but it needed economic and probably political support as well. Thailand would be in trouble if it lost its burgeoning war-boom prosperity. Many considerations dictated the creation of a strengthened International Control Commission with a broader mandate and genuine powers not merely to police these countries but to aid and guide development. What political form this might take I did not know, but it should not lie beyond the competence of American diplomacy to establish a structure in Southeast Asia which would make the region a going concern.

This would create what the United States had so long hoped for—a strong and viable Southeast Asia, resistant to the spread of Chinese influence and Chinese Communism. Certainly China was going to be a power in the area. It always had been. It was unrealistic to suppose it could be shut out. But if we built on the strong factors of nationalist sentiment such as had been invoked in North Vietnam, such as would surely develop in South Vietnam—the same force which had caused Indonesia to throw off the Chinese and the Communists—we would see emerging not a series of poor, weak client countries, not a region dependent into infinity upon a huge American military garrison and the expenditure of United States funds, but a progressive group of countries, internally strong and resolutely independent. Independent of us. Independent of China. A healthy Asia, it seemed to me, must be an independent Asia.

This was the chance which had been created by the unexpected developments in Peking and their repercussions in Hanoi. It might well be the chance of a century. But I was not certain that Washington could grasp the opportunity. Washington was tired and Washington was stale. Washington, I feared, was filled with too many men who had committed themselves to so many past mistakes that they lived only for some crowning disaster which would bury all the smaller errors of the past. Washington was filled with politicians who were concerned with what would bring in votes in the next election or what would discomfit a possible election opponent. In that atmosphere it was difficult to get men to indulge in imaginative statesmanship. Too many were afraid to take a chance. The old policy might be a mistake. It might lead to catastrophe. But change was dangerous and uncertain. And there were competing counsels.

For instance, there was the military. The military, not unlike the French who had been there before, had not had a good time in Vietnam. Their record was poor, partly because it was not a situation which yielded readily to the application of military power and partly because the politicians were always trying a teaspoonful of this, a teaspoonful of that. When a general finally got the dose increased to a tablespoonful, this was not enough and he should have recommended a swig. No general won glory by telling his President to turn the job over to the diplomats. So they called for more of whatever it was and hoped for the best. If the Vietcong were stubborn this year, maybe double the force next year would do the job.

I was told when I was still in Hanoi by someone who had been very recently in Saigon that the American military establishment there would not accept negotiations at this time, no matter what Hanoi said. "They think they have Hanoi on the run," said this man. "They are not going to quit now. They want to pour it on. If it is poured on hard enough, there won't be any Hanoi to bother with."

I didn't know if that accurately reflected the thinking of the American military establishment in Saigon, but I encountered this line in some quarters in Washington on my return. The reasoning was simple. If Hanoi was in trouble, if China was about to blow up, if the North Vietnamese were about to lose their supply line—why talk to them? They will have to crawl to us later on. Let's hit them with all we've got.

From the standpoint of total military victory I found a grim honesty in this argument. But—and this was a large "but" to my way of thinking—this policy led straight to the confrontation which was most dangerous of all—confrontation with China's land forces, and quite possibly involvement with the Russians. We might crush Hanoi only to find ourselves locked in a fatal nuclear embrace which would eliminate all problems in Vietnam by eliminating the world of which Vietnam was a part. I thought this to be a counsel of utmost recklessness. But, of course, its advocates never mentioned the cataclysmic potentials. They limited themselves to talk about clobbering Hanoi. But, curiously, Hanoi could have been clobbered at any time in the last two years. And it had not been. Why do it now when Hanoi was ready to talk peace? A strange way to reason. Or so I thought.

But perhaps there lay behind this reasoning a hidden factor which governed our whole Southeast Asian strategy. Or a half-hidden factor, one which was often discussed by the Pentagon strategists and the ideologists of war-game theory, the men who created the logical structure against which much of our strategic air policy was elaborated. This was the line that the real enemy in Southeast Asia was not North Vietnam: It was China. We were there not because we worried much about the regime in Saigon or that in Hanoi but to draw a line against China. This was what much of Asia thought.

I had heard this thesis advanced in Asian capitals in the summer of 1966. The Asians simply did not believe that the United States was investing the sums we were putting into Vietnam, or the manpower we were stationing there, or the enormous bases we were building in South Vietnam and Thailand simply to fight Ho Chi Minh. No. China was the objective. That was the way they calculated it. Some thought we were trying to provoke China so that we would have an excuse to bomb it, to destroy its nuclear facilities. After all, had not some of our generals proposed that line? Did it not possess a certain grim sense? If we were going to fight China ultimately, would this not be a good time to do it—before China got too strong, when we could still be sure of knocking out its atomic production centers?

If this was, indeed, our basic, secret, unstated strategy, if Vietnam was a holding operation or a maneuver to try to draw in China, if we were going through the motions of fighting North Vietnam but really were preparing for an assault on China, then, of course, the question of peace in Vietnam became moot. What was the point of it? It would run counter to our genuine intentions and would make it more difficult to cope with China.

For those who believed along these lines—and I had no doubt that many thoughtful men in the Pentagon and perhaps some not-so-thoughtful men in the Senate shared these ideas—there was nothing more strongly to be resisted than talk of peace or of ending the conflict in Vietnam. Each time peace talk arose it must be strongly rebuffed. We must not take yes for an answer. We might indulge in a little rhetoric to soothe the ruffled feelings of the world. But we must not let it interfere with the war. This must be remorselessly present and escalated to the limit. China must be compelled to intervene. According to this thinking, the very thing which Hanoi most feared—the possibility of Peking's moving volunteers over the frontier—was devoutly to be hoped for since this would enable us to trigger the nuclear offensive which would eliminate China from the map.

It seemed preposterous to suppose that men like President Johnson, Secretary Rusk, or Secretary McNamara considered the war in such terms. I had no doubt that they were as eager as anyone to find a solution. But they were also determined that it would be a solution which would stand the test of time and trouble. They did not wish, having made so major a commitment of American treasure and manpower, having so deeply staked their prestige and reputation, to enter a cul-de-sac which would lead to another Pamunjom nor to embark upon a negotiation which would create a ramshackle settlement from which would emerge the next world crisis.

Skepticism was natural. Outright antagonism was another thing. There seemed to me to be one great difficulty about getting talks going. Both the United States and North Vietnam were still in the ring. Neither side was staggering toward collapse. The dangers which Hanoi envisaged were dangers of the future, not the present. In such a situation it was difficult for either side to give the ground which would make compromise possible.

Yet it was plain that the situation had reached precisely the point of development at which the most effective kind of solution could be achieved. It was not easy to end a war, and it was remarkably difficult to end one without laying the trail for a new war only a few years in the future. This we had done in our settlement of World War I. It was the ruthless terms ruthlessly imposed on the Central Powers which set the stage for World War II. It was not convinced that the unconditional surrender imposed upon Germany and Japan at the end of World War II did not contain the seeds of World War III, although this might have been averted by the extraordinary aid rendered by the United States. Yet in Europe many observers felt that if World War III came, Germany would again be the instigator and that the cause would lie in the World War II settlement.

We now were at a striking point in history in Southeast Asia. Hanoi had not been defeated. The United States had not been defeated. Each was conscious of the strength of the other. Each had suffered. But not irretrievably. We could, therefore, if we utilized our instincts for statesmanship, construct a settlement which would have the elements of equity, honor, and reasonableness which might endure.

Were we to follow the course of obliterating Hanoi, of hitting it with everything in the book, of driving North Vietnam back to the caves, would we not create a vacuum—even if we escaped nuclear war with China and/or the Soviet Union? Might we not then find ourselves with nothing but a vast gray land in which not even Marshal Ky

would manage to reign supreme? What of neighboring Laos and Cambodia? Would not total defeat in Vietnam, even if obtainable, create a situation in which for a hundred years we would be committed to maintain costly and numerous garrisons to police the marches of the devastation which we had created, the vast and ever-growing jungles, uninhabited by man, beast, or bird, which would be our inheritance? These speculations arose inevitably as one pondered the alternatives.

To my way of thinking the arguments ran strongly toward an effort at negotiation. The task of negotiating a durable Southeast Asian settlement was difficult. But it was a fascinating one, the kind to evoke a challenge to any diplomat, the kind which would be a monument to the statesmanship of the man who accomplished it, something far beyond the transient trivality of so many postwar diplomatic settlements. This could be the foundation for a whole new epoch in Asia, one which would contribute to the strength and stability of a world which would endure whatever passing crises might come to China or even to India.

I hardly needed to think about the consequences which would flow from it: the release of American energies and resources to cope with the problems of Latin America and Africa, to turn once again to the raveled threads of Europe, to the critical negotiations over the atom, to the détente with Russia, to the world population explosion, and, finally, to the problem of China itself.

Perhaps those generals were right who believed that the only way to deal with China was to atomize it. But I thought that there must be another way. China was the world's most talented nation, the reservoir of more human skills than any other existent, a people of infinite capabilities, possessor of the world's longest history and most complex culture, inventor of so many of the great technologies of the human era. Was it true that we could not find a way to live with China? Must the globe be turned into a poisonous desert because of China? I did not believe so. Surely America's heritage, Yankee ingenuity, and the democratic imagination of our great people could devise a better course.

EXHIBIT 1

VIETNAM: HOW NOT TO NEGOTIATE

(By Theodore Draper)

The Vietnam war again seems bound to become dirtier, larger, and costlier on both sides. It may even have passed the point of no return and may settle down as a grim, pestilential "protracted war," the Chinese Communist equivalent of the old-fashioned "war of attrition." If so, the fatal turning point came in February 1967, preceded and followed by weeks of fancy diplomatic footwork, false hopes, and phony peace formulas.

As each move and maneuver comes into the news, it tends to live a life of its own, undefiled by previous moves and maneuvers. Yet, as every historian knows, history is not made that way, and it is necessary to put the pieces together to understand any one of them. The fate of the Johnson-Ho Chi Minh correspondence in February or of Secretary-General U Thant's new three-point peace plan in March cannot be understood by itself, divorced from the events which led up to it or the consequences that flowed from it. Both these episodes and others in the recent past needs to be seen in a somewhat larger historical perspective if they are to be rescued from providing more pretexts for waging an even more brutalizing and destructive war.

The most striking and peculiar aspect of the latest turn of the war is that both sides seemed to be coming closer to a basis for negotiation just before the United States made the decision in February to intensify and broaden the scale of the attack on North Vietnam. The form of the complex, deceptive, and promising diplomatic maneuvers resulted in large part from the "negotiating positions" which both sides had previously taken. To see these positions clearly, it is necessary to go back about two years.

The basic North Vietnamese position went back to the four-point program enunciated by Premier Pham Van Dong on April 8, 1965. This had called, in substance, for (1) withdrawal of all United States military forces from South Vietnam, (2) neutralization of both South and North Vietnam, (3) settlement of South Vietnam's internal affairs "in accordance with the program" of the National Liberation Front and (4) peaceful reunification. Pham Van Dong had offered it as "the basis for the soundest political settlement of the Vietnam problem." If this basis were "recognized," he said, "favorable conditions" for the peaceful settlement of the problem would be created and an international conference "along the pattern of" the Geneva conference of 1954 could be reconvened.[1]

On the surface, none of these four points appeared to be an insuperable obstacle to some form of peaceful negotiations. In his testimony before the Senate Foreign Relations Committee on February 18, 1966, Secretary of State Rusk said that the United States could accept three of the four points, the first, second, and fourth. The only exception he took was to the third, which he called "the core of the Communist position." In order to make it totally unacceptable, however, Secretary Rusk had to engage in one of his most tortuous intellectual exercises.

Instead of being content, for diplomatic purposes, to view the disputed third point as meaning no more and no less than what it said, he chose to reinterpret it according to the original NLF program of December 1960, issued in the heyday of Ngo Dinh Diem's regime. By this means Secretary Rusk sought to convince the committee that Pham Van Dong's third point implied prior recognition of the National Liberation Front as "the sole spokesman for the people of South Vietnam," which "hence should control them." Yet the earlier document had merely called for the overthrow of Diem's regime and its replacement by a broad "coalition government." Mr. Rusk leaped from the 1965 point to the 1960 program to arrive at the utterly gratuitous conclusion that Hanoi had really demanded the acceptance in advance of the NLF "as the sole bargaining representative of the South Vietnamese people."[2] In reality, the December 1960 program was such a lengthy, diffuse, and essentially moderate political mosaic, carefully contrived to appeal to the greatst number and variety of anti-Diem elements, that it could have been used as a basis of negotiations without committing anyone to anything very much in advance.[3] Unfortunately, no one on the committee seemed to know the documents intimately enough to challenge the Secretary's fanciful exegesis.

In its own propaganda, the NLF had styled itself "the only genuine representative of the fourteen million South Vietnamese people," a type of claim even democratic politicians have been known to make. But Pham Van Dong had made the issue the NLF's nebulous "program," designed to be all things to all men, rather than its organizational status. Only after the bombing of North Vietnam had gone on for almost a year did Ho Chi Minh demand that the United States "must recognize the NLSV as the sole genuine representative of the people of South Vietnam and engage in negotiations with it."[4]

Whatever significance this hardening of the North Vietnamese position may have had in 1966, it was not at issue in 1965 except to the extent that American diplomacy chose to give the most extreme interpretation to Pham Van Dong's third point, the only one that ostensibly stood in the way of accepting all four as a basis of negotiations. And even for that purpose, it would have been necessary for Secretary Rusk to reinterpret the third point in terms of later rather than earlier Communist statements.

It may be suspected that the real reason for straining at this point was less semantic than military. In April 1965, the United States feared the total collapse of the South Vietnamese military front. Experience has shown that diplomatic negotiations, whatever their "basis" may be, tend to reflect the relative positions of power. This is, in my view, reason enough to explain American reluctance to engage in negotiations at that time. The American ability to bring its own overwhelming military power quickly into the balance, however, may easily have given the Communist side pause and forced it to settle for much less than the existing balance of forces within South Vietnam seemed to indicate. In any case, negotiations in the first half of 1965—the last time they might have taken place in a relatively restrained atmosphere—would have demanded that both sides be content with something short of "victory." Instead, the impression was created of irreconcilable positions that were virtually mirror images of each other—of a Na-

[1] The full text of the four points first appeared in *The New York Times*, April 14, 1965, and this version may be found in *The Viet-Nam Reader*, edited by Marcus Raskin and Bernard B. Fall, pp. 42–43. The problem of correctly interpreting or even translating the third point is discussed in George McTurnan Kahin and John W. Lewis, *The United States in Vietnam* (Dial, 1967, p. 210). They report that the Chinese version would have made the third point completely innocuous. A literal English translation of the text used by the *Jenmin Jih-pao* (People's Daily), the official Peking organ, of April 14, 1965, reads: "According to the program of the Southern National Liberation Front, the affairs of the South must be settled by the Southern people themselves without foreign interference." Of such stuff are diplomatic imbroglios sometimes made, when there is no will to get together.

[2] *The Vietnam Hearings* (Vintage Books, 1966), pp. 246–247.

[3] The December 20, 1960, "action program" of the NLF called for a "broad, national, and democratic coalition government composed of representatives of every sector of the population, various nationalities, political parties, religious communities, and patriotic personalities." It wanted to "abolish the present constitution of the Ngo Dinh Diem dictatorial government and with universal suffrage elect a new National Assembly. Freedom of expression, press, assembly, association, travel, religion, and other democratic liberties will be promulgated. Religious, political, and patriotic organizations will be permitted freedom of activity regardless of beliefs and tendencies," etc. The entire document may be found in Douglas Pike, *The Viet Cong* pp. 344–47, who devotes an entire chapter to tracing the various changes in the NLF's programmatic efforts (pp. 344–71). There is a somewhat different but similar translation in Bernard Fall, *The Two Viet Nams*, pp. 449–53. It may be argued that the NLF program was democratic window-dressing to lure the greatest number of anti-Diem opponents; it cannot be argued that it was an outright bid for sole Communist control. Secretary Rusk refers to the NLF program as announced from Hanoi on January 29, 1961, instead of using the more usual date, December 20, 1960, when it was first issued.

[4] Ho Chi Minh, Letter to World Communist leaders, dated Hanoi, January 24, 1966.

tional Liberation Front that claimed to "represent" all the people of South Vietnam, and of a National Liberation Front that represented virtually no one in South Vietnam.

II

The American negotiating position can be traced back to April 1965. Until that time, the United States did not really have a negotiating position because it did not believe in negotiations as a means of ending the war. As late as April 2, Secretary of State Rusk spoke disparagingly: "What is there to be negotiated? Who is going to negotiate, and to what end?" He complained that what was missing was "some private contact that indicates that a satisfactory basis of settlement can be found." A British correspondent asked: "You've had silence, completely?" To which Mr. Rusk seemed to give an affirmative, if somewhat ambiguous, answer: "No indication that—despite a number of contacts of various sorts—no indication that Hanoi is prepared to leave Laos and South Vietnam alone." In this period, the United States position, as expressed by Mr. Rusk, was to look for an "indication," or what he had previously called a "crucial element," from Hanoi "to stop doing what it is doing and what it knows it is doing against its neighbors." This attitude was a corollary of the State Department thesis, adopted publicly in February 1965, that North Vietnam was and had always been the cause of the trouble in South Vietnam. Instead of negotiating, Mr. Rusk merely advised North Vietnam to stop "what it is doing." It was this approach which had doomed Secretary-General Thant's efforts at the end of 1964 and the beginning of 1965.

On April 7, only five days after Secretary Rusks' brush-off of possible negotiations, President Johnson abruptly inserted in his speech at Johns Hopkins University a passage which put him on record in favor of "unconditional discussions."[5] The same words were used in the US reply the following day to an appeal from seventeen nations for negotiations without preconditions. It was not clear whether "discussions" were the same as "negotiations," but the important word seemed to be "unconditional."

At this point, a French initiative gave Secretary Rusk an opportunity to reveal just how unconditional this unconditional offer was. In May 1965, Foreign Minister Couve de Murville confidentially told a group of correspondents in Paris that North Vietnam had signified a willingness to talk without conditions, but that he had found Washington unreceptive to the news. At a press conference on August 27, Secretary Rusk was asked about reports that President de Gaulle was waiting for the right moment "to personally negotiate an end to the Vietnam war." The question was raised: "Would we welcome any such efforts by de Gaulle?" After remarking, somewhat acidly, that neither side had "nominated attorneys in this field," as if that were the issue, Mr. Rusk went on to give some insight into what he considered to be "unconditional discussions." He said that he was waiting for a "key signal" to turn up, and that his "antennae" had not yet picked it up. Thus, it appeared, the "unconditional discussions" were dependent on a prior condition that Mr. Rusk's antennae should pick up a "key signal," the nature of which he coyly refused to reveal. At least something new had been added to the language of diplomacy—the conditional unconditional.

[5] The circumstances tend to support the assertion of Rowland Evans and Robert Novak that the reference to "unconditional discussions" was "a last-minute concession to the Peace Bloc that amazed those who had seen the earlier version of the speech" (*Lyndon B. Johnson; The Exercise of Power*, New American Library, 1966, p. 544).

From this and other statements and incidents later that year—including Eric Sevareid's disclosure of the late Adlai Stevenson's troubled conscience over the State Department's handling of U Thant's peace efforts—the US negotiating position in 1965 was made unmistakably clear. First, the impression was created early that year that there was nothing, and no one with whom, to negotiate. Second, the other side was outbid with what seemed like a most magnanimous commitment to engage in "unconditional discussions." Third, the unconditional was gradually conditioned to mean that the United States had to be previously convinced of the other side's intention to be "serious" and "meaningful." Fourth, this in turn depended on Secretary Rusk's "antennae" receiving a "key signal" in advance. Fifth, the "key signal" was nothing less than the other side's precedent undertaking "to stop trying to impose their will by force on South Vietnam," that is, to agree to unilateral renunciation of the armed struggle. No doubt mere words would not have carried conviction with Mr. Rusk and the enemy would have had to satisfy some test of deeds to get the "key signal" through to his antennae.

As long as this was the United States negotiating position, all efforts to arrange for negotiations were bound to fail because the missing "crucial element" and "key signal" were designed to give the United States what it wanted in advance as the price of so-called negotiations. Whether a different policy might have let to meaningful negotiations in 1965 is another question. But at least the United States would not have stood in the way. And, as a fringe benefit, we would at least have been spared some peculiarly irritating double talk.

III

In 1966, the key issue increasingly became the cessation of American bombing of North Vietnam. The more destructive the bombing, the more determined the North Vietnamese were to stop it before entering into anything resembling negotiations.

But the United States again demanded a price, this time for stopping the bombing, and henceforth the American negotiating position hinged on the concept of "reciprocity." Throughout 1966, American spokesmen tried to define this accordion-like term. Secretary Rusk tended to stretch it the most. He usually demanded that the "other side" had to give up its "aggression" or "abandon [its] attempt to take South Vietnam over by force" in return for a cessation of the bombing. In the summer of 1966, President Johnson seemed to put forward a more concrete condition. He said that the United States had offered to stop the bombing immediately "if they will stop sending troops into South Vietnam." This seemed to imply that North Vietnam did not have to withdraw troops, but the President went on to observe that the South Vietnamese could not decide the kind of government and country they wanted "while armed troops from North Vietnam are waging war against their people and against their villages," which suggested that he expected far more than a cessation of North Vietnamese reinforcements in exchange for a cessation of the bombing.

The various formulas employed in this period were sufficiently vague to give North Vietnam considerable leeway in making known its decision to satisfy the American demand, but the essence of that demand was never left in doubt—the abandonment by North Vietnam of the struggle for power in the South. If, as the United States claimed, the North was responsible for that struggle, the withdrawal of the North was equivalent to its total abandonment. While much ink and breath were wasted over such questions as which side had to make the first move, whether the North demanded permanent as well as unconditional cessation of the bombing, and how the North could convince the United States of its "serious" intentions, the "key signal" had not changed and was well understood by both sides—Communist abdication in the struggle for power in South Vietnam. The United States was deliberately vague because it was less interested in the form than in the substance, and because it preferred to treat the struggle for political power as if it were merely a foreign military aggression.

Toward the end of 1966, another effort was made to break through the diplomatic impasse. According to the most circumstantial report, United States Ambassador Henry Cabot Lodge met on December 2 and 3 with the Polish representative on the International Control Commission, Ambassador Janusz Lewandowski, at the home of the Italian ambassador in Saigon. As reported by Robert H. Estabrook in the Washington *Post*, Lodge asked Lewandowski to set up "contacts" with Hanoi. On or about December 4, Estabrook wrote, Polish Foreign Minister Adam Rapacki sent back word that Hanoi had agreed to unconditional talks on the ambassadorial level in Warsaw, and Washington was asked to send a special representative for this purpose. Before the talks could be held, however, the American bombing offensive was suddenly stepped up. On December 13 and 14, a railway yard only six miles from the heart of Hanoi and a trucking depot only five were heavily attacked—the first time President Johnson had permitted the bombing of targets so close to the city limits of the North Vietnamese capital. For the next two weeks, a debate raged whether these attacks had caused widespread damage to civilian areas.[6] Far more significant per-

[6] It took almost two weeks for American officials to admit officially that the bombings had caused civilian casualties as well as widespread damage to civilian areas, and then only after *The New York Times* of December 27, 1966, had published Harrison Salisbury's eye-witness report of such damage. At this time, American officials still stressed that the bombs were aimed at "military targets" only but that civilian casualties were incidental, unavoidable, and, above all, not "deliberate." On December 30, 1966, the military correspondent of *The New York Times*, Hanson W. Baldwin, disclosed that "United States ordnance is being expended in North and South Vietnam at an annual rate of about 500,000 tons, somewhat more than the Army Air Forces expended against Japan in the Pacific during World War II." At this rate, which soon rose sharply, the problem arises whether the inevitability of the consequences are not more important than the deliberateness of the motivation. One who fires a machine gun into a crowd in order to kill a single person can hardly protest that he did not mean to injure anyone else "deliberately"—especially if he misses his intended victim, as sometimes happens in the bombing of military targets. The indirect but unavoidable by-products of a course of action cannot be exempted morally. The same problem is raised by Viet Cong terrorists, but the moral equation here is, to my mind, complicated by two questions: (1) whether the terror and counter-terror of Vietnamese against Vietnamese should be put on the same level as the violence and counter-violence of a foreign power against Vietnamese, and (2) whether the scale of destructiveness of a few mortar shells balances that of a sustained downpour of 1000-pound bombs. The *scale* of destructiveness cannot, in my view, be disregarded in this consideration of "moral double bookkeeping." If the Nazis had exterminated 600 or even 6000 Jews, it would have been an unmitigated moral crime but it would not have been a

haps, but still unknown to the general public, was the fact that the bombings had abruptly cut short a seemingly promising peace approach. Oddly, almost the same thing had occurred in somewhat similar circumstances exactly a year before.[7]

The December 1966 incident was handled in a most peculiar way. At a news conference on February 2, 1967, President Johnson gave the impression that the "other side" had shown little or no interest in any steps toward peace. At one point he said that he was not "aware of any serious effort"; at another that there were no "serious indications"; and at still another that they had "not taken any [step] yet." On February 4, the day after the President's interview was published, interested sources enabled Estabrook to divulge the story of the December overtures in the Washington *Post*. That same day, confirmation that something unusual had been going on came fram Walt W. Rostow, the President's Special Assistant. Professor Rostow refused to comment directly on the Washington *Post's* version on the ground that "this is an extremely interesting and delicate phase in what is or might turn out to be a negotiating process." But then he, too, made "serious" the key word in the American attitude to such situations: "Nothing has yet happened that would justify us as saying we have a serious offer to negotiate." One would be justified in interpreting these words to mean that some kind of "pre-negotiating" moves had been going on, and that some sort of "offer," serious or not, had been made.

Finally, on February 7, Prime Minister Harold Wilson told the House of Commons that he knew all about "events in December" relating to what he referred to as "Polish discussions," whose failure he attributed to "a very considerable two-way misunderstanding," the nature of which he did not specify. The Australian Communist journalist Wilfred G. Burchett later disclosed that "first contacts for talks" had been "foiled" by the bombings of December 13–14.[8] If, as Prime Minister Wilson claimed, the breakdown had been caused by a "misunderstanding," the question still remained why, with so much at stake, it could not have been rectified and the "Polish discussions" somehow reinstated.

For a time, indeed, it seemed that such an effort was being made. Until the end of 1966, the main obstacle seemed to be Hanoi's four points, despite the incongruity that three of them were acceptable to the United States and the only objectionable one had to be given the most extreme and arbitrary interpretation to make it unacceptable. Early in January 1967, however, the Hanoi leaders apparently made an attempt to remove the four points as the main source of confusion and disagreement. In an interview with Harrison E. Salisbury on January 3, Premier Pham Van Dong referred to them as matters for "discussion" rather than as "conditions" prior to negotiations. At the same time, Secretary-General U Thant made known his view, after two weeks of behind-the-scenes probing, that the only thing which stood in the way of peace talks was the question of unconditional cessation of the United States bombing of North Vietnam. The reduction of the problem to this one point seemed to bring both sides closer than ever before to some kind of accommodation. In his press conference on February 2, President Johnson was asked, "Are you prepared at all to tell us what kind of other steps the other side should take for this suspension of bombing?" The President replied, "Just almost any step." Though he had previously stressed the word "serious" rather than "any"—another accordion-like use of terms—the latter received much publicity and seemed to narrow the gap to a merely formal gesture. In any event, a reply soon came from North Vietnamese Foreign Minister Nguyen Duy Trinh. Through Burchett, who had not anticipated such a concession,[9] the North Vietnamese made known that "if the bombings cease completely, good and favorable conditions will be created for the talks." That this was intended by Trinh as a response to the President was shown by the following remark: "President Johnson said he was only awaiting a sign. Well, he's had the sign."[10]

Pressure steadily mounted, during the first two weeks of February, for the United States to respond to this "sign." Senator Robert F. Kennedy, who had been silent on the subject for several months, returned from Paris on February 4, amid reports that he had brought back with him a new North Vietnamese "peace plan." The story was later traced to a "leak" in the State Department, and the "peace plan" turned out to be a secondhand version by a French Foreign Ministry official. Nevertheless, Mr. Kennedy made known that he was critical of the official United States negotiating policy, as a result of which a heated, if not sulfurous, meeting took place between him and President Johnson on February 6.

The following day, on the eve of an agreed-upon four-day Têt (lunar new year) truce. Pope Paul VI sent messages to President Johnson, President Ho Chi Minh, and South Vietnamese Chief of State, Nguyen Van Thieu, urging them to find ways to end the war. The response from the first two were not encouraging. On February 8, President Johnson stressed that the United States could not be expected "to reduce military action unless the other side is willing to do likewise" and consider a "balanced reduction" in military activity. Ho Chin Minh insisted, in an answer made public on February 13, that "real peace" could be restored in Vietnam only if the United States "put an end to their aggression in Vietnam, end unconditionally and definitely the bombing and all other acts of war against the Democratic Republic of [North] Vietnam, withdraw from South Vietnam all American and satellite troops, recognize the South Vietnam National Front for Liberation and let the Vietnamese people settle themselves their own affairs." Though there was nothing new in either of these public postures, the Pope's intervention at this moment was not without significance.

On February 8, as the military truce in Vietnam went into effect, Soviet Premier Kosygin arrived in London for talks with Prime Minister Harold Wilson. On that same day, Kosygin pointedly referred to Nguyen Duy Trinh's offer to negotiate in return for a cessation of bombing, and gave it his blessings. He saw fit to offer the same advice the following day. Since the Soviet leaders had previously refrained from injecting themselves publicly into the North Vietnam-United States negotiating problem, this deliberate repetition represented a new policy. There is reason to believe that the Soviet leaders decided to back publicly North Vietnam's new one-point negotiating position because they had had something to do with bringing it about. According to Burchett, it was "open knowledge that a number of Socialist-bloc countries were urging such a move over a year ago," but the North Vietnamese leaders had resisted on the ground that it would have been regarded as a sign of weakness by the United States and would have invited an intensification of the bombing.

IV

Most important, a letter from President Johnson to President Ho Chi Minh, dated February 2, was delivered to a North Vietnamese representative in Moscow on February 8. The letter was not made public until March 21, and therefore it could not be directly related by outsiders to anything said publicly in the intervening time. Yet its contents enable us to reconstruct more clearly the kind of thinking that went into the making of American policy before February 8.

By that date, it had become perfectly clear that the North Vietnamese negotiating position had been reduced to its irreducible minimum. There was no doubt in President Johnson's mind what it was, because he explicitly stated it in his letter—"direct bilateral talks with representatives of the United States Government provided that we ceased 'unconditionally' and permanently our bombing operations against your country and all military actions against it." He noted that this position had been confirmed

---

moral enormity on the scale of 6,000,000. Hiroshima has shaken the conscience of the world not because a bomb was used but a bomb of unprecedented destructiveness. If there is no moral distinction between a terrorist and an atomic or nuclear bomb, we have already prepared the ground, psychologically and morally, for using weapons of unimaginable destructiveness.

[7] On November 11, 1965, two well-known Italian visitors to Hanoi, one of them the former Mayor of Florence, Giorgio La Pira, were received by Ho Chi Minh and Pham Van Dong. They came away with what they regarded as a statement of two conditions considered necessary by the North Vietnamese for peace negotiations: (a) a total cease-fire in North and South Vietnam, without the prior evacuation of any United States troops, and (b) acceptance as the basis for negotiations of the 1954 Geneva Agreements, which the Vietnamese chose to regard as embodied in Pham Van Dong's four points of April 8, 1965. The latter lent itself to the interpretation that the North Vietnamese wanted to reduce the four points, only one of which was disputed by the United States, to the Geneva Agreements, the return of which the United States had already accepted. On November 20, the Italian message was communicated to President Johnson by Italian Foreign Minister Amintore Fanfani. Instead of seizing the opportunity to see whether a cease-fire and a reapplication of the Geneva Agreements could bring the two sides together, the United States took two weeks to reply. On December 4, Secretary of State Rusk sent Fanfani a letter raising questions about the Italian version of the Hanoi offer, including a disagreement with the contention that the four points constituted an "authentic interpretation" of the Geneva Agreements, and asked Fanfani to get further clarification from Hanoi. On December 13, Fanfani informed Rusk that such a communication had started on its way to Hanoi five days earlier. On December 15, before any reply could be received, United States planes for the first time bombed and destroyed a major North Vietnamese industrial target, a thermal power plant fourteen miles from the key port of Haiphong. And that was the end of that interesting and delicate phase of what was or might have turned out to be a negotiating process, to use Professor Rostow's later words. (The Fanfani correspondence may be found in the *Department of State Bulletin*, January 3, 1966, pp. 11–13.)

[8] Washington *Post*, February 8.

[9] In a letter dated October 29, 1966, Burchett had expressed extreme pessimism with respect to a possible basis for negotiations. Previously, he said, the North Vietnamese leaders had not demanded prior withdrawal of any American forces as a condition of negotiations, but the continued build-up had convinced them that some "concrete acts" of withdrawal would be necessary. (*War/Peace Report*, November 1966, p. 5).

[10] Washington *Post*, February 8. Curiously, the otherwise similar version of Burchett's article published in *The New York Times*, February 8, 1967, does not contain the second sentence. Trinh had first broached this line to Burchett in an interview on January 28, 1967.

in the last day by "serious and responsible parties"—one of them, no doubt, Premier Kosygin.

The next point of particular interest in President Johnson's letter is why this proposal could not be accepted. It gave two reasons: a halt in the bombing would tell the world that discussions were going on and impair their "privacy and secrecy"; and North Vietnam would use the halt to "improve its military position." The American counter-proposal was then put forward to get around these seemingly dire eventualities.

"I am prepared to order a cessation of bombing against your country and the stopping of further augmentation of US forces in South Vietnam as soon as I am assured that infiltration into South Vietnam by land and by sea has stopped. These acts of restraint on both sides would, I believe, make it possible for us to conduct serious and private discussions leading toward an early peace."

The question which will be long debated is whether this counterproposal was justified by the two reasons given for making it necessary. If an unconditional cessation of the bombing would have given away the projected discussions and impaired their privacy and secrecy, would not a cessation of the bombing plus demonstrated North Vietnamese cessation of infiltration have resulted in exactly the same thing? Would anyone have been deceived any more by North Vietnamese acceptance of the United States terms than United States acceptance of North Vietnam's terms? The first "difficulty," then, could hardly be taken seriously.

The second objection raised by President Johnson was more troublesome—but only if one side used it exclusively against the other. Both sides were capable of improving their military positions in South Vietnam, if they so desired, with or without bombing of North Vietnam. Moreover, the transport facilities of the United States forces were vastly greater than those of North Vietnam. Indeed, the Têt truce was actually used by both sides to bring in new equipment and troops. United States officials charged that North Vietnam made an unprecedented effort to move arms and supplies into the South.[11] But US Air Force officials in Saigon reported that US cargo planes had carried a one-day record of 2762 tons of equipment to US troops on February 8, the first day of the truce and the very day President Johnson's letter was handed to Moscow. The total for February 8–10 was 7042 tons of equipment and more than 17,000 troops delivered by the Air Force alone.[12] One wonders what the United States would have done and how its citizens would have felt if the positions had been reversed and they had read the following report from the official French news agency in *Le Monde* of February 12–13, 1967:

"SAIGON, Feb. 11.—While American agencies call attention to a considerable intensification of road, railroad, river and sea traffic in North Vietnam, press correspondents could affirm on Friday [February 10] on the Saigon-Tay Ninh road that the American commissariat also took advantage of the Têt truce to increase troop resupply in combat rations as well as arms.

"Long rows of trucks belonging to military transport companies were lined up on the North-West road. They were protected by tanks and helicopters flying at tree level. In the area of Tay Ninh, enormous trucks or towing tractors brought shells for 105 mm. and 155 mm. guns to the American units stationed on the periphery of the Vietcong's Zone C."

Thus, at worst, the United States was quite capable of holding its own in the improvement in the relative military position. It might have made more sense for North Vietnam to worry about what the United States could do to improve its military strength in the South, in the event of negotiations based wholly on a halt of bombing in the North. Only the United States, in fact, was by this time capable of mounting large-scale offensives on the ground in the South. On February 22, more than 25,000 United States and South Vietnamese troops were able to launch a major offensive, "Operation Junction City," in "War Zone C," northwest of Saigon near the Cambodian border, no doubt with some of the materiel brought in during the Têt truce. By this time, whatever their resupply efforts were, the North Vietnam-Viet Cong forces were not capable of mounting a remotely comparable military effort.[13]

On March 15, President Johnson himself bore witness to the fact that the enemy's tactics had been adapted to "a war of infiltration, of subversion, of ambush; pitched battles are very rare and even more rarely are they decisive." It was almost certainly true that North Vietnam would try by all means to improve its military position during the truce and thus endanger more American lives; it was questionable whether North Vietnam could improve its position so much or so unilaterally as to change the balance of military power in South Vietnam; and it was extremely doubtful whether fewer American lives would be lost by risking an improvement in North Vietnam's military position to get negotiations than by risking negotiations to prevent an indefinite extension of the struggle.

President Johnson's letter of February 8 did not reach Ho Chi Minh in Hanoi until February 10. While Washington was waiting for an answer, other voices made themselves heard. On February 10, Secretary-General U Thant urged an "indefinite and unconditional extension" of the truce and renewed his three-point plan, "starting with an unconditional end to the bombing of North Vietnam," which, he said, could "bring about a favorable climate for peaceful talks between the parties." Before the four-day truce ended, Premier Kosygin and Prime Minister Wilson asked for an extension of two days, which was granted. Presumably they would not have asked for it if they had given up hope. On February 12, the last day of the now six-day truce, Republican Senator Jacob K. Javits of New York, a serious and thoughtful legislator, came out in support of "unconditional cessation" of the United States bombing of the North. The next day, Sunday, Neil Sheehan of *The New York Times* noted, "diplomatic activity appeared to be intense" and senior United States officials in the White House and State Department spent the afternoon in their offices.

February 12 was apparently the day of decision. For on February 13, President Johnson announced the resumption of "full-scale hostilities," including the renewed bombing of North Vietnam. He blamed the decision on the Hanoi Government which, he said, had used the truce for "major resupply efforts of their troops in South Vietnam."

Thus, it appears, only three days elapsed between the time Ho Chi Minh received President Johnson's letter in Hanoi and the President's decision to resume the fighting and bombing. Ho Chi Minh's reply to the letter had nothing to do with the decision because it was not sent until two days later, February 15. Indeed, Ho Chi Minh's reply may have been influenced by the President's decision, not vice versa. The "resupply" of North Vietnamese troops was admittedly not a violation of the truce, which had merely called for a temporary halt to the fighting. Both sides, as we have seen, were using the cease-fire to bring in men, arms, and supplies, as they were legally entitled to do; it is hard to imagine that the United States was not able to do at least as well as North Vietnam in this respect.

Ho Chi Minh's reply of February 15 was obviously intended to influence world opinion rather than to persuade President Johnson. Most of the reply charged the United States with aggression and war crimes. Toward the end, however, one section was devoted to conditions for restoring peace and in other to a basis for direct talks, the two apparently treated in different terms. To restore peace. Ho demanded that the United States should "definitively and unconditionally" stop the bombing of North Vietnam and all other acts of war against North Vietnam; withdraw all United States and "satellite" troops from South Vietnam; recognize the South Vietnam National Liberation Front; and permit the Vietnamese people to settle their own affairs. To initiate direct talks between the United States and North Vietnam, he repeated only the first demand.

Other questions which will be long debated are whether three days were long enough to wait for Ho Chi Minh's reply, whether North Vietnam's "resupply efforts" were sufficient reason to resume hostilities, and whether they should have been resumed without warning Ho Chi Minh how long the United States was willing to wait. The manner in which the entire exchange was handled suggests that both sides were responding more

---

[11] This may have been one of the greatest hoaxes of the war, and one of the greatest derelictions of the American press. With the exception of *I. F. Stone's Weekly*, I have seen no serious questioning of the propaganda handed out by the Department of Defense to justify the resumption of the bombing. As reported in *U.S. News & World Report* of March 27, 1967, a lavish briefing at the Pentagon on March 17, 1967, was said to demonstrate: "While US bombers were grounded from February 8 through February 11, the Communists made hay in the North, moving a staggering volume of arms, equipment, food and supplies toward infiltration routes into South Vietnam for use against American and Allied forces." The tonnage moved from North to South was first given as 35,000 tons and then reduced to 23,000 tons, all based on "photographic and visual sightings" from the air. As I. F. Stone pointed out (March 27, 1967), the reporting was incredibly sloppy; the Pentagon spokesman did not go farther than to claim a knowledge of "Resupply Activities Within North Vietnam," and there was no evidence that any of the trucks sighted had moved out of the North; there was no way of identifying whether the trucks carried military supplies or not; and it was even admitted that some of the supplies were nonmilitary and "not all bound for South Vietnam." Since the scare stories about the North Vietnamese "resupply efforts" were crucial to the resumption of the bombing, which was crucial to all the subsequent events, a thorough examination of this dubious justification for breaking the truce is by now long overdue.

[12] *The New York Times*, February 6, 1967; *Newsweek*, February 13, 1967; *The New York Times*, March 13, 1967; *Time*, March 17, 1967.

[13] On January 17, 1967, in an address at Washington, D.C., General Earle G. Wheeler, chairman, Joint Chiefs of Staff, declared: "Where regimental attacks were once common, and division attacks clearly pended [in 1965], we now find ourselves fighting mostly companies and battalions. We estimate that their battalions are now averaging only one day's fighting per month. And where once the enemy could sustain combat for a month at a time, as in the Ia Drang, he now hits and runs to avoid disaster." If this was the state of the enemy's forces in mid-January, it is hard to imagine that three or four days of resupply efforts, which the United States could more than match, would have made all that difference only three weeks later.

to outside pressures than to their inner convictions. It had taken its allies more than a year to get North Vietnam to agree to a one-point negotiating position, namely, cessation of the bombing. The United States was constrained to make some gesture at the start of the Têt truce and the Wilson-Kosygin meeting in London.[14] The tenuousness of the President's reasoning for rejecting cessation of the bombing, the precipitancy of his decision to resume hostilities, and the almost immediately enlarged scale of those hostilities did not give the impression of a man whose heart was in successful peace negotiations. Indeed his letter of February 8 seemed a gauntlet flung before an opponent to make him accept terms which he had already declined to accept, and which would have put him at a disadvantage. The Johnson-Ho Chi Minh leters of February 1967 were designed to stake out positions rather than to come to terms with a reality that neither party was yet prepared to accept. They were not the first or the last moves of their kind, and they can only be understood with reference to what had gone on before as well as what would come after them.

V

Suddenly, after all the meetings and letters and go-betweens, the war broke loose again, and more destructively than ever before.

The resumption of hostilities was on not only a full but also a new scale. On February 22, United States artillery for the first time fired across the demilitarized zone into North Vietnamese territory. On February 26, United States warships for the first time shelled supply routes in North Vietnam on a continuing basis without restrictions. On February 27, United States planes for the first time began to mine North Vietnam's rivers. On March 10, United States bombers for the first time attacked a major industrial plant in North Vietnam, the iron and steel combine at Thainguyen, 38 miles north of Hanoi. The military decisions for this raid were made in mid-February, but unfavorable weather conditions and technical preparations had delayed the operation itself for about three weeks. Subsequent attacks on this and other industrial installations made clear that the new US bombing policy was intended to destroy the economic foundation or "infrastructure" of North Vietnam's military capability.

The thinking behind this "escalation"—a forbidden word for a familiar fact—began to emerge in statements that were probably less guarded because they were made before the Johnson-Ho Chi Minh correspondence came out publicly. On February 27, President Johnson described, with uncharacteristic understatement, the three new military actions of the preceding five days as a "step up" and "more far-reaching." He restated the logic of every turning point in these terms: "Our principal objective is to provide the maximum deterrent to people who believe aggression pays with a minimum cost to us and to them." As always, the "maximum deterrent" and "minimum cost" had been forced up to higher and higher levels.

Though he had not concealed his misgivings, Senator Robert F. Kennedy waited until March 2, after the peace efforts had failed and the new United States military policy had gone into effect, to make known his views in some detail. He first associated himself with "nearly all Americans" who, he said, were determined to remain in Vietnam "until we have fulfilled our commitments." He saw the United States "at a critical turning point," instead of having just passed one, and he offered a three-point program, which might have had greater relevance a few weeks earlier. He proposed that the United States should offer to halt the bombings and give North Vietnam a week to start negotiations; to negotiate for a limited period, while the military forces on both sides remained substantially the same; and to seek a final settlement which would permit "all the major political elements," including the National Liberation Front, to participate in choosing a new national leadership and future course in South Vietnam. It was obviously a compromise plan which, according to Senator Kennedy, had to be accepted as a whole; it did not satisfy the North Vietnamese demand for "unconditional" cessation of the bombing; it provided against an indefinite prolongation of negotiations; it merely tried to put to the test the previous intimations by the Northern Foreign Minister, Nguyen Duy Trinh, and Soviet Premier Kosygin that the way to break the deadlock was to exchange some form of a bombing halt for some form of negotiations. Nevertheless, Senator Kennedy's proposals were officially knocked down as fast as he set them up, and he himself came under attack as if he were serving the Communist cause or attempting to overthrow the American system.[15]

More significant perhaps than anything said by Senator Kennedy were the official reactions to his words. One line was taken by Secretary of State Rusk. He tried to blunt the effect of the Kennedy speech by declaring that the United States had already made "substantially similar" proposals without result. If this had been the case, Senator Kennedy could hardly have been attacked for making his proposals; the only thing apparently wrong with them were lack of originality and Ho Chi Minh's disapproval; Secretary Rusk could, in effect, enter a plea of innocence only by pleading guilty to the Senator's alleged sins. The first impulse of the State Department was evidently to embrace the Senator's proposals to death.

When the Johnson-Ho Chi Minh correspondence became known, Secretary Rusk's line of defense seemed to have been based on the assumption that the truth would never—or only after a long delay—come out. President Johnson's proposal of February 8 and Senator Kennedy's plan of March 2 were not "substantially similar"; the essential difference lay in the President's insistence on a military condition for halting the bombing and the Senator's insistence on halting the bombing without military conditions. Even before the facts were known, the Senator protested that Secretary Rusk had distorted both positions by endowing them with a fictitious similarity. But then the Senator himself went too far by implying that he had been willing to accept the North Vietnam-Kosygin offer; in fact, he had, for better or worse, substituted three points for their one; the Kennedy position might have been mathematically calibrated to stand somewhere between Nguyen Duy Trinh's approach of late January and President Johnson's proposal of February 8.

---

[14] One of the more curious aspects of this period has been the ignoble spectacle of a Labour Prime Minister running interference for Lyndon Johnson's foreign policy. After assiduously playing the role of middleman, Prime Minister Wilson declared on February 14: "It is true that one gesture by North Vietnam, which could have cost them nothing in terms of security or even face, could have set in motion events which could have led to peace." Was this "gesture" something other than what President Johnson demanded of Ho Chi Minh in his letter of February 8, namely, the halt of North Vietnamese "infiltration" into South Vietnam? If it was more or less the same thing, could it be described as costing North Vietnam nothing, not even a loss of face? And if it was much less, why did the February 8 letter ask for more? Moreover, Mr. Wilson went to the trouble of justifying intensified American suspicions on the ground that "there were massive military movements by North Vietnam aimed at securing a military advantage" during the Têt truce, but he did not find it necessary to say anything about massive American military movement. *The Times* (London) of February 15, 1967, said that only Mr. Wilson and Foreign Secretary George Brown know the "secret" of what Mr. Wilson was talking about in his mysterious allusions to the required North Vietnamese "gesture" and other references. If Mr. Wilson was right, incidentally, it would seem to have been fitting for him to ask, not only why North Vietnam did not make this "gesture," but also why the peace of the world should be jeopardized for something that would not even have caused North Vietnam to lose face. Surely Mr. Wilson owes his party, his people, and the world an explanation.

[15] A column by Kenneth Crawford in *Newsweek*, March 20, 1967, was entitled "Henry A. Kennedy?" It sought to give the impression that Senator Kennedy's role in 1967 was similar to that of former Vice President Henry A. Wallace, who had permitted the Communists to become "his managers, manipulators and all-out partisans" in his unsuccessful bid for the presidency in 1948. Mr. Crawford argued that, in spite of some apparent differences in the criticism of the official policy by the two men, "in domestic political terms it amounts to the same thing." To identify Kennedy with the Communists, Crawford had to mislead himself or his readers into believing that "Kennedy attracts the New Left," which had actually been trying to expose the Senator as a political opportunist and false liberal, more dangerous even than the outright reactionaries. Crawford's column was not the most extreme example of the genre but it showed that, by March 1967, even the most cautious and circumscribed proposal to settle the war by negotiation was beginning to bring out the worst in American politics and journalism even in relatively respectable quarters. If anything, Senator Kennedy had opened himself to the charge that his proposals were both too little and too late.

In *The Reporter* of March 23, 1967, the editor chose to interpret the Kennedy speech as if it were the signal for an incipient civil war between, as he put it, "The Two USAs." The editorial accused the Kennedy "family" of plotting to impose on the United States "its own Bonapartism that aims at permanent power" and to induce the United States to give "itself and its power of decision to the enemy it is facing in Vietnam." Even an overheated imagination might find it difficult to consider the Kennedys powerful enough to hand over the United States to Ho Chi Minh. But the war had brought on such an unhealthy political climate in the United States that treason, defeatism, dictatorship, and a new stab-in-the-back legend could be read into this speech, so carefully modulated and so long delayed that it was almost defused politically in advance. To make Senator Kennedy feel better, perhaps, the editorialist put Secretary-General U Thant, whom he scorned rather than pitied, and Pope Paul VI, whom he pitied rather than scorned, in the same camp. The moral would seem to be that, if this could happen to Robert F. Kennedy, it could happen to anyone—all in the name of "freedom" and "that America which has its leader in Lyndon Johnson." This editorial constituted the most extreme effort thus far to whip up a wartime hysteria. Significantly, it did not come from a right-wing organ, possibly because the Republicans were somewhat inhibited from making such an effort by the temptation to cash in on a peace move in the presidential election of 1968 as Eisenhower had succeeded in doing for them in 1952.

The differences were soon spelled out more sharply. On the day of Senator Kennedy's speech, Democratic Senator Henry M. Jackson of Washington, who had become a chief Administration spokesman on the war, was able to produce a letter from the President demanding an "equivalent action" from the other side as the price to end the bombing. On March 9, President Johnson was asked what the "military quid pro quo and reciprocal action" might be, and his reply compressed in a few sentences the accordion-like ambiguities and contradictions of his peculiar diplomacy:

"Just almost any reciprocal action on their part. We have said that we would be glad to stop our invasion of North Vietnam if they would stop their invasion of South Vietnam. That we would be glad to halt our bombing if they would halt their aggression and their infiltration."

In one sentence, he seemed to be demanding almost nothing in return. In the very next sentence, he seemed to be asking for almost everything. Perhaps inadvertently, he told more than he intended by referring to the new phase of American policy as an "invasion of North Vietnam equivalent in kind to the North Vietnamese "invasion" of South Vietnam. At another point in the same press conference, he spoke as if stopping the bombing were the same as stopping "half the war," by which he meant the American half.

Further insight into the new policy came in a major address by President Johnson in Nashville, Tennessee, on March 15. In it he reincarnated the "domino theory" in one of its many manifestations by maintaining that "the defense of Vietnam held the key to the political and economic future of free Asia." [16] He again demanded "reciprocal concessions" and made reciprocity "the fundamental principle of any reduction in hostilities." He hotly accused his critics of "moral double bookkeeping" because they did not equate Viet Cong terrorism [17] with United States bombing. He referred contemptuously to what he called the recent "flurry of rumors of 'peace feelers,'" as if there had not been any reality to them at all.

But the most curious section of the speech had a bearing on both President Johnson's letter to Ho Chi Minh of February 8—which had not yet been released—and the dispute with Senator Kennedy. The President stated the question that the Senator had been asking: "Why don't we stop bombing to make it easier to begin negotiations?" The answer, he said, was "a simple one." To show how simple it was, he recapitulated the three times that the United States had stopped its bombing—five days and twenty hours in May 1965, thirty-six days and fifteen hours in December 1965 and January 1966, and five days and eighteen hours in February 1967. After this recital, he summed up triumphantly: "They have three times rejected a bombing pause as a means to open the way to ending the war and going to the negotiating table."

From this one might have gathered that the President would have been delighted with North Vietnam's change of heart at the end of January 1967 and its Foreign Minister's open bid for negotiations in exchange for a cessation of the bombing. It would have seemed, as Senator Kennedy pointed out, that this had been the United States position during the first two bombing pauses but not during the third. President Johnson, however, plainly implied that it had still been the United States position the third time, during the Têt truce from February 8 to 12, because he bracketed all three together without distinction. But six days later, it became known that this was precisely the position the United States had explicitly rejected in President Johnson's letter of February 8 to Ho Chi Minh. In it he had gone to the trouble of giving two reasons, good or bad, why the United States could not accept the formula of "stop bombing" for "begin negotiations." Instead, he assured his Nashville audience that "Hanoi has just simply refused to consider coming to a peace table." Even Ho Chi Minh's letter of February 15 did not justify such an excessive distortion of Hanoi's position: Hanoi had certainly *considered* coming to a peace table—on its own terms, perhaps, but that was no less true of Washington.

VI

Meanwhile, however, the United States uncompromising rejection of prior cessation of the bombing of North Vietnam unexpectedly paid off in an unexpected quarter. On March 14, 1967, Secretary-General U Thant submitted a new three-point plan which clearly reflected concessions to the American position. For more than two years, he had steadfastly maintained that only unconditional cessation of the bombing could lead the way to a settlement; now he was merely content to mention it in passing as a "vital need," but to leave it out entirely as a practical consideration. His old Point One—cessation of the bombing of North Vietnam—was replaced by a new Point One: "a general standstill truce" without supervision. Old Point Two—substantial reduction of all military activities in South Vietnam—was replaced by new Point Two: "preliminary talks" between the United States and North Vietnam. Old Point Three—participation of the National Liberation Front or Viet Cong in any peaceful settlement—was replaced by new Point Three: "reconvening of the Geneva Conference." A favorable reply was received from the United States on March 18, though it deviated from the Secretary-General's proposal in two ways which might have, in any case, proved troublesome. First, it implied that it was not enough for both sides to agree to a cease-fire, and instead demanded preliminary discussions to decide how it would be carried out; second, it required that the South Vietnamese government, but not the National Liberation Front, would have to be "appropriately involved throughout this entire process." A North Vietnamese spokesman unequivocally rejected the new plan on March 27.

Secertary-General Thant's new plan was only a distant relative of his old one, in spite of his claim that it was merely an "adaptation." The latter had implied that the Vietnamese struggle was essentially a civil war which could be settled by primarily concentrating on South rather than on North Vietnam. This was the essential meaning of the first and third points in the former formula. The new plan, in effect, shifted the emphasis from the South to the North and pitted North Vietnam against the United States in the crucial first steps toward a settlement; it provided for the South Vietnamese on both sides a role only in "a future formal conference"; it thus inferentially endorsed the American thesis that the key to the war and the peace was in the North.[18]

Even the South's Premier Nguyen Cao Ky did not like the way the United States had taken over the peace as well as the war strategy: "We hear too much about President Johnson's talking to Ho Chi Minh," he said on March 28, "but what about the South?"

In any event. Thant's new plan was doomed because it was based on seemingly formal equality between unequal forces, resulting in unequal consequences. Without a prior cessation of the bombing. North Vietnam was still placed in the position of agreeing to terms with a gun at the temple. The relatively compact, traditionally organized American military forces could easily be regrouped and supplied during a cease-fire; their morale was likely to rise in the absence of combat. The Viet Cong guerrillas were by their very nature difficult to coordinate especially if North Vietnam did not control them as much as the United States wanted to believe; their morale was bound to fall in the absence of combat. The North's regular troops in the South ran the risk of becoming hostages, cut off hundreds of miles from their home bases, scattered in jungles and forests. The only conceivable *modus vivendi* for an effective cease-fire in the peculiar South Vietnamese circumstances would have required a physical separation of the two sides, amounting to *de facto* division of South Vietnam into regrouping zones—a form of provisional partition which

---

[16] By 1967, the "domino theory" was in such disrepute that even Secretary of State Rusk felt called upon to disavow it, saying that "there's no need for something called the domino theory" (*Department of State Bulletin*, January 30, 1967, p. 169). But evidently there was still a need for various and changing paraphrases of the theory.

[17] Mr. Johnson said: "Tens of thousands of innocent Vietnamese civilians have been killed and tortured and kidnapped by the Vietcong." Four days later, a report from Saigon stated: "New US official figures show that Vietcong terrorists have killed 11,967 civilians and kidnapped 40,988 in the last nine years" (The Washington *Post*, March 19, 1967). Presumably only the killed did not survive their ordeal. In nine years, the annual average was 1330; some may not have been so "innocent." This figure would have to be equated with the United States bombing in North and South Vietnam, heavier than the bombing of enemy territory in Europe in World War II at its peak. And it would be necessary to take into consideration that political "terrorism" does not have the same cultural roots or stigma in all countries.

[18] The shift in U Thant's position is one of the more perplexing phenomena of this period. In the first days of March 1967, Mr. Thant conferred with two North Vietnamese government officials in Rangoon; he later revealed that he had orally presented them with the new three-point plan which he wrote down for the first time on March 14. On March 5, Mr. Thant returned to the United States. As of March 7, Raymond Daniell, *The New York Times'* UN correspondent, wrote that Mr. Thant had "returned from his talks in Burma 'more convinced than ever' that cessation of the raids 'is an absolute prerequisite' to bringing Hanoi to the conference table" (*New York Times*, March 8, 1967). In his press conference on March 28, at which he made public his *aide-mémoire* of March 14, Mr. Thant still expressed this view in his introductory remarks. At one point he said that "I have never ceased to consider that the bombing of North Vietnam constitutes an insurmountable obstacle to discussions." In reply to a question, he reiterated that "I still maintain that a cessation of the bombing of North Vietnam is an imperative necessity to create conditions for peaceful talks." In the *aide-mémoire* itself, however, the "absolute prerequisite," "insurmountable obstacle," and "imperative necessity" were watered down to a "vital need," and, in any case, left out of the new three points. The question is how Mr. Thant could bring himself to bypass the cessation of the bombing in the points themselves if it was an "absolute prerequisite," and "insurmountable obstacle," or an "imperative necessity" to get to the conference table. One gets the impression that at his press conference on March 28, Mr. Thant tried to have his cake and eat it, too; he may not have changed his mind about the need for a cessation of the bombing but, for some reason, he saw fit to change his practical proposals, which received most of the publicity and earned him the gratitude of those who had formerly execrated him most.

the United States had many times ruled out. The very nature of guerrilla warfare made an old fashioned cease-fire, based on some fixed line, incongruous. The Viet Cong guerrillas and even the North Vietnamese regulars cooperating closely with the guerrillas could not be made to "stand still," suddenly and indefinitely, without risking their disintegration as a fighting force, a danger not faced by the US troops. Since Thant's new plan was introduced at a very late date, after the diplomatic breakdown of the preceding two months and the exacerbation of the bombing against key North Vietnamese economic centers, already largely or partially destroyed, the time was not propitious for another effort which on its face posed almost insuperable practical problems and represented a sharp political shift in favor of the United States position. In the end, this initiative did no good and merely compromised the Secretary-General.

At the United States-South Vietnam conference on Guam on March 20–21, Premier Nguyen Cao Ky may have blurted out, as he had done before on other matters, what "negotiations" and an "honorable peace" were really supposed to mean. On the first day of the meeting, he exhorted the Americans to intensify and enlarge the war against North Vietnam even more, and then proceeded to explain:

"We must convince Hanoi that its cause is hopeless. Only then will Hanoi be ready to negotiate. Then, when we do negotiate, we must, Mr. President, work for an honorable peace."

A power which has been bludgeoned into hopelessness is, of course, in no position to "negotiate." It can only come to the "peace table" to beg for crumbs from the victor—if it chooses to beg. A one-way "honorable peace" is merely a gentle circumlocution for one side's victory. Premier Ky was not the only one to misuse these terms, but he did it somewhat more crudely and clearly than did others. In any meaningful negotiation, both sides must be able to bargain from a position of some strength, though they may be strong in different ways, as in the bargaining power between private corporations and trade unions. The Japanese came to a "peace table" aboard the USS *Missouri* in September 1945, but they were in no sense capable of negotiating. A "peaceful settlement" may be a total surrender as well as a mutual compromise which by its very nature cannot be totally satisfactory to either side or totally unsatisfactory, either. The issue was not whether Premier Ky had the "right" to demand that the United States should batter North Vietnam into virtual surrender for him; it was rather that these words—"negotiation" and "peace" and "honor"—were misused so much that they portended the opposite of what they seemed to convey. The chief victims of this systematic abuse of language were not the leaders in Hanoi, who knew just what would happen to them if they tried to "negotiate" with a hopeless cause; the main effect, if not the purpose, was to pollute the political stream in the United States with words that said one thing and meant another.

At the core of the American case, making meaningful negotiations difficult, if not impossible, was the concept of "reciprocity." It became the leitmotif of official American policy in 1966–67, though it was another word that lent itself to different interpretations. When President Johnson asked almost plaintively on March 9, 1967 for "just almost any reciprocal action on their part," it seemed to mean any kind of North Vietnamese response, even of a purely symbolic character. Yet when he went on, almost in the same breath, to demand that North Vietnam should stop its "aggression and infiltration," he implied that he expected something that he considered to be a more or less equivalent or analogous response. On March 15, he made reciprocity "the fundamental principle of any reduction in hostilities," and again seemed to be using the concept in the second, more inconclusive and far-reaching sense. When his February 8 letter to Ho Chi Minh was made public on March 21, the latter interpretation could no longer be questioned. The letter concretely defined reciprocity as: the United States to halt the bombing of North Vietnam and stop further augmentation of its forces in South Vietnam; and North Vietnam to provide assurance that its infiltration forces in South Vietnam by land and sea had ceased. Clearly, when President Johnson called on February 2 for "just almost any [step]," and on March 9 for "just almost any reciprocal action," he had not intended these words to be taken literally.

But—and this was the critical question—what could "reciprocity" mean between a strong, rich power like the United States and a weak, poor power like North Vietnam?

In February 1967, for example, the United States and allied foreign forces in South Vietnam numbered: United States, more than 400,000; South Korea, 45,000; Australia, 4,500, New Zealand, 360—a total of more than 450,000. The North Vietnamese forces in the South were estimated at about 50,000. President Johnson's proposal of February 8 amounted, in effect, to freezing the forces on both sides in the South in return for a cessation of United States bombing in the North but not in the South. By stopping all movement to the South, which was undoubtedly what would have been required, North Vietnam could not even have maintained the forces which it already had in the South because it could not provision them by plane and ship, as the United States was able to do. Just as the United States felt that it could not accept any offer which might discourage or demoralize its South Vietnamese wards, so the North Vietnamese leaders doubtless felt the same way about their own troops and protégés in the South.

President Johnson, it should be noted, did not offer a military truce or ceasefire in the South in exchange for halting the bombing of the North. In the event of a total cessation of the fighting in both North and South, the freezing of the numbers in the South would not have mattered so much. But if the war in the South went on unabated, with the North Vietnamese troops cut off from their sources at home and the United States committed only to a limitation of men but not materiel, the latter factor would have become increasingly decisive in the further conduct of the war. On the American side particularly, firepower rather than manpower counts. Thus, morally, numerically, and materially, the proposal of February 8 was palpably unequal because the sides were so unequal.

The United States was, in effect, doing what General James M. Gavin (Ret.) warned against in his testimony before the Senate Foreign Relations Committee on February 21—using the bombing of the North as a bargaining instrument. The bombing had been initiated in February 1965, primarily to bolster the South Vietnamese government's faltering morale. At that time, according to Secretary of Defense McNamara, North Vietnam's regular troops in the South had numbered only about 400, and the bombing could not have been justified on the ground that it was necessary to interdict their lines of communication with the North.[19] First came the bombing, and then came an escalation of the war on both sides, which provided the major justification for the bombing. In February 1965, the bombing of the North represented a desperate United States effort to save the South Vietnamese forces from defeat; in February 1967, it represented an offensive effort to bring about North Vietnam's defeat. After two years of bombing which had unilaterally changed the pre-1965 rules of the war, the North Vietnamese and United States conceptions of "reciprocity" were understandably different. North Vietnam could not stop bombing the United States in exchange for a similar courtesy on the part of the United States in North Vietnam. The price the United States demanded was in South Vietnam, where the advantages and disadvantages on both sides were so different that the concept of "reciprocity" was far from the simple numerical arrangements that President Johnson proposed on February 8.

A cessation of the bombing of North Vietnam was vital to the latter precisely because it had nothing to exchange for it in the North or in the United States and could pay for it only by reciprocating unequally in the South. The bombing was so important to the bargaining position of the US that President Johnson had, perhaps excessively, referred to it on March 9 as if it were the United States' entire "half the war," or as if its half depended on it. For the United States, the bombing was an infinitely extensible threat. In January 1967, Secretary McNamara told a Senate committee; "I don't believe that bombing up to the present has significantly reduced, nor any bombing that I could contemplate in the future would significantly reduce, the actual flow of men and materiel to the south." When this was established, the United States stepped up its bombing the following month to reduce North Vietnam's industrial base to a mass of rubble. At best North Vietnam could retaliate only against South Vietnam, which is considered part of its own country, not against the United States, which it considered its main enemy. Germany's indiscriminate bombing of Britain in late 1940 was answered with equally indiscriminate and even more punishing bombing of Germany later in the war. But the positions of the United States and North Vietnam were so different that nothing comparable could take place.

VII

The United States escalation of February 1967 invited North Vietnam to step up and enlarge those tactical operations for which it and its South Vietnamese partners were best suited, such as terrorism. For anything more, North Vietnam was dependent on China and Russia, especially the latter. As soon as United States bombing raids were resumed on North Vietnam that month, Soviet President Nikolai V. Podgorny pledged the Soviet Union to continue to provide North Vietnam and "the South Vietnamese patriots" with the necessary assistance. Later Soviet statements promised to meet United States escala-

[19] On April 16, 1965, Secretary McNamara stated that "evidence accumulated within the last month," that is, since late March, had confirmed the presence in the northwest sector of South Vietnam "of the 2nd Battalion of the 325th Division of the regular North Vietnamese Army," and he estimated the size of the battalion "on the order of 400 to 500 men" (*Department of State Bulletin*, May 17, 1965, pp. 750 and 753). On June 16, 1966, in an address at Yeshiva University, Senator Mike Mansfield declared: "When the sharp increase in the American military effort began in early 1965, it was estimated that only about 400 North Vietnamese soldiers were among the enemy force in the South which totaled 140,000 at that time." The Pentagon soon confirmed that it was the source of Senator Mansfield's figure (Ted Knap, Washington *Daily News* June 28, 1966). The strange and persistent efforts by Secretary of State Rusk to blow up the North Vietnamese "invasion" to at least the proportions of an entire division by January 1965 in the face of both Secretary McNamara's and Senator Mansfield's testimony are dealt with at length in my forthcoming book, *Abuse of Power*.

tion with escalating Soviet aid. The most recent turning point, then, was almost as much a form of pressure on the Soviet Union as on North Vietnam. Indeed, for some time, United States policy makers had been watching the increasing Soviet aid to North Vietnam with mixed feelings: it gave North Vietnam more and more effective arms for fighting American troops, but it also gave the Soviet Union a larger place in North Vietnam's military planning and capability. Secretary Rusk's unusual solicitude for Soviet sensibilities was not without its pragmatic calculations. In January 1967, before the truce and resumption of the bombings on a larger scale, he had commented favorably on the "prudence" of the present Soviet generation and had commended it to the Chinese. Two months later, he inferentially exculpated the Soviet leaders from responsibility from North Vietnam's obduracy. "They cannot tell Hanoi what to do," he said. "The problem of peace out there is with Hanoi." [20] He even seemed to associate the United States and the Soviet Union in order to emphasize the "great gulf which exists between all of us and Hanoi." Considering the enormous importance which Soviet-bloc aid to North Vietnam had assumed, these were singularly amiable intimations of how he regarded the Soviet role in the war, at least for public consumption.

But if the Soviets could not tell Hanoi what to do, they still had to tell themselves what to do. By giving North Vietnam so much aid since 1965, they had committed themselves more and more deeply to preventing the North from collapsing just as the United States had committed itself to the South. The United States's favorable appreciation of the Soviet role had been based on the well-founded assumption that the Soviet leaders were not happy about expending so much of their country's substance in North Vietnam and risking another confrontation with the United States. The Soviets had clearly influenced Ho Chi Minh and his colleagues to come down from their four points and to rest their negotiating case wholly on a cessation of the bombing. When this had proved unsatisfactory from Washington's point of view, the next step was to hope that the Soviets might put even more pressure on North Vietnam to accept something resembling President Johnson's February 8 version of "reciprocity," or to get the Soviets to induce North Vietnam to back down in some other way. As some influential political figures in Washington saw it, the Soviet Union was caught in a most disagreeable dilemma in its relations with the United States, North Vietnam, and Communist China. This thinking was openly expressed by the Johnson Administration's spokesman, Senator Jackson, in the Senate on February 24, soon after United States artillery for the first time shelled North Vietnam across the demilitarized zone:

"There are some reasons for thinking that the Soviet leaders would prefer a settlement. The bombing of the North, for example, is probably a source of embarrassment, for it demonstrates that the Soviet Union cannot prevent the United States from bombing a brother Communist state. One can surmise that the Russians are having to do a lot of explaining in other Communist capitals. For Moscow's situation in Vietnam puts in doubt what she could do to protect the interests of other Communist states if they sometime found themselves in similar jeopardy. In this sense, the bombing of North Vietnam has political significance—control over it is one of the few political assets and bargaining levels we have in encouraging the Russians to pressure Hanoi to de-escalate militarily and to negotiate.

"It must also be a source of some worry to the Soviet rulers that their aid to Vietnam, particularly in connection with their anti-aircraft defense system, is steadily mounting.

"At the same time, however, without Russian aid and support Hanoi would probably be unable to sustain its efforts, and the Russians are therefore partly responsible for the prolongation of the war."

We have here a strange combination of giving the Soviets credit for wanting a settlement, of gloating over them for not being able to do anything about the bombing of North Vietnam and of holding them partially responsible for our predicament. It typifies the temptations into which the United States had been led by its disproportionate investment in the Vietnamese war. In a peculiar way, the United States seems to be faced with a variety of frustrations in South Vietnam at the same time that it is able to do almost as it pleases to North Vietnam. So long as the American leaders consider the bombing to be one of their few assets and bargaining levers, they are bound to try to extort as high a price as possible for it in the guise of "reciprocity." Senator Jackson was quite right to suggest that the bombing of North Vietnam is the United States trump card—and that is why the game has become so dangerous. The bombing is the one thing that can be most easily and destructively intensified and enlarged to increase the pressure on North Vietnam and enhance the embarrassment of its allies. The power at the disposal of the United States is so great and so unprecedented that the only questions are how much power it is willing to use and how much punishment North Vietnam is willing to take. Inescapably, the more punishment North Vietnam is willing to take, the more power the United States is willing to use. The more power the United States uses, the less difference it makes how much more power it will use, for beyond a certain point, degrees of destructiveness begin to lose their meaning.

This is the vicious circle which was set in motion by transferring the main arena of the war from South to North Vietnam and by deciding to use bombing to impose the will of the United States on North Vietnam. The only way to break the circle is to halt the bombing and reconsider the problem of South Vietnam on the basis of genuine reciprocity—among the Vietnamese. Once the United States threw its weight into the balance, there could be no meaningful reciprocity, unless a great Communist power reciprocated on behalf of North Vietnam. Instead of bringing peace nearer, this concept is more likely to bring about a Vietnamese edition of the 1962 missiles crisis in circumstances far less favorable to the United States. In 1962, the United States could claim to be directly threatened by offensive missiles only 90 miles from its shores; in 1967, the United States is not directly threatened, and cannot appeal to world opinion on that ground; and it is inviting two or more to play at its own game. The escalation of the war *in* Vietnam is bound to bring about an escalation of war *over* Vietnam. Those who wish to taunt or goad the Soviets, if not the Chinese, to put up or shut up are living in a fantasy world if they think that the Cuban precedent will necessarily be followed in Vietnam. On the contrary, there has been and continues to be a stubborn underestimation of how far the Communists can go to escalate their side of the war. And if the war *over* Vietnam in some form materializes, will it be another instance of the "politics of inadvertence"?

When one gets away from each individual move and maneuver, and views them as a whole over the past two years, the guidelines of American policy emerge quite clearly—to separate North Vietnam from the Soviet Union, and to separate North Vietnam from the Viet Cong in the South. Even if the United States were successful in either or both of these objectives, the war in the South would admittedly still go on, though certainly not on the vast scale as at present. But neither of these objectives has been achieved; on the contrary, North Vietnam is likely to get more Soviet aid, and the North is likely to gird itself for an even more determined effort in the South, escalating whatever it can escalate. Ironically, the United States itself made it more difficult for North Vietnam to abandon the South by attributing such preponderance to the Northern role in the South. The American propaganda line first maintained that the war in the South could not go on without the North's "aggression," and then insisted that the North should get out of the South. This line was conceived to justify U.S. bombing of the North, but it does not help to facilitate the North's withdrawal from the South. The main thing that has been achieved by the recent diplomatic maneuvers is what Washington considers to be a more favorable public-relations ambience for making the war bigger, bloodier, and beastlier. This is the transcendent triumph of Johnsonian diplomacy which the American press has recently been celebrating. Recent events have demonstrated that outsiders are not capable of ending the war in South Vietnam. Their own interests and need to save face have infinitely complicated the indigenous difficulties. The best chances for peace probably lie with the Vietnamese themselves. The more patriotic or nationalistic among them, on both sides, will not forever tolerate this orgy of destruction which was started to save them and which will end by leaving little or nothing to save. The decisive impulse for peace, in some way not yet perceptible, may have to come from the Vietnamese themselves.

[20] Consistency has never been Secretary Rusk's hobgoblin. In 1965, he insisted that Hanoi owed so much to Peking that it was virtually the latter's prisoner or puppet. In 1967, Hanoi owed even more to Moscow but could not be told "what to do."

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Pursuant to the order previously entered, the Senator from West Virginia [Mr. RANDOLPH] is recognized for 30 minutes.

Mr. BYRD of West Virginia. Mr. President, will my colleague from West Virginia yield briefly?

Mr. RANDOLPH. I am happy to yield to my colleague from West Virginia.

ORDER FOR RECOGNITION OF SENATOR McCLELLAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the vote on the treaty this afternoon, the senior Senator from Arkansas [Mr. McCLELLAN] be recognized for 10 minutes.

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

BENZENOID CHEMICAL INDUSTRY IMPORTANT TO AMERICAN ECONOMY—PENDING TRADE NEGOTIATIONS UNSATISFACTORY TO MANAGEMENT AND WORKERS IN 42 STATES—SENATOR RANDOLPH AND OTHER SENATORS JOIN IN OPPOSITION TO ABANDONMENT OF THE AMERICAN SELLING PRICE SYSTEM

Mr. RANDOLPH. Mr. President, the administration's approach to trade negotiations involving the American sell-

ing price system of customs valuation has been a matter of considerable concern to many Members of the Senate and House of Representatives. Among the products covered by this system are benzenoid chemicals, manufactured by 116,000 workers in 42 States. In West Virginia 7,000 workers in this particular industry will be adversely affected if the ASP system is abandoned by the United States.

The U.S. special representative for trade negotiations, Ambassador William M. Roth, has announced that he is discussing with our foreign trade partners the abandonment of this system of customs valuation during the Kennedy round of trade negotiations in Geneva. I remind Senators that this has been the traditional basis of valuation for benzenoid chemicals. Although Ambassador Roth indicates that he will not present Congress with an established fact, his actions unfortunately seem not to have comported fully with what I believe to be—and I speak with measured words—his promises to Congress.

Last October members of the West Virginia congressional delegation wrote to the President expressing strong opposition to the abandonment of the American selling price method of customs valuation on the ground of the severe economic injury that would be caused to the industry and workers in our State by low-labor-cost foreign imports. In acknowledging our letter, the President's Office stated that our correspondence would be brought to Ambassador Roth's attention. For the next 2 months, although Ambassador Roth's discussions on ASP continued at Geneva, we failed to receive any information from him or from his staff.

On January 15, 1967, I wrote to Ambassador Roth, asking that the conclusions in the Tariff Commission's report of October 3, 1966, assessing the economic impact of the proposed conversion from the American selling price system, be made public.

I felt that through the publication of these conclusions, industry and its workers could learn of the outcome of an investigation in which they participated and cooperated.

Ambassador Roth requested the Tariff Commission's investigation under section 332 of the Tariff Act of 1930, which, to my knowledge, contains no language restricting the public release of the Commission's conclusions. Indeed, that section requires the Commission to release "all the information at its command" to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate.

My only request was that Ambassador Roth release the conclusions of the Tariff Commission with respect to economic impact; I did not request all of the information in the report or any of the confidential underlying data.

In his reply to my letter, which was, I think, a tardy reply—the reply came nearly a month after the letter had been sent—Ambassador Roth stated that the Tariff Commission's conclusions would not be "meaningful" and were "hardly intelligible without access to the confidential business information upon which the Commission relied and which could not under any circumstances be disclosed."

Ambassador Roth did state that the Tariff Commission had reached conclusions with respect to economic impact on "each and every item and sub-item of the Tariff Schedules of the United States, which the Tariff Commission has proposed as part of the conversion of the ASP system with respect to benzenoid chemicals and rubber-soled footwear."

Mr. President, it is difficult for me to conceive that those in our Government familiar with the industries involved, in the States that I have mentioned—covering 116,000 workers, 7,000 of these workers in West Virginia, and also the producers of the products themselves—would not be able to understand the conclusions of the Tariff Commission.

Indeed, it would seem more appropriate for Ambassador Roth to release the Commission's conclusions, in order that those parties who would be most affected by the abandonment or alteration of our present system could make independent judgments with respect to whether the Commission's conclusions are meaningful and intelligible.

Mr. President, I ask unanimous consent that the letter to the President, and the correspondence which I entered into with Ambassador Roth on this issue, be printed in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
October 21, 1966.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: We, the undersigned members of the West Virginia Congressional delegation, wish to communicate to you our deep concern over the possible elimination of the American Selling Price method of customs valuation.

We believe it necessary to underscore the importance of the American Selling Price method of customs valuation to the continuing prosperity of West Virginia and the Nation as a whole.

The synthetic organic chemical industry in West Virginia employs over 13,000 workers, and over 7,000 of these are directly involved in benzenoid production. The Department of Labor's statistics indicate that the national average annual earnings of each synthetic organic chemical worker exceed $8,000. Consequently, the benzenoid chemical industry contributes approximately $56,000,000 to the direct annual wages of these benzenoid workers in West Virginia, as well as providing additional income for supporting industries.

It is our belief that removal of the American Selling Price system will result in substantial increases in imports of benzenoid chemicals, such as dyes. The National Council of Importers in presenting its case to the Tariff Commission admitted that demand for benzenoids was relatively inelastic and that any tariff action which resulted in a decrease in duty would cause price erosion of at least 90% of the decrease. In short, the present U.S. market prices of these chemicals, which yield a relatively modest profit in comparison with other industries, would fall. In the case of dyes, a majority of the domestic industry's production will be classified for tariff purposes in a new category (TSUS 406.50J) on which protection will be reduced by over 30%. The Tariff Commission proposed this classification in order to comply with "the request of the Special Representative" and "sound standards of tariff nomenclature". (TC Publication 181, p. 55, July 25, 1966)

We are concerned that the Special Representative did not allow the Tariff Commission to propose separate rates for products made in the United States and products made only abroad. If the object of the Commission's investigation was to provide truly equivalent connected rates of duty, the Special Representative's request should have given it enough latitude to do so.

We feel that the West Virginia industry and its workers will not be able to withstand the assault of low-cost benzenoid imports that will take place if the American Selling Price method is abandoned. Moreover, there are serious questions concerning the adequacy of the hearing afforded the domestic industry before the Tariff Commission under the Special Representative's restrictive instructions.

Realizing your dedicated efforts for the people of West Virginia and Appalachia, we respectfully request that there be no abandonment of the American Selling Price method, which would adversely affect the economy of our region.

Sincerely,

JENNINGS RANDOLPH,
U.S. Senator.
ROBERT C. BYRD,
U.S. Senator.
HARLEY O. STAGGERS,
Member of Congress.
JOHN M. SLACK,
Member of Congress.
KEN HECHLER,
Member of Congress.
ARCH A. MOORE,
Member of Congress.

JANUARY 15, 1967.

HON. WILLIAM M. ROTH,
Deputy Special Representative for Trade Negotiations, Executive Office of the President, Washington, D.C.

DEAR AMBASSADOR ROTH: On October 21, 1966, the West Virginia Congressional delegation wrote to the President expressing its strong opposition against the abandonment of the American Selling Price method of customs valuation. In acknowledging our letter, Mr. Michael Manatos stated that this correspondence would be brought to the attention of the Office of Special Representative for Trade Negotiations.

While I have failed to receive any communication from your Office with respect to ASP during the past two months, I understand that it has been the subject of extensive discussions by your negotiators and by foreign governments at the GATT negotiations in Geneva. Furthermore, I have reviewed a copy of Ambassador W. Michael Blumenthal's December 8 speech at Kronberg, Germany, in which, among other things, he offered to negotiate away ASP for "a good arrangement" which would be submitted to the Congress for approval. In view of your Office's publicized position that no decison has as yet been made concerning the abandonment of ASP, I am concerned over this effort to continue to offer ASP as a bargaining counter with our foreign trading partners. Indeed, Ambassador Blumenthal's remarks could possibly be viewed as indicative of a willingness to sacrifice the economic vitality of the West Virginia benzenoid chemical industry for trade concessions of unknown value to other industries in other parts of the United States.

I have received information which points to the benzenoid industry being forced to transfer plants and jobs abroad as a result of the lower tariffs embodied in the Tariff Commission's proposed converted rates of duty.

Regardless of one's point of view on the merits of ASP, it seems that the members of Congress and the people affected need to

know the facts. I understand that on October 3, 1966, the Tariff Commission sent a report to you assessing the economic impact of its converted rates. Although this report may contain confidential information, it appears that conclusions can be released without violating any restrictions. Therefore, I sincerely request that you make public the conclusions of the Tariff Commission's report. The twenty-two domestic chemical producers and three labor unions that offered evidence to the Commission in September should have the right to learn of its conclusions, and to bring other evidence to light if necessary.

I note that there is no provision in section 332 of the Tariff Act of 1930 (19 U.S.C. Sec. 1332) under which the Commission's investigation was conducted, that restricts the release of the Commission's conclusions. Subsection (d) thereunder provides that the information collected by the Commission is for the assistance of the President and the Congress. Although subsection (g) only requires the Commission to release "all information at its command," to the President, the Committee on Ways and Means of the House, and the Committee on Finance of the Senate, other members of Congress and the people affected should have at least a summary report of the Commission's conclusions which is certainly less than "all" relevant information.

If the Administration intends to seek legislation dealing with ASP during the next Congress, the Tariff Commission's October 3 report should be released now before its conclusions become suspect as outdated. As you know, economic conditions change rapidly within an industry, and those affected must be given the opportunity to collect the relevant data needed to make informed decisions. It is hoped that your Office is not placed in the position of releasing the Tariff Commission's conclusions at the eleventh hour, when Congress is asked to consider this subject next year. Ambassador Blumenthal's Kronberg speech indicates the abandonment of ASP is now being considered and therefore all relevant information should be made public.

I considered the treatment of the American Selling Price question a matter of utmost importance to the industry and workers of West Virginia, and respectfully ask your cooperation for an immediate open discussion of this vital problem.

With my genuine appreciation for your attention to this letter and with very best wishes, I am

Truly,

JENNINGS RANDOLPH.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS, EXECUTIVE OFFICE OF THE PRESIDENT,

Washington, February 14, 1967.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Thank you for your letter of January 16, 1967, in which you make several points concerning our treatment of the issue of the American selling price (ASP) system of customs valuation as it relates to benzenoid chemicals.

First, you urge that the conclusions of the Tariff Commission's report to the President of October 3, 1966, concerning ASP be made public. We requested this report of the Tariff Commission, at the direction of the President, in a letter of July 27, 1966. Our letter specifically requested that the Commission report its advice in confidence.

My first reaction to your proposal is that I seriously doubt whether disclosure of the conclusions of the Tariff Commission would be of any value. As you acknowledge in your letter, much of the Tariff Commission's report consists of confidential business information. Indeed, such information was, to a very large extent, the basis upon which the Tariff Commission reached its conclusions. These conclusions are stated in a summary form with respect to each and every item and sub-item of the Tariff Schedules of the United States which the Tariff Commission has proposed as part of the conversion of the ASP system with respect to benzenoid chemicals. These conclusions are not meaningful, and indeed hardly intelligible, without access to the confidential business information upon which the Tariff Commission has relied and which could not under any circumstances be disclosed. Accordingly, while I fully understand your desire that there be as much public understanding as possible about this complex problem, I frankly think that to disclose only the conclusions of the Tariff Commission would create confusion and misunderstanding.

More importantly, I would emphasize that it was in accordance with a principle established by the Congress itself in enacting the Trade Expansion Act of 1962 (TEA) that we requested the Tariff Commission's report to be confidential. Section 221 of the TEA requires the Tariff Commission to advise the President of the probable economic impact of tariff reductions which the President is considering for purposes of a trade negotiation. The legislative history of section 221 clearly anticipates that this advice shall be confidential. This point is explicitly made in the reports of both the Senate Finance Committee and House Ways and Means Committee on the bill that became the TEA.

The advice given by the Tariff Commission on the probable economic impact of converting the ASP system is of exactly the same nature as its advice under section 221 of the TEA, and our letter therefore provided that it should be confidential. I should add that our letter in effect constituted a Presidential request under Section 332(g) of the Tariff Act of 1930 and was so treated by the Tariff Commission. Under that section the President may impose whatever conditions he wishes upon the disclosure of reports prepared for his use.

The policy of the Congress concerning the confidentiality of economic advice prepared by the Tariff Commission for a trade negotiation is based upon a concern for the U.S. negotiating position. As our negotiating partners well know, the advice of the Tariff Commission with respect to the probable economic impact of reducing tariffs has a considerable bearing on the offers that we made and the manner in which we bargain on the basis of such offers. Accordingly, disclosure of even the conclusions in any report of the Tariff Commission dealing with probable economic impact could not fail but tip the hand of our negotiators in Geneva. The other countries would then have a good idea of the likely limits of our negotiators' authority, thus depriving our negotiators of a considerable amount of bargaining leeway—leeway which is often quite necessary in exacting the maximum offers from other countries.

This would be equally true if the United States were to offer a conversion of the ASP system. Accordingly, in the light of Congressional policy and the rationale for that policy which seems very sound, I do not believe the conclusions of the Tariff Commission's report should be made public so long as there is a possibility that we may make a formal offer on ASP in the Kennedy Round.

I should add that since receipt of the Tariff Commission's report of October 3, 1966, we have continued our practice of keeping in close touch with the representatives of the Synthetic Organic Chemical Manufacturers Association, which is, as you know, the trade association representing the benzenoid chemical industry. These periodic meetings have permitted them to keep us abreast of current developments in the industry and have also given us an opportunity to exchange views on all aspects of the problem of ASP. I think these representatives will confirm that these meetings have been mutually profitable.

Second, you express concern that we are continuing to offer ASP as a bargaining counter with our foreign trading partners in order to obtain trade concessions of unknown value to other industries in other parts of the United States. It is quite true that since last spring we have been discussing the issue of ASP with other countries in Geneva. In doing so, however, our policy has consisted of the following elements. First, the discussions in Geneva are purely an exploration of what might be feasible, and they in no way constitute a formal offer on the part of the United States, or even a commitment to make such an offer at some future date. Second, our trading partners must indicate the nature of what they might be willing to pay for a conversion of ASP before the United States will decide whether or not to offer such a concession on ASP. Third, we will not recommend to the President a course of action which, in the light of our intensive inquiry into the economics of ASP, would not permit the benzenoid chemical industry to make an adequate adjustment to new import competition. Fourth, any negotiation on ASP must be on the basis of a separate reciprocal package unrelated to the general Kennedy Round agreement, so as to avoid making the latter conditional upon implementation of the ASP agreement.

Fifth, with respect to benzenoid chemicals, any concession by the United States on ASP would require significant liberalization of the protection now imposed by the EEC, in particular, upon its imports of chemicals. Sixth, any ASP agreement would require implementing legislation by the Congress. Ambassador Blumenthal's recent speech on ASP in no way departed from any of these elements of our policy with respect to ASP.

Finally, I want to stress that we are very conscious of the legitimate concern which you and other members of the Congress have expressed about the possible impact of eliminating the ASP system on firms and workers in the benzenoid chemical industry. Since receiving the report of the Tariff Commission, we and the other interested agencies have conducted an intensive inquiry into this question. I think I can assure you that we are considering the question of economic impact without commitment or prejudgment. For we are determined to make as objective and thorough an exploration of this question as possible before recommending to the President whether or not the United States should offer a concession on the ASP system in the Kennedy Round.

Sincerely yours,

WILLIAM M. ROTH,
Acting Special Representative.

FEBRUARY 27, 1967.

Hon. WILLIAM M. ROTH,
Acting Special Representative, Office of the Special Representative for Trade Negotiations, Washington, D.C.

DEAR AMBASSADOR ROTH: Thanks for your letter of February 14, concerning the American Selling Price System (ASP) of customs valuation. Your detailed response to my communication of January 16 is appreciated. However, I am disappointed that you are not willing to make public the conclusions the Tariff Commission reached after two hearings on ASP.

Your letter states that the Commission's conclusions which are given for each item and sub-item for the tariff schedules are "hardly intelligible" and "not meaningful" without access to confidential data. You also recognized that if a separate package on ASP is negotiated in the Kennedy Round, it will

require implementing legislation by the Congress. Should you proceed with the plans as you have outlined in your letter, members of Congress will be placed in a most difficult situation. We will be asked to review and pass on a legislative proposal with respect to ASP without indispensable information.

You note that you will not recommend to the President any course of action on ASP which would not permit the benzenoid industry to make an "adequate" adjustment to new import competition resulting from abandonment of ASP. Congress, I believe, will not only request but will be entitled to more than this assurance. A thorough analysis of ASP will require, at the least, access to the Tariff Commission's conclusions and the nonconfidential data.

As with prior Presidential decisions under the Escape Clause and the Antidumping Act, I assume that in connection with his decision on ASP the President will be interested in the Commission's conclusions. (I am particularly familiar with the Tariff Commission's procedure of releasing public reports of their conclusions in Escape Clause investigations.) On the ASP issue, the Tariff Commission was given responsibility for proposing converted rates of duty and for assessing the economic impact of those rates. If the Commission's conclusions can be made public in Escape Clause and Antidumping Act investigations, in which the question of economic impact or injury is dominant, why can they not be made public in the ASP investigation? Since the Tariff Commission finds a way to disclose meaningful and intelligible conclusions in these investigations, I suggest that such a report could be released on ASP.

In reviewing matters pertaining to concessions that may be negotiated on ASP, the Congress will be concerned both with the impact on investments and jobs, and with the reciprocal benefits that are supposedly offered. I do not see how Congress can approach either question realistically without benefit of the conclusions of the Tariff Commission following its hearings on ASP.

I am confident that the conclusions would be meaningful to the members of Congress. Certainly, with the assistance of your office and other government agencies and with the aid of industry officials, we would be able to understand and analyze the Commission's conclusions on ASP.

You have not dispelled the very real concern, expressed by many members of Congress, that we will be faced with a *fait accompli*, if ASP is negotiated. In your prepared statement before the Subcommittee on Foreign Affairs on February 15, you note that "Discussions on chemicals continue to center on the question of whether or not the United States will negotiate on the elimination of the American Selling Price System of customs valuation." If "discussions on chemicals continue to center . . . on the elimination of ASP", it seems to me that ASP, even as a separate package, will be a hostage (to use your term) to the authorized negotiations under the TEA, and we will be faced with a *fait accompli*.

As a second reason for refusal to make the Commission's conclusions public, you utilize the authority of the Trade Expansion Act of 1962 (TEA), specifically Section 221. Your letter cites the confidential nature of Tariff Commission reports under that section as a basis for your request that the ASP investigation report be confidential. I would remind you—and you have recognized these points on many occasions—your office has no legislative authority to negotiate on ASP; ASP must be on the basis of a separate reciprocal package unrelated to the general Kennedy Round agreement; and, indeed, ASP is, from the Congress' point of view, outside the scope of the TEA and Kennedy Round. For these reasons, your actual request for the Tariff Commission's investigation was made under Section 332(g) of the Tariff Act of 1930, which does not appear to contain the same legislative history as Section 221 of the TEA. As I pointed out in my letter of January 16, the express wording of Section 332(g) of the Tariff Act, requires the Commission to release "all information at its command" to the Committee on Finance of the Senate, as well as to the President. In view of these facts, I frankly do not understand or agree with your reliance upon the legislative history of the TEA which contains no provisions for negotiation of ASP.

You further state that publicizing the Commission's conclusions would impair the U.S. negotiators' position by revealing data that would give away the "likely limits" of our negotiators' authority, and that the advice of the Tariff Commission with respect to the probable economic impact of reduced tariffs has a considerable bearing on the offers that would be made. I must again note that final authority for an agreement on ASP rests with the Congress—this is your limit. It may well be that substantive consultation with the Congress on the issues of ASP, and not just on procedures, could benefit your negotiating position by stressing what the Congress believes to be your limits and what Congressional reaction would be to a particular ASP package and what Congress would consider a reciprocal concession. In any event, you have noted that it has been U.S. policy to make the maximum proposal at the outset in order to encourage maximum offers from our bargaining partners. Under these circumstances, it would seem that the other countries already know the "limits" of the U.S. negotiators' authority. Assuredly, we do not desire to undercut our negotiators or our trading position, but it is my belief that the U.S. position on ASP has been revealed by our negotiators. It is my feeling that open discussion with the industry and the Congress, when Congress has the final authority for approval, would be more beneficial to all concerned.

As you are aware, on June 29, 1966, the Senate passed Senate Concurrent Resolution 100, expressing the sense of the Congress that the President should not enter into any trade agreement affecting ASP before obtaining prior legislative authority. You have apparently chosen to ignore this Resolution and to continue ASP negotiations (or "discussions"). On June 30, 1966, you wrote to the Congressional delegates to the GATT, promising to keep the Congress "fully informed at every step." You also stated:

"Before the President decides whether or not to offer a modification of the ASP system, two public hearings will have been held. This will permit the Congress, as well as interested private parties, to consider the issues regarding any possible modification of the ASP system."

The question of the economic impact of the Tariff Commission's converted rates—the question answered in its conclusions—is at the very heart of the ASP issue. I do not see how we can be kept informed in a meaningful way if we do not have essential facts for arriving at a judgment.

You state also that you have exchanged views with the domestic industry on "all aspects of the problem of ASP." It is my understanding, however, that the industry has not been informed of any conclusions of the Tariff Commission nor has it been informed as to any conclusions which your office may have reached after review of the Tariff Commission's conclusions. The industry has not been advised as to what proposal has been tabled as the working hypothesis nor have there been discussions as to what steps can be taken to assure that the industry can make an "adequate" adjustment to new competition after the abandonment of ASP.

I am, of course, gratified that you are conscious of the legitimate concern which the members of the Congress have expressed about the impact of eliminating the ASP system on firms and workers in the benzenoid chemical industry. You state that your office has conducted an intensive inquiry into this question. We will be called upon to make an intensive inquiry into the question before acting on any implementing legislation; in that connection it will require all of the data that would permit it to arrive at reasonable and sensible conclusions. I seriously doubt that members of Congress will accept your office's conclusions in lieu of the Tariff Commission's.

In summary, my deep concern is based upon a seeming conflict in what you have promised with respect to the ASP issue and what in fact is taking place. You have promised to keep the Congress fully informed, but refuse to release any information concerning the economic impact of abandoning ASP. You have promised not to present a *fait accompli*, but your negotiators continue to negotiate for "reciprocal" concessions and you are concerned lest the limits of their negotiating authority be disclosed.

In light of these facts I respectfully request that you reconsider the refusal to make public the conclusions of the Tariff Commission and I urge that these conclusions be made available now.

With my sincere thanks for your attention to this matter and with best wishes, I am

Truly,

JENNINGS RANDOLPH.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
EXECUTIVE OFFICE OF THE PRESIDENT,

Washington, March 20, 1967.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Thank you for your letter of February 27, 1967, concerning the Tariff Commission's confidential report on the probable economic impact of eliminating the American selling price (ASP) system through a conversion of ad valorem rates. After a careful consideration of your letter, I continue to feel that the conclusions in this report should not be made public. I should, however, like to comment on some of the points made in your letter.

You state on the first page that, if an agreement on ASP is brought back to the Congress, a thorough analysis of ASP will require access to the Tariff Commission's conclusions and non-confidential data. If the Congress is asked to consider legislation to implement an ASP agreement, I would expect that the Ways and Means and Finance Committees would request the Tariff Commission in the customary way to submit a full report on the agreement, including all the pertinent information which it could make available. In this way, the Congress would obtain the maximum assistance from the Tariff Commission at the time when it was most useful and valuable.

At the top of the second page, you ask why, since the Tariff Commission's conclusions are made public in escape-clause and antidumping investigations, its conclusions on the probable economic impact of eliminating the ASP system could not similarly be made public. As I indicated in my previous letter, negotiating considerations make disclosure of its conclusions highly inadvisable. Such considerations are absent in the case of an escape-clause or antidumping investigation, which leads to the consideration of unilateral action.

On the second page, you also state that I have not dispelled the very real concern that the Congress will be faced with a *fait accompli* if an agreement on ASP is concluded. Your statement is apparently based on the fact that discussions on chemicals continue to center on the elimination of ASP. Our essential point is that any ASP agreement will be a separate, self-contained, and self-

balancing agreement, the implementation or non-implementation of which will therefore have no impact whatsoever upon the Kennedy Round agreement of reciprocal tariff concessions. In this way, we believe that the Congress will be able to consider the agreement on its merits and without constraint of any kind.

At the top of the third page, you indicate that, since the Tariff Commission's report was requested by the President under section 332(g) of the Tariff Act of 1930, the Senate Finance Committee is apparently in a position to demand that the Tariff Commission release the report to the Committee as well. It is my understanding, however, that insofar as investigations and reports are concerned, section 332(g) provides that such investigations and reports may be requested by the President or by the Ways and Means or Finance Committee or by either branch of the Congress. This section in no way provides that a confidential report requested by one may be demanded of the Tariff Commission by another. Could the President, for example, require the Tariff Commission to submit to him its report on valuation requested by the Senate Finance Committee prior to its release by that Committee?

On the third page, you also express your belief that the U.S. position on ASP has been revealed by our negotiators and that open discussion of the issue would be more beneficial to all concerned. The point I made in my previous letter is that publication of the Tariff Commission's conclusions would tend to undercut our negotiators' position, at whatever stage the negotiations on ASP may have reached. The important question is not whether the U.S. position on ASP has or has not been revealed—keeping in mind that such a position may vary during the course of the negotiations, but rather the negotiating advantage the other countries would gain from having a sense of the likely limits of our final negotiating position on ASP.

You quote on the fourth page our statement that we have been exchanging views with the domestic industry on "all aspects of the problem of ASP", and then point out that the industry has not been informed of the Tariff Commission's conclusions, nor of our conclusions, nor of what proposal has been tabled in Geneva. In referring to "all aspects of the problem of ASP", I meant to the extent permitted by negotiating considerations. No industry has had access to the Tariff Commission's conclusions on the probable economic impact of reducing tariff protection nor to our proposals in Geneva. At the same time, I would point out that, within these limits, no industry has been kept more fully informed of both our own thinking and the developments in Geneva. It is my impression that the representatives of the domestic industry would agree with this.

Finally, at the bottom of the fourth page, you state that your deep concern is based upon a seeming conflict in what we have promised with respect to the ASP issue and what in fact is taking place, especially as regards keeping the Congress fully informed and avoiding a *fait accompli*. As to keeping the Congress informed, we are hoping that the six Congressional Delegates and, in particular, the delegates from the Senate Finance Committee, will be able to attend whatever negotiating sessions are held with respect to ASP. Prior to doing so, they are certainly entitled to have access to any final position papers with respect to the negotiation of ASP, including the specific elements of our negotiating position. As to avoiding a *fait accompli*, I can only stress that we are deeply aware of the consequences of concluding an agreement that is in any way tied to the overall Kennedy Round agreement. We are therefore determined that any ASP agreement we sign will be concluded as a totally separate agreement and on the basis of a clear understanding with our negotiating partners that we will not and cannot guarantee its approval by the Congress.

Sincerely yours,

WILLIAM M. ROTH,
Acting Special Representative.

Mr. RANDOLPH. Mr. President, it is my belief, as stated in my reply to Ambassador Roth, that reliance upon section 221 of the Trade Expansion Act of 1962, in support of the position that the conclusions of the Tariff Commission be held confidential, is, frankly, not realistic.

It is untenable. It attempts, frankly I think, to sidestep the issue because it seems to me it is clear from the legislative history of section 332 of the Tariff Act of 1930, that Congress designated the Tariff Commission as its agent to assess the economic impact of proposing changes in tariffs on valuation practices. Ambassador Roth would have Congress' agent keep from Congress and from the Senate the conclusions in an investigation made on behalf of its principal.

Now, Mr. President, the implications of Ambassador Roth's reply and of his conduct with respect to the negotiation of the American selling-price basis of valuation are that Congress should only have an ex post facto voice in the making of tariffs or the altering of American valuation practices.

There are few Members of the Senate, I believe, who would or could agree with the position of Ambassador Roth on this matter.

I also direct attention to the fact that after the passage of Senate Concurrent Resolution 100 last year, which was intended to express the sense of Congress that the United States should not enter into any trade agreement affecting the American selling-price system of customs valuation before obtaining statutory authority to implement such an agreement, Ambassador Roth promised to keep us "fully informed at every step." He stated in a letter, dated June 30, 1966, to the congressional delegates to the GATT:

> Before the President decides whether or not to offer a modification of the ASP system, two public hearings will have been held. This will permit the Congress, as well as interested private parties, to consider the issues regarding any possible modification of the ASP system.

I have asked Ambassador Roth how he expects Congress to be kept, as he said, "fully informed at every step," when he refuses to release the conclusions of a 3-month Tariff Commission investigation into—and I press this point—the economic impact of abandoning the American selling-price system.

I think that his reluctance to release the conclusions raises an inference that the conclusions are not favorable to the course of action which the Ambassador wishes to follow.

The distinguished minority leader [Mr. DIRKSEN], the distinguished majority whip [Mr. LONG], the distinguished Senator from Indiana [Mr. HARTKE], the distinguished Senator from Georgia [Mr. TALMADGE], and the distinguished Senator from Connecticut [Mr. RIBICOFF], have all objected to the U.S. receipt of the short end of the stick in international trade negotiations. It is my belief that Congress should not and cannot be cajoled and coerced into surrendering its American selling-price system under an ad referendum approach, as Ambassador Roth seems to indicate he will continue to follow. This approach was followed by the United States in the recent Automotive Agreement with Canada, and I was much impressed by the comments of the senior Senator from Indiana [Mr. HARTKE] concerning the adverse economic effects of that agreement.

We have heard from Ambassador Roth that little progress is being made during the Kennedy round in obtaining agricultural concessions from the European Economic Community. Perhaps, if Congress had been given the opportunity to determine whether ASP should be traded at Geneva, we might have requested as a "reciprocal concession" the end of the highly protectionist practice of the EEC in imposing variable agricultural levels, while terming the EEC's agricultural offers "retrogressive."

Ambassador Roth, nevertheless, appears willing to sacrifice the interests of the American benzoid chemical industry which is an important industry, I repeat, to the States that I have listed and to the 116,000 workers in those States, I speak again of the 7,000 employees in this industry in West Virginia.

I believe that Ambassador Roth appears willing to sacrifice the interests of the American benzoid chemical industry without granting the industry or Congress the privilege of learning the conclusions of the Tariff Commission.

Congress needs the assurance that our negotiators will represent the American people in demanding truly reciprocal concessions from our foreign trading partners.

In addition, the industries and workers involved are entitled to this relevant information on what I have stressed is the economic impact concerning the concessions Ambassador Roth is, apparently, about to offer on ASP.

Mr. President, I have been much distressed about this matter. I spoke at the outset of the concern of the membership of the Senate and House, but I am much more distressed over this recent refusal to release the Tariff Commission conclusions. I would predict that any ad referendum agreement on the ASP system will have serious difficulty in receiving the approval of the Senate.

Mr. President, may I inquire as to how much time I have remaining?

The PRESIDING OFFICER. Eleven more minutes remain to the Senator from West Virginia.

Mr. RANDOLPH. I thank the Chair.

At this point I yield to my distinguished colleague from Texas [Mr. YARBOROUGH].

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from West Virginia for yielding to me. I should like to compliment him for the firm stand he has taken in defense of the American selling price system. His penetrating analysis of the issue demonstrates a particular awareness of and concern for the unfortunate conse-

quences that would inevitably flow from ASP removal.

I would also like to compliment the Senator from Connecticut [Mr. RIBICOFF] for his excellent presentation to the Synthetic Organic Chemical Manufacturers Association at their monthly luncheon meeting in New York last week. In his speech he warned of the potential harmful effects that separate unauthorized negotiations in the Kennedy round could have on the role of Congress in shaping future U.S. trade policy.

According to the New York Times, the U.S. negotiating team is favorably disposed toward a proposal whereby the United States would reduce our tariffs on all chemicals by 50 percent in return for a mere 20-percent reduction by the Common Market and the United Kingdom.

This is part of a so-called compromise proposal that was submitted by the Secretary General of GATT, Sir Eric Wyndham-White, in an effort to break the negotiating stalemate in chemicals. The other half of the compromise involves American selling price and the method of achieving its repeal. Not only would American selling price be scrapped—the United States would have to agree to a 20-percent ceiling on all its chemical tariff rates. Many benzenoid chemical products are now protected by a much higher rate, especially those with a high labor-cost content, which places the domestic industry at a competitive disadvantage vis-a-vis the European and Japanese industries.

As I have said, that is due to the higher labor costs and the higher standard of living of Americans.

Only if the Congress agreed to provide implementing legislation for this "separate package" abolishing the American selling price would the Common Market agree to reduce its tariffs on chemicals by an additional 30 percent for a total reduction of 50 percent.

They ask us to reduce our tariffs by that amount.

In view of these alarming reports and in view of the tremendous importance of the American selling price to thousands of benzenoid chemical workers in our State, the Texas delegation has sent two letters to the President urging that he instruct his special trade representative to abandon negotiations on American selling price.

I read at this point the first of the letters, signed by me and by my colleague from Texas in the Senate, and by some 20-odd Representatives from Texas, dated October 18, 1966, and sent to the President at the White House:

DEAR MR. PRESIDENT: We wish to bring to your attention our grave concern over the attempt of your Special Trade Representative to make an agreement that would destroy the American Selling Price system of import valuation. You are, of course, aware of the extensive benzenoid chemical industry in our state and the fact that it could not exist without the protection afforded it by ASP.

In the State of Texas there are over 26,300 workers engaged in the production of synthetic organic chemicals. Of this number, approximately one-half are primarily involved in benzenoid production. We fear, and the evidence submitted the Tariff Commission by the domestic industry as well as by importers justifies that fear, that removal of ASP might well liquidate these jobs. We believe this fact alone is sufficient cause for strong opposition to any trade agreement eliminating ASP.

It is further our belief that a viable and durable benzenoid industry is in the national interest. Our Government should take every precaution to avoid a repetition of historical unfair competition as occurred prior to World War I. You will recall how German producers managed to destroy our benzenoid chemical industry through predatory pricing practices.

I interpolate to say that if the American selling price were removed, it would reinstate for the European producers the same competitive disadvantage to the American industry that occurred prior to World War I.

I continue to read from the letter:

During the Tariff Commission hearing, requested by your Special Trade Representative to determine an equivalent rate of conversion and to estimate the probable economic impact of conversion and a 50% reduction therein, the domestic industry offered evidence to show that if the conversions and then 50% tariff reductions are made, over 95% of U.S. benzenoid imports would enter at prices at least 20% below present U.S. levels. Indeed, it was conservatively estimated that conversions alone would effectively reduce the average benzenoid tariff level by one-third.

Aside from the disastrous economic consequences to Texas and the entire nation, we find the method being used by your Special Trade Representative to eliminate ASP highly improper. Since 1934, Congress and the Executive Branch have worked hand-in-hand in the trade area. This partnership whereby the Executive requests prior authority from Congress to conclude trade agreements is time-tested and should be honored.

We would welcome an opportunity to discuss this matter further should it be your wish.

That is the letter of October 18, 1966, addressed by the Members of the Texas delegation in Congress to the President at the White House, which was followed by another letter dated April 14, 1967, addressed by my colleague in the Senate and myself and basically all the Members of the Texas delegation in Congress, two or three of whom we did not have time to reach, calling attention to the letter of October 18, 1966, in which was described the disadvantage which would accrue to the domestic chemical industry by the proposal being made to our representative in the Kennedy round of negotiations.

I ask unanimous consent to have printed in the RECORD at this point both letters addressed by the Texas delegation in Congress to the President at the White House.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
October 18, 1966.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We wish to bring to your attention our grave concern over the attempt of your Special Trade Representative to make an agreement that would destroy the American Selling Price system of import valuation. You are, of course, aware of the extensive benzenoid chemical industry in our state and the fact that it could not exist without the protection afforded it by ASP.

In the State of Texas there are over 26,300 workers engaged in the production of synthetic organic chemicals. Of this number, aproximately one-half are primarily involved in benzenoid production. We fear, and the evidence submitted the Tariff Commission by the domestic industry as well as by importers justifies that fear, that removal of ASP might well liquidate these jobs. We believe this fact alone is sufficient cause for strong opposition to any trade agreement eliminating ASP.

It is further our belief that a viable and durable benzenoid industry is in the national interest. Our Government should take every precaution to avoid a repetition of historical unfair competition as occurred prior to World War I. You will recall how German producers managed to destroy our benzenoid chemical industry through predatory pricing practices.

During the Tariff Commission hearing, requested by your Special Trade Representative to determine an equivalent rate of conversion and to estimate the probable economic impact of conversion and a 50% reduction therein, the domestic industry offered evidence to show that if the conversions and then 50% tariff reductions are made, over 95% of U.S. benzenoid imports would enter at prices at least 20% below present U.S. levels. Indeed, it was conservatively estimated that conversions alone would effectively reduce the average benzenoid tariff level by one-third.

Aside from the disastrous economic consequences to Texas and the entire nation, we find the method being used by your Special Trade Representative to eliminate ASP highly improper. Since 1934, Congress and the Executive Branch have worked hand-in-hand in the trade area. This partnership whereby the Executive requests prior authority from Congress to conclude trade agreements is time-tested and should be honored.

We would welcome an opportunity to discuss this matter further should it be your wish.

Sincerely yours,

Ralph W. Yarborough, Omar Burleson, Earle Cabell, Bob Casey, John Young, John Dowdy.

Jim Wright, Wright Patman, W. R. Poage, Joe Pool, E. de la Garza, J. J. Pickle.

Richard White, Lera (Mrs. Albert) Thomas, O. C. Fisher, George H. Mahon.

Lindley Beckworth, Olin Teague, Ray Roberts, Henry B. Gonzalez, Graham Purcell, John Tower.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
April 14, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you will recall, we wrote to you on October 18, 1966, expressing our concern over the attempts of your Special Trade Representative to negotiate a trade agreement that would include abolition of the American Selling Price system.

In our letter we recited as justification for the retention of ASP the large number of benzenoid chemical workers in the State of Texas whose jobs are dependent on adequate tariff protection, the need for a viable and durable domestic benzenoid chemical industry as a hedge against predatory European chemical cartels, and the need for a continuation of cooperation between Executive Departments and the Congress in the field of international trade.

We had hoped that our expression of concern, along with the concern of other members of Congress, would prevent negotiations in this area by your Special Trade Representative. However, the events of the past six months have proven this hope illusory.

Your Special Trade Representative, after receiving the Tariff Commission's report of the probable economic consequences of ASP conversion and a 50% rate reduction, refused to disclose publicly or to interested Members of Congress the conclusions of the Commission's investigation. The Tariff Commission's conclusions must immediately be disclosed else the Congress and the American people will be denied the opportunity to obtain the facts necessary to judge the merits of your Special Trade Representative's position.

Most disturbing of all, however, are the reports appearing in the press concerning negotiating proposals for chemicals in the Kennedy Round and the supplemental ASP "separate package". In both the *New York Times* and the *Washington Post* it was reported that your Special Trade Representative was favorably disposed toward a so-called "compromise" whereby the U.S. would agree to reduce its chemical tariffs in the Kennedy Round by 50% in exchange for a mere 20% reduction by the EEC and the United Kingdom. Only if the Congress agreed to provide implementing legislation for abandoning ASP would our trading partners further reduce their chemicals by 30%. Furthermore, the U.S. would be forced to agree to a 20% ceiling on all chemical tariff rates under the terms of the reported compromise.

The imbalance in the Kennedy Round portion of this compromise proposal attempts to make the Congress ultimately responsible for the success or failure of chemical tariff reductions in the Kennedy Round, depending on whether or not it provides the implementing legislation for abolishing ASP. This "gun-to-the-head" approach is indefensible and we are disturbed over the press reports that it has been favorably considered by your Special Trade Representative. Also, the placing of a 20% tariff ceiling on categories of competitive benzenoids that are now protected by much higher tariff rates would insure the quick destruction of a large segment of the benzenoid chemical industry and thousands of jobs.

We hope that you will carefully weigh our thoughts on this crucial issue and instruct your Special Trade Representative to forego further negotiations on ASP. It would be unfortunate for the Congress to be placed in a position of unalterable opposition to a negotiated agreement.

Sincerely yours,

Ralph Yarborough, John Young, John Tower, Olin Teague, O. C. Fisher, J. J. Pickle, George Bush, George Mahon, Richard White, Ray Roberts, Bob Price. Bob Casey, E. de la Garza, Earle Cabell, Omar Burleson, Graham Purcell, Jim Wright, John Dowdy, Wright Patman, H. B. Gonzalez, Joe Pool.

Mr. RANDOLPH. Mr. President, I am grateful for the positive approach which the Senator from Texas has taken in this important matter. I am not sure the Senator from Texas used the employment figure. I may have missed it in his speech, which was informative and helpful. I know that in Texas 27,000 workers presently are employed in the synthetic organic chemical industry.

Mr. YARBOROUGH. I used the figure 26,300, as of last October. It is probably near 27,000 now.

Mr. RANDOLPH. Of the 42 States that have this type of production, Texas is a very important segment.

I think it is important that those of us who are discussing this subject impress on the Members of the Senate and the Congress and the citizenry of our country that the total value of production last year of benzenoid chemicals was approximately $3.5 billion in the United States.

I should like to point out in 1966 we had imports of approximately $166 million of benzenoid products from other countries. This was an increase of about 30 percent over the imports of 1965.

In the face of that fact, I say to the Senator from Texas and my other colleagues, that increase certainly was bad enough. What will happen now if we abandon ASP? The bars will be literally let down to an influx of products that will cause deterioration of this industry in the United States.

Mr. YARBOROUGH. I congratulate the distinguished Senator from West Virginia for pointing out how important this domestic production is to the United States in terms of its value of $3.5 billion and its jobs for 116,000 American workers. But I point out that what is of greater importance to the people of the United States is that we would go back to conditions as they existed in the period prior to World War I, when there was a virtual monopoly of American markets by European producers in the chemical industry. That was money flowing out of the United States.

If this proposed tariff adjustment—so called—becomes a part of the Kennedy round of negotiations now going on, not only would it result in a great loss to this American industry, but it would result in imports of $3.5 billion being taken away from the domestic chemical industry. We are worried today about the outflow of gold. It is nothing like it would be if the European producers take over the American market as was true in the period before 1917. At that time we had a comparatively primitive economy. Today we have a vast industrial economy which uses many chemicals. It would result in a further deterioration of our gold supply, as well as a loss of jobs and a loss of American markets. This domestic industry should not become the captive of the European chemical industry.

That is exactly the situation American industry would be in; and once they got that monopoly back, as they had it in 1914, for example, the American consumer would pay through the nose. That is, American industry, this great industry of ours, the greatest industry in the world, would, in my opinion, if this round goes through, within 3 days be paying through the nose to European industry, to the tune of billions and billions of dollars a year, for these basic and valuable chemicals.

I thank the distinguished Senator.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that I may be permitted an additional 5 minutes. I believe the distinguished Senator from South Carolina [Mr. THURMOND] wishes to comment on this matter.

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

Mr. THURMOND. Mr. President, I am pleased to have the opportunity to join with my colleagues on the Senate floor in discussing the matter of the American selling price, known as ASP, valuation for imports of benzenoid chemicals. I want to associate myself with the remarks made by the distinguished senior Senator from West Virginia [Mr. RANDOLPH] and state that in my judgment it would be extreme folly to eliminate this method of evaluation.

Last fall, the entire membership of the South Carolina congressional delegation, in a letter to the President, raised their objections to negotiations leading to the elimination of ASP. As we told the President in that letter, there are almost 4,000 workers employed in the synthetic organic chemical industry in South Carolina. Of this total, over half are directly engaged in the production of benzenoid chemical products. Abandonment of the ASP system of import valuation would unquestionably result in the destruction of this vital industry and the employment opportunities it provides.

There is a valid historical reason for the existence of an American selling price valuation as it applies to benzenoid chemicals. It was originally established to prevent unfair competition from low cost, cartelized foreign producers. The United States has seen our industry wiped out because of the predatory pricing practices just prior to the outbreak of World War I. European business practices have in reality changed little since that time, and the abandonment of the ASP system of import valuation could once again mean the death of our domestic benzenoid chemical industry.

The action of the President's special trade representative so far in this matter has run counter to the expressed interest of the U.S. Senate. In the 89th Congress, the Senate overwhelmingly adopted Senate Concurrent Resolution 100, thereby expressing its view that the President should not enter into a trade agreement affecting the ASP system of tariff valuation before obtaining the authority to do so from the Congress. Yet, the President's special trade representative, Ambassador Roth, according to the accounts from Geneva, has continued to hold out ASP as a negotiating point in the Kennedy round. Ambassador Roth is acting presumptuously in doing so, and other of his actions as related by the senior Senator from West Virginia follow the same pattern.

It is past time that trade negotiators for the United States consider the interests of American jobs and business in their negotiations. The secrecy and stealth with which this entire matter has been conducted presents a striking example of what is wrong with our foreign trade policy. The negotiators for the United States have made every attempt to keep the U.S. industry representatives from being aware of what is being offered and on what basis negotiations are proceeding. In sharp contrast to this, the European negotiation teams are made up of industry representatives along with government officials. No

concessions are made by the European negotiators without the advice and counsel of these industry representatives.

Once again, I want to say that I am pleased to join in this discussion. I look forward to continuing to work in this matter in the interests of job security for the workers in the benzenoid chemical industry and in the interests of a healthy chemical industry for the United States.

Mr. RANDOLPH. Mr. President, I commend the able Senator from South Carolina for his contribution to the discussion of this very serious problem. The industry and its workers are vitally concerned. We have heard that the negotiations which are now in progress are not going very well, for the United States of America, at least in this industry and perhaps in others.

Mr. President, I wish the RECORD to indicate that approximately 11 Senators have indicated an intense interest in this subject. Some of those Senators have had commitments that they necessarily, because of the time situation, have had to meet, and cannot be present on the floor. Others, however, besides those Senators who have spoken, will address themselves to this subject; and it is my hope that there will be additional speeches, because the RECORD should reflect that those Senators are equally alarmed over the course of present negotiations. I yield to the Senator from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. President, the Senator from West Virginia is absolutely correct in insisting that the Tariff Commission report evaluating the impact of the removal of the American selling price be made available to the Members of this body whose constituents would be affected by such a move.

The Commonwealth of Pennsylvania has one of the largest concentrations of manufacturing facilities in the coal tar and coal tar chemicals industry, of which dyes and dye intermediates are the most important part. The elimination of the American selling price method of valuing imported dyes would have very serious consequences for the people of Pennsylvania and the Nation.

I am in complete agreement with the Senator from West Virginia in his remarks here today. I urge the members of the Tariff Commission and the President to be forthright in making available this important report to the Senators who have spoken here today and to others who have an interest in this problem.

I ask unanimous consent that a letter I wrote the Honorable William M. Roth, Special Representative, Office of the Special Representative for Trade Negotiations, dated April 24, 1967, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., April 24, 1967.

Hon. WILLIAM M. ROTH,
Special Representative, Office of the Special Representative for Trade Negotiations, Washington, D.C.

DEAR AMBASSADOR ROTH: No doubt you are aware of the vital concern in the Congress over the present situation at the Kennedy Round trade negotiations. Some have described that situation as a picture of dense fog surrounded by swirling mist. But granted the necessary atmosphere for successful negotiations, there remains a disturbing background, especially as to the matter of the American Selling Price and the tightly-held Tariff Commission Report of October 3, 1966.

I am familiar with the reasoning behind the confidential nature of this Report. But I strongly question the course which has been taken in regard to its ASP-coal tar chemical industry aspect. Unauthorized negotiation is apparently taking place on the basis of a secret report on possible economic effect of this very negotiation. I can well understand that one would want to go to the conference table well-armed and with no disclosures to the other side. But not having seen the Report, we can conclude at the very least only that the findings as to coal tar chemicals are in question. Then why should we not strongly protest *any* discussion of ASP-coal tar chemicals at Geneva? We are told that coal tar chemicals will be protected in any event along the lines of the protection found to be necessary and proper in the Report. But we have not seen the Report—so, finally, the snake bites its tail to make a circle.

The coal tar chemical industry is vital to our Nation and to our Commonwealth of Pennsylvania. I would be derelict in my duties if I did not question a procedure which threatens to eliminate that industry. I cannot make blithe assumptions that all goes well. I must reluctantly conclude that under the present circumstances any ASP negotiation agreement which would be presented to the Congress for approval would be illegitimate issue best not begotten.

I think this situation dictates release of the Tariff Commission findings as to the coal tar industry.

Sincerely,

HUGH SCOTT,
U.S. Senator.

Mr. RANDOLPH. I thank the distinguished Senator from Pennsylvania [Mr. SCOTT]. At this point I yield to my colleague, the Senator from Georgia [Mr. TALMADGE].

Mr. TALMADGE. Mr. President, I would like to commend my friend from West Virginia for his forthright presentation of the American selling price issue. As a member of the congressional delegation to GATT who has closely followed this issue from the beginning, I recommend his remarks to every Senator as a correct statement of the issue.

Georgia no less than West Virginia has a vital stake in the American selling price system. Chemicals now compose the second largest industry in Georgia, a substantial percentage of which fall into the benzenoid category. Loss of ASP will not only result in transfer of many of these plants and thousands of jobs abroad, it will also mean loss of Georgia's two rubber footwear plants, plus her prospects for future investments.

Last year I joined with Senator RIBICOFF and others in cosponsoring Senate Concurrent Resolution 100, which was intended to express the sense of the Congress that no agreement affecting the American selling price system be entered into by our trade negotiators without obtaining prior authority from the Congress. Although this resolution was approved overwhelmingly by the Finance Committee and subsequently passed by the Senate with only one dissenting vote, negotiations on ASP are still being pressed. Also, I might point out that the entire Georgia congressional delegation joined in a letter last fall to the President stressing the importance of ASP to the jobs and investments of the benzenoid chemical and rubber footwear industries and urging that negotiations be discontinued.

In view of the unreasonableness of the European negotiating offers in the chemical sector, which suggests to me that they have no honest interest in the elimination of ASP other than for tactical purposes, I submit that it would be wiser to withdraw ASP from negotiations in the Kennedy round and subject it to a long and careful study by both the Congress and the administration.

Mr. RANDOLPH. The Senator from Georgia is knowledgeable in trade matters, an expertise he has developed as a member of the Finance Committee. I am grateful for his cogent comments and support.

Mr. JORDAN of North Carolina. Mr. President, a little while ago the Senator from West Virginia [Mr. RANDOLPH] presented a well-documented and well-reasoned statement in support of retention of the American selling price system in connection with our current trade agreement negotiations, and I fully concur in his views.

As my good friend from West Virginia has effectively pointed out, the Special Trade Representative has shown little apparent interest in the express will of the Senate throughout the American selling price controversy, despite passage last year of Senate Concurrent Resolution 100 which clearly put the Senate on record in opposition to any modification of the American selling price system in absence of a prior delegation of such authority by the Congress. Any way you look at it, if this is indeed his attitude, it would seem to put the Special Trade Representative on a direct collision course with the Senate.

Furthermore, I cannot understand why he has refused to comply with requests of Senators to disclose publicly the conclusions reached by the Tariff Commission in its assessment of the probable economic consequences of elimination of the American selling price system. His justification for treating the Tariff Commission's conclusions as being confidential do not appear to be warranted. I deem it vital to the domestic industries concerned that these conclusions be made available to them at the earliest possible time, so that they may prepare to defend themselves as well as to inform the Congress when the time comes for it to consider any international agreement which would abolish the American selling price system.

The State of North Carolina has an important stake in this issue because of its growing benzenoid chemical and rubber-footwear industries, both providing substantial employment and economic activity in my State, and I am afraid severe damage will be done to these industries if the American selling price system is abandoned. I ask unanimous con-

sent that the letter from the North Carolina congressional delegation to the President, dated October 12, 1966, urging that no trade agreement for elimination of the American selling price system be entered into, be printed in the RECORD immediately following my remarks.

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

U.S. SENATE,
Washington, D.C., October 12, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The undersigned Members of the North Carolina Congressional Delegation herein indicate our respectful opposition to any international commitment the result of which would be the abandonment of the American Selling Price method of customs valuation. The system now in use has made it possible for North Carolina to develop an important benzenoid chemical industry, and the abandonment of that system would put it in jeopardy.

More than 3,000 workers are employed in North Carolina organic chemical plants and 1,500 of these are directly involved in benzenoid production. We are interested in safeguarding the jobs of these workers and in maintaining this industry in a healthy condition.

The United States Tariff Commission has been studying this problem and our information is that in its interim report the Commission has proposed a set of converted rates of duty which would apply if the ASP is abandoned. We are further advised that this would result in a tariff reduction of more than 30% on the majority of domestic dye production. Moreover, the reduction in tariff protection would not even be spaced over a five-year period, as is the case with respect to other tariff reductions negotiated under the Trade Expansion Act. The benzenoid industry in North Carolina can ill afford any tariff reduction even if it should be spaced over a five-year period; and it certainly cannot stand a 30% reduction imposed at one time. The abandonment of ASP will in our judgment have a disastrous effect upon this important industry in our State.

We have been informed that the New Jersey and Pennsylvania Congressional Delegations have expressed to you views similar to those we submit herewith. We also understand that Congressman Peter W. Rodino, Jr. has requested an appointment with you to discuss this problem and we would like an opportunity to attend if you grant him a conference and thus indicate our support for maintaining the ASP.

Respectfully,

Sam J. Ervin, Jr., B. Everett Jordan, Walter Jones, L. H. Fountain, David N. Henderson, Harold D. Cooley, Ralph J. Scott.

Horace R. Kornegay, Alton A. Lennon, Charles R. Jonas, James T. Broyhill, Basil Whitener, Roy A. Taylor.

Mr. RANDOLPH. I thank the capable Senator from North Carolina for his informative and helpful statement. The people of North Carolina as well as West Virginia and other States have a significant interest in maintaining the present system of valuation on benzenoid chemicals.

Mr. HOLLINGS. Mr. President, I have listened with interest to the very instructive remarks made by the Senator from West Virginia and others on the American selling price system. Let me say at the outset I fully endorse the view that our trade negotiators should not proceed to negotiate on ASP without first obtaining statutory authority to do so from the Congress. I also support the contention that the special trade representative should make immediate public disclosure of the Tariff Commission's conclusions on the probable economic consequences of ASP removal. The latter step is made imperative by considerations of fairness to the domestic benzenoid chemical and rubber footwear industries, and the need of Congress to have all relevant information at hand before making its decision on so crucial an issue.

In the State of South Carolina there are approximately 4,000 workers engaged in the production of synthetic organic chemicals. Roughly half this number are benzenoid chemical workers who will be forced to join the ranks of the unemployed if the American selling price system is jettisoned in Geneva.

Last year, fearing such a consequence, the entire South Carolina delegation joined in a letter to the President urging that no agreement be entered into for removal of ASP. I ask unanimous consent that the letter, which incidentally was never replied to, be printed in the CONGRESSIONAL RECORD at this point.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 13, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, the undersigned members of the South Carolina Congressional delegation are compelled to raise our voices in opposition to abandonment of the American Selling Price system of import valuation. South Carolina can ill-afford to lose its benzenoid chemical industry which would be the inevitable consequence of ASP removal.

The total number of workers employed by the synthetic organic chemical industry in South Carolina is 3,819. Of this total, over half are directly engaged in production of benzenoid chemical products. Inadequate tariff protection such as proposed by your Special Trade Representative can only result in the destruction of this vital industry and the many employment opportunities it generates.

We respectfully refer you to the voluminous evidence presented the Tariff Commission by the domestic industry wherein it is shown conclusively that a conversion of ASP to export value and a 50% reduction in the tariff will simply enable foreign producers to price domestic producers out of existence. Indeed, in the Tariff Commission's report of July 25, 1966 it is admitted on page 53 that "no schedule of converted rates could be devised which would provide for future imports 'protection' equivalent to that afforded by the ASP system".

While we recognize that the making of international trade agreements is the sole responsibility of the Executive Branch, we also recognize that the welfare of a major domestic industry and its workers is a responsibility shared by the Congress and the Executive. Since it is inescapable that severe economic dislocations will flow from elimination of ASP, we believe that the Congress should be free to measure beforehand the extent of probable damage to the benzenoid industry unrestrained by an unwise international commitment not of its making.

We understand that other delegations have similarly expressed themselves in regard to ASP elimination. We would like to add that we, too, would welcome an opportunity to discuss this matter further.

Sincerely,

STROM THURMOND,
U.S. Senate.

DONALD RUSSELL,
U.S. Senate.

WILLIAM JENNINGS BRYAN DORN,
Secretary.

JOHN L. MCMILLAN.
L. MENDEL RIVERS.
ROBERT T. ASHMORE.
TOM S. GETTYS.
ALBERT W. WATSON.

Mr. President, I sincerely hope that the President and his new special trade representative, Ambassador Roth, will take careful note of the attitudes expressed here today and be guided by them in our future trade negotiations in Geneva.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the order heretofore entered, the time of the Senator from West Virginia has expired. The Senate will now proceed with the transaction of routine morning business.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 49) to designate April 28–29, 1967, as "Rush-Bagot Agreement Days."

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

William W. Sherrill, of Texas, to be a member of the Board of Governors of the Federal Reserve System.

By Mr. BARTLETT, from the Committee on Commerce:

David A. Carter, and sundry other officers, for promotion in the Coast Guard.

BILLS INTRODUCED

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

By Mr. FULBRIGHT (for himself, Mr. DIRKSEN, Mr. RANDOLPH, and Mr. HARTKE):

S. 1614. A bill to amend section 5 of the Federal Alcohol Administration Act to provide a definition of the term "age" as used with respect to the labeling and advertising of whisky, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1615. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the deduction for each personal exemption to $1,000; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he

introduced the above bill, which appear under a separate heading.)

By Mr. KENNEDY of Massachusetts:

S. 1616. A bill to amend section 202 of the Housing Amendments of 1955 to authorize loans to private nonprofit organizations to finance certain cultural facilities, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. KENNEDY of Massachusetts when he introduced the above bill, which appear under a separate heading.)

By Mr. THURMOND:

S. 1617. A bill to provide for the conveyance of certain mineral interests of the United States in approximately 263.2 acres located near Columbia, S.C., to Rockie Realty, Inc., and Robert F. Lindsay, the joint owners of such property; to the Committee on Interior and Insular Affairs.

By Mr. HILL:

S. 1618. A bill to amend the Vocational Rehabilitation Act to extend and expand the authorization of grants to States for rehabilitation services, to authorize assistance in establishment and operation of a National Center for Deaf-Blind Youths and Adults, and to provide assistance for migrants; to the Committee on Labor and Public Welfare.

By Mr. McINTYRE (for himself and Mr. BREWSTER):

S. 1619. A bill to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces; to the Committee on Armed Services.

(See the remarks of Mr. McINTYRE when he introduced the above bill, which appear under a separate heading.)

By Mr. THURMOND:

S. 1620. A bill to prohibit the burning, defacing, mutilating or trampling of the flag of the United States, with intent to degrade or cast contempt upon such flag, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. THURMOND when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

AUTHORIZATION TO PRINT ADDITIONAL COPIES OF HEARINGS ENTITLED "FEDERAL ROLE IN URBAN AFFAIRS"

Mr. RIBICOFF submitted the following concurrent resolution (S. Con. Res. 23); which was referred to the Committee on Rules and Administration:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations two thousand additional copies each of parts 1 through 6, inclusive, of the hearings entitled "Federal Role in Urban Affairs," which were held by that committee during the Eighty-ninth Congress, second session.

AMENDMENT OF SECTION 5 OF THE FEDERAL ALCOHOL ADMINISTRATION ACT TO PROVIDE A DEFINITION OF THE TERM "AGE"

Mr. FULBRIGHT. Mr. President, for myself, the Senator from Illinois [Mr. DIRKSEN], and the Senator from West Virginia [Mr. RANDOLPH], I introduce, for appropriate reference, a bill to amend section 5 of the Federal Alcohol Administration Act to provide a definition of the term "age" as used with respect to the labeling and advertising of whisky, and for other purposes.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1614) to amend section 5 of the Federal Alcohol Administration Act to provide a definition of the term "age" as used with respect to the labeling and advertising of whisky, and for other purposes, introduced by Mr. FULBRIGHT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205) is amended by adding at the end thereof the following new paragraphs:

"As used in subsections (e) and (f), the term 'age' means, in the case of any American type whisky produced on or after July 1, 1936 (other than corn whisky, straight corn whisky, blended corn whisky, and a blend of straight corn whiskies), the period during which, after distillation and before bottling, such whisky has been kept in charred new oak containers.

"In prescribing standards of identity for the purposes of subsections (e) and (f)—

"(1) the designation of any whisky produced on or after March 1, 1938, as 'rye whisky', 'bourbon whisky', 'wheat whisky', 'malt whisky', or 'rye malt whisky' shall be prohibited unless after distillation and before bottling such whisky has been kept only in charred new oak containers, and

"(2) the designation of any whisky bottled on or after July 1, 1938, as 'straight' (other than straight corn whisky) shall be prohibited unless it has been kept in charred new containers for a period of not less than twenty-four calendar months."

THE $600 INDIVIDUAL INCOME TAX EXEMPTION IS OBSOLETE

Mr. HARTKE. Mr. President, today I am offering a bill to increase the individual exemption from income taxes to $1,000 from its present level of $600. I do so because the $600 figure is now unreal and obsolete for its purpose. Since that figure was first adopted the cost of living has increased by 40 percent. To expect the American taxpayer to provide the basic minimum necessities of life for himself, his wife, and his children on $50 per month each is as unrealistic and antiquated as crossing the Atlantic in a sailing vessel.

What is the basic purpose of these exemptions?

There have been differing views, but probably the most common view, and the one to which most of us hold, is that taxes should not be applied to the income of persons until their minimum basic needs have been allowed for. It was in 1948 that the last change in the amount of the exemption was made. At that time it was increased from $500 to $600, the $500 rate having been adopted in 1942 under wartime need for increased tax income, a reduction from $750. Thus we have never returned even to the prewar situation, let alone modernize the tax exemption in accord with more recent cost of living changes.

In 1947, the Treasury Department produced a study of individual income tax exemptions, which included as an appendix a consideration of "Function and Purpose of Individual Income Tax Exemptions." Under a section discussing minimum living standard there appears this paragraph:

> According to a widely accepted view, the exemption should be at least adequate to cover some minimum essential living costs, such as the amount required for reasonable maintenance. It is conceded that the adjustment of exemptions to living costs may not be exact and that under emergency conditions it may be necessary to go below ordinary minima. For the long run, however, it is to be regarded as essential to exempt amounts required to maintain the individual and his family in health and efficiency.

You will note that the Treasury, in this wartime era, spoke of going "below ordinary minima" as only a temporary procedure, that it might be necessary "under emergency conditions." Certainly those emergency conditions have long since passed, the economy has prospered, the cost of living has risen drastically—but the $600 remains where it was 20 years ago.

Under the concept of the income tax, with the exemption's purpose being that of allowing an untaxed minimum for health and efficiency, says the Treasury study:

> Ability to pay does not commence until a point is reached in the income scale where the minimum means of life have been obtained.

What is that minimum means of life today? How does it compare with the minimums left untaxed for the average American family?

In 1948, when the $500 was lifted to $600, a family of four had an exemption of $2,400. But these were 1948 dollars. To be equivalent, because of dollar inflation alone, moderate as it has been year by year, the sum would now need to be $3,288, or $822 per person.

But what were average incomes like in those days? Fortunately, wages are not only much greater today, but living standards—acceptable minimums for family life—are also much greater. This is reflected in the study now being made by the Department of Labor, to be released later this year, measuring the income needed for a family of four. This is a revision of the work produced in the fall of 1959 dealing with city worker's family budget estimates. That budget measured the needs of a family of four—an employed husband aged 38, a wife not employed outside the home, and two school-age children, a boy of 13 and a girl of 8. It was not a luxury or ideal budget, but was described as one presenting a "level of adequate living according to standards prevailing in large cities of the United States in recent years."

Although the new Labor Department study is not yet out, there is an estimate on the same basis, made by the AFL-CIO Department of Research and published in the AFL-CIO October 1966 American Federationist. As an example of the kinds of items calculated, the budget, like the earlier one, assumes for the husband

the purchase of one suit every 2 years, five shirts a year and not quite two pairs of shoes annually. The wife's dress allowance is 3½ new dresses a year, one of them a housedress. Housing is assumed to be a rented house or apartment with five rooms and bath, whose standards are those set by the American Public Health Association and the U.S. Public Housing Administration. The budget allows not for new cars but for the purchase of a used car every 3 years—and for only 74 percent of most city families; calculations for New York, Philadelphia, and Boston were for car ownership by only half the families.

Updating the budget and applying it to current costs, the research done by the labor group revealed that for a family such as that described, the cost of food for this four-member family would average in 20 major cities, $2,005; housing, $1,512; clothing, $604; medical costs, $400. The total overall cost for this city worker's family budget came to $6,797.

Other economic studies have placed the needs of families in the same general range within the last 2 or 3 years. For a 2-person family, the same calculations give a minimum of $4,690, and for a family of five, with the oldest child not over 16, the total budget comes to $8,020.

This, of course, is considerably more than the amount that many thousands and even millions of families have as income; $3,000 is often cited as the poverty line. Yet our present $600 exemption provides only $2,400 deductible for a family of four. A $1,000 exemption for four persons would still be more than 50 percent below the family budget I have been noting.

We have been concerned in recent weeks about achieving equity in the tax structure as it applies to businessmen. They have spokesmen whose voices are heard, and I have no objection to that—we need the views of the business community when we attempt to provide a reasonable and desirable tax structure as it affects business. But there is a need for equity to the small- and middle-sized income person, the individual and the family, as well—and they have no vocal organization to speak for them. We in the Congress, and particularly those of us who have responsibilities in the Finance Committee for the tax structure, as well as those of us who sit on the Consumers' Subcommittee so recently established in the Commerce Committee, must be the initiators and the guardians of the welfare of the unorganized common man.

The times have changed. This is no longer 1948, and a lot has happened to the economy in the last 20 years to make features of that era outmoded. Outmoded certainly is the $600 exemption, unrealistic, inequitable, an undeserved penalty for the taxpayer who is in the lower brackets. To refer once more to the Treasury paper I have cited:

> Perhaps the major function of the exemptions is to determine minimum levels of income subject to tax.

We are in all too many instances today taxing the poor, those whose incomes are below the income level needed for adequate living standards of decency, perhaps even for some who are below the income level which we designate as that of poverty. It is time we stopped taxing the poor and gave them an equitable share in the prosperity of the Nation. An exemption of $600 per person—I might remind you also that until 1939 it was $1,000 for a single person and $2,500 for a married couple without children—an exemption of $600 per person is unrealistic and unfair. It should be changed to $1,000.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1615) to amend the Internal Revenue Code of 1954 to increase the amount of the deduction for each personal exemption to $1,000, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF SECTION 202 OF THE HOUSING AMENDMENTS OF 1955

Mr. KENNEDY of Massachusetts. Mr. President, I introduce, for appropriate reference, a bill to amend section 202 of the Housing Amendments of 1955. The bill would authorize loans to private, nonprofit organizations to finance the construction or improvement of museums, theaters, and other similar facilities to be used for cultural or educational purposes.

This bill is an outgrowth of an amendment I offered last session to the Demonstration Cities and Metropolitan Development Act of 1966, which, in modified form, became section 1009 of that act. It authorized loans to public bodies for the construction of various types of cultural facilities under title II of the Housing Amendments of 1955.

Under that title, the Federal Government extends credit through the Land and Facilities Development Administration of the Department of Housing and Urban Development for the construction of basic public works, and now cultural facilities, directly to those municipalities which cannot otherwise obtain credit on reasonable terms and conditions. In 1965, loan approvals under this program totaled 106, for $76.4 million. Ninety percent of the loans were to towns of under 5,000 in population, and they covered such projects as hospitals, harbor and dock projects, sewers, water and gas distribution systems, airports, municipal buildings, nursing homes, fire stations, golf courses, swimming pools, street improvements, and parking facilities.

The amendment I offered last session authorizing loans for cultural centers, being a very recent addition to the statute, is not yet reflected in any meaningful way in HUD's program statistics.

Loans under the public facilities program can also be made to any private nonprofit corporation to finance the construction of works for the storage, treatment, purification or distribution of water, or the construction of sewage, sewage treatment, and sewer facilities, if such works or facilities are needed to serve a smaller municipality or rural area, and there is no existing public body able to construct and operate such works or facilities. The existing legislation, then, authorizes loans to private, nonprofit corporations, but restricts their use to water and sewer facilities. The loans to municipalities, however, can be used for much broader public purposes, including cultural facilities.

Mr. President, the bill I offer today would correct this disparity in the law. Cultural facilities, such as science museums, serve a distinct public purpose, a very important public purpose. Millions of schoolchildren visit museums every year, and there they see their schoolbook learning come to life in exhibits and displays. It is my firmly held belief that these museums, and other similar cultural facilities, should be eligible to receive public facilities loans whether they are municipal or private, nonprivate institutions, or analogy to the eligibility of both types of institutions for water and sewer facilities loans under the public facilities loans program.

The need for such assistance is clear. The National Endowment for the Arts has prepared, at my request, a short memorandum outlining the nature of more than 200 requests for assistance for cultural facilities which it has been unable to meet. It makes clear that this number is only a very small percentage of the total demand, because of the repeated statements by the chairman of the endowment, Roger Stevens, that such requests cannot be met. The memorandum does not give a geographical breakdown of the requests for assistance, but it is my understanding that cities and towns of all sizes from all parts of the country are represented.

A specific illustration of the need for broadening the public facilities loan program is provided by the situation of the Museum of Science in Boston, Mass. The museum, widely recognized as one of the world's finest, is situated on State land. This makes it ineligible, under Massachusetts law, for a regular mortgage loan. It is a private corporation, which makes it ineligible for grant or loan funds under existing Federal programs. Yet the museum needs an estimated $8 million for expansion of its capital plant and facilities, and has embarked, under the vigorous leadership of its director, Bradford Washburn, upon a fundraising campaign. During the course of this campaign, which is halfway toward its goal, the estimated costs of the expansion have risen by more than 10 percent. If the Museum of Science had been able to receive a loan, under the public facilities loan program, for part of the cost of the expansion, then it would not be faced with the steadily rising cost of the expansion, because it could have begun construction earlier, repaying the loan as the fundraising campaign had its success.

The Boston Museum of Science is not an isolated example; hundreds of cities in the United States have similar institutions facing similar problems of capital expansion financing.

Mr. President, I want to emphasize one point: that this bill neither requests nor requires any increase in authorization or appropriation. Loans under the pub-

lic facilities program are estimated by the administration at $30 million for 1967 and $50 million for 1968, and since my bill would only correct an internal inconsistency in the existing legislation, I do not think there need be any expansion of the already-authorized $600 million Treasury borrowing which finances the program.

Our growing number of community cultural groups have the talent and the resources to provide for our citizens wide educational and cultural opportunities. These groups are, however, plagued with inadequate facilities which cannot meet the ever-rising demands for space. We must, where we can, encourage the expansion of cultural activities, and the bill I offer today is a firm step in that direction.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the text of the bill, the memorandum from the National Endowment for the Arts and a letter from Mr. Bradford Washburn, the director of the Boston Museum of Science.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, memorandum, and letter will be printed in the RECORD.

The bill (S. 1616) to amend section 202 of the Housing Amendments of 1955 to authorize loans to private nonprofit organizations to finance certain cultural facilities, and for other purposes, introduced by Mr. KENNEDY of Massachusetts, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1616

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That section 202 (a) of the Housing Amendments of 1955 is amended—

(1) By striking out "and (2)" and inserting in lieu thereof "(2)"; and

(2) by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", and (3) to make loans to private nonprofit organizations to finance specific projects for the construction, reconstruction, or improvement of museums, art centers or galleries, theaters or other centers for the performing arts, and other similar facilities to be used for cultural or educational purposes."

SEC. 2. Section 202(f) of the Housing Amendments of 1955 is amended by striking out "subsection (c)" and inserting in lieu thereof "subsections (b) (4) and (c)".

The memorandum and letter presented by Mr. KENNEDY of Massachusetts is as follows:

MEMORANDUM PREPARED BY THE NATIONAL ENDOWMENT FOR THE ARTS AT THE REQUEST OF SENATOR EDWARD KENNEDY, INDICATING THE NATIONWIDE DEMAND FOR ASSISTANCE FOR CULTURAL FACILITIES

In communities throughout the nation, people are beginning to re-examine their public priorities and to recognize that cultural activities should be at the core of community life, rather than on its periphery. Inevitably, there is a growing demand for the facilities which will house and make possible the development and growth of these activities and, which will provide badly-needed space for exhibition and display.

When the National Foundation on the Arts and the Humanities Act was passed, it included a provision stating that projects which could be supported under this Act might include "rental, purchase, renovation, or construction of facilities, purchase or rental of land, and acquisition of equipment." The result has been a steady stream of inquiries addressed to the National Endowment for the Arts from groups interested in renting, building, buying, or expanding structures to house cultural activities. Because of the Endowment's small budget ($6 million in fiscal 1967, one-third of which went to state arts agencies), it has not been in a position to support projects of this kind, and there is little likelihood that it would be able to do so in the future unless its authorization and appropriation are multiplied many times over.

In the last Congress, an effort was made to open an alternate source of aid for cultural facilities by extending the public facilities loan program to private, non-profit groups such as museums, community theatres, local arts councils, etc.

This effort was not successful, because many members of Congress apparently felt that such an amendment would change the basic character of the public facilities loan program, which was devised to assist small communities with limited credit resources in constructing needed public works. It should be pointed out, however, that the program already applies to private non-profit corporations established to run public sewer and water systems in areas where communities do not have the manpower and administrative resources to do the job.

Since we do not have a tradition of public support of cultural activities in the United States, it is not surprising that most of the expressions of interest in assistance for building or buying structures for cultural purposes have been addressed to the National Endowment for the Arts by private, nonprofit organizations. There are some 40,000 community theatre groups in this country, some of them with the potential to become vital forces in the cultural lives of the cities and towns in which they are located and most of them making do in grossly inadequate quarters. It should come as no shock that the most frequently repeated inquiry addressed to the National Endowment for the Arts is: Can you provide us with funds to build a cultural center?

The following summary of private, nonprofit groups who have made inquiries relating to the purchase, rental or construction of museums, cultural centers, theatres, and other cultural facilities indicates that the awareness of community need for these facilities is growing across the board, coming not only from community theatre organizations, but from chambers of commerce, fraternal orders, and citizens groups.

The cultural explosion about which we hear may simply be the light of new awareness breaking in upon many minds throughout the country, but it is a movement which does this nation honor and indicates that we are at last realizing that without adequate recognition and support of culture, we cannot yet claim to have the high civilization we are so manifestly capable of developing. It is particularly important that we find means of supporting the arts in smaller communities, in order that the children and young people of those communities will have opportunities for developing creativity which are as rich as the opportunities that abound in our great cities. That there is a thirst to do this is illustrated by the following summary of inquiries regarding support for cultural facilities which have been received by the National Endowment for the Arts.

Cultural centers (performing, including rehearsal and workshop facilities): Inquiries have been received from 17 community arts councils; seven community threatre groups; a citizens organization in a retirement community; a chamber of commerce; a music conservatory; a school of the performing arts, and four organizations representing several performing arts groups.

Cultural centers (visual, including galleries, studios, etc.): Inquiries have been received from 36 community arts associations, two community arts councils and a chamber of commerce.

Theatres: Of the many inquiries relating to construction of theatres, the bulk—56, including two asking about funds for renovation—have of course come from community theatre groups; three from children's theatre groups; four from community arts councils; one from an adult education association; one from a light opera association; and one from a school of arts.

Museums: We have received two such inquiries from historical societies; eight from historical societies; eight from community arts associations; six from existing art museums which need additions; one from a community art center; two from community arts associations interested in sponsoring children's museums; one from a children's theatre which wishes to add to children's museum, and one from a community arts council.

Mixed uses: Here there are many variations. For instance, a music festival association wishes to build a theatre, concert hall and art gallery; an Indian tribal association wishes to build a performing and visual arts center; a citizens group inquiries about funds for educational facilities and recording studio; two community arts centers are interested in adding theatres, arts schools and workshops; a community arts association wishes to construct a gallery and craft shops; another wishes to build a museum and art school; two community theatre groups inquire about funds for visual and performing arts centers; a community arts council wishes to build a theatre and art school; two existing community centers want to add theatre, museum, school of the performing arts and library; five community arts councils express interest in sponsoring visual and performing arts centers; and another wishes to sponsor a cultural center combined with a historical museum.

Historic preservations: Of five inquiries relating to renovation and use of historic structures for the visual or performing arts, two have come from community arts associations, one from a community theatre, and two from community arts councils.

One inquiry from an opera association relates to the renovation of a historic opera house.

Miscellaneous: There have been two inquiries regarding funds for construction of art schools—one from a youth organization, one from a community art association. Four inquiries have related to the construction of libraries—two from museums, one from a community arts association, and one from a music camp. Another music camp wishes to expand its facilities, and a fraternal order asks about funds for construction of a music camp. A community arts association wishes to construct a memorial monument; a community arts council inquiries about funds to build a band shell; a community theatre group inquiries about funds to build an amphitheatre; a school of music and arts wishes to add teaching and performing facilities, and finally, a ski resort development corporation wishes to add a summer art center in order to become a year-round resort.

Such inquiries, of which these are examples, continues to be received by the Arts Endowment, although the Endowment's Chairman, Roger L. Stevens, has stated publicly on many occasions that funds for the above purposes are not presently available

from the Endowment due to its limited budget. The twenty-six private citizen members of the National Council on the Arts, which is advisory to the Endowment, determined that this present policy should be adopted. Thus, the examples described above are believed to represent only a small percentage of the needs for the construction or improvement of arts facilities across the nation.

The Endowment is certain that a much greater volume of requests for assistance in this area would be received, if the Endowment was in a position to encourage such applications as part of its announced programming.

MUSEUM OF SCIENCE
AND HAYDEN PLANETARIUM,
Boston, Mass., February 13, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am delighted to hear that you plan to propose legislation which would make it possible for museums and other cultural institutions to borrow funds from the federal government for the construction or improvement of their capital plant on a long-term low-interest basis.

The availability of such funds to both private and public cultural and educational institutions might well lead to a highly significant renaissance of these facilities all over our country.

The extraordinary growth of our population, and at the same time the great increase in interest by a vast cross-section of the public in science, art and history, is taxing the facilities of virtually all of our museums to the bursting point.

Meeting this clearly-demonstrated need for expansion promptly and effectively inevitably involves large capital costs for both additional exhibit-space and adequate parking facilities. And, to meet these needs promptly, either requires large capital fund campaigns or very substantial borrowing—frequently by institutions which cannot do either because of limited local resources on a crash basis—or lack of adequate collateral for a typical mortgage loan.

Our own problem is highly relevant:

A year and a half ago we estimated a need of $8 million to increase the size of our plant to meet a clearly demonstrated and urgent need—and there are few needs more urgent today than inspiring our youth toward meaningful careers in science and re-educating our adult citizens so that they will be able to perform intelligently and effectively in a world dominated by incredible and constant scientific change and advance.

We would have liked to borrow most or all of this $8 million, construct and equip the needed additions to our plant at once, and get them open to the public, which needs them so much.

However, we are situated on State property, so we cannot take out a mortgage loan—and, even if we could, the current rates would probably have made this imprudent for us. We are also, like many others, a private educational corporation so, under present statutes, the government cannot either loan or appropriate funds to help us—even though this is easy to demonstrate to be in the public interest.

We are proceeding to raise these funds through a capital campaign and have secured slightly over half the needed sum—and during the period that we have done this, our goal has inflated better than 10% away ahead of us.

Our capacity to raise funds for this project is easy to demonstrate and we do not seek a federal handout. However, we would like to be able to accelerate our expansion as rapidly as possible through a federal loan which would be repaid as rapidly as gifts and bequests for this purpose were received.

Legislation which would permit such a procedure would prove to be an incredible boon to our museums, both public and private, just as it already has been to our colleges. And I am inclined to think that it would be of particular value to scores of smaller rural museums as well as to our larger city ones.

There is nothing more costly or inefficient today than deferred piecemeal plant construction.

Congratulations on spear-heading this vitally important legislation. I hope that your efforts will meet with speedy success.

Ever sincerely,

BRADFORD WASHBURN,
Director.

CAREER INCENTIVES FOR CERTAIN PROFESSIONALLY TRAINED OFFICERS OF THE ARMED FORCES

Mr. McINTYRE. Mr. President, for myself and the Senator from Maryland [Mr. BREWSTER] I introduce, for appropriate reference, a bill to amend titles 10 and 37 to provide career incentives for certain professionally trained officers of the Armed Forces.

This bill was passed by the House of Representatives in the last session, and arrived here in the Senate too late for action.

The purpose of this bill is very simple. It is to provide pay and rank benefits for those officers of the Armed Forces who have received professional training and degrees which are required in order to perform their military duties. Such officers would include attorneys, optometrists podiatrists, pharmacists, and psychologists, among others.

Right now, we are considering sweeping changes in our selective service laws, changes which might make it even more difficult than at present to recruit the professionally trained men needed by the Armed Forces. This bill would, in my opinion, make it much easier to obtain the needed services of these skilled men.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1619) to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces introduced by Mr. McINTYRE (for himself and Mr. BREWSTER), was received, read twice by its title, and referred to the Committee on Armed Services.

LEGISLATION MAKING IT A CRIMINAL OFFENSE TO BURN OR MUTILATE A U.S. FLAG

Mr. THURMOND. Mr. President, I send to the desk a bill making it a criminal offense to burn, deface, mutilate, or trample upon the flag of the United States. I ask that this bill be printed in the RECORD at the conclusion of my remarks and appropriately referred. While this bill has the same purpose as other bills that have been introduced, it has some distinctions which in the long run may prove to be of the utmost importance.

The incidents which took place in Sheep Meadow of Central Park in New York City are well known and do not require any further elaboration. It will suffice to say that the burning and mutilating of the flag of the United States made that a day of infamy for our Nation. The depravity which brought this about stands in stark contrast to the patriotism and bravery of their fellow countrymen serving in Vietnam in the forefront of the battle for freedom.

This Nation has a history of tolerating and even encouraging dissent and criticism of public officials and actions of the Government. As a matter of fact, I, myself, feel no compunction against criticizing certain actions of my Government when in my judgment criticism is in the public interest. However, a line must be drawn on dissent somewhere this side of open and callous destruction of one of the cherished symbols of all the ideals for which our country stands. To openly burn the flag of the United States is the act of a traitor and certainly transgresses the bounds of responsible dissent.

In my judgment, it is an unfortunate oversight that Congress has never seen fit to pass legislation making such acts a violation of Federal law. It should be a Federal offense to defile the symbol of our Federal Union of States. I am pleased, however, to note that there seems to be an interest in Congress in moving ahead on legislation of this nature. There have been several bills introduced in both the Senate and the House of Representatives, and in the interest of focusing attention on this subject, I have introduced this bill here today.

The bill I am introducing is a carefully conceived proposal designed to stand the test of any assault upon its constitutionality before the highest Court of our land. There is no question but that the first conviction obtained under the terms of any bill of this nature passed by Congress will be appealed all the way up to the Supreme Court.

The tradition of free speech, which has always been closely guarded in our country, demands the most delicate safeguards against transgressing first amendment rights. For this reason, my bill is limited to physical attacks upon the flag, rather than to statements directed toward the flag. My own personal feelings are that inflammatory acts and defamatory statements directed toward the U.S. flag are equally reprehensible. Nevertheless, constitutional problems can be avoided by limiting the application of the bill to burning, defacing, mutilating, or trampling upon the flag. Considering the present makeup of the Supreme Court, and decisions of recent years in this area, it would appear to be wise to so limit the terms of the bill.

In addition to this distinction, my bill prevents Federal preemption of the field and the striking down of similar State acts. Every State in the Union, and the District of Columbia, have laws forbidding mutilation of the flag. At least two States have established no penalty for violating the provisions of their law, however. The penalty in other States varies from fines of $5 to $2,000, and imprisonment of 10 days to 1 year. Congress should not negate State laws on this subject as was done in the field of in-

ternal security, and section 2 of my bill prevents this from occurring.

The penalty I propose is a fine of not more than $1,000, or imprisonment for not more than 1 year, or both.

Publicly burning or otherwise mutilating the flag of the United States is a very serious matter. The oversight of not having a Federal law which would be applicable nationwide already on the books should be remedied forthwith. This bill represents an attempt to accomplish the purpose and yet withstand the sure-to-come court test on the question of its constitutionality.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1620) to prohibit the burning, defacing, mutilating, or trampling of the flag of the United States, with intent to degrade or cast contempt upon such flag, and for other purposes, introduced by Mr. THURMOND, was received, read twice by its title, and referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1620

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

(a) chapter 33 of title 18, United States Code, is amended by inserting at the end thereof a new section as follows:

"§ 714. Burning, defacing, mutilating or trampling upon the flag of the United States

"(a) Whoever, with intent to degrade or cast contempt upon any flag of the United States or any officer or action of the Government of the United States, burns, defaces, mutilates or tramples upon any such flag, or publicly displays or causes to be publicly displayed any such flag, knowing the same to be damaged by fire, defaced, mutilated, or trampled upon shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(b) The term 'flag of the United States', as used in subsection (a), shall include any photograph, likeness, or representation, in any size, or in any substance, reasonably calculated to convey the impression that the same is a photograph, likeness, or representation of any flag of the United States."

(b) The analysis of chapter 33 of title 18, United States Code, is amended by inserting at the end thereof the following:

"§ 714. Burning, defacing, mutilating or trampling upon the flag of the United States."

SEC. 2. The enactment of this Act shall not be construed as indicating an intent on the part of the Congress to prevent any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or American Samoa from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of the enactment of this Act.

CHANGE OF REFERENCE

Mr. HARTKE. Mr. President, I ask unanimous consent that the bill (S. 1384) to establish the Office of Legislative Attorney General, previously referred to the Committee on Rules and Administration, be discharged from that committee, and be referred to the Committee on the Judiciary. I have spoken with the chairmen of both committees, and this is satisfactory with them.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin [Mr. NELSON], I ask unanimous consent that the name of the Senator from Ohio [Mr. YOUNG] be added as a cosponsor of the bill (S. 1282) to amend the Internal Revenue Code of 1954 to curb the tax-exempt financing of industrial or commercial facilities used for private profitmaking purposes, at its next printing.

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

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin [Mr. NELSON], I also ask unanimous consent that, at its next printing, the names of the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. YOUNG], be added as cosponsors of the bill (S. 1283) to amend section 103 of the Internal Revenue Code of 1954 to remove the tax exemption for interest on State or local obligations issued to finance industrial or commercial facilities to be sold or leased to private profitmaking enterprises.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota [Mr. MCCARTHY], I ask unanimous consent that the name of the Senator from South Carolina [Mr. HOLLINGS] be added as a cosponsor of the joint resolution (S.J. Res. 54) proposing a constitutional amendment relative to equal rights for men and women, at the next printing of the joint resolution.

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

GEN. W. C. WESTMORELAND'S SPEECH TO THE ASSOCIATED PRESS

Mr. THURMOND. Mr. President, on yesterday the commander of the U.S. Military Assistance Command, Vietnam, Gen. William C. Westmoreland, delivered an outstanding address before the annual luncheon meeting of the Associated Press in New York. General Westmoreland's prepared address and his response to the questions which followed his prepared remarks constitute a ringing endorsement of the necessity for the United States to bring about a successful conclusion to the war in Vietnam.

There is much food for thought contained in his observations. His strong stand adds another star to his outstanding performance in leading our troops under the most trying of circumstances. All citizens of the State of South Carolina, and indeed the Nation, are justly proud of this man and his performance and accomplishments in Vietnam.

I ask unanimous consent that the text of General Westmoreland's remarks, as well as the questions and answers which followed, be printed in the RECORD.

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

TEXT OF GENERAL WESTMORELAND'S REMARKS AT AP MEETING

(NEW YORK, *April 24.—Here is the text of Gen. William C. Westmoreland's speech on Vietnam Monday to the annual meeting of the Associated Press:*)

A COMMANDER'S VIEW OF THE WAR IN VIETNAM

Almost 40 months ago I last visited this hotel just before leaving for duty in Vietnam. I came by to see my friend, Gen. Douglas MacArthur.

Gen. MacArthur said to me: "I see you have a new job. I know you realize that this new assignment carries with it great opportunities, but it also is fraught with hazards."

I now wonder whether this occasion is an opportunity or a hazard.

The situation in Vietnam has been accorded the most intensive news coverage in history. As a result, every American should have, by this time, his own image of the war. How accurate is this image? Do most Americans fully appreciate the character of the war and its complexity? Today I hope to contribute to better understanding.

What kind of a war is being fought in Vietnam? How is it being fought? How is the battle going? And what lies ahead? These questions I will address.

The Vietnamese—and we, their allies—are involved in a total undertaking—a single, all-pervading confrontation in which the fate of the people of Vietnam, the independence of the free nations of Asia, and the future of emerging nations—as well as the reputation and the very honor of our country are at stake. At one and the same time, we must fight the enemy, protect the people, and help them build a nation in the pattern of their choice.

THE REAL OBJECTIVE

The real objective of the war is the people. If the enemy could take Saigon, or the heavily populated areas of the Delta, or both, the war would be over—without negotiation or conference. He lost this chance two years ago, and I can promise you that his military tactics alone will not win him another opportunity. Yet, despite his staggering combat losses, he clings to the belief that he will defeat us. And through a clever combination of psychological and political warfare—both here and abroad—he has gained support which give him hope that he can win politically that which he cannot accomplish militarily.

Many myths about the Vietcong still persist—and I hope I can dispel some of them here and now.

The doctrine of conquest in South Vietnam is from the book of Mao Tse-tung. It is the standard three-phase pattern—the combination of subversive political cells, guerrilla units, and conventional military forces.

Between 1954 and 1963, political cells, trained and directed from North Vietnam, were installed throughout South Vietnam. At the same time, Hanoi directed that the Vietcong begin recruiting and organizing guerrillas, and training them in terror tactics.

By late 1964 the combination of enemy political-guerrilla warfare and governmental instability in the south resulted in a decision by Hanoi to enter the decisive, and final, phase. Vietcong companies were formed into battalions, regiments and divisions, and North Vietnamese army units began to infiltrate covertly to the south.

ON HANOI'S TERMS

Never at any time during those 10 years of subversion, terror and attack did Hanoi relax its control over its war against the people of South Vietnam. The goal of this aggression was then, and still is, the conquest of the South—reunification on Hanoi's terms.

What we have is not a civil war. It is a massive campaign to external aggression from Communist North Vietnam.

The political cells have created an enemy pseudo-government that still pervades many villages and hamlets. The guerrillas wage constantly, mostly at night, the cruelest kind of war—terrorism—civilians are shot, bombed and mutilated as examples to those who might resist or defect, or simply because they are leaders.

A typical example of Vietcong terror took place shortly before I left Vietnam. During the early morning hours of April 16th, the Vietcong attacked a hamlet 20 miles north of Saigon. Among the victims were five revolutionary development team members. Three of them were women. Their hands were tied behind their backs and they were shot through the head.

During the last nine years, 53,000 Vietnamese—a large share of them teachers, policemen, and elected or natural leaders—have been killed or kidnapped. Translated to the United States, that would be more than 600,000 people, with emphasis on mayors, councilmen, policemen, teachers, government officials and even journalists who would not submit to blackmail.

At the other end of the war spectrum, we have fought, in the south, during the past year, major elements of eight North Vietnamese regular army divisions. We have captured thousands of weapons and large stores of ammunition and equipment that have been transported from North Vietnam.

In summary: The Vietcong is not a legitimate nationalist movement. It is a movement organized, controlled and supported by the Communist government of North Vietnam. What support it gets from the people of South Vietnam is largely the result of terror, intimidation, and murder of those individuals who oppose it.

Two years ago South Vietnam was on the verge of defeat. The enemy's main force units were attacking with increased intensity from hidden bases and sanctuaries. The government of Vietnam had arrived at a crossroad. It was a question of honoring a longstanding commitment by the Government of the United States to a young nation fighting for its freedom, or defaulting to the aggressor. Our President reaffirmed our commitment and made the courageous decision to stand firm—to stay the course. This meant using whatever military and economic power was necessary.

Once we had major forces ashore we began to look for the enemy, and he was not hard to find. Major battles ensued; they were bitter and bloody. But in them we learned that the enemy had little regard for human life and, for propaganda purposes, will turn losses and defeats into absurd claims of victory.

During the last year and a half we have sought out the enemy, caught him off guard, fought him before he was ready. For a time he stood and fought and we punished him severely. Now he is becoming more difficult to find. We have invaded his elaborate and widely scattered base areas—some of them built over a period of 20 years.

Working closely with the Vietnamese forces we have moved into many of the populated and productive areas which formerly provided supplies and recruits to the enemy.

INFILTRATION IS COSTLY

We have turned the enemy's ambushes against him and we have learned how to draw him into an ambush. We have sent our deep patrols to find him. He has been punished by B52 strikes and unparalleled close support from our tactical air, artillery and naval gunfire. And on land and sea we have made his infiltration costly.

Although the military picture is favorable, I emphasize the fact that we have no evidence to indicate that the enemy is slowing his invasion from the north, or that he is breaking up his major units and scattering them about, or that he has given up his plans to try to inflict major defeat upon us. He is taking great casualties and he does have logistics problems, but his leadership is good and his men are tough and tenacious. He needs a victory for political, phychological and morale purposes, and he will continue to strive for one.

So the end is not in sight. The enemy can hide in the jungles and mountains of South Vietnam where we cannot reach him without major effort. He rests and regroups, trains and replenishes in hidden camps and supply areas in regions along the borders of neutral countries and the demilitarized zone which he overtly violated almost a year ago. He continues to recruit and train guerrillas for use as guides and intelligence agents for his main force units and for sabotage and terror. So we must be prepared for more bitter fighting in days to come.

Before leaving the military situation, I must honestly say that I am concerned about cease-fire proposals. In other wars, a cease-fire was an acceptable condition; but, in this war, inevitably it will be a military advantage to the enemy and a detriment to our side. This is because of the clandestine character and covert methods of the enemy. Traditionally he has used covertly cease-fire periods to reinforce and resupply his units, and to strengthen and realign his political posture.

One of the regrettable facts of war—any war—is that casualties are not confined to the military forces involved. These are civilian casualties in Vietnam and there are of constant concern to me, my commanders and men. But, civilian casualties do not result from indiscriminate use of our firepower. They are caused by mechanical failure or human error. This is in sharp contrast to the Vietcong policy of calculated attacks on civilians.

Never in the history of warfare have so many precautions been taken by men in combat. We cover an enemy-held area with leaflets and loudspeaker broadcasts warning of impending attack. We do not permit an air strike or artillery fire on a moving column of enemy until Vietnamese officials give approval. Every possible precaution is taken to avoid casualties among civilians. Never has a nation employed its military power with such restraint.

Now a word about the Vietnamese armed forces.

I have worked with the Vietnamese military for more than three years, and I have learned to understand and admire them. A look at their record in combat, as well as in political administration, reveals an exceptional performance, when all is considered. During the last three years I have seen them literally hold the country together. Despite their military background they have taken long strides toward developing democratic processes and institutions. They fought the enemy guerrillas and main forces alone, until our arrival, and, during that time, they were expanding their forces to the limit that their manpower and economy could support. Except for the continental army of our early years, never before in history has a young military force been subjected to such a challenge. In my book, the Republic of Vietnam armed forces have conducted themselves with credit. As I tour the country several times each week, I am encouraged by the obvious improvement in the morale, proficiency and quality of their fighting forces.

STANCH ALLIES

Today the Republic of Vietnam armed forces are working and fighting side by side with their allies—the Koreans, the Australians, the New Zealanders, the Thais and the Filipinos, as well as the Americans, and they have earned the confidence of these staunch allies.

The Vietnamese armed forces and the Vietnamese people are aware of and appreciate our support. They know we have assisted them for 12 years in the development of their military organization.

More important to the Vietnamese, I think, is the fact that our American servicemen are eager to help them build schools, dispensaries, and other things of lasting value to their communities. These civic action projects, voluntarily undertaken by our troops and those of our allies, are inspiring to behold.

A young corporal undertakes the support of a Montagnard family whose breadwinner has been assassinated. An American squad or platoon adopts a hamlet, bringing to its people the material things they need and the spiritual uplift which will help them to self-sufficiency. Many communities in Vietnam are living a better life because of the encouragement and help our troops have given to them. A true missionery zeal among our troops is common place and is one of the unique characteristics of this war.

I am constantly impressed by the concern for the lives of others shown by the men of my command. As I travel among them, and I see their courage against the enemy and their compassion toward their friends, I am inspired by their example.

I would like to tell you more about the men of my command. Today your soldiers, sailors, airmen, marines and coast guardsmen:

Are better educated than before.

Are better informed.

Have traditional American ingenuity and initiative.

Are better physical specimens.

Have high morale.

And understand what the war is all about.

They know that they are helping to stop the spread of commmunism in Southeast Asia and to give the people of South Vietnam a freedom of choice. They have been given a job, and they are doing it well, and with pride . . . and they are dismayed, as I am by recent unpatriotic acts here at home.

Who are these men? They are mostly youngsters representing every State of the Union—from the farms, the cities, the factories and the campuses. They are the sound product of America's democratic society. They are the sum of our educational system, our medical science and our communications. Their excellent morale results from knowledge of their jobs, sound military policies, professional unit leadership, and unprecedented material support. Their medical care is superb, their food is excellent and their mail is cerefully handled. Shortages have been few and of short duration.

FORWARD WITH CONFIDENCE

As an individual, this fighting man is a tough, determined professional in battle one day, and next day, a sensitive, compassionate friend helping the Vietnamese people. He is a fighter, a thinker, and a doer. He has seen—at first hand—Communist subversion and aggression at work; he has acquired a deeper appreciation of the importance of freedom. And from his ranks in the years ahead will come the confident, alert, intelligent citizens and leaders who will make this nation's future greater than its past.

With fighting forces like these, a commander cannot help but look forward with confidence as he views the military situation.

But I am mindful that the military war in South Vietnam is, from the enemy's point of view, only part of a protracted and carefully coordinated attack, waged in the international arena. Regrettably, I see signs of enemy success in that world arena which he cannot match on the battlefield. He does not understand that American democracy is founded on debate, and he sees every protest

as evidence of crumbling morale and diminishing resolve. Thus, discouraged by repeated military defeats but encouraged by what he believes to be popular opposition to our effort in Vietnam, he is determined to continue his aggression from the north. This, inevitably, will cost lives—American, Vietnamese, and those of our brave allies.

I foresee, in the months ahead, some of the bitterest fighting of the war. But I have confidence in our battlefield capability. And I am confident of the support we and our allies will continue to receive from our President and from the Congress.

The magnificent men and women I command in Vietnam have earned the unified support of the American people.

Thank you.

Gen. Westmoreland answered written questions submitted at the annual meeting of the Associated Press. Following is a partial text of the questions and answers:

Q. Gen. Westmoreland, have you asked the Pentagon for more troops and how many?

A. As commander of our American armed forces in Vietnam, it is needless to say I am constantly studying our troop requirements. I continuously analyze the situation. I submit my requests from time to time, my desires, my estimates to my senior military headquarters. I have been getting troops in considerable numbers during the past year. They are continuing to arrive. The number of troops that will ultimately be needed is a matter that will have to be studied in consideration of many factors—our estimate of the enemy's capabilities and intentions, the economy of South Vietnam. Because as we deploy troops to go ashore we per se put pressure on their economy and this is a factor that has to be considered. These matters and these factors will have to be reviewed at our senior levels in Washington. Needless to say, the discussions that have taken place are privileged and, as a matter of military security, I cannot give you any definite number as to my estimate of the number of troops that will be required.

BOMBING OF AIRFIELD

Q. Would you comment please on the bombing today in North Vietnam, an airfield there. What happens if the Migs take sanctuary in Red China?

A. I was delighted to learn that the Mig airfields have been bombed, at least two of them today. This was a military target on which was based aircraft that had been used offensively against our fighter-bombers. It is true that Migs could take sanctuary in China, as they did during the Korean War, but the Migs would be at a disadvantage operating from those bases compared with those in North Vietnam. The reaction time would be increased and they would therefore become a lesser threat to our fighter-bombers, and the jeopardy to our very fine Air Force and Navy pilots would be reduced.

CASUALTY STATISTICS

Q. There are daily statistics of the number of Vietcong killed, but serious doubt about the body count announced of those that have been killed. What is your view please of the accuracy of this count?

A. Over a period of over three years, I have given this matter considerable personal attention. It is my judgment that the casualty figures that we estimate or state that we have inflicted on the enemy are accurate, perhaps conservative. True enough, there could be from time to time some exaggeration. There could be some double counting of casualties, but in my opinion this is more than offset by those enemy troops that are killed by artillery or air strikes that we never know about. Also we do not claim credit, in estimating or assessing casualties of the enemy, those that die of wounds. So all factors considered, I feel that the figures that you receive that are announced by my headquarters in Saigon are definitely accurate and I believe on the conservative side when all factors are considered.

POLITICAL ASPECTS OF WAR

Q. Could you run this war without political help and could you win this war if given a free hand in military decisions?

A. As a military man, this is a bit of an awkward question. I think it is impossible in view of the nature of the war, a war of both subversion and invasion, a war in which political and psychological factors are of such consequence, to sort out the war between the political and the military. Political factors must be considered, they must be considered in selecting targets. They must be considered in our actions involving nearby so-called neutral countries. They must be considered in the means that are used in pursuing the war. The reason for this is not only because of the complexity but also because of our national policy to confine this war to that of a limited war, and this means that from time to time the means are limited. And that policy has been made loudly clear: that it is not our intention to expand the war. We want to keep it as a limited war and therefore political factors have to be considered and the decisions involved are necessarily above my levels. Since I deal in military factors, I am responsible only for fighting the ground war in South Vietnam and only that air war in the so-called expanded battle area.

SINO-SOVIET INTERVENTION

Q. What is the possibility of escalation of the war bringing in Red China and Soviet Russia and how effective would they be if they did come in?

A. This is a very difficult question to speculate on. To a military point of view I think we should be prepared for any contingency. Of course the USSR is providing equipment to North Vietnam primarily in terms of air defense, weapons and systems. The Communist Chinese are providing support in the form of transportation units and some antiaircraft weapons but primarily infantry-type weapons to support the North Vietnamese army and Vietcong main force units. I think this boils down to whether the USSR and Red China feel that the threat to their formal government and their territory is of such consequence that they could hazard the risk that would necessarily be involved.

VIETCONG FIGHTING SPIRIT

Q. The Vietcong are regarded, generally, to have fought well against us for quite some time. To what do you attribute their spirit?

A. The Vietcong, organized, directed and commanded from Hanoi, have placed good emphasis on political indoctrination. As a matter of interest, their training program for their units devotes more time to political indoctrination than it does to military training. This indoctrination is well done. Of course, it is backed up by a ruthless cadre that use strong-arm methods that are required to keep their troops in line.

Now, this so-called cadre, or leadership, are excellent. They have been well trained and indoctrinated and they are committed. However, we have noted a number of recent trends that are encouraging. We are picking up more prisoners, more defectors coming in, and the rate seems to be increasing in a very encouraging way. We learn that many of the rank and file of these units would like very much to defect, to come in under the government of Vietcong's amnesty program, the so-called Chieu Hoi program. But the cadre control them so tightly that they cannot get away. We also know that there is considerable friction between the North Vietnamese leadership and the South Vietnamese, the Vietcong. North Vietnamese leaders are playing more and more a role in the South. The leadership in Hanoi is by their action putting in their own leadership, apparently because they do not trust some of the South Vietnamese leadership, and there is definite friction between these two regional groups.

The number of defectors that we have received has been multiplying by a factor of two for the last couple of months, and, hopefully, this trend will continue.

The number of senior defectors that are coming in is encouraging. Whereas a year ago defectors were primarily confined to the lower ranks, now we are getting some of the senior officers. I talked to one the other day, a senior officer, and he told me that many members of the large headquarters that he served before defecting would like very much to defect, but they have not been able to find a way. The control by the North Vietnamese leaders was of such consequence that they could not make the break.

SOUTH CAROLINA SALUTES U.S. NAVY SEABEES

Mr. THURMOND. Mr. President, the year of 1967 marks a dual anniversary: The 25th for the U.S. Navy Seabees and the 100th for the Navy Civil Engineer Corps.

Led by the Corps officers, the Seabees today are adding a new dimension to the motto they have made so famous as the "can do" construction battalions of the U.S. Navy.

Today in Vietnam, Seabee battalions are supporting our armed forces and the Vietnamese people in freedom's fight for liberty and eventual peace in Asia.

Again, as they did in World War II, the Seabees are accomplishing construction miracles in building roads and highways through jungle and coastal terrain. They are creating deepwater posts where none before existed. Airstrips, warehouses, base camps, storage areas are resulting from the initiative, dedication, and heroism of these builder-fighters who labor so tirelessly and well under the ever-present challenge of enemy surprise attack.

It is 25 years and three wars since creation of the first Seabee detachment in World War II. It is a quarter of a century of blood, beaches, bulldozers, and bridges that has made the Seabees what they are today—the best construction outfit in the business.

In recognition of the 1967 Seabee silver 25th anniversary, Gov. Robert E. McNair, of South Carolina, recently proclaimed Seabee Day in South Carolina.

I ask unanimous consent to have the text of this proclamation printed at this point in the RECORD.

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

The Civil Engineer Corps was founded in 1867 to provide engineering and construction support to the Navy and the Nation. Early in 1942 the Civil Engineer Corps officers organized the Construction Battalions to provide the Navy with uniformed construction forces. Officially designated and popularly known as Seabees, they have established themselves firmly with the military establishment as the "Can Do" outfit.

Today, wherever the interests of our Nation require, the knowledge and ability of the Navy's Civil Engineer Corps officers and Seabees are being used for the protection of the American people.

March 5, 1967, has been named Seabee Day. I encourage South Carolinians to pay tribute to the gallantry and accomplish-

ments of the Navy Seabees especially on this day, and extend best wishes to all active, reserve, and veteran Seabees.

ROBERT E. MCNAIR,
Governor of South Carolina.

THE NEED FOR A GREATER FEDERAL CONTRIBUTION FOR CHILD WELFARE SERVICES

Mr. DODD. Mr. President, I wish to express my support for extending and expanding the child welfare services program, as it is proposed in title II, part 3 of the administration's social security bill.

This proposal provides that the Federal Government pay up to 75 percent of additional expenditures for personnel and for the costs of training personnel for child welfare services.

In 1966, total expenditures for child welfare services were close to $400 million. Federal funds accounted for only about 10 percent of this amount.

Personnel and training costs amounted to $142 million. Only $39 million were Federal funds, the remaining $103 million coming from State and local sources.

I think a statement before the Committee on Ways and Means of the House of Representatives by Secretary John W. Gardner of HEW puts the need for more funds in perspective. He said as follows:

> The present law requires states to make child welfare services available in all counties by 1975. To the extent feasible the services must be provided by trained child welfare staff. But the funding authorizations presently in the law preclude the Federal Government from sharing in the additional cost of these requirements.
>
> One-third of the Nation's counties do not have the services of a full-time child welfare worker, and only one-sixth of all child welfare caseworkers have social work degrees.
>
> The number of workers has increased from about 8,700 in 1962 to about 14,000 in 1967. States are trying to improve the quality of their staff through both in-service training programs and educational leave. But 16,000 more child welfare workers will be needed by 1975 in order to meet the requirement of the law.

In my own State of Connecticut, approximately 8,000 children are committed to the guardianship of the State welfare commission as neglected or uncared for. Approximately 1,500 of these children are under protective services, and 6,500 children are in placement in foster homes or institutions.

From State funds alone, for this group of children, Connecticut spends over $9 million for their care, and over $1 million for personnel.

The Children's Bureau grant to Connecticut for child welfare services, however, for the year 1967–68 is a mere $500,000.

A more equitable sharing of the cost of care for this disadvantaged group of children would make it possible for my State to develop and support a much more adequate range of services.

Today more than ever before, the need for the expansion of Federal support for child welfare services is critical.

The deprived and disadvantaged child today, often without adequate parental care, often unwanted, for whom we try to find substitute care, either in foster home or institutions, needs our help. He needs it desperately and it is in our own self-interest to give it.

For the children who are poorly prepared today for parenthood and responsible citizenship, produce the next generation of the neglected and unwanted.

In order to avoid this vicious and continuous tragedy, we must insure that these children are provided with adequate help and serviced by competent staff people.

And we must increase Federal support. I hope we will do so this year.

A VISIT TO MARION—MODERN, MAXIMUM SECURITY

Mr. HRUSKA. Mr. President, recently it was my privilege to visit the Federal Correctional Institution at Marion, Ill. Accompanying me on that trip was Myrl Alexander, the distinguished Director of the Bureau of Prisons, and Mr. Bill Billotte, the veteran crime reporter of the Omaha World-Herald.

We were given a thorough briefing by Warden J. A. Mayden and his dedicated and competent staff. We learned firsthand why Marion has the worldwide reputation of not only being the most modern of the maximum security institutions, but the best run as well.

Marion is the replacement for Alcatraz, or "the Rock" as it was known during the days of the prohibition era gangsters. While security measures are every bit as effective as those of the Rock, there the resemblance ends. The inmate population consists overwhelmingly of the same kind of "incorrigibles" who used to be in residence at the Rock. Yet the whole arsenal of rehabilitative and training techniques are being employed to help rebuild the lives of the 500 inmates.

While effort is great, progress toward rehabilitation is painfully slow, for it must constantly be remembered that these men, most of whom have been transferred in from other institutions because of their inability to get along, are among the "toughest customers" to be found anywhere. Thus, procedures and practices must be adapted for this setting. For example, work release is rare. But far advanced techniques are in daily use, such as the use of a video tape recorder in inmate interviews by the resident psychiatrist. And a wide range of educational and vocational activities are being employed.

However, it would be pointless for me to engage in an extended description of the visit. Mr. Billotte has written an excellent series of articles for the World-Herald which describe, with the professional skill of a distinguished journalist, what we observed there.

A few years ago, before Alcatraz was discontinued as a Federal correctional institution, he visited there and reported his observations in a similar series of news accounts.

They assisted him in making of his present commentary an even more keen and valuable analysis.

Mr. President, I believe that this series is worthy of the attention of the Senate. Accordingly, I ask unanimous consent that the articles be printed in the RECORD.

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

[From the Omaha World-Herald, Mar. 28, 1967]

PRISON CONCEPT CHANGES VASTLY—HIGH GRAY WALLS MISSING AT MARION, ILL., FACILITY

(First of a series)

(By Bill Billotte)

MARION, ILL.—How does the new top maximum security prison of the Federal system 10 miles from this southern Illinois city compare with Alcatraz, which for 28 years was the nemesis of the biggest egos in the criminal world?

They are completely different:

This was apparent from the time a plane swooped out of a fog over the slag piles at a strip mine on the edge of the small airport until our group left two days later.

In the plane were Senator Roman Hruska, ranking Republican member of the Senate subcommittee on Federal prisons; Myrl E. Alexander, director of the Federal Bureau of Prisons, and this reporter.

SOLID ROCK

The rest of the trip to the prison was made in a car in a drizzle.

Nine years ago this reporter journeyed to "The Rock," as Alcatraz was called. At that time the trip was completed in a prison launch. The solid rock of 12 acres was 1½ miles out in San Francisco Bay.

It rose out from mist in the shadow of the Golden Gate Bridge like an ominous etching against the slate-gray sky.

This was the same trip Al Capone and 52 other criminals made August 22, 1934, when it became known that Capone's influence had reached into the prison at Atlanta, Ga.

Big Al swaggered into his cell boasting that he could take everything Alcatraz could dish out.

RUSTIC SCENE

He shuffled out four years later, never to be a threat to law enforcement authorities again. He couldn't take the anonymity of being just another number.

As our car arrived at the Marion prison, 15 deer could be seen grazing peacefully in sight of the buildings, which are in the center of one thousand acres of rustic land deeded to the Bureau of Prisons from the Crab Orchard National Wildlife Refuge.

"Sometimes you can see 45 to 50 of them grazing out there," Prison Director Alexander said.

The next surprise was the absence of the gray walls that enclose nearly all state and Federal prisons.

Instead there are double 30-foot-high chain fences. They have crossbars of barbed wire which extend inward so they would be directly over the head of any one trying to scramble to the top.

NERVOUS NATIVES

Between the two fences, 12 feet apart, are several inches of white crushed limestone. The limestone reflects the floodlights at night. The fences are anchored in concrete four feet deep.

When nervous natives sought to have walls erected they were reassured by the precautions taken at the prison.

"If any one is able to dig underneath," a prison official said at the time, "he would almost deserve his freedom."

He also pointed out that a wall would have added $1,250,000 to the 12-million-dollar cost. The fences were erected for 200 thousand dollars.

The first stop was the administration building. Here beautiful green plants grew from containers. In a corner of the lobby was a display of pictures painted by inmates, leather work and other objects that would have sold at a good price in a good department store.

NOT STRANGERS

Waiting in an office was a short, stocky man with a tanned face and the eyes of a man who has spent most of his adult years keeping men in custody.

He is Warden J. A. Mayden. He and Prison Director Alexander greeted each other casually, having met in a half dozen Federal prisons across the country.

Standing near by was Associate Warden Robert Gary, a slim man with gray beginning to fleck his brown hair. He looked as though he was carrying no more weight than when, as a marine, he fought on Iwo Jima.

After briefing Senator Hruska, who was making his first visit to this prison, regarded as the most modern in the world, the warden and his associate started down the hall back to the lobby.

After signing at a desk, they passed through a steel grill that opened automatically and they walked several steps. Another grill opened. From now on it was top security.

[From the Omaha World-Herald, Mar. 29, 1967]

NEW PRISON'S PUSHBUTTON SECURITY IS ANYTHING BUT LAX

(Second in a series)

(By Bill Billotte)

MARION, ILL.—A visitor to this sparkling new prison in Southern Illinois grows perplexed as he enters its maximum security section.

Where are the guards, who in Federal prisons are known as correctional officers, at each steel gate that separates the prison sections?

Why aren't there sounds of shoe leather scuffling on cement as you walk down the long corridors?

Where are the horizontal steel bars on the outside of the windows which when the sun is right, throw shadow reminders to the inmates that they are serving time?

What happened to the ominous prison-gray paint and the tiers of cells with the narrow, enclosed walks on the outside?

Where are the prison-gray uniforms on the inmates? Where are the shattering sounds of whistles, bells and sirens that regulate activities in the usual prison?

These questions and others occur to those seeing this ultra-modern prison for the first time.

NOT LIKE "ROCK"

This is far from the physical restraints visible from the moment a visitor or new inmate stepped onto the dock at Alcatraz before it was closed in July, 1963.

When a launch docked, it was moored with heavy chains. An officer would signal another in a tall tower and he would send a key sliding down a cable. The key would be used to secure the lock on the chain. Then it would be pulled back up to the tower.

The prisoners were counted every 25 minutes, day and night. There were no trusties. Tear gas bulbs set in the ceiling of the dining hall hung over the prisoners' heads. All the security buildings were located on a crest with a steep road circling up to that peak.

The control rooms were grim cubicles with 2½-inch, bullet-proof glass and closed gun ports which could be opened only from the inside. Pistols, machine guns and tear gas were locked in a vault accessible only from the main control room.

Outside, as if Nature was on the side of the authorities, freezing riptides swirled around the 12 acres of rock.

WHERE'S SECURITY?

But at Marion, as the inspecting party composed of Warden J. A. Mayden, Senator Roman Hruska of Nebraska, Federal Prison Director Myrl E. Alexander and Associate Warden Robert Gary walked over the vinyl-covered floors in up-to-date workshops, and through the huge dining room with its pastel-colored chairs at individual tables, Associate Warden Gary said to this reporter:

"You're wondering about the security, aren't you?"

"You guessed it, let's look it over."

Mr. Gary led the way to a control center where three correctional officers were at work over a complicated electronic panel.

Located in the center of the main building, they could see nine of the 12 steel gates that control all sections of the prison in the three corridors.

On closed-circuit television the officers could watch any one approaching the gates. They pick up on the screen Senator Hruska, the warden and Mr. Alexander. As the touring party neared a gate a control officer would press a button and the heavy gate would slide open.

"This control center is used during the daylight hours and does most of the control work necessary in running a tight security prison," Mr. Gary explained. "But the overall control center is on the roof."

QUICK CHECK

He explained that no prisoner is allowed to walk unescorted from one place to another. A correctional officer is responsible for each of the men working under him. The moment he notices that a prisoner is not where he should be he notifies the control center.

Mr. Gary said if the receiver is off any telephone in the prison for more than 20 seconds without the dial being used to get a number, an investigative party is sent to find out if the caller is having trouble. All calls out of the prison must go through one center.

Prisoners are called over the loudspeaker system by name, not numbers. Sirens, bells and whistles are not used.

Entrance to the message center on the roof must be gained through three heavy, solid steel doors.

To get into that center, it is necessary to ascend a winding steel staircase behind a steel door just outside the maximum security section, which is off the main lobby of the administration building.

The steep staircase ends at a steel door which in turn leads to another steel door which must be opened electronically by the officer on duty inside.

SLAMS GATE

Here again is the complicated panel, electronically operated. But there is a difference. At an alarm signal the officer can press one button that will slam every gate in the prison within seconds.

On the board is a square of lights shaped like the prison, electronically connected with the high fences that surround it.

L. D. Wilson, the officer on duty, explained that if an inmate attempting to escape grabs hold of the barbed wire at the top of the fence with an instrument or his hand, one of the lights on the panel flashes on.

The light will inform the officers the exact section of the fence that is being tampered with. In addition an officer, walking in the 12-foot space between the double fences, checks them carefully once on each eight-hour shift to find if they have been worked on by a convict.

SIX TOWERS

There are six red telephones in the prison—one each for Warden Mayden, Mr. Gary, the correctional officer captain, the message center, the control center and a fire house. A call over any of them can close the prison like a steel trap.

Hovering over it all are the 60-foot watch towers, one at each corner of the prison and one on each side of the center. Here is the only place where guns are permitted.

[From the Omaha World-Herald, Mar. 30, 1967]

"LOSS OF FREEDOM IS ENOUGH"—TOP WARDEN'S GOAL: RECLAIMING

(By Bill Billotte)

(Third of a series)

MARION, ILL.—What manner of man is a career penologist who, as director of the Federal Bureau of Prisons, is ready to lay his reputation on the line that the new prison here is the pioneer of corrective institutions of the future?

Rugged-featured but soft-spoken, gray-haired Myrl E. Alexander, 57, has 36 years of experience in the network of Federal prisons across the country which he now heads.

A chain-smoker, he tells anecdotes well and will talk of prison reform any hour.

Mr. Alexander said his dislike of the physical punishment of inmates stems from an incident that occurred when he reported to a deputy warden in a Federal penitentiary to learn what his duties were to be.

"FORGET IT"

"I was a kid of 21 years desperately trying to get a job during the depression," Mr. Alexander recalled. "I had studied social work and was interested in working in the parole field."

Mr. Alexander said the deputy warden, a dandy with a swagger stick, minced no words in letting him know he wasn't about to welcome a new guard in the system who had training in social work.

"He motioned me to follow him and he led me to a cell and opened the door," Mr. Alexander said. "There, blinking in the light that suddenly flooded in on him, was an inmate. He was handcuffed to a bar in his cell that was so high his toes barely touched the ground. The deputy warden then asked me why I didn't go home and forget about taking a prison job."

Mr. Alexander said that although he did not intend to stay permanently in prison work he did not like being pushed out of a job which he had taken a Civil Service test to get.

On August 28, 1964, Mr. Alexander replaced J. V. Bennett, who retired after 28 years as director of the Bureau of Prisons. Mr. Alexander previously had served as his assistant.

RECLAIMING

The new director of prisons is confident that increasing effort will be placed on the reclaiming of younger criminals and in correcting the conditions that may have contributed to their decisions to live outside the law.

He said nine-tenths of the toughest criminals in the country are 30 years or younger.

None of the convicts in the new prison 10 miles outside of Marion is over 30. The inmate population is 491 now, although the prison has a capacity for seven hundred.

Only 91 of the inmates, none of them considered high escape risks, were sent directly to the prison. They perform the outside maintenance work.

As at Alcatraz, the four hundred being held under top security conditions were sent to this prison because they were unable to get along and progress satisfactorily in other Federal institutions.

ENOUGH

There is no trustie system at Marion, but inmates can win their way to better jobs and can go as far in education as their efforts will take them.

Mr. Alexander said he has always believed that depriving a convicted man of his freedom is punishment enough; that once a man is serving time all efforts should be devoted to getting him ready to return successfully to the outside world and convincing him that it is the only intelligent road to take.

He approves of designing prison buildings to avoid grimness. Between the buildings are landscaped courts.

Also different from other prisons are the high, vaulted roofs of the library, chapel, gymnasium and dining rooms.

The kitchen could be the envy of a top-flight New York hotel. His chef is Food Service Administrator Mike Love, who said: "You've got trouble in any prison if the food is bad."

ON TRIAL

The chapel is a marvel of acoustics. Built on circular lines, it has long, thin columns of colored glass.

Mr. Alexander warns the staff at the prison that the eyes of the penal world are on this institution and it is the staff's responsibility to see that the experiment does not fail.

The Marion prison has been in operation for two years without an escape from inside the maximum security section.

A few of the outside maintenance inmates, however, have walked off the job. Two convicts tried to ram a truck through a gate and failed.

[From the Omaha World-Herald, Mar. 31, 1967]

MODERN PRISON SPAWNED CRIME STUDIES AT NEARBY SOUTHERN ILLINOIS UNIVERSITY

(Fourth of a series)

(By Bill Billotte)

MARION, ILL.—A surprising offshoot of the building of the 12-million-dollar prison near here is the effect it has had on Southern Illinois University in Carbondale, 20 miles away.

A crime center there seems destined to become as important to correctional institutions as the Federal Bureau of Investigation Academy has to those engaged in law enforcement.

When Myrl E. Alexander, director of the Federal Bureau of Prisons, was seeking a site for the ultra-modern prison that was to be the humane answer to Alcatraz, he decided to stop at the university.

That was in 1959.

"I went in to talk to the president, Delyte Morris," Mr. Alexander recalls, "intending to spend about 15 minutes, but I stayed three hours. President Morris caught fire at the idea of having a prison of the future near the university.

"He decided on the spot that 'I am going to create a center to work in the field of crime, delinquency and corrections if the prison project goes through.' "

This was done, and Southern Illinois, a hundred-year-old school that started out as a state normal college, is now getting visitors interested in crime prevention and correction from all over the world.

AIMS

Charles C. Feirich, of President Morris's staff, and Robert J. Brooks, of the center staff, explained the center's aims to Nebraska Senator Roman Hruska and other visitors.

In a near-by room 17 correctional officers were taking a nine-week course. They came from Nebraska, Oklahoma, Missouri, Tennessee, Kentucky, Texas, Wisconsin, Lousiana, Minnesota, the Dakotas and other states.

From the Nebraska Penal Complex was Lieut. Robert Parratt who will head the training section for guards in Lincoln.

"All of our personnel will take a refresher course under Lieutenant Parratt," Warden Maurice Sigler said. "There will be no exceptions, and that includes me."

Maj. Gen. Nematollah Nassiri, Iran's national police chief, said he had learned more about corrections in 48 hours at SIU than he expected to learn on his entire 10-week United States trip.

K'o-Wang Mei, dean of the School of Police Science at Taipei, Taiwan, was equally impressed.

One of the project coordinators is Frank Sorenson, who holds three degrees from the University of Nebraska, two in school administration.

JOINED GANG

In a continuing contract with the Agency for International Development of the State Department, the center provides two 18-week courses in penology and corrections for overseas personnel. Since the contract's inception in 1962, participants have come from Asia, Africa, Latin America, Europe, the Philippines and the United Arab Republic.

The center is deeply concerned with finding the reasons and cures for juvenile delinquency.

One of the most interesting studies in this field has just been completed by Leon R. Jansyn, Jr., a staff member.

Some years ago Mr. Jansyn practically joined a tough gang of kids, from 14 to 16 on the South Side of Chicago. They were called the Dons.

"Twenty-six of the 60 members of the Dons were adjudged by the county courts to be delinquents at one time or another," Mr. Jansyn said.

RETURNED

For two years Mr. Jansyn roamed with the Dons, meeting with them on street corners, in their favorite eating places and in some of the store fronts the members managed to rent as club rooms from time to time. Taking meticulous notes, he got to know the Dons and their girls' "auxiliary" well.

Not long ago, he returned and located as many of the gang as he could find. He said 80 per cent managed to miss a life of crime. What type of jobs were many of them holding?

"Many had become policemen or truckers," Mr. Jansyn said.

Mr. Jansyn was asked why he thought the former Dons had changed.

"I could find no specific reasons," he said. "They apparently decided through being corrected by authorities and by some wisdom gained from maturity that there were no lasting gains to be made by a senseless flouting of the laws of society."

[From the Omaha World-Herald, Apr. 2, 1967]

ALCATRAZ PRODUCT OF A TOUGH TIME; MARION PRODUCT OF A DESIRE TO HELP

(Last of a series)

(By Bill Billotte)

MARION, ILL.—The new Federal prison here and Alcatraz, penologists believe, were both products of their times.

Alcatraz was opened in 1934 as an outraged nation clamored for an all-out war on big time crime.

Agents of the Federal Bureau of Investigation were armed for the first time during the same year after powerful hoods, spawned during the Roaring Twenties, killed several agents.

The agents, with J. Edgar Hoover, insisting they become experts in the use of firearms, hit back hard. One kingpin of the underworld after another fell in a shower of bullets or found himself behind bars.

With some indications that the money and influence of the top gangsters was reaching into prisons, it was decided that the Federal Government would establish an isolated no-nonsense prison.

The answer was the old Spanish fortress located 1½ miles out in the choppy waters of San Francisco Bay—the Rock.

REASON SOUGHT

It accomplished its purpose. Not once in the 28 years that hard case criminals were confined there was there evidence inmates had made a successful escape to the mainland although some who braved the riptides were found dead. One was found exhausted and almost frozen on the San Francisco shoreline.

Again attention is focused on a growing national crime rate.

But the trend has been, particularly in the last dozen years, seeking out reasons for crime and attempting to institute reforms in reformatories and prisons.

Penologists declared that any man determined to make his stay in prison count should have the opportunity to learn a trade, procure an education up to and including the college level and be given any psychiatric help needed.

In explaining the concept of the new Marion prison it was stated:

"The new Marion institution has a threefold mission—the safe custody of Federal prisoners and their rehabilitation, research into the causes and cure of delinquent behavior.

"These considerations and the requirement for strict economy of construction and operation are inherent in its unique design.

"Adequate provision has been made for a well-balanced treatment program encompassing diagnosis, social casework, educational and vocational training, industrial employment, individual and group counselling, medical and psychiatric services and religion."

TROUBLE OVER

When Alcatraz closed it was decided not to send any of the Rock's alumni to Marion. A prison official said the notorious hoods were getting old, their trouble-making days were behind them and there would be no trouble accommodating them in Atlanta, Leavenworth and McNeil Island.

They said that one time Public Enemy No. 1 Alvin Karpis was then "a mellow old man." He was sent to McNeil Island.

At the Marion prison, Senator Roman Hruska and Federal Prison Director Myrl Alexander sat in on a session of the prison reclassification board which meets twice a week.

The man under consideration was 28 years old and has been in custody for seven years. Originally sentenced for armed robbery he had gotten into a fight at Leavenworth that resulted in the death of another inmate.

This earned him a ticket to Marion with the hopes that he could some day earn his way out again.

Since arriving at Marion he had completed work in 22 college subjects, had changed from a defiant prisoner to one who was now getting along with corrective officers and others in the prison population.

EARNED RIGHT

One by one the members of the board gave their reactions to the inmate's request. Correction officers, the man's case worker, a doctor, prison officials all joined the discussion.

It was finally decided the inmate had earned the right to take another step up the ladder—a slight relaxation in security and a few more privileges.

After the inspection of the prison had ended, Senator Hruska at a gathering of the top echelon of the prison officials complimented them on what he had seen.

He said that improvements in the prisons of the future were inevitable and that, no doubt, the activities at Marion would be one day recognized for the pioneering effort that it is.

Then he touched upon some of the handicaps the law enforcement officers are working under in an attempt to slow the national crime rate. He mentioned the Escobedo and Miranda decisions specifically.

"You have to get them here before you can help them," he said.

DESECRATION OF THE FLAG

Mr. CANNON. Mr. President, the vast majority of the American people have been shocked, saddened, and disgusted by recent desecrations of the American flag.

Unfortunately, there is no existing Federal legislation to protect our flag. That situation should be remedied promptly.

Ours is a nation which prides itself on free speech and free assembly. But a small minority recently has tried to expand these freedoms into license of the most shocking and degrading character. Desecration of the American flag is a national disgrace, and the American people are outraged.

It is a genuine tragedy that we must focus attention on legislation to protect the flag, but recent events illustrate that action is needed.

The national commander of the Veterans of Foreign Wars of the United States, Leslie M. Fry, of Reno, Nev., spoke out on this issue yesterday saying:

Last weekend an American Flag was burned during a so-called peace march in New York City. This revolting scene to the great majority of Americans was seen on television and in their Sunday newspapers. More recently a professor at an Indiana University burned the flag before his students and was dismissed by the school administration. These occurrences must not be allowed to continue. Most of the states have legislation, but many do not have any punishment for flag desecration. With some five hundred thousand American men serving in Vietnam—giving their lives daily for the symbol of their nation—we must have legislation to protect our flag. . . . The American people and the press will be watching Congress on this issue. It is a tragedy that we have to think about legislation to protect our flag. But, unfortunately, not all people in the nation have the love and respect for the flag that the vast majority of Americans have . . . . Now is the time for legislation to protect our flag. This is the will of the American people.

Mr. President, it is indeed the will of our fellow Americans that this source of national embarrassment and outrage be ended. There are many ways in which protest can be manifested, but flag desecration goes far beyond decency, commonsense, and constitutional safeguard. Legislation is needed now, and I hope that Congress will respond quickly.

INVESTMENT TAX CREDIT RESTORATION

Mr. SCOTT. Mr. President, the first amendment added to the investment tax credit restoration bill—H.R. 6950—was for the purpose of repealing the political campaign fund law. The Senate voted 48–42 for repeal. But the administration and its spokesmen on the Senate floor have stubbornly refused to accept the will of a majority of the Members. They have tried to load this bill down with many other amendments with the hope of having it sent back to committee, or of having it rejected when the House reconsiders the Senate version. Such tactics are not conducive to good legislation. The public and the press have not been fooled by these time-wasting maneuvers.

The following editorial appeared in the Philadelphia Sunday Bulletin of April 23, 1967. 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:

CUT OUT THE COMEDY

In a regrettable display of irresponsibility some members of the U.S. Senate are loading an important piece of tax legislation so heavily with political sugar plums that the core measure itself seems likely to collapse.

The legislation subjected to this assortment of "riders" is one designed to restore tax incentives to business investments which were suspended temporarily in 1966 as a curb against inflationary pressures. To this bill, backed by the Administration and already approved by the House of Representatives, the Senate added an amendment repealing an ill-conceived presidential campaign financing law enacted in indecent haste at the close of the last session of Congress. This is the law that would give each party as much as $30 million, without restraints or safeguards, for their 1968 presidential campaign under a tax return check off.

Until this point the Senate was acting in a responsible fashion. The repeal proposal was debated fully and senators actually reflected general public opposition to the campaign financing scheme.

Backers of this political fund law, however, have since welcomed every possible additional amendment. Their strategy is clear. They want to so overload the tax incentive bill that members will decide finally to kill it completely or at least strip it of all amendments including the campaign fund repealer.

Further compounding the confusion was a later vote which repealed the presidential campaign fund repealer plus another legislative move designed, according to Senate leaders, to void the campaign fund measure—just temporarily.

What makes all of this even more regrettable is that some of the amendments may well be worthwhile. One provides a liberalization of Social Security benefits. Another grants tax credits to those supporting college students. The Senate's action brings undue rejoicing from many who urged such legislation, unaware of the background maneuvering.

It is time, as one member demanded on the floor, for the U.S. Senate to "cut out the comedy." It represents, as Senator Hugh Scott (R–Pa) noted, a cruel deception of the public as well as "a scandalous waste of time."

The tax incentive restoration is worthy. So is the repeal of the campaign financing law. These should be put through. The other proposals, however worthy, should not be used in a callous political maneuver. They should be considered separately, on their merits.

THE SWORD UNSHEATHED AGAINST EVIL IS A GOOD SWORD

Mr. TALMADGE. Mr. President, our colleague and beloved Chaplain of the Senate, Dr. Frederick Brown Harris, recently wrote an excellent column published in the Washington Star which stands as an irrefutable answer to those who contend that the U.S. involvement in Vietnam and our military efforts there amount to aggression which goes against the teachings of God.

Our military forces in Vietnam are there to defend the cause of freedom just as our armed might has gone to battle for this worthy cause throughout the history of our Nation. As Dr. Harris so eloquently pointed out:

That sword unsheathed against evil was a good sword.

Dr. Harris' newspaper column was reprinted in the April 24 edition of U.S. News & World Report. I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

"THE BLADE OF A RIGHTEOUS SWORD"

(The Reverend Martin Luther King has been saying that the United States is "the greatest purveyor of violence in the world today." Some other clergymen echo that view as they condemn the war in Vietnam.

(What is the religious justification of the right of self-defense against aggression? Dr. Frederick Brown Harris, who opens the Senate's sessions with prayer, wrote recently in the "Washington Star" an answer, entitled "The Blade of a Righteous Sword." Below is the text of the article.—David Lawrence, *Editor.)*

(By Dr. Frederick Brown Harris—*Chaplain, United States Senate*)

There is nothing inherently good or bad about a sword. The quality of sharpened steel may depend on whether it is in the hands of a surgeon or a bandit. Earth's greatest Teacher admonished, "Put up your sword; for he that takes it shall perish by it." That sword was drawn in anger and vengeance. It was a bad sword. But Jesus also said, "I am not come to bring peace, but a sword." That sword unsheathed against evil was a good sword. All depends upon the purpose for which the blade is to be used.

Without swords, coerced men are compelled to cry peace when there is no peace and to surrender the most heavenly things to the most hellish forces. There is a sword bathed in heaven. If swords are in the hands only of those who cannot be trusted with them, then the only peace possible between the lion and the lamb, which, it is prophesied, shall some day lie down together, is for the lamb to lie down inside the lion. There are present-day appeasers of evil who would label that arrangement peace. But a peace dictated by unethical force is the peace of slaves.

A nation must be strong to make its word for peace effective. A peace gained by constant retreat because of the threatening blackmail of superior force is not peace, but war. It will be a day of mourning for all the free world if ever our nation, whose potential force is the greatest, refuses to back to the hilt its belief in universal brotherhood and to use its terrible swift sword against aggressors ready to pounce on new victims.

There always is enough bad in the world to shatter any dream of an ethical peace, unless that ill will has a restraining fear of the power of organized good will. To weaken the national striking power is to vote to make it inevitable that the democracies shall be forced to do the bidding of oral perverts who have been allowed to fashion a preponderance of swords.

Of course, force never is the last word. At best, it but clears the way for the constructive agencies of friendship, good will and cooperation to do their healing work, so that at last swords can be turned into plowshares. But when you face men who have put the state on the throne, instead of God, you cannot conquer them by kindly example or a friendly smile. No gentle charms can stay the fangs of the cobra when it is ready to strike. To allow callous deviltry—whenever it is powerful enough—to trample righteousness into the mire at will, while the forces of good stand impotently by, is a tragic travesty of justice and judgment.

In England, before World War II, a group of influential clergymen, ignoring Germany's rearmament, led a movement utterly to renounce the sword of defense.

Declaring they were willing to risk all on meeting Hitler's threat with understanding and good will, they secured hundreds of thousands of signed pledges of a virtual refusal to take up arms. That futile policy,

sincerely followed, helped to bomb the churches of which these preachers were the ministers and to fill the land with lamentations for the mangled and the dead. That crusade was a definite factor in Britain's unpreparedness when the foe struck. Time tragically proved it was no hour to exchange a clean sword for an olive branch.

In America, a man stood up in a free pulpit to preach. He quoted detached sentences from the Christ whose hand held the lash when His Father's House was made a den of thieves, and whose eyes were often as a flame of fire. The preacher declared that evil, no matter how diabolical, was never to be resisted with any physical weapons. Rhetorically, he asked, "What has a sword ever accomplished worthwhile?"

In a pew was a worshiper in whose heart was an aching void and in whose home was a Gold Star, speaking of the valor of a young crusader who marched forth with a righteous sword and came not back. At the church door, following the service, that worshiper said to the clergyman: "I can tell you one thing that the righteous sword has done."

"What?" asked the minister.

Replied the listener with deep feeling: "The sword in the hand of those who have resisted militant evil has given you the right to stand here today and to proclaim your convictions without fear of being liquidated."

The one who had publicly said that rampant evil was never to be resisted by force paused for a moment and then acknowledged, "I am afraid I cannot refute that."

There is no refutation in God's world and man's for the flash of the righteous sword!

WE NEED MORE NAVAL GUNFIRE IN VIETNAM

Mr. HANSEN. Mr. President, Saturdays' New York Times carried further comments by a prominent military leader with respect to the need for additional naval gunpower in the waters off the coast of Vietnam.

According to the April 22 Times, in an article written by R. W. Apple, Jr., at least eight more destroyers have been requested by Adm. Roy L. Johnson, Commander of the U.S. Pacific Fleet.

Admiral Johnson also revealed that he had asked Washington for additional heavy firepower—either cruisers with 8-inch guns or battleships with 16 inchers.

Asked whether he would prefer battleships or heavy cruisers, the Admiral replied, "Both," according to the newspaper account.

Mr. President, in a speech delivered April 12, I called for the recommissioning of at least two battleships. I am pleased to note in the Times account that Secretary McNamara is reported to be studying the possibility of reactivating one of the battleships now in the mothball fleet, and that a decision is expected later this year. I sincerely hope this decision will be in the affirmative, not only because of the tremendous firepower the 16-inch guns with their 2,700 pound, 24-mile range shells could supply, but because of the double psychological impact that could be realized through the use of our capital ships.

Not only would the psychological impact be significant upon the enemy troops in the field who would be subjected to around-the-clock, all-weather naval gunfire, but the decision to recommission a battleship would be a sign of commitment permanency not easily misconstrued in Hanoi.

There have been several observations that Hanoi is reasonably convinced, because of the well-publicized minority expressions of the few war dissenters in the United States, that we may soon tire of the war in Vietnam. Apparently, the public opinion surveys indicating support of the principle of stopping Communist aggression in Vietnam have not been as readily reprinted in Communist journals as have the often irresponsible utterances of the dissenters.

In any event, I ask unanimous consent that the New York Times article to which I have alluded be printed in the RECORD following my comments. I repeat my opinion expressed on the 12th of this month that the recommissioning of battleships and their use in Vietnam could save many lives: in the air, by hitting targets now consigned to airpower; on the ground, by softening up areas of infantry conflict; and on our ships, by giving us naval gunfire that is beyond the range of the relatively small caliber counterbattery fire available at the present time to Communist forces in Vietnam.

I think these considerations are overriding, even at the high cost of reactivating and crewing a battleship, and I sincerely hope that the Pentagon will delay not one day longer than is absolutely necessary in determining that we ought to have our capital ships on line in the waters off Vietnam.

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

MORE SHIPS ASKED FOR VIETNAM WAR—PACIFIC FLEET CHIEF SAYS EIGHT DESTROYERS ARE NEEDED

(By R. W. Apple, Jr.)

SAIGON, SOUTH VIETNAM, April 21.—Adm. Roy L. Johnson, commander of the United States Pacific Fleet, said tonight that at least eight more destroyers were needed for the war in Vietnam.

Speaking at a news conference here, Admiral Johnson disclosed that he had asked the Defense Department to send him another squadron, consisting of eight ships, as soon as possible.

Five squadrons are permanently assigned to the Pacific Fleet, and a sixth—drawn from the Atlantic Fleet—has been added temporarily because of the war. Of the 46 to 50 "tin cans" included in these units, about 30 are assigned, on a rotating basis, to duty in waters east of Vietnam.

The destroyers perform a number of functions. Some are assigned to the bombardment of the South Vietnamese coast. Others are involved in Operation Sea Dragon shellings of North Vietnam while still others are attached to the task force of aircraft carriers in the Gulf of Tonkin as a defensive screen.

ATLANTIC DUTIES NOTED

Asked where the additional ships could be obtained, the admiral replied:

"The logical place would be the mothball fleet—ships that have been retired from service. You can't just denude the Atlantic, even though they don't have a war going on at the moment. They have contingency responsibilities."

Admiral Johnson conceded that most of the destroyers now in mothballs would have to undergo modernization to serve off Vietnam. They are mostly World War II ships whose communications and gunfire control systems are considered antiquated.

Although he declared that the Navy could fulfill its responsibility here with the ships now deployed in the gulf and in the South China Sea, Admiral Johnson said this could be done only by risking excessive wear-and-tear on the ships and the possibility of deteriorating morale.

Many of the destroyers are at sea three months out of four.

Admiral Johnson also said, in response to questions, that he had asked Washington for additional heavy firepower—either cruisers with 8-inch guns or battleships with 16-inchers. Secretary of Defense Robert S. McNamara is reported to be studying the possibility of reactivating one of the battleships now in the mothball fleet. A decision is expected later this year.

Asked whether he would prefer battleships or heavy cruisers, the admiral replied: "Both."

SOVIET SHIPS AT HAIPHONG

Admiral Johnson, who watched from the deck of the aircraft carrier Coral Sea the launching of planes for yesterday's strikes against power plants in Haiphong, said there were Soviet ships moored within two miles of the main targets.

He said that he was aware of the political repercussions that might have resulted if stray bombs had struck these ships, but added: "I have enough confidence in the professional skills of our aviators that the possibility never really worried me."

The 61-year-old officer, himself an aviator, reported that there had been no substantial change in either the type or number of Soviet ships entering Haiphong Harbor in the last six months. He said the traffic was "steady and heavy."

But he indicated that fewer vessels of neutral nations seemed to be calling at Haiphong.

Discussing other problems faced by naval forces in the Vietnam conflict, Admiral Johnson said the loss of highly trained technicians, particularly electronics specialists and gunnery experts, was hampering the performance of some ships.

"We still accomplish our mission," he asserted, "but because so many of these skilled people fail to re-enlist, we find it necessary to spend a lot of time in a combat situation giving on-the-job training."

ROBERT SARNOFF ASSESSES BROADCASTING

Mr. HARTKE. Mr. President, the Committee on Commerce is today continuing its hearings on S. 1160, the Educational Television Act of 1967.

Television has hardly reached its majority as yet. It is still a relatively new and far from fully developed medium. Many of its pioneers are still among us.

One of these is the president of the Radio Corp. of America, Robert W. Sarnoff. Mr. Sarnoff was recently honored with the Gold Medal of the International Radio and Television Society. On that occasion, held in New York, he spoke about the communications industry, discussing three main forces which will require consideration in the future—new technology, social and economic pressures, and Government regulation.

I ask unanimous consent that Mr. Sarnoff's address be printed in the RECORD.

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

ADDRESS BY ROBERT W. SARNOFF, PRESIDENT, RADIO CORP. OF AMERICA, GOLD MEDAL AWARD DINNER, INTERNATIONAL RADIO & TELEVISION SOCIETY, NEW YORK CITY, MARCH 9, 1967

This award tonight has special meaning for me. It comes from you who are my associates, competitors and friends—with

whom I have worked, fought and argued over the years in the interests of broadcasting and the public. It also recalls the early years of this organization, when I had the good fortune to serve as your first president. It reminds me, too, that you bestowed your first medal on a man widely recognized as the "father of broadcasting"—who, incidentally, happens to be my father.

So this gathering has some aspects of a family reunion. On such an occasion, it is not uncommon to reminisce about the past and speculate about the future.

I recall growing up in an environment where communications was more than a mere household word. It filled the atmosphere. And it has been very much a part of me ever since—through military service, peacetime publishing, and nearly two decades with NBC—from the threshold of black-and-white television to the explosion of color.

Finally, from the vantage point of RCA, I have been able to gain a broader perspective of communications, ranging over the whole universe of the electron—from education and graphics to televised close-ups of the moon.

During this past year, I have discovered still another perspective. I have found that the monumental NBC crises that I faced daily on the sixth floor of the RCA Building take on a new significance when viewed from the 53rd floor. Up there, I regard them simply as problems.

Tonight, however, as a former broadcaster now deeply immersed in total communications, I want to share with you some thoughts on the prospects ahead. To begin with, all of us must think in revolutionary terms if we hope to grow and prosper. In the next two decades our individual businesses will become vastly different—whether broadcasting, advertising, publishing, filmmaking, or any other phase of the information industry.

Three main forces will exert major influence upon us, on communications in general, and broadcasting in particular. What are they? You know them well.

One is new technology, erasing the distinctions that separate today's communications media—and altering what we do and how we do it.

Another is familiar social and economic pressures, generating new demands and opening new markets for information in every form.

The third is government regulation. In the past this has been important to the growth of communications. No less is it essential as we approach the more complex requirements of tomorrow.

The effects of these forces may at times appear obscure. Nevertheless, the opportunities opened to us by them are almost limitless.

History teaches two basic lessons about changing communications technology. First, it profoundly influences all social, political and economic institutions by providing more effective means of spreading broadly the information and culture of a society among its members. Second, each major communications breakthrough is viewed with suspicion or resisted by guardians of the older technology. This is because it fragments traditional controls over knowledge, and popularizes information.

For example, the advent of movable type triggered the first great communications breakthrough of the modern era. While resisted vigorously by the scribes and scholars, printing led to the mercantile and industrial revolutions of Europe, and to the establishment of political democracy as we know it.

Broadcasting was the second great communications breakthrough. It has been criticized and condemned in turn by the guardians of print. Nevertheless, broadcasting has opened new channels of information and entertainment to everyone. It has brought massive change, breaking down age-old social, cultural and racial barriers.

Now we stand at the threshold of the third great breakthrough, whose effects are only dimly foreseeable. The complete synthesis of computers, graphic systems, broadband channels and satellites will result in a capability and flexibility able to erase time and distance.

Modern technology is making vast and rapid changes in communications' three principal elements—channels, terminals and users.

Capacity will grow through advances in all forms of communication channels. By the early 1970's, satellites will be capable of carrying 20 times the traffic of those now in orbit. Refinements in microwave circuits and coaxial cables will vastly expand their usefulness. And within the next two decades we can expect lasers to offer virtually limitless capacity.

Terminal equipment is becoming so versatile that information in its various forms—voice, record, picture and data—will be handled interchangeably and simultaneously. As a result, the traditional separate distinctions in communications systems will disappear.

The most dramatic impact will be felt in the home, as the average citizen becomes a new user of advanced technology. Today, the home is a primitive communications center connected with the outside world by two-way telephone and one-way radio and television. Tomorrow, it will be transformed into a highly sophisticated electronic information center. It will be able to communicate by two-way voice, sound, picture and data with other homes, businesses, libraries, banks and major communication service centers.

To broadcasting, the new communications technology will bring a substantial increase in the number of stations and channels, through development of broadband cable and microwave, as well as conventional VHF and UHF. It will make possible program distribution via satellite, initially to stations, eventually to unattended transmitters and ultimately, where conditions warrant, directly to the home. And it will provide the means for greatly expanded program production through miniaturized and highly mobile equipment.

This is the threshold, I repeat, upon which we now stand.

In addition to new technology itself, social and economic developments at home and abroad leave little doubt of the pressing need for the expanded services that the developing Information Revolution will bring.

Growing affluence and leisure time are already generating new demand for varied entertainment and information services. The shift to a younger population and the lengthening of the educational process are increasing the currently enormous strain on our teaching and learning facilities. Today, education is a lifelong pursuit for engineers, scientists, physicians, teachers, businessmen and many others. Tomorrow, we will all be students for life—relying on electronics in the home, the school and the office for nearly all our informational needs.

The Information Revolution will develop rapidly in this and other advanced countries. Ultimately, it will spread to other parts of the world. The resulting global exchange of intelligence will stimulate new tastes and interests, create new markets, and hasten economic and social progress everywhere.

The increasing complexity of communications will inevitably entail greater government regulation. This is the third and, perhaps, least predictable force for change. It is time to recognize that such regulation is a necessity in today's growing society. It should, however, be designed to play a constructive role in helping to encourage further progress in communications.

We can readily recall examples of the positive exercise of government power to achieve ends beyond the reach of industry alone. The government adopted final standards, first for monochrome, then for color television. It has sought to maintain equitable rationing of the spectrum for all communication services. It created the all-channel legislation to assist the development of UHF. And now it is wrestling with the complex problems created by satellite communications.

We can, of course, point to other less constructive uses of government power—the dangers of proposals rooted in abstractions rather than in practicalities. One example is the suggestion that limits be set on the advertising expenditures of individual companies. This appears to be based on the theory that competitive advertising may lead to a monopolistic advantage in the marketplace. Another is the recurring government pressure on programming. Here regulation would do serious harm, for programs grow out of an endless and complex interplay of trial and error, expression and taste, professional judgment and public response.

We can only guess at the course that government regulation will take. Its initiatives will depend on the views of a changing group of regulators whose individual philosophies may differ as sharply in the future as they do now.

Yet, by our clearly distinguishing between the harmful and the helpful in government actions, we in the business of communications can make our viewpoint felt. By recognizing the creative role of government, by identifying the problems that lie beyond the scope of industry, we can encourage government to create the environment in which we can sharpen the thrust of our own efforts to advance the public interest through growth and progress.

Let us take a case in point:—proposals for developing non-commercial television. These call for government resolution of difficult policy issues. The major question, it seems to me, is twofold. First, what should be the function of such a service? Second, how can it best be financed to assure an adequate and stable source of funds?

Instructional, or truly educational television, defines itself. Non-commercial television, on the other hand, is more difficult to define. Perhaps we can find no better definition than that in the Carnegie Commission Report: a program service that is not "appropriate or available for support by advertising." This it calls "public television."

To clarify the function of non-commercial television, it is helpful to consider the function of commercial television. Our present commercial service is directed to the total audience rather than to any particular segment or level of taste. Its programming is patterned on a kind of proportional representation. It is built on a base of broad-appeal entertainment, because this is what most of the people seek most of the time. But it also includes a substantial measure of news and public affairs programming, as well as some specialized entertainment, informational and cultural fare.

Advertisers also seek to reach the total public, and their needs generally tend to coincide with the social responsibility of serving the widest audience spectrum. Naturally, this means more for the majority than for the minority. This broad service aptly fits the purpose of the Communications Act to develop a system for "all the people," just as it fits the statutory standard of "the public interest."

This service for the entire public is, therefore, truly "public television."

The service described by the Carnegie Commission, on the other hand, is better identified as "non-commercial television." For that adjective precisely describes both its program objectives and its means of sup-

port. It would focus, as the Carnegie Commission declared, on the type of programs neither appropriate nor available for advertising support. It would meet those special needs that cannot be entirely fulfilled by a commercial television system intended to serve the total audience.

Although non-commercial television may attract only a small fraction of the audience, its value cannot be measured in those terms alone. It should be judged by the same yardsticks applied, for example, to specialized theater, magazines and books of limited appeal. In other words, it should be measured by the vitality of its service to minority interests. For these are the interests which often constitute the vanguard of experimentation and achievement in the sciences, arts and humanities. The results of such efforts often find their way to the majority of the people, helping to enrich and elevate the quality of life.

We must never forget that majority and minority interests are not separate, monolithic elements in American society. They are constantly interchanging. Let me repeat, what serves the cultural interests of the minority tends ultimately to serve the majority.

True, there are some who question whether non-commerical television will develop a genuinely significant service within its own framework. The best answer to that question, I believe, is to provide it with the opportunity it has never had to test its full promise.

There are others who question whether government funds should be used to support a service that may attract only a minority of the public. But, if the true value of non-commercial television rests on what it can contribute indirectly and ultimately to all of American life, which I believe it does, then it merits the broadest-based financial support.

In my judgment, the basic financial requirements of a non-commercial system can best be met by general government revenues. I believe this would provide the needed assurance of adequate and stable financial support on a permanent basis. Such financing is consistent with the valid principle of the broadest public support, and does not preclude additional support from individuals and other private sources.

The additional objective of insulating program content from political or other pressures is a worthy, and indeed, an essential one. I believe it is possible to develop appropriate safeguards against such influences without compromising the principle of the broadest-based public support.

Recently, President Johnson, in a message to Congress, recommended important steps toward the full development of a noncommercial broadcast service. At the same time, he emphasized the need to keep its programming absolutely free from government interference. I agree wholeheartedly with both of those objectives!

The President left open for later decision, the method to be proposed for long-term financing. Whatever the source of financing finally agreed upon, I am convinced, that a soundly-based non-commercial television system should be considered a vital national objective, in view of its great potential for the further enrichment of American life.

If it succeeds, the service it renders will be distinctive. There will be, undoubtedly, a degree of overlap with the programming of commercial television. Commercial broadcasters should welcome this competition. It can serve as a gauge for some aspects of their own programming and a testing ground largely precluded by the economics of their medium.

At the same time, the commercial broadcaster must not think that this new service will relieve him of the obligation to program for the total audience. If he ignores minority interests and confines his programming to the most popular, he will narrow the reach of his service, lessen its value to advertisers, and lose the flexibility to change with changing tastes.

Non-commercial television is only one of the many prospects opening through the expansion of communications. Multiplying channels will bring the challenge of new competition and the opportunity for new services. The potentials will range from prerecorded programs for home video tape machines to television set print-outs of general news or specialized information.

As the Information Revolution gains momentum, broadcasters will find it necessary to reassess their own role. Otherwise, they will court the fate of those railroad men who were so preoccupied with laying rails and selling seats that they failed to recognize their involvement in the larger and radically changing business of transportation.

If we may judge from the pioneering spirit broadcasters have demonstrated in the past, you will take a wide and venturesome view of what lies ahead. You will seize every real opportunity to meet emerging public interests through emerging resources and facilities. You will not hesitate, where necessary, to move beyond the conventional limits of broadcasting into the larger realm of the new services created by the Information Revolution.

I am confident that the days of the pioneer are not over for us. They are just beginning!

I am sure, in fact, that the excitement of exploring these challenging and rewarding new frontiers will match what we experienced when television itself was young.

I urge you, as broadcasters, to think in revolutionary terms—not as guardians of the old, but as pioneers of the new!

A REVIEW OF THE 1963–64 WHEAT SALE TO RUSSIA

Mr. PEARSON. Mr. President, one of the major issues before the 90th Congress is the proposed East-West Trade Relations Act, which is designed to provide the framework for expansion in the volume of trade between this country and the Soviet bloc nations.

Any proposed change in our policy of trade with Communist nations demands careful study and serious debate. This is particularly true in this instance because of the situation in Vietnam. More is involved here than purely economic considerations. Such a proposed change cannot be isolated from our overall foreign policy goals and the means by which we hope to achieve those goals.

As a part of my own study and analysis of this issue, it was my thought that it would be useful to review the 1963–64 sale of American wheat to the Soviet Union. Most in the Senate today are familiar with that event and, many took part in the debate which preceded the sale.

However, the sale was highly controversial and it is often useful, I think, to restudy such an event after the passage of time has cooled the emotions of the moment and after more of the relevant facts are known.

I thought that such a review would be particularly useful in my own case because, in all frankness, I must recall that I was not able at the time to reach a hard and clear conviction as to whether it was right and proper that the wheat sale be consummated.

I have found this study to be useful. And even though there is little likelihood of additional wheat sales to the Soviet Union in the near future, the events surrounding the 1963–64 sale do have a general bearing on the forthcoming hearing and it seemed worth while to review the highlights here today.

In 1963, quite unlike the situation today, we had a large surplus of wheat on hand. This surplus had begun to build up with the termination of the Korean war despite considerable effort by the Government to control production. This large surplus not only served to depress farm prices, but also, of course, was extremely expensive in terms of tax revenues needed to meet storage and handling costs. In sharp contrast to the surplus situation in the United States, the Soviet Union was continuing to experience great difficulties in producing sufficient quantities of wheat and other agriculture products to meet domestic needs and to maintain her rather large export commitments. Thus, with conditions continuing to worsen, the Soviet Union, in the summer of 1963, began to negotiate for purchase of wheat from Western nations, particularly Canada and Australia. The announcement of these purchases, totalling $700 million, aroused considerable interest in this country and a number of groups began to argue that the United States should change its trade policies with the Soviet bloc nations.

Despite speculation that Russia also wanted to buy wheat from the United States, President Kennedy's announcement in October that the Soviets intended to purchase American wheat came as a considerable surprise. And the administration's decision to issue "validated" licenses required for such a transaction touched off a vigorous debate in Congress and across the country.

The administration set the following conditions for possible wheat sales: The sale would be concluded by private American grain traders at world prices, drawing wheat from open market channels which would then be replaced by grain drawn from the CCC, thus reducing Government-owned surpluses; payment to be in U.S. dollars or gold, cash on delivery or normal commercial credit; export licenses would be granted only on conditions that commodities be used only in the Soviet Union and Eastern Europe; at least 50 percent of the wheat sold would be carried in American ships if they were available; no single American firm would be permitted an excessive share of sales.

Mr. President, the principal arguments raised in favor of the sale can be summarized as follows:

First. A substantial sale would reduce existing wheat stocks, thus reducing Government storage and handling costs and, in turn, strengthening domestic wheat prices.

Second. The sale of wheat might lead to further sales to Russia in such related areas as fertilizer plants and farm machinery.

Third. The sale would help to reduce our balance-of-payments deficit and relieve the growing pressure on our gold supply.

Fourth. Such a sale would be an appropriate sequel to the ratification of the test ban treaty in the sense that it could help to build mutual confidence between the two nations.

Fifth. Since our allies in the free world were selling wheat to Russia, the withholding of our wheat would not seriously affect the overall Soviet supply situation.

Sixth. It would cause an important share of the Soviet's gold or dollar exchange to be expended for food rather than for arms and heavy industry.

Seventh. It would aid America's standing as a humanitarian people, permitting no one to say that we withheld wheat we didn't need ourselves and denied food to a hungry people even though their ideological beliefs were in sharp conflict with our own.

Eighth. It would dramatize to the world the superiority of America's family-farm free enterprise agriculture.

The principal arguments raised in opposition to the sale can be summarized as follows:

First. The sale of wheat would help to shore up the inefficient system of collective farming, in effect, serving to subsidize the Russian economy and enabling the Soviet Government to continue to export its own grain on "a business as usual" basis to other Communist nations and to Latin America and elsewhere for the purpose of political penetration.

Second. By selling wheat to the Soviet Union, we would enable its Government to concentrate their own resources on military hardware and spectacular space exploits.

Third. The sale would be unpopular among the American people.

Fourth. If such wheat has to be sold at world market prices—roughly $1.30 per bushel—rather than domestic prices around $1.80 per bushel—this would involve the export of a subsized commodity to other than friendly nations and the "Latta Amendment" to the Agricultural Act of 1961 states that it is "the policy of the Congress to expand foreign trade, and in no manner to make available any subsidized agricultural commodity to any nation other than such friendly nations."

Fifth. Any sale of wheat in large quantities would, in all likelihood, involve the extension of credit. This, in turn, would run contrary to the Johnson Act of 1934 which prohibits the extension of loans by private U.S. citizens of other than short term—6 months—credits to countries—including the U.S.S.R.—that have defaulted on their debts to the United States.

Sixth. It is morally wrong to sell to the enemy.

Seventh. There should be no deal without significant concessions from the Soviets such as withdrawing support from Cuba.

Eighth. The sale would cripple U.S. ability to persuade other countries to restrict their trade with Cuba and the rest of the Communist bloc.

Mr. President, wheat is not classified as a strategic commodity. Therefore, one may note, sales to the Soviet Union were not banned by the terms of the Export Control Act of 1949, although the law did require the administration to issue a special validated license for each individual sale. However, the legality of the sale was challenged by several because of the provisions of the Agriculture Act of 1961 and the Johnson Act of 1934 as noted above.

But the Attorney General ruled that the Latta amendment to the Agriculture Act of 1961 was a policy declaration that Congress intended to be considered by the executive, but not binding upon the President. As to the Johnson Act, the Attorney General ruled that deferred payment or normal commercial credit terms did not constitute loans under the act's provisions and it was, therefore, not applicable in this instance.

The debate in Congress focused on the question of whether credit should be extended to the Soviet Government, because it was generally assumed that the Soviets would not be able or willing to pay cash on delivery. It was anticipated that the Soviets would request an arrangement similar to the Canadian purchase which involved one-fourth of the total price in cash on delivery, one-fourth in 6 months, one-fourth in 12 months and the final one-fourth in 18 months.

Under the Attorney General's ruling the administration argued that the extension of normal commercial credit was legal and took steps to authorize the Export-Import Bank to guarantee short term credits should the Soviets ask for such an arrangement. An amendment was offered in the Senate on November 14 to the foreign aid authorization bill prohibiting the Export-Import Bank, as an agency of the Federal Government, from guaranteeing the payment of any obligations incurred by a Communist country in connection with the purchase. A move to table the amendment failed by 40–46, but on November 15 the amendment was withdrawn and then offered as a separate bill—S. 2310—and referred to the Banking and Currency Committee. After the hearings the bill was reported unfavorably, 8–7, and on November 26 was tabled by a vote of 57–35.

A similar provision was successfully added to the foreign aid authorization bill in the House. This provision was then eliminated by the Senate Appropriations Committee and sustained on the Senate floor by a vote of 52–32. The difference between the House and Senate was settled by a conference committee report stipulating that a Government guarantee of credits extended to Communist countries should be provided only if the President determined that he considered such action to be in the national interest, and so notified the Senate and the House to that effect.

On February 5, 1964, President Johnson did notify Congress that he determined it to be in the national interest for the Export-Import Bank to support with guarantees the sale of U.S. farm products to the Soviet Union, Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania.

As finally concluded, the wheat sales to Russia were different in several respects than what had been originally anticipated. First, the actual volume of wheat sold was less than half the volume that the administration had originally predicted. The first sale by the Continental Grain Co. for 37 million bushels was concluded in January, followed by two sales by Cargill, Inc., for 28.5 million bushels. The sales totaled 65.6 million bushels for a dollar value of $140.2 million.

Second, contrary to original expectations, the Soviets did not ask for credit, but made full payment in American dollars upon delivery.

Third, less than 50 percent of the grain was actually shipped in American vessels. The Continental Grain Co., had asked for and was granted a waiver of the 50-percent requirement because of insufficient U.S.-flag ship capacity. However, as a result of the administration's action granting the waiver, the International Longshoremen's Association, the Seafarers International Union, and the National Maritime Union declared a boycott against further wheat shipments to the Soviet Union unless the 50-percent requirement was met. On February 25, 1964, President Johnson issued an Executive order calling for enforcement of the 50-percent rule, with no waivers, on all future shipments. As a final result, 38 percent of Continental's shipments and a little more than 50 percent of Cargill's shipments were carried in American-flag ships.

Mr. President, what were some of the concrete results of these two sales? First, it should be noted that because the actual sales were relatively small, the impact on either the American economy or the Russian economy was not of major significance. However, the measurable economic gains to the United States were as follows:

First. Our balance of payments was benefited by a cash inflow of $140 million.

Second. At that time it was costing the Government about 26.2 cents a bushel for storage and handling of surplus wheat. Thus, the removal of 65 million bushels resulted in an annual saving of $17 million. The administration estimated that CCC-owned wheat at that time was being held for an average of 5 years. Thus the long-term savings in storage and handling costs may have totaled as much as $85 million, and, therefore, offset the export subsidy payments which totaled $44 million. This export subsidy, it should be remembered, goes to the American farmer and not to the purchasing nation.

Third. The U.S. shipping industry received an estimated $13 million from the transportation of wheat sold to the Soviet Union, thus strengthening profits and wages.

Fourth. The fact that domestic surplus was reduced probably had a strengthening effect on domestic prices, but because the sale was not of major volume the effect on American prices was probably slight.

Beyond this, it is extremely difficult, of course, to determine the precise effects of the sales. However, because the Soviet Union had to sell gold in London to buy dollars for the purchase, this helped indirectly to take some of the pressure

off the drain on our own gold supplies. Furthermore, it cut into the Russian gold and dollar reserve, reducing the amount available for subversive activity or for the purchase of heavy equipment to be used in industrial and military expansion.

Whether or not the sale was as significant a propaganda victory as many had argued cannot really be determined. I inquired of the U.S. Information Office as to whether they could make a judgment on this and they were unable to do so. On balance, however, the sale was probably a propaganda plus for the United States.

The task of attempting to assess the possible disadvantages associated with the sale is even more difficult. The fact that American wheat was imported did, of course, make it easier for the Soviet Union to maintain adequate supplies within the country and also, by the same token, made it possible for her to continue to export wheat and other grains. However, in this respect it is to be noted that the Soviet Union could probably have obtained equivalent amounts of wheat from other sources had the United States refused to sell.

Again, while it is impossible to obtain concrete evidence, it does appear that the American wheat was used within the domestic economy. In this respect, let me quote from a speech before the Southern Bakers Association in September 1964 by Prof. J. A. Shellenberger, of Kansas State University, who spent some time in the Soviet Union in connection with the sale:

> All evidence at Soviet ports seemed to indicate that United States wheat was being loaded into boxcars for rail shipment to the interior of the country. The concern for stones, glass, or weed seeds or any other contamination in the wheat would indicate that much of it was going to collective farms, state farms and rural communities where the wheat would be milled with little or no cleaning. Since about 30 percent of the total flour production in the Soviet Union is done in large well-equipped mills, it is obvious that, if the wheat were being received by these mills with their elaborate cleaning process, there should be no problem. The fact that they were much concerned about objectionable objects in wheat leads to the conclusion that much of the wheat was probably not going to the larger milling systems, but was going to the small communities where approximately 70% of the wheat is milled into flour for the dark types of bread which are produced.

Whether or not the United States would have been in a stronger position to influence the trade policy of our allies with the Soviet bloc nations had we refused to authorize the sale is the type of after-the-fact question which simply cannot be answered with any precision. But given the overall record of the past decade the possible impact of a refusal on our part would have to be estimated as marginal at best.

Mr. President, in conclusion, it must be said that the wheat sale did not generate all the economic and political gain that the advocates at the time argued. Nor did it produce all the undesirable consequences that the opponents feared. And I suppose that this type of generalized assessment is about the best one can make of this type of complex situation. One concrete conclusion is warranted, however; in the strictly economic terms it was a satisfactory business transaction.

THE BALTIC STATES: A CASE STUDY OF MODERN DAY COLONIALISM IN EUROPE

Mr. DODD. Mr. President, colonialism is today rejected and condemned by all those who value freedom and the right of all peoples of self-determination.

The United Nations calls for universal self-determination of all peoples. The subjugation of one people by another any place in the world should stimulate all those who have pledged to uphold the charter to take the necessary steps to implement the principle of self-determination.

Yet, as a document recently prepared by the Americans for Congressional Action to Free the Baltic States points out:

> It is noticeable that the United Nations avoids any actions that might touch upon the most brutal case of colonialism, terror, and even genocide which the Soviet Union has been and is perpetrating in Europe and Asia.

The United Nations has taken steps, for example, to prevent the flow of goods of Rhodesia. It has considered that the present government of Rhodesia represents "a threat to the peace," and that steps must be taken to bring that government to what the United Nations would consider to be a proper position.

Yet, the United Nations has done nothing with regard to the peoples of the Baltic States who have lived under Communist tyranny for many years.

One argument against such action presents the view that since the occupation of Estonia, Latvia, and Lithuania have lasted for such a great length of time, that it is no longer valid to call for the reestablishment of self-determination for these countries. To this argument, the document replies:

> If self-determination rested on the immediacy of claims, or if the right to self-rule lessened in direct proportion to the duration of foreign rule, then there could be no question of independence for Asia or African states, where foreign colonial governments have existed for a longer time than in the Baltic States.

We must not forget that the 89th Congress unanimously adopted a resolution denouncing the barbarous action of the Soviet Union in the Baltic States and demanding the restoration of self-determination to this region. Are these empty words, or are they a commitment to policy? This is the question which those who are vitally concerned with the freedom of these peoples are now asking.

If our commitment to freedom for those enslaved under communism is meaningless, then we must ask ourselves if we are sincere when we say that our commitment in the world is truly one on behalf of human dignity, and against colonialism.

And to those who believe that colonialism must be fought in Rhodesia with trade embargoes, I would ask: Why is it that you urge increased trade with the Soviet Union, the nation which has enslaved the peoples of Estonia, Latvia, and Lithuania?

I wish to share this important statement with Senators and 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:

THE BALTIC STATES: A CASE STUDY OF MODERN-DAY COLONIALISM IN EUROPE

"All people have the right to determine the form of their national existence."—DEAN RUSK, *Secretary of State.*

The principle of universal self-determination of peoples, espoused by many leaders of the free world, is worked into the fabric of the Charter of the United Nations, and forms the basis for UN actions.[1] The hope is that mankind might live in lasting peace and freedom; but it is a hope impossible to fulfill while any people is under the duress or occupation of another, regardless of the nature of this force; imperialist, colonialist, communist, or fascist. It is to their credit, therefore, that the colonial powers of Europe have followed these ideals of the United Nations and have given up their empires, so that ever-new nations have sprung up in Africa and Asia as the peoples there have realized their right of self-determination.

Because independence for some has whetted the appetites of all, any remaining instances of foreign rule—within these two continents—are immediately brought to debate in the United Nations; in certain cases, sanctions have been voted. This road to freedom must be supported for all nations, for then one could hope that the era of colonialism and oppression would end very soon. It is, however, noticeable that the United Nations avoids any actions that might touch upon that most brutal case of colonialism, terror and even genocide which the Soviet Union has been and is perpetrating in Europe and Asia. The free nations of the world, or at least some of the major ones, have not formally accepted these serious breaches of international law, often refusing diplomatic recognition to the occupation governments. The United States in particular has consistently held to its position that "all people have the right to determine the form of their national existence"; nevertheless, it has contented itself with formal declarations, making no attempt to rectify this abuse of human rights, and up to the present time there has been no indication whatsoever that the United States might demand an end to colonialism in Europe. All those who earnestly desire a lasting but emphatically just peace may therefore derive great satisfaction from the fact that the 89th Congress of the United States—representing, after all, the will and desires of nearly 200 million people—has unanimously adopted a resolution denouncing the barbarous action of the Soviet Union in the Baltic States and demanding the restoration of self-determination to this region.

The text of the resolution is as follows:

"Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

"Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious developments; and

"Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

---

[1] The Charter (Chapter I, Article 1) of the United Nations marks the goals of the United Nations as (roughly) international peace, *national self-determination*, and individual rights and freedoms.

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

"Whereas it has been the firm and consistent policy of the Government of the United States to support aspirations of Baltic peoples for self-determination and national independence; and

"Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), that the House of Representatives of the United States urge the President of the United States—

"(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

"(b) to bring the force of world opinion to bear on behalf of the restoration of these rights of the Baltic peoples."

(House Concurrent Resolution 416 was adopted by the House of Representatives by a record vote of 298 yeas to no nays on June 21, 1965, and unanimously passed the United States Senate on October 22, 1966.)

Even serious political thinkers, concerned with this situation, have asked if the occupation of Estonia, Latvia and Lithuania has not lasted too long to make valid any claims on the re-establishment of self-determination. However, this case may not be thought of in such terms. Only if the occupation of these countries and the obliteration of their independence were a local and isolated phenomenon that took place twenty years ago and bears no relation to other events could it be so. If self-determination rested on the immediacy of claims, or if the right to self-rule lessened in direct proportion to the duration of foreign rule, then there could be no question of independence for Asian or African states, where foreign colonial governments have existed for a far longer time than in the Baltic states. Furthermore, the occupation of the Baltic states by the Soviet Union is not an isolated circumstance in history but, rather, one of the chain of events caused by the rise of red imperialism in Russia and by its relentless march across the continents of Europe and Asia. Note that in 1920 communist armies overtly and covertly destroyed the independence of the Ukraine, then of Byelorussia, Georgia, Turkmenia and many other nations with valid claims to self-determination; in the process they killed millions of human beings who had but desired to be free and decide their own futures.

Rather remarkably, in this original expansion the Soviet forces could not break the determination and resistance of the Baltic states and Poland, and in 1918 Estonia, Latvia and Lithuania—having had true and distinct national cultures for centuries—declared themselves independent republics.

The new states showed a capacity for self-reliance, and rapidly achieved stable and equitable economic and political conditions, building from the ruins of World War I.

The Soviet Union, in peace treaties with these countries, renounced its territorial claims forever, and recognized their right to self-determination; however, the period designated as "forever" did not last long at all, and the Soviet Union began preparations for an attack upon these countries, preparations which are well-documented. The first real opening came when the Soviet Union secured the "friendship" of Nazi Germany with a non-aggression pact agreeing on cooperative annexation of all possible territory.

"On August 23rd, 1939, the Soviet leaders concluded a 'non-aggression pact' with Hitler (Molotov-Ribbentrop pact). According to a secret protocol to this pact Estonia, Latvia and part, later the whole, of Lithuania, Finland and some other areas of Eastern Europe were given over to the Soviet 'sphere of influence.' While World War II was absorbing the attention of the world, the Soviet Union thought it proper to collect its rewards." (Council of Europe Report on the Baltic States, Doc. 1173, August 23, 1960.)

Events progressed rapidly: in 1939 the Soviet Union forced the Baltic states to permit Soviet military bases within their frontiers, meanwhile reaffirming its absolute lack of territorial claims; on October 11, 1939(!) General Serov of the State Security Service signed a secret instruction for the deportation of anti-Soviet elements to Siberia upon the occupation of the Baltic states; on June 13, 1940 a platoon of Soviet military crossed the Latvian frontier and attacked a frontier guard station, burning it, and killing several men and women; on June 15, 1940 Molotov, then the President of the Soviet of Peoples' Commissars, denounced the Baltic states for their aggressive intentions and issued an ultimatum; within the terms of this ultimatum, the Soviet army had occupied the Baltic states by June 17, 1940.

In order to cover up this international crime, puppet parliaments were elected in all three Baltic states. Only one list of candidates, approved in Moscow, was permitted, and those filing other lists were arrested. Through courtesy of Soviet officials in London, results were published a day before the election.[2]

As ordered by their Soviet superiors, these parliaments, without one opposing voice, renounced the independence of their countries. Thus were the Baltic states "welcomed" into the Soviet Union as constituent Soviet republics: Lithuania on August 3, Latvia on August 5 and Estonia on August 6, 1940. These rapacious activities of the Soviet Union have been clearly and thoroughly noted from the beginning:

Sumner Welles, Under-Secretary of State, declared on July 23, 1940:

"During these past few days the devious processes whereunder the political independence and territorial integrity of the three Baltic Republics—Estonia, Latvia, and Lithuania—were to be deliberately annihilated by one of their more powerful neighbors, have been drawing rapidly to their conclusion. From the day when the peoples of these Republics first gained their independence and democratic form of government, the people of the United States have watched their admirable progress in self-government with deep and sympathetic interest. The policy of this Government is universally known. The people of the United States are opposed to predatory activities, no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any form of intervention on the part of one State, however powerful, in the domestic concerns of any other sovereign State, however weak. These principles constitute the very foundation upon which the existing relationship between the twenty-one sovereign republics of the New World rest. The United States will continue to stand by these principles, because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and of law—in other words, the basis of modern civilization itself—cannot be preserved."

Winston S. Churchill:

"We have never recognized the 1941 frontiers of Russia . . . they were acquired by acts of aggression and shameful collusion with Hitler. The transfer of the people of the Baltic States to Soviet Russia against their will would be contrary to all the principles for which we are fighting this war, and would dishonour our cause . . .

"The deadly comb ran back and forth, and back again, through Estonia, Latvia, and Lithuania. There were no doubts however where the right lay. The Baltic States should be sovereign independent peoples."

Dwight D. Eisenhower:

"The Soviet Union, in violation of solemn treaty agreement, seized control of the Baltic Republics of Estonia, Latvia and Lithuania, and then, after having illegally incorporated these countries into the Soviet Union, proceeded to deport and liquidate great numbers of their citizens. These wrongs of aggression and terror have left a profound impression on the American people. It is reflected in our steadfast policy of continuing to recognize the diplomatic representatives of the independent Baltic States and in our cherished hope that these countries shall again live in freedom."

John F. Kennedy:

"All of us . . . must be faithful to our conviction that peace in Europe can never be complete until everywhere in Europe men can choose, in peace and freedom, how their countries shall be governed."

It is evident that these contemporary leaders of the free world were more than able to see and describe the crimes of the Soviet Union in international relations.

Facts and events permit us to state with certainty that:

The Soviets rule the three Baltic countries from the Kremlin by colonization, genocide, deportation, and by total denial of any real freedom.

The puppet governments of the Baltic states are completely directed by Moscow.

Imported foreign populations dominate the large cities.

Thousands upon thousands of Estonians, Latvians and Lithuanians have been deported and resettled in Siberia, Kazakhstan, and other remote and underdeveloped areas.

From Estonia, the Soviets deported, in the first year of their occupation (1940–41), 10,205 persons, half of them women.

From Lithuania, in several deportations, the Soviets removed 35,000 persons.

From Latvia, in the first year of occupation, over 34,000 persons were deported, many of them women and children.

All through the years of Soviet occupation, this genocide of the Baltic people continues. The informed estimate is that the Soviets have, by now, deported over 500,000 Estonians, Latvians, and Lithuanians, scattering them all over the remote provinces.

The chief aim of Soviet education in the Baltic states is producing efficient slaves, obedient to the regime.

Any tendency to national self-assertion or personal independent thinking is cruelly eradicated, even among Communist party members.

Religious life in the Baltic states is down to the catacomb level. Bishops are arrested, deported, silenced. The clergy is spied upon and persecuted. Faithful are submitted to public derision for their steadfastness, and lose their jobs for holding to their beliefs.

No religious publications are allowed at all. No religious education is permitted before the age of eighteen, when the Soviets promote atheism as the state religion. Anyone attempting to practice religion is "betraying his honor and conscience."

In no sense can this chain of crimes be vindicated by international law.

After the First World War, the newly independent Eastern European nations were immediately concerned with safeguarding

---

[2] The charge of rigged elections is a very common one, and usually difficult to prove, since both the passage of time and the flurry of action in the present set up smoke screens to obscure the truth. When, as happened in 1940, the Soviets tip their hand, it is a rare and enlightening vision of reality.

their freedom by forming a defensive alliance against future encroachment on them by their big neighbors east and west. A hoped for mutual assistance bloc of nations from the Baltic to the Black Sea failed to materialize, largely due to the diversity of size and interests of the states involved; the greatest and final obstacle arose over the Polish-Lithuanian conflict concerning Vilnius. Of all the attempts at creating a common defense policy, only a Latvian-Estonian alliance, ratified in November, 1923, survived.

The Baltic republics signed non-aggression pacts with the Soviet Union in 1926 and 1932. Similar pacts were concluded with Nazi Germany in the spring of 1939. These were of no avail. In 1936 Stalin's lieutenant, Zhdanov, announced in a speech the Red Army's readiness to widen Russia's window to the West in the direction of the Baltic states. With Hitler coming to power in Germany, the postwar period of reasonable security for the Eastern and Central European nations had come to an end. In 1939 Hitler selected Poland as his next target of aggression. The exigencies of war led Britain and France to seek a common front with the Soviet Union; indeed, even before the shooting began, Soviet aid was sought to discourage Hitler's aggressions. Later, however, it turned out that the Kremlin had been simultaneously and secretly negotiating with Germany. Soviet demands in both sets of negotiations centered on special arrangements, or "guarantees" regarding Poland and the Baltic states. Poland was not prepared to grant the Red Army rights of transit through its territory in advance of war, but the Baltic states were fearful of the Soviet concept of "indirect aggression" (which they rightly considered to be a pretext put forward by Moscow to occupy them at will when the time was ripe), and gave in.

Soviet apologies, that the occupation of the Baltic republics in 1940 was justified by Russia's concern for self-protection, are contradicted by the fact that her armed forces were already stationed on Baltic territories, in accordance with the treaties of October, 1939; besides Hitler's intention of attacking the Soviet Union was far from evident at that time. Even granting validity to later Soviet fabrications as to why it was necessary to occupy the Baltic countries while Russia was at peace with Germany, no explanation is offered for Estonia, Latvia, and Lithuania being still in colonial captivity, long after the menace of German aggression has been eliminated. Moscow, surely, had no legal justification, other than the law of the jungle, for imposing on the hapless Baltic nations unwanted revolutionary social changes shaped on the Soviet pattern. While both France and Great Britain have compromised by recognizing the de facto incorporation of the Baltic states into the Soviet Union, Germany's stand, with the Hitler-Stalin agreement looming in the background, is interesting.

According to Dr. Boris Meissner, one of the outstanding authorities on Eastern European affairs, a German-Soviet Russian covenant of January 10, 1941 on border regulations was never ratified owing to the outbreak of the German-Russian war some months thereafter. Thus Germany has never recognized the Soviet annexation of the Baltic States "de jure"; and the present Bonn government adheres to this fact in relation to Baltic nationals.[3]

The Soviet occupation and genocide of the Baltic states interferes grossly with any attempts to insure some form of lasting stability to the world. In fact, it can be argued that the restoration of self-determination to Estonia, Latvia, and Lithuania is a sine qua non for the restoration of a meaningful and universally accepted system of international law; for, without question, even the term, international law, has fallen into abuse and disrepute by just such inconsistencies in application as those cited above. Without such repair to the relations of the international community, the aspirations of the most-well-meaning advocates of world peace will come to naught! A number of statesmen have expressed themselves on this issue. John Foster Dulles, then Secretary of State, said:

"We wish to assure the people of Lithuania, Latvia and Estonia once more that they are not forgotten. The United States still aspires, in the words of the Atlantic Charter—'To see sovereign rights and self-government restored to those who have been forcibly deprived of them.'"

And Senator Roman L. Hruska of Nebraska has noted that:

"In 1940 Lithuania was declared by the Communists to be a component of the Soviet Union. The United States has never recognized this forced incorporation of Lithuania or the other two Baltic states, Estonia and Latvia."

The extent of Soviet crimes in the Baltic states and the way they have been—and are being—committed has also been recognized in resolutions sponsored in the United States Congress by Senators Everett McK. Dirksen, Thomas Dodd, Frank J. Lausche; Representatives Richard J. Derwinski, Donald M. Rostenkowski; and many others. The concluding paragraph of Senator Dirksen's resolution states:

"The United Nations should conduct free elections in the Baltic States under the direct supervision of the United Nations and sit in judgment on the Communist counterparts of the Nazi war criminals convicted at the Nuremberg trials."

Reading these comments by distinguished statesmen, we have to recall that a "bold and positive political offensive by the United States and the entire free world" was urged by the Select Committee of the House of Representatives (83rd Congress) to Investigate the Incorporation of the Baltic States into the Soviet Union. To this we might add that such an approach would prevent a Communist takeover of more and more nations, with an ultimate danger to the entire world. The events of the past twenty years have shown this to be no exaggeration. It has, therefore, been heartening to see the United States Congress support this manner of thinking quite clearly and unmistakably:

"I am happy to present and I strongly support House Concurrent Resolution 416. I am only sorry that the action, which I am confident we shall take today, was not taken many years ago."—Rep. John S. Monagan (D.-Conn.).

"I do want to commend the great statesman from Connecticut (Mr. Monagan), for the long, hard work that he has put in on this legislation and also extend to that marvelous woman from New York (Mrs. Kelly), the chairman of the Subcommittee on Europe, and to all the members of that subcommittee my congratulations for and my appreciation of the mastery and dedicated job that they have done in preparing of the resolution we have before us, a resolution that calls upon world opinion to place the stamp of odium upon the oppressors and captors of the Baltic States."—Rep. Barratt O'Hara (D.-Ill.).

"I am pleased to have cosponsored this resolution, Mr. Monagan, and you have the thanks of the Members of this body. You have the support of both Democrats and Republicans alike."—Rep. Cornelius E. Gallagher (D.-N.J.).

"I am pleased to support this resolution."—Rep. Edward J. Derwinski (R.-Ill.). (CONGRESSIONAL RECORD, vol. 111, pt. 10, p. 14135.)

It should be understood clearly that this piece of approved legislation (H. Con. Res. 416) was not sponsored as: an emotional vehicle of satisfaction for those fostering this bill; a redundant reiteration of moral support for the Baltic states' question; a reiteration of the official policy of the United States of not recognizing the Soviet occupation and incorporation of the Baltic states.

Those who sponsored this legislation recognized that the passage of this Resolution by the House and the Senate requesting the President of the United States to urge certain actions in behalf of Lithuania, Latvia and Estonia does not immediately guarantee that the Administration and the State Department will so proceed. The passage of the bill does, however, facilitate the following results:

1. Immediate pressure in the form of mandate from the U.S. Congress can be brought to bear on the State Department, showing vast support by the American people for the Baltic States.

2. With this resolution, it is more likely that this question will be raised on the agenda of the Committee of 24 investigating colonialism, or on the agenda of the General Assembly.

3. American and world attention and public opinion can be brought to bear on the Baltic states' dilemma; attention should focus on the illegal and inhumane actions of the Soviet Union, such as forcible incorporation, denial of human and religious rights, etc.

4. Immediate reaction can take place in the Soviet Union fostering action in favor of the Baltic states, for every totalitarian system, especially the Soviet Union, is extremely sensitive to world opinion and, in this case, to American public opinion. The Baltic states could partake of some of the advantages of the continuing satellite controversy and the receding of Soviet influences in Eastern Europe.

It is understood that the State Department has the right to raise the question at its own discretion without any resolution from the Congress. The point is that it has not done so, aside from occasionally alluding to the Baltic states in controversial exchanges between the United States and the Soviet Union at the United Nations. This Resolution may offer an impetus to action by the State Department, much more so because it has the support of the citizens of the United States.

The implementation of such a resolution is the business of free men everywhere. The kind of world that future generations will find in their heritage will depend in large part on the strength of indignation that the Baltic case generates—not just because the sum total of good in the world would be increased by alleviating the suffering of three nations and by preventing their destruction, but also because the pressing of this case requires a moral conviction, practical will, and a sharp delineation of principles that would illumine and clarify all relations among men and nations thereafter.

BIBLIOGRAPHY

1. The Baltic Review, Nos. 30 and 31, 1966. The Baltic Review, 29 W. 57th Street, New York.

2. Berzins, Alfreds. The Unpunished Crime. New York: Robert Speller & Sons, 1963.

3. Congressional Record. 1960–66.

4. Latvian Information Bulletin. Washington, D.C.: The Latvian Legation, 1965–66.

5. Meissner, Boris. "The Baltic Question in World Politics." Baltische Briefe, No. 7–8 (July and August, 1966)

6. Congressional Record February 16, 1966 (memorandum to the House of Representatives by Rep. Roman C. Pucinski). Americans for Congressional Action to Free the Baltic States.

7. Silde, Adolfs. Without Freedom and Rights. Copenhagen: Imanta, 1965.

8. Vardys, Stanley. "How the Baltic States Fare in Soviet Union." Foreign Affairs, August, 1966.

[3] For sources, please see the bibliography.

SENATOR CARLSON CASTS LIGHT ON MAILING QUESTIONS

Mr. BOGGS. Mr. President, the distinguished Senator from Kansas [Mr. CARLSON] last week delivered a highly significant address commemorating Direct Mail Day to a large audience of major New York mailers.

Senator CARLSON, who understands the problems of the postal service as well as any man who has ever sat in this body, cast a great deal of light upon several aspects of the business of direct mail which have been widely misunderstood.

In his address, Senator CARLSON gave his listeners the benefit of his perspective and wisdom concerning the controversy on postal rates. His remarks deserve the close attention of his colleagues in the Senate.

It is a pleasure to commend Senator CARLSON for his valuable and continued efforts in behalf of an improved postal service. I ask unanimous consent that his speech be printed in the RECORD.

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

SPEECH BY SENATOR FRANK CARLSON, NEW YORK DIRECT-MAIL ADVERTISING, NEW YORK HILTON HOTEL, NEW YORK, N.Y., APRIL 19, 1967

Mr. Chairman, distinguished guests and friends: I put special emphasis on the word "friends," because I do consider you my friends, and I presume you think of me in the same way, or you wouldn't have invited me here today.

Seriously, I cannot see why any informed person should not feel friendly to the Direct Mail industry. You represent—in my opinion—one of the major segments of our entire American free enterprise system.

I understand that your industry spent two and a half billion dollars last year in preparing, printing and mailing your product to the American people. I am also informed that the material you sent through the mails generated more than 40 billion dollars in total sales last year.

That, ladies and gentlemen, is a significant slice of the Gross National Product. If we didn't already have a Direct Mailing Industry we would have to invent one to keep the economy moving.

There are 275,000 Third Class Mailing permits in the United States today. Permits are owned by such diverse groups as the Boy Scouts of America, Dr. Billy Graham, every charitable organization in the land, every corporation, every State Government, the whole spectrum of our social and political life.

The United States Government itself is the largest user of Third Class Mail. And judging from the samplings I have seen, some of the largest users of Third Class Mail are those very people who attack it the most!

Personally, I think of Third Class Mail as the small merchant's medium of advertising—the man in the small town, the independent store owner in a residential neighborhood and so on. It is a medium which he can afford. It permits him to pin-point his market and direct his message only to those most likely to respond to it.

Obviously, the small merchant cannot afford to buy space in a large metropolitan daily or to buy time on a major television station. And if he could afford it, he would be wasting his money if he did use these media.

Third Class mail is an advertising tool he needs and should have. If we were to take that tool away from him we would virtually be driving the small businessman out of his store and limiting the merchandising field to the huge chain stores which can afford Big League Advertising.

The small independent merchant is having a tough enough time as it is. Let's not drive him to the wall by making his most effective means of advertising inaccessible to him.

I also get seriously annoyed by the way some editorialists imply that third class mail advertising is irresponsible—unreliable, and somehow, crooked. After all, the Post Office Department employs about 1,200 Postal Inspectors who are charged with the duty of keeping the mails clear of fraud—false claims and statements—obscenity and so forth.

If an irresponsible operator violates the law, he goes to jail. The mails are thoroughly and rigorously policed.

Who polices the other types of advertising? If a man makes a false advertising claim on television or radio, he might get a slap on the wrist from the Federal Trade Commission—and be free to commit the offense again the next day. The penalties are nowhere near as severe—and the standards for accuracy and truthfulness are not nearly so high.

Then there is the rather foolish charge that Third Class Mail is a useless medium of advertising—it's a waste of the advertiser's money—it just clutters up the mails and accomplishes nothing.

Look at the growth figures for this type of mail. They tell the story of its effectiveness.

Bulk mail—third class—was created by the Congress in 1928 in response to a request from, not the advertising people of the United States, but from the Post Office Department itself! The Department needed something in the way of low-priority mail material to keep the work force occupied between peak hours.

By 1964, the volume in this type of mail had risen to 4 billion pieces a year. In the succeeding 21 years—despite severe rate raises, and despite the constant attacks of its critics—it has grown 500 percent, up to 20 billion pieces a year, and it is still growing, still performing a service for the Post Office—for the people, for the economy, and for the people who use it.

So now we come down to the present situation. What's going to happen in 1967?

The Post Office Department has asked us in Congress to raise the rates on Third Class Mail—the single piece rate—by 31 percent.

As you already know, in the area of bulk-non-profit third class mail, they are proposing a 52 percent increase in the rate from the current 1.25¢ to 1.9¢. This percentage increase is completely and totally out of line with the increase recommended in any other category.

Of course, this increase will hit those who can least afford it. It is in every sense a regressive tax. Most religious non-profits now are barely keeping their heads above water, and this will certainly not help them any. Thousands of fund raisers throughout the country depend almost entirely on bulk, third class mail to bring their message to their donors and prospective donors. The funds generated from these mailings go directly into helping those who need help the most—and this is done without the giant waste that the poverty program has given us.

These proposed rates would hurt everyone concerned. The small merchant would find this medium of advertising too expensive for his use. Many of the large users would be driven into first class mail, and this would cause real panic in the Post Office. If every piece of third class mail sent out by the larger users of the mail were suddenly sent by first class—and had to receive the personal preferential treatment that first class letters receive—the mail crisis of last October and November would look like a minor mishap.

There will be a rate increase in this Congress. Everything else has gone up, and postage rates eventually must rise also. But it should be a rate increase—moderate and equitable—designed to do the most good for the nation and the least harm to the users of the mail.

And there will be no rate Bill until after we have held extensive and exhaustive hearings, and have heard all the witnesses—pro and con—and have weighed their arguments dispassionately and thoroughly.

I have been through many rate hearings and I must confess that our efforts, as legislators, to make sound judgments has been hampered by the Department's Cost Ascertainment Reports.

It is my opinion that the present system should be abandoned and a new one formulated. Unless we gather statistics which are useful and truthful, it will never be possible to readjust postage rates fairly. I am very hopeful that the Senate Post Office Committee will conduct a searching study of the Cost Ascertainment System this year.

Think for a minute how illogical is the contention of the latest Cost Ascertainment Report that it cost 5.383 to handle a first-class piece of mail and 5.126 to handle a third-class piece of mail.

Labor is the principal cost in operating the Post Office. That labor is involved in the manual handling of pieces of mail. This gathering knows that there are eleven principal handlings of first-class mail—that in the case of third-class mail nine of these are performed by the mailer himself.

Under the new ZIP code regulations the bulk mailer must break his mail down to 552 sectional centers and to countless thousands of numbers in single coded and multi-coded cities. This scheming of the mail is a very expensive task. It must now be performed by the bulk mailer. Should you not be given credit for performing the Post Office's work? I say yes. I say that the savings are very great and that the Cost Ascertainment figures are wrong when they state that it cost 5.126 to handle a third-class piece of mail.

There are other phases of the Administration's bill which disturb me very much. What, for instance, will the "nonmachinable" mail language have on you and other postal patrons. The surcharges proposed are—in my judgment—destructive.

The postal committees will want to give this particular section of the bill a careful looking at. The bill also proposes that the minimum rate on books be advanced from ten cents to sixteen cents—a hike of sixty percent.

I think it extremely unfair that a girly-girly magazine should be charged only 3.4¢ a pound and the Bible 16¢ a pound. This just does not make sense.

Another section of the bill seeks to do away with the sampling technique by denying the minimum piece rate to certain products of industry delivered through the mails to consumers. Should we do away with this tried and tested method of introducing new products to the American consumer? I do not believe so.

I notice that our good friend Jack Cole of the Mail Advertising Corporation of America has gone to the expense of re-printing in an attractive format the language of the Postal Policy Act of 1958.

The soaring language of that document, the Magna Carta of the Post Office, should be read and re-read by every citizen. It tells what the Post Office is—its contribution to culture, education, commerce and communication. I was proud to be the co-architect of that Statute.

While re-affirming Congress' responsibility for establishing postal policy, it removed from the backs of business users of the mail the burden of paying for subsidized and non-postal services. Without that law, the Administrations' rate bill would be seeking $1.2 billion in new revenue rather than $825 million.

The Department needs more money but money alone will not cure the ills of the postal service. That service—so close to all the people—is so vital to our free enterprise system that the Congress of the United States must and will find ways to make it work more efficiently.

We cannot abandon our responsibility in this field. The needs of the people are best understood by their elected representatives.

The recent Niagara of press comment about the Department's failings has overlooked the many, many good points about the service. In spite of Doomsday statements by many, the mail is getting delivered. The good points of the service are being overlooked. Let us build on those good points. We are the most ingenious and creative people in the world. The challenge of a better postal service can be met successfully if we all set our talents to the task.

I want to interpose a personal note at this point. The users of Third Class Mail have been abused lately because they employ a lobbyist in Washington. It's true, they do—they employ Harry Maginnis who is most effective and highly respected.

* * * * *

We sometimes don't agree with him—or with you, whom he represents—but we know he is an honest man, an informed man, and an able man, who is doing a first class job for the people who employ him.

But to get back to the rate controversy. I must tell you that the constant bickering, mud-slinging, and name-calling among certain users of different classes of mail have become most distasteful and, I think, self-destructive.

There is room in our nation for every class of mail and our nation's economy is dependent on a free and expanding use of the mails.

In the field of advertising the dollar is big enough to accommodate all media. No one should try to monopolize the entire dollar.

And, of course, nobody is going to do that. Third Class Mail is here to stay. It is too effective an instrument to be abandoned.

If third class rates go up, then the advertisers are going to have to rearrange their budgets. That means they will have to cut down the allotment for newspaper, magazine and radio and television advertising to meet the rising costs of direct mail advertising.

Before concluding, I feel I should comment briefly on the recent proposal of Postmaster General Lawrence F. O'Brien to abolish the Post Office Department and erect in its place a Government-owned, non-profit postal corporation.

I am very fond of Larry O'Brien and I think he is an excellent Postmaster General. I am a little nonplused by this proposal, however.

Actually, the proposal is not entirely new. Something like it was discussed in the First Congress, when it was a matter of debate whether or not it was proper in a Republic to have a Government-owned postal service.

In 1859, a Bill to abolish the Postal Establishment actually came onto the floor of the House for debate and a vote. It was rejected as being "inexpedient".

The Hoover Commission, in 1947, recommended something like the O'Brien proposal. The idea has been discussed—off and on—for years.

But, it has never gotten anywhere.

Surely, I agree, the postal service needs improving. I agree also that the present system of managing the postal system is cumbersome and inefficient. It needs some streamlining and modernizing.

* * * * *

The postal service should—and must—belong to the people. The Congress—with all its faults—represents the people, and we do our best to protect their interests in the Post Office. If we were to relinquish our control, who would represent the average citizen in maintaining the quality of this vital service?

The social mission of the Postal Establishment is incalculable. It touches almost every citizen in our land almost every working day of the year. It is the basic system of communications upon which our free institutions depend and, in a very real way, our freedom itself depends on it too.

Congress has—time and time again—decreed that the Post Office is a service institution and should be run for the benefit of all the people. Congress made this official policy in 1794, and then in 1844; and very strongly in 1851, in 1930, in 1958, and in 1962.

I see no reason to throw the wisdom of the ages onto the trash heap and declare the Post Office to be a computerized, bloodless, dehumanized public corporation.

We have seen too many useful services curtailed or eliminated in the name of sterile economy in the past that were under Congressional control.

What can we expect if Congressional control were removed entirely, and the fate of the postal service were left up to the efficiency experts and the accountants?

It is my personal opinion that the service would wither away to a mere shadow of itself.

Everyone has the hard word for the postal service—and sometimes the service deserves it. Certainly, in most respects, the service is far less satisfactory on a local level than it was when John Wanamaker was Postmaster General from 1889 to 1893.

But, despite our aggravation, our frustration, our distress, the postal service is the fabulous invalid of our civilization. We hear constantly news of its imminent demise—but somehow—it always survives, recovers and even prospers.

We had an ugly situation in the Mid-West—and particularly in Chicago—last autumn. We survived it. The crisis was caused because of short sighted policies which denied a sufficient wage to postal employees—enough to attract and retain talented people in the service.

There was, and is, a shortage of capable career people and there will always be a shortage until the Congress, and the Department, and the Bureau of the Budget, and the Civil Service Commission learn that they are going to get the quality of service and the quality of employee they are willing to pay for.

The postal service is the most human institution in our government. The Department can spend millions of dollars on developing and producing new machines—and it should do this—but it is never going to eliminate the human element, it is never going to replace that loyal, dedicated, underpaid human being who trudges through the streets of our cities bringing the daily mail to our door steps.

I have said that postage rates will have to be raised—within reason—this year. But I also want to say that there is a great deal of nonsense spoken about the so-called postal "deficit." Certainly we should try to keep the gap between revenues and expenditures as narrow as possible.

But those who talk about the so-called deficit never seem to realize that the Post Office Department still returns to the Treasury 85 percent of its operating cost.

What other agency of Government—except the Department of the Treasury—comes anywhere near the record. But who ever talks about the Department of Commerce "deficit"—the Department of Interior "deficit"—the State Department "deficit"?

The so-called postal deficit of the Post Office Department—about 15 percent of its total expenditures—represents an investment by all the people of America in the basic form of communication upon which our entire social, economic, political life is built.

I cannot think of any investment our people make which yields such enormous returns.

SENATOR ERVIN SPEAKS AT THE UNIVERSITY OF WISCONSIN

Mr. NELSON. Mr. President, the Nation and the Congress are becoming increasingly aware of the dangerous and unjustified curtailment of the individual liberties of Government employees.

Stories have become known of Government workers who are forced to buy savings bonds, are subjected to extensive questioning concerning their personal lives and beliefs, and who are subjected to many other forms of more subtle and ingenuous harassment.

The distinguished chairman of the Subcommittee on Constitutional Rights, Senator SAM ERVIN, is making a courageous effort to reverse this serious and undesirable trend. He has introduced S. 1035 which would curtail such activities by agencies of the U.S. Government.

Senator ERVIN recently delivered the keynote address to the third annual civil liberties conference, sponsored by the Institute of Governmental Affairs of the University of Wisconsin at Milwaukee.

In his speech, entitled "Privacy and Employment," Senator ERVIN eloquently sets forth the need for immediate legislation in this field.

I ask unanimous consent that the text of Senator ERVIN's speech be printed at this point in the RECORD.

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

PRIVACY AND EMPLOYMENT

(An address by the Honorable SAM J. ERVIN, JR., U.S. Senator from North Carolina, and chairman, Senate Subcommittee on Constitutional Rights, April 15, 1967, Conference on "The Right of Privacy," Institute of Governmental Affairs, the University of Wisconsin, Milwaukee, Wis.)

If anyone nurses a doubt that employees of government as well as those in private industry are concerned about invasions of privacy and unwarranted surveillance, he has only to examine some of the reports of indignities sent daily to the Constitutional Rights Subcommittee. They range from the ludicrous to the pathetic.

There were the ladies in the Akron, Ohio, post office who couldn't go to their restroom two hours a day because a male charwoman had been hired to clean it.

Then there was the civilian employee of the Navy in Washington who wrote:

"You may think some of these supervisors take a tough line.

"You haven't been in the Navy Finance Center, Munitions Building, Washington, where the methods engineers monitor the women's restrooms to chalk up how many minutes it takes to do what becomes necessary!"

And one can sympathize with the employee who in the same agency can't blow his nose, because:

"Two eagle-eyed monitors, sitting in front of a division, will keep an eagle eye on all activities. If you blow your nose, it is chalked up under 'personal.' In addition, there are 12 cards indicating each type of activity, (such cards to be interchanged for each act) which are taped to the employee's desk. These must be in full view and are monitored every 15 minutes by the 'eagle eyes.'

"If I were not within months of retirement, I would sign my name."

If I were that employee, I think I should have retired long ago.

Then, there were the ladies—single and married—who were subjected to a survey by

their supervisors, asking if they were pregnant.

In another instance, a recent proposal for a "computer-pool" of all official information on all citizens in a New England community raised spectres of increased government surveillance over citizens too frightening to speculate. This computer system, it is reported, would contain everything from a library card to a welfare application. Since all city agencies would pool their information, the system could, according to the report, also "determine if a fire broke out near a convicted arsonist's home, or, if hubcaps were reported missing on an afternoon that a known juvenile delinquent had been a truant from school."

Then there is the Defense Department directive which has been a subject of concern for some years and which has been prominently featured recently in civilian employees newsletters. It states:

"A number of our citizens unwittingly expose themselves to unfavorable or suspicious appraisal which they can and should avoid. This may take the form of an indiscreet remark; an unwise selection of friends or associates; membership in an organization whose true objectives are concealed behind a popular and innocuous title; attendance at and participation in the meetings and functions of such organizations even though not an official member; or any of numerous other clever means designed to attract support under false colors or serving to impress an individual with his own importance.

"It is advisable to study and seek wise and mature counsel prior to association with persons or organizations of any political or civil nature, no matter what their apparent motives may be, in order to determine the true motives and purposes of the organization in question. The simple principles of good citizenship require that all enthusiasm for well-sounding functions be tempered with the wisdom of full knowledge of the real forces and aims behind them, so that well-meaning citizens will not be unwittingly led into aiding and promoting forces which are contrary to their own basic beliefs."

To talk about official invasions of "privacy" today is to talk about nothing more nor less than the American form of constitutional government, and the limitations of government power over the citizen.

It is appropriate that we meet in the State of Wisconsin to discuss this subject, for the people of this State have made signal contributions to the concepts and practice of good government throughout this century. Among your distinguished representatives, Congressman Henry Reuss has labored for years, as a member of the House Government Operations Committee, to bring to light questionable employment practices and unwarranted privacy invasions.

Recognizing that one of the root problems of government infringement of individual liberty is the break-down in the channels for voicing grievances and obtaining administrative redress, Congressman Reuss has been the leading exponent of the "Ombudsman" principle to provide more effective complaint procedures for citizens. To this end, I am pleased to note, he has sponsored in the House my bill to protect employee privacy and other rights and to establish a special agency to hear employee grievances.

In the Senate, Senator Gaylord Nelson has been one of the principal sponsors and supporters of the bill.

To define a right to privacy affected by any particular act of government today, we do not need to search the case law which since the 1890's has governed the quest for civil remedy in private law. Nor do we need to conjure up and analyze myriad conflicting interests and balance them back and forth until we have broken the scales and forgotten the issues involved.

As I listened to officials justify their policies and techniques affecting employee privacy on the ground that there is no constitutional right to privacy; as I read decisions, articles, and recent books on this subject, I have the uneasy feeling that some people are like John Webster's scholar in *The Duchess of Malfi*. He studied to know the number of knots on Hercules' club, the color of Achilles' beard, and whether Hector were not troubled with the toothache; and he "studied himself half blear-ey'd to know the true symmetry of Caesar's nose by a shoeing-horn; and this he did to gain the name of a speculative man."

There is no need of legal digests and eight-syllable words to define the issues and the constitutional rights involved in this subject.

I submit that they are the same this year as they were when the Federal Constitution was drafted. They can be expressed today in terms as simple as those coined by Thomas Paine to rouse the colonies to independence: The question is whether citizens of today are as alert to defend their liberties.

The same concerns which prompted fifty-five Senators to cosponsor a measure to protect government employees from unwarranted government invasion of their privacy prompted the members of five state constitutional conventions to propose prohibitions on general searches and seizures for the Federal Constitution. They are the same concerns which caused Thomas Jefferson and James Madison, remembering arbitrary English statutes and the royal restraints on the exercise of free speech, press, assembly, and petition, to wage their great battles for freedom of conscience and for the other guarantees embodied in the First Amendment. And they are essentially the same problems which spurred the popular demand for the Fifth Amendment provision against self-incrimination.

The Fourth Amendment serves to protect the liberty and property of the individual from violation without probable cause.

One of the greatest bulwarks of our liberty, this Amendment was forged out of bitter colonial and English experiences with illegal searches and seizures under general warrants, and with the unchecked powers of the Star Chamber. Of the legal principles it reflects, a Justice of the Supreme Court said in 1886 "they affect the very essence of constitutional liberty and security—they apply to all invasions on the part of the government and its employees, of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offence; but it is the invasion of his indefensible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence." (*Boyd* v. *U.S.*, 116 U.S. 615 (1886)).

But it is to the First Amendment guarantees that we look for protection against what Jefferson termed "any form of tyranny over the mind of man." Many of the practices and policies of which government employees have complained in the post-World-War-II era fall clearly within the proscriptions of this amendment.

A regulation which threatens surveillance, or worse, for indiscreet remarks or unwise choice of associates is covered by this amendment. Within its restrictions also fall requirements to submit to interviews, tests and polygraphs which solicit information about a person's politics, religious beliefs and practices, sexual attitudes and conduct, or relationships with members of one's family. To condition a citizen's employment on submission to such pumping of his mind and thoughts and beliefs, is to exercise a form of of tyranny and control over his mind which is alien to a society of free men.

Similarly, to require him to state his associations, his outside activities, his financial interests and his creditors and to make them factors in decisions affecting his employment interests, is to force conformity of thought, speech and action to some subjective, pre-established standard, unrelated to his official assignments.

To require employees to take any oath beyond that which the Constitution specifically prescribes for office-holders is to threaten freedom of conscience and thought.

To ask him to report his civic and political organizations is as intimidating as to tell him to go out and lobby for legislation, or to take part in beautification projects, when he would rather go fishing. Yet the Federal Government does both. To coerce him to contribute a given amount to a charity drive, or to buy savings bonds against his will as a condition of employment, is equally reprehensible. Yet Federal officials do it.

These practices affect not only the right to speak and act according to the dictates of his conscience; they invade also his right not to speak at all, not to act at all, and not to participate at all. In today's society, with the world becoming, according to Mr. McLuhan, "a global village," this may well be the most precious right enjoyed by civilized man.

The Federal Constitution specifically protects him in the enjoyment of these rights.

The Supreme Court struggled several years ago to define a constitutional right to privacy based on a case involving the Connecticut birth control law. It examined six different amendments and found that "specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance," and that "various guarantees create zones of privacy."

The impressive but discordant intellectual exercises in which the various Justices engaged in the *Griswold* decision illustrated the ease with which the judicial branch may fall into a quagmire when it departs from its assigned role of applying the specific principles underlying specific amendments.

"Invasion of privacy" is a recognizable shorthand concept for the public, press, administrators, and for Congress; and I for one shall continue to use it. But if we want to determine why a particular practice is unconstitutional in policy or practice, we look, as Mr. Justice Black advises in his dissenting opinion in the *Griswold* case, to the "guarantees in certain specific constitutional provisions which are designed in part to protect privacy at certain times and places with respect to certain activities." He states:

"One of the most effective ways of diluting or expanding a constitutionally guaranteed right is to substitute for the crucial word or words of a constitutional guarantee another word or words, more or less flexible and more or less restricted in meaning. . . . Privacy is a broad, abstract and ambiguous concept which can easily be shrunk in meaning but which can also, on the other hand, easily be interpreted as a constitutional ban against many things other than searches and seizures."

The simple language and the intent underlying each amendment is sufficient to determine the constitutionality of current practices undermining the civil rights and civil liberties of government employees. If they can not be challenged on those grounds in the courts, then they must be challenged appropriately through political processes as issues of public policy. Only in this way will observance of the values we have enshrined in our Constitution be preserved and furthered.

One of the main reasons legislatures and citizens have tolerated these incursions on liberty so long is the pervasive influence of the old doctrine that employment, especially public employment, is a privilege, not a right. Illustrated by the dictum of Justice Holmes that a policeman has "a constitu-

tional right to talk politics, but he has no constitutional right to be a policeman," this doctrine has, until fairly recently, restrained courts and legislatures from taking action to protect the citizen-employee. But at long last, they are beginning to recognize that just because he goes to work for government, an employee does not surrender the basic liberties guaranteed every citizen under our form of government.

They are beginning to realize that practices which can affect ten million citizens and their families can affect an entire society.

In this decade I believe that Congress, state legislatures, and municipal bodies have a special responsibility toward their employees. Sophisticated personnel methods, scientific surveillance techniques, and ingenious information-gathering systems increasingly beckon the public and the private employer. Improperly used or unwisely applied, they can, as we have seen, threaten the liberty and privacy of the individual. It behooves the people of every state, therefore, to urge a review of the doctrine of public employment as applied to their citizens who work for government.

Congress has taken the lead in this by its current considerations of S. 1035, a bill I have introduced, with the Junior Senator from Wisconsin, Senator Nelson, as one of the fifty-five cosponsors, "to protect the rights of civilian employees of the executive branch and to prohibit unwarranted invasion of their privacy."

This bill would prohibit:

Indiscriminate requirements that employees and applicants for Government employment: disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates, or attend political meetings.

It makes it illegal to coerce an employee to buy bonds or make charitable contributions; or to require him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless they would show a conflict of interest. It provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings. It accords the right to a civil action in a Federal court for violation or threatened violation of the act; and it establishes a Board of Employee Rights to conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties.

It has been my hope that this measure may become a guide or model law for state and local governments and for private employers as they revise their laws, regulations and policies governing personnel.

It was with considerable pleasure, therefore, that I received a letter last week from the Secretary of the Civil Service Commission of the City of New York, Mr. Allan J. Graham. He writes:

"It is my opinion, based on over 25 years of former Government service, including some years in a fairly high managerial capacity, that your Bill, if enacted into law, will be a major step to stem the tide of 'Big Brotherism', which constitutes a very real threat to our American way of life.

"In my present position as Secretary of the Civil Service Commission of the City of New York, I have taken steps to propose the inclusion of several of the concepts of your Bill into the Rules and Regulations of the City Civil Service Commission."

In the vast complex of Federal agencies, all with differing needs, policies, and regulations, it is apparent that we cannot hope to assure a uniform and continuing rule of official virtue and morality.

The most we can achieve is "justice" for civil servants.

But what, in this day and age, is "Justice?"

I submit that, for government officials, it is the same today as it was in the time of ancient Greece. It is the avoidance of evil.

As the German comic poet, Wilhelm Busch, phrased it:

"For Justice—this is ever true—
Is but the wrong which we don't do."

It can be said that this bill, S. 1035, then, amounts to a series of commandments to government administrators—from the Chief Executive on down—to avoid doing wrong to other government employees.

What is needed is a reform of the indifference toward individual rights displayed by well-meaning and intelligent people in some parts of government as well as in the private sector. This is reflected in a recent report entitled: "Privacy and Behavioral Research," issued in February by the Office of Science and Technology in the Executive Office of the President. It states, in beautiful language: "The individual has an inalienable right to dignity, self-respect, and freedom to determine his own thought and actions," but then the report continues: "within the broad limits set by the requirements of society."

The report does not answer the question: "Who is going to determine either the 'broad limits' or 'requirements' of society?"

Then the authors conclude: "When a person consents freely and fully to share himself with others—with a scientist, an employer, or credit investigator—there is no invasion of privacy, regardless of the quality or nature of the information revealed."

The authors here, like many who study these problems, have completely overlooked one of the crucial characteristics of the practices which are felt to violate the dignity or privacy of the individual—that is, when the consent is given to requests for information made by an employer or potential employer, by an extender of credit, or by a medical man who passes on conformity to certain standards, such consent cannot often be freely rendered. There is present an element of economic coercion, backed by the authority of government, which renders void a tacit or expressed consent. What appears to be tolerance of or consent to certain practices, the Subcommittee has found, is merely the result of human spirits long-since broken and resigned to the inevitable.

I am constantly amazed at the broad range of excuses and reasons for intrusive surveys and collection of personal data, for coercive practices, affecting the liberties of employees as citizens.

While that February report, citing the "requirements of society," suggests the broadest excuse I have heard yet, there are others cited by the Federal Government.

For instance, every few months, they force an employee to disclose his creditors, assets and liabilities, including how much cash he has in his safe deposit boxes, and they plead "prevention of conflict of interest." They ask him whether he likes tall girls, whether he loves his mother, or if he likes poetry, and they plead "mental health" or "emotional stability."

They require supervisors to conduct surveys of pregnancy of female employees, and they site "fire drills" as a reason.

They require college students applying for summer jobs to submit to interviews about their dating habits and they plead "national security."

They require a man to fill out a form stating his ancestry or race and they plead "equal employment opportunity." And if he responds to these government questionnaires, "I can't answer," or "I won't answer," the computer responds "you will;" and the supervisor adds "or else!"

"Efficiency", "statistical data", "protection of government data", "economy in government", "scientific decisions,"—these are some of the answers the Subcommittee and Congress have received when we have attempted to investigate these practices.

What I am urging is less administrative balancing of interests, and more weighting of the scales in favor of the values embodied in the Constitution.

There is no necessity for these abridgments of our freedom, but even if there were a necessity for them, my answer is the answer of William Pitt:

"Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."

If the government is bent on controlling the minds and lives of its employees, its own officials are themselves brain-washed and tyrannized by their reverence for any scientific technique or method which is guaranteed by the experts to produce "sure-fire" results. It is one way, they reason, they can avoid political criticism. By acquiring all information acquirable about the individual, by taking short-cuts in investigative techniques, they think to immunize themselves from charges of improper management as well as from complaints of unnecessary expenditures. They want to have leeway to get the job done or obtain their administrative goals with the minimum of time and concern on their own part. And if the steam-roller of efficiency flattens the rights of the individual in the process, why, that's progress!

We live in a world increasingly controlled by experts and technicians. Men who should know better are afraid to speak up when they see other government officials violating or proposing violation of individual rights in the pursuit of some goal. They fear the power of the specialist or the efficiency expert who claims the necessity of some method or policy in order to make a rational decision. The result is that we are becoming overly awed by scientific claims to validity and efficiency. The results is that we stand in danger of letting technology—the creed of efficiency, the dogma of the expert—become the religion of our culture.

We live in the dawn of a day which may well see rationality in decision-making elevated to the status of a religious dogma which will dominate the minds of men. And I submit that its tyranny, if unchecked, will take a toll unequalled to that of any form of political tyranny in man's history.

If this seems a bleak outlook, I do not think it an exaggerated one. The more I hear and read and witness of haphazard plans for computerized data systems, of the goal-oriented practices perpetrated by government or great corporations on employees and other citizens, the more I believe we are losing track of certain fundamental truths by which we once piloted our national course.

We are forgetting, I believe, that in the diversity of our religious faiths and denominations, we have cherished one national religion—that is, humanity and the dignity of the individual. This ideal has been the amulet of our form of government and of the society in which we live. When we have tolerated departure from it, even by a few, it has been to our national sorrow.

There is an overriding relevance of this subject for the University, beyond that of interest to public administration students, political scientists or even constitutional law experts. The University must assure that those who seek answers to the problems of our times realize that all the answers are not in the books. In their search for specialized knowledge, they must have the individual at the center of their disciplines—the individual, not as a statistic, but as a sentient human being endowed with certain unalienable rights, including life, liberty and the pursuit of happiness. And the only way to do this effectively is to expose students to the means

for self-knowledge and the development of those qualities of the soul which will imbue citizens, administrators, officials, employees, technicians, scientists and all the others who will govern tomorrow's America, with the emotional and intellectual capacity to identify with the victim of any form of tyranny.

It is well to remember Ralph Waldo Emerson's admonition in his Phi Beta Kappa address in 1837 at Harvard: ". . . I had better never see a book than be warped by its attraction clean out of my own orbit, and make a satellite out of a system. The one thing in the world, of value, is the active soul."

The wonders and the threats of the New Technology point up the need, then, for a special type of education—a spiritual education.

The need of civilized men for communicating the legacies of the race is an axiom wherever educators meet; but in our society, under our Constitution, for the age of technology in which we dwell, it is even more essential that we communicate the spiritual legacies of our history as a Republic. Only then will citizens be properly equipped to judge the morality of those who govern.

This is the role of the Departments of History and Political Science, to teach the axioms of our form of government, to explain how its machinery operates to protect the values, the liberties and the freedoms we cherish as a people. And more important, to guide students in developing sensitivity to any disparity between theory and practice. In the Sociology and Anthropology Departments, for instance, students should learn how the climate and personalities fostered by complex bureaucracies can affect the dignity of the individual, can destroy his image of himself, or can determine his behavior, his private thoughts and actions.

They must study what happens to an individual psychologically who is subjected to forced disclosure of his views on religion, politics, sex, or family; what happens to a society whose citizens have been stripped naked of the characteristics which made them unique to themselves and others. Or what happens to political freedom in a society whose members may fear to act or not to act according to prevailing social opinions, because a job may depend upon it.

The colleges and the great universities of our land share a common responsibility for insuring the communication of these spiritual legacies of our nation. The most vital legacy we share is our notion of the dignity of the individual and his freedom of conscience—his liberty to speak, act, and think for himself without coercion of any sort. Any practice, any act, any threat which reduces a man in dignity, which limits the freedom of his conscience or his capacity for thinking and acting for himself—this is wrong—whether it be termed an invasion of his privacy or tyranny over his mind.

CATTLEMEN BID FOR BETTER PRICES

Mr. CHURCH. Mr. President, an economist with the American National Cattlemen's Association has found that the average return on investment for U.S. cattlemen is a minus 1.03 percent. Cattle feeders did little better, leading the Farm Journal to conclude in a recent article that "cattlemen have been working for virtually nothing."

That is why the association has begun a voluntary effort to limit the number, kind, and weight of cattle available as a means of getting better prices. Long proud of their independence from government control and subsidy, the cattlemen are determined to work together to solve their problem of low prices.

I commend them for it. My own philosophy is that agricultural producers must work together to get the prices they deserve, just as other workers and producers have long done with success.

The outcome will depend, of course, upon the degree of cooperation achieved in a farflung and independent-minded industry. No one can predict the result, but few would disagree that the cattlemen have legitimate cause for concern.

Mr. President, I ask unanimous consent that the Farm Journal article from the March issue be inserted at this point in the RECORD.

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

Will cattlemen trade some of their independence to get better beef prices? Can free enterprisers make a *private* supply management program work?

These are a couple of the most challenging questions to hit the beef business in years. And we're going to see some answers from the bold new marketing program initiated by the American National Cattlemen's Association (ANCA). Its aim: Better beef prices through *voluntary* actions.

The idea is that cattlemen moving together *on cue* from their own organization can limit the number, kind and weight of cattle available—then ask and get higher prices.

"We can do it," declares Girdner Crofoot, Kansas and Texas feeder. "It will take time, and we're going to have our discouraging moments, but we *can* put the plan over."

"Communications in processing and retailing are as fast as lightning. We need something just as effective on the production side," explains Kansas cattleman Bill House, ANCA vice-president.

"Since marketing co-ops and government controls seem unacceptable to the industry, it's up to cattlemen to work together voluntarily," adds Arizona feeder Joe Entz.

The two main features of the ANCA plan:

1. An expert setup at ANCA headquarters in Denver. This will determine what cattle prices *should be*—all costs considered.

2. Fast communications to members and possibly their bankers. They'll get market factor information and advice on what to do about it to get better prices.

A market development committee of cattlemen will set policy and call the shots. William C. Helming, ANCA economist, will co-ordinate the program. Crofoot and Entz are co-chairmen.

Action at the recent ANCA convention put the plan in gear. But some groundwork had already been done.

For instance, the size of the problem and need for answers stood out like neon lights in an initial "cost of production" survey.

Helming found average returns to U.S. cattlemen on ranch investment in *minus 1.03%*. And feeders got back on their investment only 1.7% in the West and −3.5% in Midwest and East in '65 and '66.

Returns to owners for their own labor and management were on the minus side in every area. *In other words, cattlemen have been working for virtually nothing!*

In contrast, ANCA feels beefmen need 3% to 6% return on investments and at least $6,000 a year for their own labor and management.

An important start on better communications was also made in late '66 with the weekly Beef Business Bulletin to "members only" containing late market factor information.

In the future, members will also get ANCA research and advice on:

Cost of cattle raising and feeding by area and kind of operation.

Price ranges that are profitable.

Desirable fed cattle weights.

Rates of cow herd buildup and liquidation needed to keep cattle numbers in line.

Are cattlemen dreaming? Isn't the cattle business too spread out for this kind of marketing plan? ANCA leaders think not. They point out that beef market power is more concentrated than you may think.

There are about 217,000 feeders in the U.S.—some 57,000 in the Plains and West and 160,000 in the Midwest, South and East. But ANCA figures that 2,000 of these lots handle 60% of the cattle fed.

And while more than 2 million U.S. farms market *some* cattle, ANCA estimates that only 30,000 to 40,000 produce strings of several hundred feeder cattle each.

ANCA is affiliated with 42 state cattle organizations. But significant to the marketing program, its greatest strength is in the 17 Western states, an area which has the bulk of *both* big producers and feeders.

Besides, the time is right for action. "Outside pressures" put beef marketing problems in sharper focus today than ever before, declares ANCA President John Guthrie, California cattle raiser and feeder.

In '66, these pressures included "the infamous hide export order," then the President's appearance on TV when he urged consumers to purchase most economical cuts of meat, and consumer boycotts.

"It's high time that cattlemen became price makers by doing a better job managing beef supplies," ANCA leaders think. And you can expect to see some vigorous moves to make them that from now on.

Troubled times have inspired group programs in livestock marketing for decades—and in many forms.

One of the most successful today is the National Live Stock Producers Association, born in the depressed 20s.

Producers groups have developed professional sales services for members using virtually every kind of marketing method there is—from stockyards selling to auctions, assembly points and carcass selling.

Now a giant federation of co-ops, the group serves 400,000 members through 16 agencies, 140 markets.

But the indirect approach—the soft sell—works too. Groups of ranchers like the Sandhills Cattle Association (SCA), founded in the "dirty 30s," concentrate on promotion and information. They work to improve the image of their product; make it easy for buyers to find.

No Nebraskan can say SCA got $1 or $2 more for him. But he is certain that it has helped keep Sandhill cattle selling in the "top dollar" bracket season in and season out.

Strongest direct attempt yet at private "supply management" is the current effort of the National Farmers Organization. Begun in the price bust of the mid-50s, NFO aims to guide members in "marketing together" in sufficient volume to command a "collective bargaining" position with processors. They want firm contracts.

So far no group efforts have given livestockmen as much bargaining power as producers have in other industries. This leaves a big opening still for bold, fresh ideas.

EXCERPTS FROM AN ADDRESS BY GOV. GEORGE ROMNEY, OF MICHIGAN

Mr. SCOTT. Mr. President, I ask unanimous consent that there be printed in the RECORD excerpts from an address by Gov. George Romney, of Michigan, given at Williamsburg, Va., on April 15, 1967.

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

EXCERPTS FROM AN ADDRESS BY GOV. GEORGE ROMNEY, OF MICHIGAN, VIRGINIA FIRST CONGRESSIONAL DISTRICT DINNER, WILLIAMSBURG, VA., APRIL 15, 1967

The shallowness of the administration's approach is shown by the way it talks about the issues.

It talks about a war on this and a war on that—a war on crime, a war on poverty, a war on pollution.

Sure, we're against crime and poverty and pollution—but isn't it time we started talking about what we're *for?*

Isn't it time we got down to fundamentals—back to basic principles—and started applying them positively and constructively?

And how about fiscal integrity? The "Great Society" is conducting a war on that too.

The administration's failure to follow sound fiscal policies has burdened us with growing inflation, debts and taxes.

Fiscal integrity must be restored. It is indispensible in meeting the people's needs. Republicans know that to meet the legitimate needs of the people, you must maintain fiscal soundness—and we've been proving that in Michigan.

When I took office as Governor four years ago, my Democratic predecessors had left a $105 million deficit and a backlog of unmet state needs.

By applying sound Republican fiscal principles, we were able to expand needed state services while building a general fund surplus of $167 million—all without new taxes.

Today we are fighting for fiscal reform in Michigan, to provide more equitable distribution of our state's tax burden and provide new revenues for extending present services to a growing population.

But I have made it emphatically clear that we are not going to spend more than we are willing to pay for.

I will not sign appropriation bills until I can see where the money is coming from.

The alternative to fiscal reform is a slash in state services. I hope this will not be necessary. But I will not permit the sacrifice of Michigan's good name. I will not compromise with fiscal integrity.

I learned by experience when I was in the automobile industry that a relatively small company can make a place for itself, even in an industry largely dominated by giants. It can do this by giving the people a product they want at a price they are willing to pay —by sharing progress first with customers and then with workers and stockholders.

But a fundamental flaw in our labor laws encourages the growth of giant collective bargaining monopolies—giants whose self-interested struggles skim the cream off our economic progress and too often leave little or nothing for the customers.

More and more, their power struggles are shutting down vital industries and facilities so that the federal government keeps stepping in to make more and more of the basic wage, price, and other economic decisions in this country.

And it is getting beyond White House intervention and arm twisting. Now the White House is using Congress as a collective bargaining tool on a day-to-day basis.

A resolution to keep the railroads running with a mandatory 20-day bargaining extension to be acted on with as little debate and consideration in this important field as the Tonkin Bay Resolution received in the more important and vital case of Vietnam.

Congress may even have to pass a second measure requiring compulsory arbitration to keep the railroads running.

Consider the impact on the public if we had had a railroad strike along with the truckers lockout which started to paralyze our economy before it was settled this week.

This whole situation is escalating rapidly. And it is the public that is getting it in the neck.

Within another week the nation may be faced with a major strike in the rubber industry. Think of what that implies for the war in Vietnam as well as for our domestic economy.

And the "big four" of the rubber industry have combined forces to combat the monopolistic power of the unions.

Just ahead is the threat of a shutdown of the copper industry, with a deadline of June 1, which also has serious implications for the Vietnam war.

The answer isn't to create new federal agencies, or to enact new laws to cover special situations, or to extend federal power.

If the national administration had the right basic economic policies, it wouldn't be in this mess in the first place.

The answer is to correct the basic monopolistic flaw in our labor laws, to restore the competitive principle, and then to rely on competitive discipline.

We must also encourage greater management and labor teamwork for the principal benefit of customers.

Those who control the Democratic Party cannot make these changes. They are too indebted to the economic giants and labor bosses whose excesses must be curbed.

Only by strengthening America's basic economic principles of competition and cooperation can we fulfill America's economic promise. Only then can we have sound and adequate economic growth, greater abundance, more jobs, and the economic muscle to play our proper role in world economic development and peace.

THE 11TH HOUR

Mr. JORDAN of North Carolina. Mr. President, we are in the 11th hour before a threatened nationwide railroad strike confronts the American people. And today, as public hearings on this dispute begin before the Senate Labor Committee, I appeal to both parties in this conflict to settle the last differences between them that block a quick settlement.

In a statement on Saturday, President Johnson said that his able and experienced mediation panel had recommended a 6-percent wage settlement over 18 months plus an extra 15 cents an hour for skilled workers.

The unions are demanding 11.5 percent increase plus the differential over 2 years. And the railroads are offering a 5-percent-a-year pay boost.

In spite of the fact that these differences are relatively minor, Secretary of Labor Wirtz and Transportation Secretary Boyd said yesterday that collective bargaining had "fallen flat on its face."

The President's mediation panel reported that the differences are "of dollars and cents alone, and the real differences between the parties in our judgment are not great."

In short, there is no earthly reason why the Nation must be threatened with a calamitous railroad strike. There is no reason why union and management cannot act responsibly and overcome all remaining differences in this dispute.

The fact is that the Nation cannot afford this strike.

Our fighting forces in Vietnam cannot be jeopardized by a tie-up that would impede a vital flow of supplies and strategic materials.

I would remind both parties in this dispute that Congress will not be content to watch a nationwide strike paralyze the country without taking action of some sort.

And, as the President's mediators reported: The differences in this dispute "are not so serious that they should be the occasion for further legislation by the Congress."

I agree. But the matter now rests in the hands of those who must find agreement of outstanding differences before the bell tolls for us all.

AT FIRST GLANCE DEFENSE EXPENDITURES MAY NOT SEEM MAJOR FACTOR IN ECONOMY

Mr. SYMINGTON. Mr. President, on the first page of a 14-page statement made yesterday to the Joint Economic Committee by Assistant Secretary of Defense, Comptroller Robert N. Anthony, Mr. Anthony makes the following observation:

At first glance, Defense expenditures may not seem to constitute a major factor in our economy.

As our late colleague Senator Robert S. Kerr, of Oklahoma used to say, "I thought I had seen and heard everything—and I been to the Dallas Fair twice."

DEATH OF SIR DONALD BURNS SANGSTER, PRIME MINISTER OF JAMAICA

Mr. INOUYE. Mr. President, Sir Donald Burns Sangster, knight commander of the Royal Victorian Order and Prime Minister of Jamaica until his untimely death, April 11, 1967, was an outstanding Government career officer in his homeland and a man who will be long remembered by his people and his many friends in the United States.

Stricken at the height of his career at the age of 55, Sir Donald began his political career in 1933 by running successfully for the Council of St. Elizabeth's Parish. His first venture into the national politics of Jamaica was in 1944.

But 1949, when the Jamaica Labor Party was formed, actually marked his real arrival on the Jamaican national scene. He became Minister of Social Welfare and in 1953 was Minister of Finance. When the health of Sir Alexander Bustamente, the first Prime Minister of Jamaica, began to fail a few years ago, Sir Donald became Acting Prime Minister and carried out his duties with great dispatch and tact.

As a result of the Jamaica Labor Party's great victory at the polls in February of this year, Sir Donald became Prime Minister in name as well as in fact. It was a great shock to the people of Jamaica, as well as to all who knew him, that in less than 2 months he was to be stricken with an illness which was to prove fatal.

A memorial service was held in his honor on Wednesday, April 19, at the Washington Cathedral. Secretary of Labor W. Willard Wirtz spoke at the services.

I ask unanimous consent that the text of the memorial service and the remarks of Secretary Wirtz be printed in the RECORD.

There being no objection, the items

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

A MEMORIAL SERVICE FOR THE HONORABLE SIR DONALD BURNS SANGSTER, K.C.U.O., PRIME MINISTER OF JAMAICA, 1911–67, WEDNESDAY, APRIL 19, WASHINGTON CATHEDRAL

ORDER OF SERVICE

The Right Reverend William F. Creighton, Bishop of Washington, Officiant.

Organ Prelude: Solemn Melody, H. Walford Davies.

The people stand and sing this hymn as the procession enters the Cathedral.

Hark, Hark my soul, "Pilgrims."

Hark, hark my soul! angelic songs are swelling
O'er earth's green fields and ocean's wave-beat shore;
How sweet the truth those blessed strains are telling
Of that new life when sin shall be no more!
Angels of Jesus, angels of light,
Singing to welcome the pilgrims of the night.

Onward we go, for still we hear them singing,
"Come, weary souls, for Jesus bids you come;"
And through the dark, its echoes sweetly ringing,
The music of the Gospel leads us home.

Refrain

Far, far away, like bells at evening pealing,
The voice of Jesus sounds o'er land and sea,
And laden souls, by thousands meekly stealing,
Kind Shepherd, turn their weary steps to thee.

Refrain

Rest comes at length, though life be long and dreary,
The day must dawn, and darksome night be past;
Faith's journeys end in welcome to the weary,
And heaven, the heart's true home, will come at last.

Refrain

Angels, sing on! your faithful watches keeping;
Sing us sweet fragments of the songs above;
Till morning's joy shall end the night of weeping,
And life's long shadows break in cloudless love.

Refrain

F. W. FABER, 1854.

Then the Bishop of Washington says:

"I am the resurrection, and the life: he that believeth in me, though he were dead, yet shall he live: and whosoever liveth and believeth in me shall never die.

"For I am persuaded, that neither death, nor life, nor angels, nor principalities, nor things present, nor things to come, nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord."

Then is read responsively from the 121st Psalm.

Minister. I will lift up mine eyes unto the hills; from whence cometh my help?

People. My help cometh even from the Lord, who hath made heaven and earth.

Minister. He will not suffer thy foot to be moved; and he that keepth thee will not sleep.

People. Behold, he that keepeth Israel shall neither slumber nor sleep.

Minister. The Lord himself is thy keeper; the Lord is thy defence upon thy right hand.

People. So that the sun shall not burn thee by day, neither the moon by night.

Minister. The Lord shall preserve thee from all evil; yea, it is even he that shall keep thy soul.

People. The Lord shall preserve thy going out, and thy coming in, from this time forth for evermore.

Minister. Glory be to the Father, and to the Son, and to the Holy Ghost;

People. As it was in the beginning, is now, and ever shall be, world without end. Amen.

During the reading of the Psalm the Chargé d' Affaires, Embassy of Jamaica, is conducted to the Lectern to read the first lesson.

The First Lesson: Ecclesiasticus 44.1–9; 14.

Then shall the People remain seated, while the choir sings.

Pasim 23: Chant: Davies.

The Lord is my shepherd; therefore can I lack nothing.

He shall feed me in a green pasture, and lead me forth beside the waters of comfort.

He shall convert my soul, and bring me forth in the paths of righteousness for his Name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil; for thou art with me; thy rod and thy staff comfort me.

Thou shalt prepare a table before me in the presence of them that trouble me; thou hast anointed my head with oil, and my cup shall be full.

Surely thy loving-kindness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord for ever.

Glory be to the Father, and to the Son, and to the Holy Ghost;

As it was in the beginning, is now, and ever shall be, world without end. Amen.

The Second Lesson: Revelation 21.1–7: Read by Mr. Leopold Edwards.

Then is sung this hymn, "Abide With Me," "Eventide."

Abide with me: fast falls the eventide;
The darkness deepens; Lord, with me abide:
When other helpers fail and comforts flee,
Help of the helpless, O abide with me.

Swift to its close ebbs out life's little day,
Earth's joys grow dim, its glories pass away,
Change and decay in all around I see;
O thou who changest not, abide with me.

I need thy presence every passing hour;
What but thy grace can foil the tempter's power?
Who, like thyself, my guide and stay can be?
Through cloud and sunshine, Lord, abide with me.

I fear no foe, with thee at hand to bless;
Ills have no weight, and tears no bitterness.
Where is death's sting? where, grave, thy victory?
I triumph still, if thou abide with me.

Hold thou thy cross before my closing eyes;
Shine through the gloom, and point me to the skies;
Heaven's morning breaks, and earth's vain shadows flee:
In life, in death, O Lord, abide with me.

Amen.

H. F. LYTE, 1847.

The Memorial Address: The Honourable W. Willard Wirtz, United States Secretary of Labour.

Hymn: "St. Anne."

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home:

Under the shadow of thy throne
Thy saints have dwelt secure;
Sufficient is thine arm alone,
And our defence is sure.

Before the hills in order stood,
Or earth received her frame,
From everlasting thou art God,
To endless years the same.

A thousand ages in thy sight
Are like an evening gone;
Short as the watch that ends the night
Before the rising sun.

Time, like an ever-rolling stream,
Bears all its sons away;
They fly, forgotten, as a dream
Dies at the opening day.

O God, our help in ages past,
Our hope for years to come,
Be thou our guide while life shall last,
And our eternal home. Amen.

ISAAC WATTS, 1790; based on Psalm 90.

The Bishop goes to the High Altar and then shall be said the Apostles' Creed, all the people standing.

I believe in God the Father Almighty,
Maker of heaven and earth:
And in Jesus Christ his only Son our Lord:
Who was conceived by the Holy Ghost,
Born of the Virgin Mary:
Suffered under Pontius Pilate,
Was crucified, died and buried:
He descended into hell;
The third day he rose again from the dead:
He ascended into heaven,
And sitteth on the right hand of God the Father Almighty:
From thence he shall come to judge the quick and the dead.
I believe in the Holy Ghost:
The holy Catholic Church;
The Communion of Saints:
The Forgiveness of sins:
The Resurrection of the body:
And the Life everlasting. Amen.

Then shall the Bishop say: The Lord be with you.

People. And with thy spirit.

Minister. Let us pray.

Then shall the People kneel: Lord, have mercy upon us.

People. Christ, have mercy upon us.

Minister. Lord, have mercy upon us.

Our Father, who art in heaven, Hallowed be thy Name. Thy kingdom come. Thy will be done, On earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, As we forgive those who trespass against us. And lead us not into temptation, But deliver us from evil. For thine is the kingdom, and the power and the glory, for ever and ever. Amen.

The Prayers and Blessing

Then shall be sung the Jamaica National Anthem.

THE JAMAICA NATIONAL ANTHEM

Eternal Father bless our land,
Guard us with Thy Mighty Hand
Keep us free from evil powers,
Be our light through countless hours.
To our Leaders Great Defender,
Grant true wisdom from above.
Justice, Truth be ours forever,
Jamaica, Land we love.
Jamaica, Jamaica, Jamaica land we love.

Teach us true respect for all,
Stir response to duty's call,
Strengthen us the weak to cherish,
Give us vision lest we perish.
Knowledge send us Heavenly Father,
Grant true wisdom from above.
Justice, Truth be ours forever,
Jamaica, Land we love.
Jamaica, Jamaica, Jamaica land we love.

The organ will play the National Anthem of the United States of America.

ADDRESS BY SECRETARY OF LABOR W. WILLARD WIRTZ AT A MEMORIAL SERVICE FOR THE HONORABLE SIR DONALD BURNS SANGSTER, PRIME MINISTER OF JAMAICA, WASHINGTON CATHEDRAL, WASHINGTON, D.C., APRIL 19, 1967

Our first meeting was against a background of contention, I remember his deliberate, measuring glance, the crinkling of the corners of his mouth that prefaced either smile or warning, and then his quiet, disarming

comment: "You don't look like the ogre I have been hearing about."

Last week, on April 11, 1967, Sir Donald Burns Sangster, Knight Commander of the Royal Victorian Order, Prime Minister in his own hard-earned right of Jamaica, must have faced his ultimate adversary in much that same way.

For the legacy we gather here to receive was built on an uncommon equanimity—which frees the present of preconception or prejudice from the past, drains from men's relations the lingering poison of earlier offense, and commends consideration less of who has been wrong than of what is right. Even in the practice of what is characteristically a politics of protest, Sir Donald pursued that impossible ethical ideal.

This was not for lack of deep feeling, for he was a sensitive man, and when anger occasionally escaped him it cracked like a thunderbolt from summer's clear sky. Nor was it from any philosophy or fatalism or determinism, for he believed deeply that man's capacity includes the competence to perfect his own being.

It was the product rather of spartan self discipline—the authentic characteristic of leadership—a discipline that developed as the gay, ebullient young man from Mountainside matured into the reserved, deliberate statesman content to be alone at Vale Royale.

To call here upon encomium or superlative would be false to the spirit which presides over this occasion. In an age that puts a premium on personal charisma, this was a humble man who drew the love of his people, the respect of his political opposition, the admiration of nations, through intelligent, unostentatious service.

"My passion," he said once, "is love for my country," and 34 years of undivided devotion validate and dignify that declaration.

Apprenticing himself early to Jamaica's service, he worked selflessly and in the shadow while he earned his journeyman's status as politician, parliamentarian extraordinary, statesman of the world. Becoming master of the tools of his trade, he bent to none of its tricks. Politics, for him, was more than the art of the practicable; it was the means for doing whatever it was right should be done.

Conscientiousness was his trademark and probably his epitaph. Carrying at one point, when he was Acting Prime Minister, three portfolios, he was warned a year or more ago that he could not keep, physically, the pace his dedication had put him to. His response at the time was probably only that light-hearted gesture of his, clasping his hands behind his back, affecting a graceful, jaunty little walk, and whistling quietly.

Ten days before he was carried from Newcastle, he said at a service club luncheon in Kingston:

"If each man, whether he is a tailor, a butcher, a mechanic, accountant, salesman, barber, banker, or anything at all, does his his own job conscientiously and efficiently, and to the best of his ability, the strength of their total production would move the mountains of our problems."

He thought of his own job, and did it, in that same way—and with joy and grace. His 1966 Christmas letter to his friends (he rejected printed Christmas cards as cold, and penned a personal note at the end of each letter) concluded: "I have had a happy year. It was full of hard work."

In a world and time of people's tendency to judge others by their actions, themselves by their thoughts and words, Donald Sangster put these things in opposite order. Yet his words, like his deeds, were his own; and there was much in what he said to measure him by:

That closeness to his roots that came out in homely idiom: "the stillest calf sucks the most milk"—"the fish that keeps his mouth shut doesn't get caught"—and, as he said it, "rock a ribba bottom no know sun hot" . . .

That sense of humor which was essentially the distinguishing between what is important and what isn't, and the setting off of one against the other . . .

That calling at a political rally on the rough dynamics of politics—"What we want is unity, loyalty, and discipline from every person in the Party. If we get that, nothing can stop us" . . .

And then his New Year's Message, 1967—"Our achievements are only steps already climbed. The stairway is long. It stretches high into the sky, and the farther we reach toward heaven on earth in Jamaica the more strength and courage we will need."

We leave not having said, for not quite knowing, what it was that made the bond between Donald Sangster and those—even strangers—with whom he dealt; yet sensing more fully from his precedent that in the conduct of affairs between republics and countries and commonwealths the elemental values are only those that enrich the relationships of human beings with each other.

It is not presidents or princes or prime ministers who die, but—at that moment—only men. The legacy of Donald Sangster is that, living, he ennobled his office with his humanity.

THE NEWS MOSTLY GOOD—BEYOND VIETNAM

Mr. DODD. Mr. President, we often lament the state of the world, focusing, thinking on its troubles and difficulties, pointing to the efforts of world communism to expand aggressively, thinking of the sacrifices being made to prevent such a takeover.

It is proper to do so. But frequently we overlook the fact that the world's troubles exist not in a vacuum, but in the context of an ever-improving environment.

Communism has been thwarted in its attempt to take over the Government of Indonesia. In Africa, the leaders most attunded to the ideology of communism, Patrice Lumumba and Kwame Nkrumah, are now gone. In Ghana, as a recent essay in Time magazine points out, the new military government has replaced "Down With Neocolonialism" signs with others reading, "Ghana Welcomes Foreign Investment."

Men and women throughout the world have become disillusioned with the false promises of communism. More and more the Communists are being judged not on the basis of what they say and promise, but on the basis of what they do. What they do, this essay notes, has had the effect of impressing reality upon the observer:

In Asia, Mao Tse-Tung's Red Guards have destroyed the image of Red China as a seductive model for emerging countries and largely reduced the credibility of China as a military threat before whom her neighbors must cringe. In fact, while China has been thrashing in economic disorder, her neighbors have by and large prospered and plucked up their courage, partly—as Singapore's Lee Kuan Yew admitted publicly last week and other neutralist nations cautiously indicate in private—because of the U.S.'s determined stand in South Vietnam.

The essay concluded that "rarely in recent decades have the signs been so relatively hopeful in so many places."

The world searches for dignity, for prosperity, and for a decent life. Many have at long last come to the conclusion that communism provides none of these, and Americans, who often attribute a kind of superhuman strength to their adversaries, would do well to look carefully at a world in which America is increasingly becoming the hope of a better future, and the guarantor of the good things already achieved.

I wish to share this essay with Senators; therefore, I ask unanimous consent that it be printed in the RECORD.

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

THE NEWS MOSTLY GOOD—BEYOND VIET NAM

It sometimes seems that the U.S., like a man with an aching tooth, can think of nothing but Viet Nam. Man and nation begin to feel bad all over. But more detached historians could conclude that in the spring of 1967, the general state of the world is more promising than discouraging, more optimistic than gloomy. There is rapid, continuous change, and much of it is in the direction of hope and betterment.

One major factor is the altered character of the Communist challenge. By every indicator, Russia's two-headed leadership is cautious and conservative, having learned from the ignominious failure to Khrushchev's scary brinkmanship in Cuba. The result has been warily negotiated agreements with the U.S. on the peaceful use of outer space, reciprocal establishment of consulates, and the basis for a treaty restricting the spread of nuclear weapons. Equally significant, Russia and the East European Communist regimes have begun to abandon "command" economics. While certainly not decreeing instant free enterprise, they are taking into account the desires of their peoples for consumer comforts—and Western notions about how to achieve them through production incentives and market economies.

BOTCHED MODEL, NEW COURAGE

In Asia, Mao Tse-tung's Red Guards have destroyed the image of Red China as a seductive model for emerging countries and largely reduced the credibility of China as a military threat before whom her neighbors must cringe. In fact, while China has been thrashing in economic disorder, her neighbors have by and large prospered and plucked up their courage, partly—as Singapore's Lee Kuan Yew admitted publicly last week and other neutralist nations cautiously indicate in private—because of the U.S.'s determined stand in South Viet Nam.

In some of these countries, the U.S. can take credit for advice and aid. Japan, converted to democracy and free enterprise by the most remarkable military occupation in history, has built an economy that has far outpaced any other in Asia, and is now dispensing foreign aid itself. Despite perennial corruption, the Philippines has established itself as a vigorous and functioning democracy, sufficiently secure to be increasingly assertive in its relations with the U.S., and to become a leader in organizing such inter-Asian regional enterprises as the Asian and Pacific Council (ASPAC) and the Asian Development Bank. Taiwan, once cited as the supreme example of an economy artificially supported by outside (U.S.) aid, cut loose from all U.S. economic aid more than a year ago and is now sending technicians out on its own aid programs, notably to Africa. South Korea, with some 50,000 U.S. troops still stationed there to guard the northern border, has achieved a relatively stable government, and its economy is slowly improving.

If other Asian economies are less thriving, most are reversing the downward spiral. In-

donesia, having bloodily saved itself from Communist takeover, now has to repair the intrinsically rich economy that Sukarno wrecked. Malaysia may yet fragment into its original pieces, but at least it has been relieved of the huge burden imposed by Indonesia's harassing little war. Prosperous Australia and New Zealand, though far to the south, now firmly consider themselves—and are accepted by Asians—as a part of Asia, and take a major hand in Asian councils. A U.S. observer summarizes: "The Asians are not thrashing around as much as they were even a year ago. Now, even if they're wobbly, they are essentially on their feet."

PRIDE AND BREAKUP

In Europe, the good news has been obscured by the fact that one of its manifestations has been a sharp kick in the U.S.'s diplomatic shins: De Gaulle summarily threw the NATO command out of France. But it is a gesture that is, among other things, an expression of Europe's new and proper self-confidence. This new independence has only become possible under the shelter of U.S.-Russian *détente*. The relaxation operates on the other side as well. More and more, the satellite nations of Eastern Europe are asserting their independence of Moscow and reaching out toward their old neighbors in the West—and the U.S. is doing its best to encourage them. A big factor in this movement is a growing awareness among the satellites that conventional Communism—particularly when applied to an overall scheme designed chiefly to benefit the mother country—simply does not work as an economic system. The breakup began with Rumania's refusal to accept Russian directions at the 1961 COMECON meeting.

The resultant economic dialogue has lured some 500 Western firms to invest over $800 million in Eastern Europe, and every year the tide of Western tourists increases. West Germany's new Christian Democrat-Socialist coalition regime has made limited new East-West moves possible. While there is not yet any end in sight for Germany's geographical division, most East European governments have dropped the stultifying position that nothing can be discussed unless West Germany acknowledges East Germany as a sovereign state. This year Rumania defied the Kremlin to recognize West Germany—and both Hungary and Czechoslovakia want to follow suit.

Western Europe's Common Market is celebrating its tenth anniversary in a justifiably euphoric state of self-congratulation. Trade among the Six has increased 238% in those years, and the last internal tariffs will disappear by mid-1968. De Gaulle, who has kept Britain out, has at least brought stability to France, and his recent setback at the polls may reduce his room to maneuver mischievously abroad, forcing him to give long-overdue attention to social problems at home. More queasy is the state of Britain. Still, its economy has perked up a trifle, achieving its first substantial trading surplus in three years in the last quarter of 1966.

AMID SHOUTING, BRIGHT SPOTS

Most equivocal area, and one latent with the most potential trouble, is what the State Department calls NEA—Near East and South Asia. India remains a lethargic giant, hamstrung by too many people, too little food, insufficient managerial skills. Pakistan still smoulders over Kashmir, but is edging away from its flirtation with Red China and seeking renewal of U.S. aid.

In the perpetually cloudy Middle East, Iran is a bright spot. In the country where landholders once owned whole provinces, the Shah's "white revolution" has distributed land to three out of every four peasants, who later this year will vote in Iran's first elections for local and provincial councils. Another promising country is Libya, which in five years has risen from the lowly status of a backward state to the proud rank of the world's seventh largest oil producer.

In Saudi Arabia, King Feisal, in the 2½ years since he displaced his wastrel brother Saud, has put his nation's huge income from oil ($700 million last year) to work building steel plants, refineries and fertilizer plants. But Feisal confronts Nasser on the barren battlefields of Yemen. Though there is no serious shooting there at the moment, their rivalry divides the whole Arab world into shouting camps. Cyprus still simmers, and Arab still glares at Israeli.

AFTER CASTRO, SOME STIRRINGS

At first glance, it would not seem that there was much good news out of Latin America. It is still beset by the *mañana* complex, and in some countries, oligarchs still resist social and economic reform. But there are major trend-setting exceptions to this pattern in Peru, Chile and Venezuela, where progressive parties are increasingly powerful. In many countries, military regimes have taken over, but the new style of army officer is in many cases closer to the people than the politicians-of-privilege that they succeeded. In Brazil, for instance, army influence has meant at least the start of a turnaround from chaos to order, from corruption to responsibility.

Equally important is the collapse of Castroism. Once hailed all through Latin America as a champion of the downtrodden, Castro has ended by disillusioning all but his most fervent admirers. Today, Russia has to pump $1,000,000 a day into Cuba just to keep Castro going. In fact, Castro's expansive dreams of empire building have produced a constructive backlash. It speeded the launching of the Alliance for Progress, which has not exactly taken off in a big way but did stir some Latin regimes to take the first steps toward reform. And at long last, the Latin Americans are beginning to move toward regional collaboration and even a Latin American common market. The Central American Common Market, established in 1960, has proved a notable success producing a threefold increase in trade volume in just five years.

STILL COUPS, BETTER LEADERS

Even in Africa, seemingly always in the grip of coups and tribal clashes, there is clear progress if the continent is viewed in the longer perspective. Only six years ago, Patrice Lumumba, Sékou Touré and Kwame Nkrumah seemed the wave of the angry future, raging against the old rulers and demanding homage to their newfound importance. The Communists—Russian, Chinese, East German—swarmed through every new capital, offering ideological sympathy for their rage and flashy economic projects for their egos. Lumumba is long gone. Nkrumah is an exile, and Touré a diminished voice. Today's leading African figures are Jomo Kenyatta, Julius Nyerere, Kenneth Kaunda, and such durable elder statesmen as Haile Selassie and Félix Houphouet-Boigny; they range from staunchly anti-Communist to at least warily disenchanted. Ritual feelings about "neocolonialism" are giving way to practical attitudes bent on solving Africa's overwhelming problems. In Ghana, the new military government has replaced "Down with Neocolonialism" signs with others reading, "Ghana Welcomes Foreign Investment," and has invited Communist advisers to go home. In Tanzania, growing numbers of thinking Africans are unwilling to swap one imperialism for another.

Nowhere is there a sure guarantee of continued progress. The disparity between the world's rich and poor, underlined by the Pope's encyclical last week, remains a threat to the world's domestic tranquility and badly needs practical measures rather than emotional slogans. Bloodshed, revolution and disorder may erupt anywhere at any time. But rarely in recent decades have the signs been so relatively hopeful in so many places.

CORPS OF ENGINEERS IMPROVES DISPOSAL OF DREDGE MATERIAL FROM THE CALUMET RIVER

Mr. HARTKE. Mr. President, last summer I protested the Army Corps of Engineers' practice of dumping nutrient laden dredge materials—some 160,000 cubic yards of it—into Lake Michigan. This material was derived from the corps channel improvements and harbor dredging to keep our Great Lakes ports and access routes open to commercial and pleasure boat traffic during the 1966 shipping season.

The corps practice of dumping that deadly sludge from the Chicago River and the Calumet areas seemed incomprehensible to me and to other Senators who were working within the Great Lakes Conference of Senators toward solutions for abating pollution and cleaning up this vital waterway. This dumping was a significant threat to the welfare of our Great Lakes area population. We could not understand the corps' disregard for the safety of the Lake Michigan water supply for the Indiana, Michigan, Illinois, and Wisconsin communities affected.

The corps defended the dumping practices by citing the high costs of moving the material to other areas, the lack of onshore disposal areas, and that their major responsibility was to keep the access routes and ports open to shipping traffic. There appeared to be no reasonable alternatives.

We were able to secure some funds for studying alternative disposal sites for last year. The Bureau of the Budget has recommended $5 million in the Corps of Engineers fiscal 1968 budget for the study and alternative disposal means for this dredging season.

As the 1967 season opens, I am pleased to note that the Corps of Engineers, the Federal Water Pollution Control Administration, the Indiana Stream Pollution Control Board, and the Indiana State Department of Natural Resources has made progress toward ending all dumping of dredge materials into the lake.

More than half of the 459,000 cubic yards of material which will be moved from Indiana areas—some 263,000 cubic yards, with high and medium pollution potential rating, from the Calumet River—will be deposited in on-shore or diked disposal areas.

Another 149,500 cubic yards—125,000 cubic yards from Indiana Harbor—high rating—and 25,000 cubic yards from the Michigan City Harbor—low rating—is to be dumped into authorized or control areas of Lake Michigan. These areas will be studied by the Federal Water Pollution Control Agency and the Army Corps. The 46,500 cubic yards—low pollution potential rating—to be dredged from the Calumet Harbor will be moved by the Corps in September. This amount from the Calumet Harbor and an additional 35,000 cubic yards of new work from the Indiana Harbor, which may be undertaken in August is now scheduled to be added to the control area. However, the corps is still studying this.

Mr. President, I would be much happier if none of this material were to be dumped into Lake Michigan. But we are making some progress. Our Indiana

Stream Pollution Control Board and others are working with the corps, and hopefully they may find even more onshore or dike disposal areas for the dredge material before the dredging season closes.

DECISION FOR FREEDOM

Mr. HRUSKA. Mr. President, the dramatic entry into this country last Friday of Mrs. Zvetlana Alliluyeva, Stalin's daughter, is an event which, although it is the product of one individual's struggle within herself to be free to lead a life of her own choosing, has major significance for all of us.

Here is a person who was close to the very apex of Communist power. Through the years, she was able to observe and experience the nature of communism as few persons could. Yet, she has decided that communism—in spite of the purported transformation it is now undergoing—was not for her.

Why did she come? Why did she leave her homeland, her children, and her friends for a new country she has never seen nor visited? Simply stated, she chose freedom.

Obviously, it was a decision that was a long time in coming. It was a decision that took courage and will mean sacrifice and loneliness.

In her own words:

I have come here in order to seek the self-expression that has been denied me for so long in Russia.

And she found God. She found that "it was impossible to exist without God in one's heart." When this conclusion was reached, the main dogmas and teachings of communism lost their significance for her.

Also, there were compelling personal reasons culminated by the death of her husband, an Indian national who was never welcomed in the Soviet Union.

Mr. President, this dramatic event sharpens awareness that hundreds of millions of persons throughout the world seek that which Mrs. Alliluyeva has chosen and will find in our country. Our efforts must be pledged to making such a choice possible in their own lands, now captive.

Mr. President, I ask unanimous consent that the moving statement Mrs. Alliluyeva made upon her arrival in New York be printed in the RECORD.

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

[From the New York Times, Apr. 22, 1967]

I COULD NOT RETURN TO MOSCOW

(Statement written by Mrs. Svetlana Alliluyeva)

It is important to me to explain something of the reasons why I decided not to return to Russia but to come to the United States instead.

I've read some wrong explanations in newspapers and magazines and I don't want to be misunderstood by anyone—especially my own children and my friends in Russia.

When I left Moscow last December in order to convey the ashes of my late husband, Mr. Brijesh Singh, to his home in India, I fully expected to return to Russia within one month's time. However, during my stay in India I decided that I could not return to Moscow.

It was my own decision, based on my own feelings and experiences, without anyone's advice or help or instruction. The strongest struggle was going on in my heart all that time because I would have to leave my children and not see them for quite a long time. I did everything to force myself to return home.

MANY REASONS FOR COMING

But all was in vain. I felt it impossible to go back and went instead to the United States Embassy in New Delhi, hoping for help and understanding. Now, after a happy and peaceful rest in Switzerland, a wonderful country with kind people to whom I shall always be grateful, I have come here in order to seek the self-expression that has been denied me for so long in Russia.

Why did I leave Russia and come here to ask for your hospitality? There are many reasons.

Since my childhood I have been taught Communism, and I did believe in it, as we all did, my generation. But slowly, with age and experience I began to think differently. In recent years, we in Russia have begun to think, to discuss, to argue, and we are not so much automatically devoted any more to the ideas which we were taught.

Also religion has done a lot to change me. I was brought up in a family where there was never any talk about God. But when I became a grown-up person I found that it was impossible to exist without God in one's heart. I came to that conclusion myself, without anybody's help or preaching. But that was a great change because since that moment the main dogmas of Communism lost their significance for me.

I do believe in the power of intellect in the world, no matter in which country you live. Instead of struggling and causing unnecessary bloodshed, people should work more together for the progress of humanity. This is the only thing which I can take seriously—the work of teachers, scientists, educated priests, doctors, lawyers, their work all over the world, notwithstanding states and borders, political parties and ideologies.

ONLY GOOD AND BAD PEOPLE

There are no capitalists and Communists for me, there are good people, or bad people, honest or dishonest, and in whatever country they live people are the same everywhere, and their best expectations and moral ideals are the same.

My father was a Georgian, my mother was of a very much mixed nationality. Although I've lived all my life in Moscow, I believe that one's home can be anywhere that one can feel free.

My late husband, Brijesh Singh, belonged to an ancient family of India. He was a wonderful man and my children and I loved him very much. Unfortunately the Soviet authorities refused to recognize our marriage officially because he was a foreigner and I because of my name, was considered as a kind of state property.

Even the question of whether I should be allowed to marry a citizen of India was decided by the party and the Government. Moreover, we could not travel together to see his homeland, or anywhere else outside of Russia.

Mr. Singh had suffered for many years from a chronic illness. In Moscow his health began rapidly to decline and his heart became weak. Despite my entreaties the Government refused to allow me to take him to India, his homeland, before he died. After he died the Government finally allowed me to take his ashes home. For me, it was too late.

My husband's death brought my long repressed feelings about my life to the surface. I felt it impossible to be silent and tolerant any more.

I want you to know that three years ago I wrote a book about my life in Russia. I am happy to say that now it will be published in English and Russian, as well as other languages. The American edition will be published by Harper & Row and other publishing arrangements are being worked out by my lawyers, Greenbaum, Wolf & Ernst, and most particularly by my friend, Edward S. Greenbaum and his partner, Alan Schwartz, who accompanied me here from Switzerland.

I hope that my book will explain more fully than I can in these brief remarks what I felt and what I wanted to, but could not, say while in Russia.

SYMBOL OF THE PURPOSE

The publication of my book will symbolize for me the main purpose of my journey here. The freedom of self-expression which I seek can, I hope, take form of additional writing, study and reading on the literary subjects in which I am most interested.

While in Russia my interests were primarily literary and my friends were drawn largely from the ranks of writers, artists and teachers. I hope while here to be able to expand and broaden such friendships and, if possible, to make some small creative contribution to the world of arts and letters.

Despite the strong motives and deep desires which have led me to the United States, I cannot forget that my children are in Moscow. But I know they will understand me and what I have done. They also belong to the new generation in our country, which does not want to be fooled by old ideas. They also want to make their own conclusions about life.

Let God help them. I know they will not reject me and one day we shall meet. I will wait for that.

COUNCIL OF ECONOMIC ADVISERS ENDORSES TRUTH IN LENDING

Mr. PROXMIRE. Mr. President, it is gratifying to learn that a record number of agencies have endorsed S. 5, the truth in lending bill. One of the most impressive reports on behalf of the bill was made by Gardner Ackley, the Chairman of the Council of Economic Advisers and one of the most distinguished economists in the country.

The Council believes the bill will do much to further price competition in the credit industry, thereby lowering the cost of credit. Moreover, the Council believes the bill will benefit economic stabilization by making consumers more aware of the cost of credit.

Mr. President, some economists have testified before our committee on behalf of the credit industry and have claimed the bill would not have this effect. It is, of course, difficult to get any two economists to agree on any matter of public policy. However, it is gratifying to me that Ackley, Okun and Dusenberry, three of the most knowledgeable economists in the United States, are supporting the bill and believe it will have a beneficial economic impact.

Mr. President, I ask unanimous consent that the Council's report be inserted in the RECORD.

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

THE CHAIRMAN OF THE COUNCIL,
OF ECONOMIC ADVISERS,
Washington, April 14, 1967.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on S. 5, 90th Congress, a bill "To assist in the promotion of

economic stabilization by requiring the disclosure of finance charges in connection with extension of credit," known as the "Truth in Lending Act."

As a matter of equity, the consumer has the right to know the true cost of borrowing just as he has the right to know the price of any other commodity he buys. A consumer needs this information to make wise decisions in his own interests. To provide this information is the basic purpose of the bill.

The bill has a further economic justification in offering potential improvement of the efficiency of markets. Markets function more efficiently when buyers and sellers have full information about prices, and can make comparisons among alternative sources of supply or demand. This is as true about credit as it is about any commodity or other resource. Indeed, there is a special need for legislation in this area, since the price of credit is a relatively complicated concept, and is not well understood by many—or perhaps most—consumers. By requiring lenders to reduce all the confusing, complicated terms of credit to one standard comparable price—the annual percentage rate—the proposed bill would enable consumers to make proper and intelligent comparisons, and would promote effective competition among lenders. The market for consumer credit would operate with greater efficiency in providing at lowest cost its broad benefits to the American people.

The bill would provide an additional benefit to the cause of economic stabilization by increasing the responsiveness of consumer spending to changes in credit costs. At times when credit costs fall, consumers will be made aware of the true reduction in the cost of borrowing, and they will be encouraged to make increased installment purchases. On the other hand, when demand pressures mount and credit costs rise, consumers will be induced to defer purchase and inflationary pressures will thereby be eased. The stability of the economy would thus be served, while the consumer would be able to reduce his credit costs, a significant item in his budget.

The Council of Economic Advisers has examined the proposed bill, and finds that it would serve these useful purposes well, with minimal hardship—and, indeed, with benefit—to any legitimate lender. Therefore, we strongly support the bill and urge its passage.

The Bureau of the Budget advises that enactment of legislation along the lines of S. 5 would be in accordance with the President's program.

Sincerely,

GARDNER ACKLEY.

UNITED STATES HAS NOTHING TO FEAR FROM SENATE RATIFICATION OF HUMAN RIGHTS CONVENTIONS—LIX

Mr. PROXMIRE. Mr. President, each one of the four Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery, which I have daily urged the Senate to ratify, was debated at length, written, and rewritten in order to guarantee only the narrowest and most careful application.

In spite of these facts, some critics of Senate ratification have managed to conjure up the most awful images of international tribunals convicting the United States and our citizens of mythical violations of these conventions.

Nothing could be further from the truth. This brand of irresponsible talk is a grave disservice, not only to the conventions themselves, but to sincere American citizens as well.

Authoritative and knowledgeable commentators have uniformly emphasized that the Genocide Convention has no application or relevance to segregation or any other isolated denials of civil rights.

It is acknowledged that U.S. ratification of these four conventions would make us liable to unfounded and baseless charges by unfriendly governments seeking an empty headline. But this is a risk we, as a nation, face every day. Any individual or any nation that merely acts is subject to criticism from the professional censors of the world.

But a charge of U.S. violation under any of these four treaties would be so transparently fraudulent that the risk of international censure of the United States is absolutely infinitesimal.

The domestic law of the United States is already much more stringent than the minimal universal standards proposed by these conventions. We, as a people, have nothing to fear.

Ambassador Goldberg put the whole question of U.S. accountability to an international tribunal in proper perspective recently:

If we are faithful as a people and through our national forums to our own constitutional commands, we will not be called upon to answer before an international forum.

The United States has nothing to fear and much to gain internationally through Senate ratification of the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

Let the Senate vest the United States with the necessary credentials for our rightful leadership position in the continuing crusade for human dignity by ratifying all four of the human rights conventions.

LIVESTOCK MARKET DIGEST APPLAUDS HRUSKA IMPORT BILL

Mr. CURTIS. Mr. President, the current issue of the Livestock Market Digest, the trade journal of competitive livestock marketing, carries an editorial in support of the meat import legislation introduced last week by my colleague from Nebraska [Mr. HRUSKA] and cosponsored by 33 Senators. I am pleased to be among that group.

The editorial states:

Senator Hruska will obtain again, as he did in 1964, the good will of livestock men for speaking up in the Senate for their interests.

Similar response among farmers and ranchers throughout America has come as a result of Senator HRUSKA's leadership in this important field. It is my intention, Mr. President, to urge that the Committee on Finance, on which I serve, schedule hearings on the Hruska bill in the near future, and that similar action be had in the House.

It is only through a full and comprehensive airing of the issues and factors involved in this matter that Congress can reach a sound and practical solution to a most vexing problem.

I ask unanimous consent to have printed in the RECORD the editorial published in the April 24 issue of Livestock Market Digest.

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

SENATOR REVIEWS IMPORT HISTORY, NEED FOR HELP

The history of action to reduce meat imports during the most recent previous depression in livestock prices—that beginning in 1962 and lasting until 1964—was re-traced in the United States Senate earlier this month. The purpose of the recitation was to point out the need for action now which would reduce the possibilities that imports could be as significant a domestic price factor as they were then.

That is what Sen. Roman Hruska (R.-Nebr.) had to say: "In 1963 and 1964 a large and vital segment of America's agricultural economy stood on the brink of financial ruin as it watched prices for beef and beef products drop to disastrously low levels, driven ever downward by mountainous imports from abroad.

"The per capita increase in consumer demand was being met and overcome by a gigantic increase in imports. This increase amounted, in the period between 1956 and 1963, to an eightfold jump, from 211 million pounds of beef and veal in all forms to 1,677 million pounds.

"When we added into the calculation the effect of live cattle that were also being brought in, it developed that foreign nations were supplying an amount of beef to the American market equal to 10.7 per cent of our total domestic production."

His review continued to the present situation which included imports of beef and mutton of 614.2 million pounds in 1965, and of 823.5 million pounds in 1966. Under the formula established by law in Congress in 1964, the Secretary of Agriculture's estimates of imports are used to determine the possibility of import restrictions. That estimate now is 900 million pounds for 1967, but Sen. Hruska noted that last year's forecasts by the Secretary were lower than figures actually turned out to be.

The danger that 1967's estimates may prove too low was pointed out—for it could be damaging, if not disastrous, to find out too late to do anything except to accept the price consequences.

Sen. Hruska's remedy is to change the limit (now 995 million pounds) for triggering the import restrictions. "This trigger level is just too much foreign beef," he says. He would also eliminate the 10 per cent overrun which is now required before quotas can be imposed. He would impose the quotas by law, not on the basis of estimates, would count military purchases overseas against such quotas, and would restore authority to extend the quota system to other types of livestock products.

Such changes are sure to incure the wrath of some of American allies—for they want U.S. meat markets to remain open. The experience has been, however, that domestic agriculture pays too stiff a price for the protectionism practiced by other nations—the Common Market included.

Sen. Hruska will obtain again, as he did in 1964, the good will of livestock men for speaking up in the Senate for their interests.

FOREST INSECT AND DISEASE RESEARCH LABORATORY AT WEST HAVEN, CONN.

Mr. RIBICOFF. Mr. President, as a part of its national forestry effort, the Forest Service operates a forest insect and disease research laboratory at West Haven, Conn. I commend the work of the fine men and women who are developing sound, practical methods for controlling serious pests of the forests of Connecticut and other New England States.

Currently, the Forest Service has a staff of 34 at the laboratory; 16 members of the staff are scientists and 18 provide a variety of technical and administrative support services. Approximately $410,000 of Forest Service appropriations are used annually to support the laboratory staff and program.

A laboratory-office complex, authorized by the Congress, is being constructed at Hamden, Conn., for the staff and program which are now located in temporary quarters at West Haven. This scientific facility will be ready for use by approximately July 1, 1967. It will contain modern scientific instruments; for example, an electron microscope, required for intensive forest insect and disease research.

Thus, the basic elements—a competent staff and a modern laboratory—for a comprehensive program of research are available. But to be most effective these basic elements should be strengthened. Adequate immediate strengthening of the program at Hamden would require an additional appropriation of $355,000—$250,000 for insect research and $105,000 for disease research. I would hope that such an increase in this vital program area will be possible this year.

President Johnson's proposed budget for fiscal year 1968 provides a total of $6.5 million for nationwide forest insect and disease research programs of the Forest Service. Included in the total is an increase of $292,000. The research work at West Haven, as well as at other locations in the United States, is financed by this budget item in the Forest Service appropriation bill.

The additional funds needed for the research work at Hamden would be used to: First, staff, equip, and operate the new laboratory; and second, expand immediately research leading to control of serious hardwood pests. As has been the practice in the past, this new work would be done in close cooperation with Yale University, the Connecticut Agricultural Experiment Station, and other institutions in the region.

Much of the research at West Haven is directed to the development of nonchemical control systems for forest pests. These lines of attack would be followed when the program is strengthened.

Chemicals have been effective eradicators of insect pests. But continued reliance on direct suppression of insect infestations by chemicals alone cannot be tolerated. Some alternative biotic control methods have already resulted from research and still others appear possible. These methods can be more efficient biologically, more advantageous economically, and safer to man and wildlife—including fish—than the chemical methods now generally used. Perhaps biotic controls cannot replace chemicals entirely, but the two approaches can and should be integrated into effective and sound systems.

Possible biotic control methods encompass the following: First, insect parasites and predators; second, microbial agents—viruses, bacteria, fungi, and protozoa; third, sterilization and release of male insects into infested areas; and, fourth, identifying, selecting, and breeding strains of trees resistant to pest attack and injury.

Research has already shown tangible results with each of these approaches, and the research has already been applied to successful methods of pest control. For example: First, parasites and predators imported from Europe have become established in the Northeast and play a vital role in controlling the gypsy and browntail moths; second, a predaceous beetle was recently imported from Europe and released in various parts of the Nation, including the Northeast, for control of the balsam woolly aphid; third, specific viruses have been found, progagated, and applied for control of the European spruce sawfly, four pine sawflies, and the Great Basin tent caterpillar; and fourth, tree strains resistant to rusts, gall aphids, and other pests have been found and are being propagated. These few examples clearly illustrate that scientists, if adequately financed and equipped, can discover new, natural ways of controlling forest pests that have a minimum of ill side effects.

The Northeastern United States has about 71 million acres of hardwood forests. These forests contain large reserves of some of our most valuable hardwoods. For example, essentially all of the black cherry, 80 percent of the yellow birch, 65 percent of the sugar maple, 73 percent of the beech, and 33 percent of the ash timber resources of our Nation are found in these forests. These forests of Connecticut and elsewhere in New England are highly prized for recreation, water, wildlife, and beautification of the landscape.

And along with several other hardwoods, these species supply large volumes of raw materials for many wood-using industries located in the Northeast and other parts of the Nation. Such industries, ranging from pulpwood plants to furniture factories, provide employment opportunities, markets for timber, and other economic benefits to many communities.

So, forests make substantial contributions to the economic and social well-being of the region as well as the Nation. Current trends in uses of these multiple hardwood forest resources clearly indicate that demands upon them will climb steadily in the years ahead.

Insects and diseases have sharply reduced the capacity of northeastern forests to meet even the present demands upon them. Defoliating insects, trunk borers, cankers, stains, rots, and other pests have ruined vast amounts of otherwise valuable timber. Tree pests have spoiled the beauty of thousands of acres of forest land and made them unsuitable for recreational uses.

We must protect our forests against these pests. The Forest Service research program at West Haven is directed toward developing sound, practical protection systems. We need to strengthen this effort—reduce the time required to develop reliable control systems—and make sure we fully realize the production potential of New England's forests.

A REVOLUTION IN MANAGEMENT

Mr. MONDALE. Mr. President, last Wednesday, Joseph A. Califano, Jr., Special Assistant to the President, addressed the Washington chapter of Sigma Delta Chi and described how President Johnson and the administration have started a "revolution in management."

He explained:

> The thrust of that revolution is to mobilize the powerful new means of processing and communicating information and to develop modern analytical techniques to deal with problems in their entirety.

He cited the model cities program and the new Department of Transportation as examples of a systems approach in which the resources of many institutions and agencies—Federal, State, and local—are assembled for a concerted attack on problems which cut across political boundaries and involve many levels of government.

The administration is showing encouraging success in adapting governmental machinery to modern techniques. Moreover, additional machinery can and should be made available to the President to carry out innovative attacks on the Nation's social problems.

Early this year I introduced a bill which I believe would do this. The Full Opportunity and Social Accounting Act of 1967, S. 843, would create a Council of Social Advisers corresponding to the President's Council of Economic Advisers, with a total overview of Federal domestic social programs. It would provide for an annual Presidential Social Report comparable to the Economic Report. Finally, it would establish a joint congressional committee with oversight responsibility.

Not the least important, the legislation declares social accounting a national goal, and would provide for regular reports on the status of society, based upon appropriate social indicators, just as we do now in the economic sphere.

President Johnson and the administration are to be congratulated for their imaginative and creative efforts. Congress should encourage this governmental revolution.

Mr. President, I ask unanimous consent that Mr. Califano's address be printed in the RECORD.

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

THE POLITICS OF INNOVATION AND THE REVOLUTION IN GOVERNMENT MANAGEMENT

(Remarks by Joseph A. Califano, Jr., Special Assistant to the President, before the Washington Chapter of Sigma Delta Chi, April 19, 1967)

Tonight I would like to talk to you not about our more publicized problems or about our more celebrated achievements.

You are all too familiar with our problems—the urban ghettos, rural poverty, keeping the economy in a state of non-inflationary prosperity, the transportation snarl. You often write of those problems—more often, I must admit, than we would like.

You have also heard us speak many times of our achievements—the million college students now receiving Federal assistance; the million Americans acquiring new skills under Federal training programs, where none were receiving such help just a few years ago; the six million patients whose medical bills have already been paid by Medicare; the 72 months of unparalleled prosperity; the 3.6 per cent unemployment rate. Although you have not written about these accomplishments as often as we would like, you are certainly familiar with them.

The story I would like to talk about tonight is largely unwritten. It is a complex story and admittedly not the stuff of banner headlines. But it is as critical to the success of the President's domestic programs as are the legislative victories in education, in medicare, in civil rights.

This story involves two elements: the politics of innovation and the revolution in government management that it has inspired.

The politics of innovation springs from the exploding potential and production of the American nation, our capacity to grow in wealth and power more rapidly than in population, and our need to adjust constantly to a changing environment. The politics of innovation is characterized by our efforts to expand our national wealth so that we have the resources to deal with problems in a total context. As one commentator observed, the question is no longer whether there should be handouts to the poor, but how to break the poverty cycle; the question is not how to move more cars by more roads, but how to develop new transportation techniques that adjust to the whole urban environment.

The revolution in management is the response of government to the politics of innovation. The thrust of that revolution is to mobilize the powerful new means of processing and communicating information and to develop modern analytical techniques to deal with problems in their entirety.

These new problem-solving techniques are leading us to abandon many old slogans and to conduct our national dialogue on the basis of facts and through the prism of a total approach. This new approach to problem solving and decision making has many names: systems analysis, cost effectiveness, planning, programming, budgeting, evaluation.

The name is not important. The approach is. It is a systematic way of saying: what are all the parts of the problem, how do they affect each other, and why? It gives us new management tools to determine our objectives, set our priorities, examine the options open to us and apply the resources available to those programs which will have the maximum impact on the solution of our problems.

For the approach to be total, problems must be defined and examined in their entirety, as a whole, rather than in bits and pieces. It is an approach ideally suited to the Presidency.

First—much as you gather the facts for a story, or as a lawyer gathers the facts for a trial, all of the data bearing on the problem must be assembled.

Second—on the basis of that data, specific objectives must be defined.

Third—alternative means of reaching that objective must be clearly identified and evaluated.

Fourth—the available alternatives must be presented in a way that helps the President select the best option, in terms of the benefits it will bring in relation to costs, social as well as economic.

We must apply a total analysis not only to the substance of the problems, but to the institutions with which we try to solve them. It does no good, for example, only to develop a highly sophisticated mass transit system to speed commuters from their homes in one city to their destination in another. We must also tackle the problem of how the hundreds of Federal, state, city and county agencies involved can work together to install and operate the system effectively and inexpensively.

The new management revolution affects the machinery of government at all levels. It requires reorganization of Federal departments and agencies. It involves an entirely new set of relationships between Federal, state and local governments. These relationships and departments and agencies of government at all levels must be assessed in terms of their capability to define and solve problems.

These principles may seem simple and obvious to anyone in this room. While there were forerunners to be sure, perhaps the most startling fact is that these principles were so rarely applied in government until the last few years—and they have only recently begun to be applied to the domestic side of the Government.

The classic application of these new analytical techniques is in the Defense Department. There, the complex questions of force structure lend themselves to this new problem-solving approach—because they are so readily quantifiable. Defense planners can tell, for example, that an airplane weighing so many gross tons, costing so much to produce, can fly so far and penetrate enemy defenses with so many pounds of bombs. They can compare the effectiveness and cost of that airplane with the ability of a missile to deliver accurately a warhead of a given size in a few minutes to its target.

Perhaps the most difficult part of the Defense equation is the assessment of an enemy's capabilities and his intentions. To enhance our ability to make this assessment, it was essential to restructure the institutions responsible for making it—hence, the combination of separate service intelligence organizations into the Defense Intelligence Agency.

The difficulties of adapting these techniques to the domestic problems of our Nation are enormous. But their potential is vast—in imaginative and effective programs, in revitalizing the entire Federal structure of our country, in savings to our taxpayers, in giving the Presidency a more effective management mechanism than it has ever had.

President Johnson has fully grasped that potential. Years of experience on the House and Senate Armed Services Committees have given him an appreciation of the value of a systematic and total analysis—and of the difference in the operation of the Defense Department before and after its application there.

The same sure instinct for the effective use of Presidential leadership that has led to so many legislative achievements has brought the President to seek their effective administration.

For, from the perspective of the Presidency, a total approach is essential to the solution of any problem. This is particularly true for a problem-oriented President. Crime to the Justice Department may be federal crimes and federal judges and federal courts. To the Department of Health, Education, and Welfare, crime may be juvenile delinquency and halfway houses. To the Labor Department, it may be criminal records that prevent young men from getting jobs. But to the President, the problem is to control crime—not merely to get higher police salaries here and more judges there, not merely to get better correctional institutions here, and probation officers there.

The need for a total approach is particularly acute at a time when the President has committed, through the legislation of the last three years, a substantial amount of funds to the most visible national needs: education, health, poverty. Now we must look beneath the surface—and we must do so with analysis and judgment informed by facts, with a willingness to experiment, with a recognition of past mistakes and a determination to correct them.

For no one knows better than the President that we cannot content ourselves with putting new legislation on the books. We must constantly ask what we are trying to do and whether we are doing it well enough.

While one out of every six college students is now receiving Federal aid, how many potential college students have not even been identified?

While one million Americans are getting job training, how many of them will be self-supporting for extended periods of time? And how many thousands of Americans will not even walk down the street to the neighborhood employment center for help—and why not?

While Head Start is reaching a half-million preschoolers, how many other needy children have not yet felt the excitement of learning—or the encouragement of love?

While the overall unemployment rate is down to 3.6 percent, how do we reach the 12 percent of our teenage Americans who were without jobs in 1966?

While we wipe out measles and smallpox and other diseases, how do we bring the infant mortality rate of the most affluent nation in the world to a level that compares favorably with 10 other nations?

As we reach increasing numbers of Americans with economic policies, with special training, education and health programs, the most important questions become: how to evaluate these programs in terms of their success in achieving our great national objectives and how to reach the untouched Americans.

It is critical that your government find and use the right approach at this point in the Nation's history.

For on that approach depends the confidence of the Congress essential for appropriations and new legislation. On that approach depends the confidence of the American taxpayer, who is entitled to the most effective programs his tax dollars can buy. And on that approach may depend the success of the most comprehensive commitment the Nation has made to improve the quality of life for all of its citizens.

How can this new, total approach operate on the domestic scene:

Where problems cut across several departments within each of which so many entrenched bureaucracies operate.

Where the facts—the raw material of decision making—are often social and psychological and hence not easily quantifiable, even if they are obtainable.

Where so many of the alternative tools to be applied to the problem rest with state and local governments who are often ill-equipped, and private institutions who are often disinterested.

Take the problem of the slum, for example.

A slum is a group of decayed and rotting buildings. It is also poverty. It is hunger. It is inadequate education. It is denial of job opportunity. It is discrimination. It is the infection of rat bites. It is despair and frustration.

Once we recognize that a slum is all these things, it becomes clear that health workers, transportation experts, educators, psychiatrists, vocational training and tax experts —all these and more are needed and they are needed at the right time and in the right place. From the very beginning, the approach must be inter-disciplinary and total.

The Federal government alone cannot wipe out a slum. For the President cannot, and should not be the mayor of every city. Nor can cities alone, when states are responsible for public health and employment services. Nor can states alone, when private industry has most of the jobs available for the unemployed.

Once we recognize that the Federal government cannot do the job alone—nor can the city or the state—a means must be found to bring together the potential of Federal, state and local programs with private initiative.

This is precisely what we are attempting to do with the Model Cities program. Under this program, local communities are asked to assemble all their resources—public and private—together with all available Federal programs and submit a comprehensive plan not only to build apartments, transportation systems, sewers, or hospitals, but to give people in the area the opportunity for self-

development at the same time. The Federal government will pay a substantial bonus to help get the job done.

To join effectively with the local community, the Federal government must abandon its traditional vertical structure and bring to bear a horizontal lineup of departments and talents. This, itself, presents difficult problems to departments and agencies that have been inner-directed for a generation.

Another example of our preparations to handle problems in their total context is the Department of Transportation. Establishment of that Department formally recognizes that our transportation network is a series of highly inter-related forces that had far too long been going their own separate ways, fragmented and uncoordinated.

The problems and operations of each mode of transportation have a direct influence on the problems and operations of the others.

For example, an attempt to provide the swiftest, most efficient transportation system in the Northeast corridor raises these questions:

Are eight-lane turnpikes the answer? With special 100-mile per hour bus lanes?

Or high-speed railroads?

Or jumbo aircraft that can move more than 700 people in a single flight?

Or some combination? What combination?

Where, when and how should the Federal investment be made? And how much should it be? Should it be made at a time when it takes the airline passenger longer to get from the airport to the city than fly to the airport?

A few months ago, this Nation did not even have the organizational structure for asking—much less answering—questions such as these. It had instead 31 separate agencies and programs, uncoordinated and growing increasingly chaotic each year.

The Model Cities program and the Transportation Department are two tangible achievements which allow us to apply a total systems approach. It is no accident that they were also two of the most controversial bills the President presented to the Congress last year.

They represent the politics of innovation in action. Old myths were destroyed. Past mistakes were recognized as such. Power structures—created in part by the politics of distribution to urban renewal departments in cities and to subsidized transportation industries—preferred the old to the new, the known to the unknown.

My point is not to dwell on these legislative achievements of President Johnson. I cite them merely to note some results of a systematic approach that is just beginning to take hold, and to assure you that we recognize that passage of a law is only the beginning.

These are early developments. Their most important impact may be within the Federal bureaucracy. When the President, by concrete example, demonstrates his willingness to take on the tough problems if a sound analysis based on facts has been made, he encourages the planners to ask the hard questions, to demand answers, to seek alternatives, to innovate.

We are beginning to ask these questions and, in some cases, get some startling answers.

We have recently completed a preliminary study of the welfare programs supported by the federal government to answer a very simple question: How many persons capable of working are on welfare?

Some would say many millions. But analysis disclosed that, over the next few years, out of the 7.3 million Americans on welfare, only 50,000 males may be capable of getting off—even if every program, public and private, were adequately staffed and efficiently run.

Of the 7.3 million citizens on welfare:

2.1 million, mostly women, are 65 or over, with a median age of 72.

700,000 are either blind or so severely handicapped that their work potential, if any, is extremely limited.

3.5 million are children whose parents cannot support them.

The remaining 1 million are the parents of those children: about 900,000 mothers and 150,000 fathers.

Two-thirds of the 150,000 fathers on welfare are incapacitated. Only some 50,000 are capable of being given job skills and training that will make them self-sufficient.

The problems this study raises are:

How to reach, how to motivate this proportionately small target of 50,000 fathers, and how to educate the American people to recognize and accept this target.

If special child-care centers and special training programs were established, how many mothers would we be able to move off the welfare rolls? Indeed, is it desirable to take two or three-hundred thousand mothers away from their minor children?

Perhaps most important, we must determine whether past mistakes put almost one million mothers and 3.5 million children on welfare—and correct those mistakes.

And what of the hundreds of thousands of Americans who are part of the problem, but not on federally supported welfare programs.

This is only a preliminary collection of the most fundamental information on welfare. If more detailed studies and analyses confirm these preliminary findings, it will be relatively easy to define the target. The difficult task will be to resolve the issues such an analysis raises.

For identification of the problem, proper characterization of the issue is only the beginning.

It is easy to say that the issue is not states' rights, but states' responsibilities. The difficult task is to define those responsibilities, and for the governors to get their states to recognize and assume them.

It is easy to say that free enterprise requires partnership, not a wall of separation, between the Federal government and business and labor. The difficult task is to establish effective federal partnerships with business and labor to solve the problems of contemporary America. Consider the proposal to establish the department of business and labor.

It is easy to say that long-standing programs are obsolete and are only being continued by institutions which they themselves created. The difficult task is to replace the obsolete with programs tuned to the problems of today and tomorrow. Consider our attempts last year to change the school milk and land grant college programs.

It is easy to say that artificial boundaries drawn by pilgrims in New England or pioneers in the West more often hinder than help solve transportation and pollution problems. The difficult task is to transcend those boundaries and set up new institutions.

Solving the difficult tasks—proposing innovative solutions—brings us squarely into the politics of innovation. The first step in practicing the politics of innovation is education—a responsibility that is ours to share, you in the press and we in the government. For in a public educational process, the press is indispensable.

I have attempted to describe the way President Johnson would like the government to approach problem solving and decision making. But the President is the first to recognize that systems analysis—and the entire planning, programming and budgeting system—is no substitute for judgment, compassion, or indeed, decision making itself.

What this process can do for a President is inform his judgment, help translate his compassion into effective action, and help assure that his decisions are based on facts, alternatives and sound analysis. It can measure—to the extent that such things are measurable—the costs and benefits of different alternatives. It can show a President how much he will get for what he spends today—and how much more, or less, it will cost if he waits until tomorrow. But it can never substitute for the political philosophy of a President or a party, or a President's concern for the welfare of his people and his Nation.

Nor do I mean to suggest that we are on the verge of shattering every deeply imbedded principle of government. In our search for new solutions, we have no intention of ignoring the lessons of experience. Actually, we will learn more and more from our experience, as we systematically evaluate it.

But we will not be like Mark Twain's cat who once sat on a hot stove. The cat never sat on a hot stove after that—but he never sat on a cold one either.

What a systems approach represents—and all it represents—is a method of analyzing problems. We have not yet found the answers to all the questions we have raised. In some cases, we have only begun to pose the questions. In others, we have not yet even found the right questions to ask.

This disclaimer does not in any sense downgrade what I consider to be the value of the effort. I place that value very high—as high, indeed, as any government adventure of recent times.

All of us in this room have had experience with the crises of government which crowd other news off the front pages. But they are not what government is. The essence of government—the priceless quality which fuses it with the public will—is its capacity to respond to the needs of the people it serves. It is precisely to heighten this capacity that we have embarked upon the total system of analysis and problem solving that I have discussed tonight.

HAWAII SUCCESS STORY

Mr. BOGGS. Mr. President, it has come to my attention that the distinguished senior Senator from Hawaii [Mr. FONG] and a business associate are the subjects of a magazine cover story regarding a fascinating business success story in Hawaii.

A photograph of Senator FONG and his associate, Clifford Yee, appears on the front cover of the April 1967 issue of Hawaii Business and Industry. Hawaii Business and Industry, I have learned, is one of the State's most respected and influential monthly publications devoted to happenings in Hawaii's world of finance and commerce.

The article deals with the growth of Finance Factors, of which the Senator is president and board chairman, from a foundling as an industrial loan company 15 years ago to a family of companies having total resources of $64 million.

The history of Finance Factors—together with the operations of all of its affiliated companies—is one of sound and spectacular growth, the magazine observes. This is indeed a tribute to the gentleman who heads the organization.

I ask unanimous consent that the Hawaii Business and Industry article, entitled "The First 15 Years of Finance Factors," be printed at this point in the RECORD.

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

THE FIRST 15 YEARS OF FINANCE FACTORS—THIS MONTH HAWAII'S LARGEST INDUSTRIAL LOAN COMPANY, AND THE MULTITUDE OF COMPANIES THAT HAVE DEVELOPED ALONG WITH IT, MARKS ITS 15TH ANNIVERSARY

Fifteen years ago, when personal loans were a new concept in Hawaii, a small Honolulu hui scraped up $200,000 in cash and formed an industrial loan company to specialize in the newly developing field of consumer finance. Today, after 15 years of spectacular growth, the company has grown into what its founders fondly term a family of companies, diversified yet closely interrelated.

Heart of the whole operation is still Finance Factors, of course, with total resources today of $48-million and, appropriately, 15 offices on all major Islands. It is the largest industrial loan company in operation in the Islands—despite competition from such national organizations as Beneficial, Seaboard, Budget, and lately Dial Finance. But beyond Factors itself, is a wide ranging collection of diversified but closely related operations spawned by the parent company.

The list includes Grand Pacific Life Insurance Co., one of the State's most successful life companies, which last year sold $17-million worth of insurance and now has over $93-million worth in force—roughly $10-million for each year of its operation. In a major step taken recently, the decision was made for the locally-owned company to begin operating in California.

Also a separate corporation is Finance Realty, the subdividing and homebuilding member of the family. Realty started out in 1953 with a 12-acre subdivision in Manoa, in 1955 bought 120 acres near Wahiawa for what was to become the 500-unit Waipio acres subdivision—long since completed. In 1958 it developed and sold 9,000 acres of land on the Big Island—one of the few Big Island subdivisions to have been completely sold out.

Currently the company is involved in two major long-range projects. Makakilo City, a subdivision being built above Barber's Point, now has 500 homes on land leased from Campbell Estate. For its other major project, the company has 1,800 acres of fee land at Pupukea which it is developing into one-acre lots, and the Pupukea project is now going into its third increment.

Another member of the corporate family is involved in land development as well, but primarily develops it as income property rather than to sell. This is Finance Investment, set up initially to go into any type of investment, but today mostly involved in land and buildings—from cooperative and condominium apartments to warehouses and office buildings. Most recently, Investment has gone into hotel construction—its latest project being a joint venture with Inter-Island Resorts to build the new Naniloa Hotel in Hilo.

There is one other separate corporation in the family—Finance Securities. Although it deals almost exclusively with house accounts, it illustrates quite well how the corporate entities develop within the family group. As the volume of stock transactions within the company began to grow, it became apparent that there was enough corporate activity to warrant the formation of a separate corporation. Today Securities handles the stock transactions of all the various firms, which over the years has developed into a substantial volume.

Also set up separately is the Finance Factors Foundation, to which the company has made an annual contribution for the past eight years. This contribution is based on a share of corporate profits, and the Foundation now has over $125,000 in it, the earnings from which are used for various charitable causes determined by the board of directors each year.

Within the various corporations are a number of specialty divisions, such as Finance Factors Insurance, a general lines agency which is still under the parent company and has not yet been set up as a separate corporation. Finance Realty has a real estate sales division and a construction company, and Finance Investment operates a property management division. There is still another layer of company activity, this being the individual development companies formed within the corporate parent. Under Finance Investment, for instance, there is a separate company which developed the Ward Avenue Building, another which built the Finance Factors office building in Hilo, and so on.

Behind this corporate structure, and the ever-widening ripples it creates as it grows, is a philosophy that whatever the company is involved in should somehow be used to create profit for the company. Thus it was that when Finance Factors started making auto loans, it decided to set up its own agency to provide coverage for the cars the company was financing. Or that when Realty started subdividing, it set up its own construction company to build the homes.

This philosophy runs even deeper than its own corporate operations. When Security Title Corporation was set up a few years ago, Finance Factors was impressed by its plans to put title information on punch cards and, in effect, to automate the industry. Since through its loan activity it was processing a large number of documents, Factors took a small investors position in Security Title. As executive vice president Clifford Yee puts it, "We like to insure the success of the companies we invest in through full company sponsorship on our part." How true this is can be seen in the company's relationship with Inter-Island Resorts. Through Finance Investment, the company set up a joint venture to build the Naniloa Hotel in Hilo. Inter-Island divorced the Naniloa from its regular corporate structure and then formed a 50/50 joint venture with Finance Investment to build the hotel, with the management rights going to Inter-Island Resorts.

Finance Factors has gone even further, however. During the last public offering of Inter-Island stock, Factors bought in, and today is represented by Yee on the board of directors. It is likely that this association will result in future joint ventures as the burgeoning visitor industry requires Inter-Island to expand its facilities to meet the growing demand. But beyond that it illustrates Finance Factors' willingness to participate with other companies it has faith in.

GROWTH OF CONSUMER FINANCE

While other members of the family have been spreading out in various directions, the parent company has proved particularly adept at increasing its share of the highly competitive market for consumer finance. In its early days, the company was in the forefront of the industry as it expanded from financing for autos into home appliances, then furniture, and finally into the service areas of personal loans for travel and other intangibles. Of course, as the market has grown, competition from other lending institutions has come into the picture, ranging from banks and credit unions to other finance companies.

The growth of the industrial loan companies in Hawaii has been spectacular over the last 15 years, going from $30-million worth of resources in 1952 to $184-million last year. In this growth, Finance Factors has had a remarkable showing, having only ten per cent of the offices, but better than a quarter of the dollar resources of the local industry.

One of the reasons for that success is that Finance Factors has taken a different approach than the others. While most firms set up small offices in a great many locations, Finance Factors takes the approach of having regional offices, much like a bank would. While it has fewer offices, they are generally larger and more impressive than the competition. In the cases where Finance Investment owns the building, it is known as the Finance Factors Building. Factors always encourages its people to take part in community activities and become a part of the community.

Nowhere has its success formula been so vividly pointed out, however, as during the current months when money was in short supply nationwide and many companies found themselves in tight straits. Not only did Factors have reserves held for just such a rainy day, but its ties with east and west coast and local banks held up during the period of stress. In 1966, net profits after taxes were up a healthy 14 percent.

THE MEN INVOLVED

The man the public most closely associated with Finance Factors is Hiram Fong, who as president guided it through its formative years. Today, with Fong in Washington, more and more responsibility is in the hands of Clifford Yee, one of the original founders, who holds the title of executive vice president and serves as the coordinating officer of all the companies. Not that Fong has divorced himself from business now that he is a Senator. He gets back to Hawaii every couple of months, and company business gets a good deal of his attention during those times. At Finance Factors, however, there is a relationship between owners and the management team that is unusually close. Partly this is because four of the owners are active in the company, but it is also due to the degree of freedom and responsibility that management has placed on each of its key executives.

While it is not widely known, ownership in Finance Factors rests in six men, each of whom has an equal share of stock in the company. Of the six, three spend full-time in operations—Clifford Yee, Mun On Chun, and Daniel Lau. The others are Hiram Fong, Fong Choy and Dr. L. Q. Pang. None of the six has taken any profits out of the firm, and over the years a major part of the company's expansion has been internally generated out of re-invested profits.

Major decisions, such as Grand Pacific's proposal to operate in California, are discussed by the owners and the management team to relate the specific move to over-all company operations, and a consensus is arrived at by the board of directors. Day-to-day operations are left in the hands of the individual executives, with Clifford Yee serving as the coordinating officer for all the operations.

Yee was in his early thirties and head of accounting at Honolulu Trust Company when the idea of forming a consumer finance company was first discussed. Working with him at the time, and also among the original founders, were Daniel Lau, who today is corporate secretary for all the companies, and Mun On Chun, who heads up Finance Realty and at 59 is the elder statesman of the youthful management team. The fourth member of the group that originally put the company together was Lawrence B. C. Lau, who was to sell out in 1962 and move on to American Security Bank, to become the bank's president.

Finance Investment is run by Sheridan Ing, an MIT graduate who came to Finance Factors in 1957 from Hawaiian Telephone, where he had been head of business research. Ing was brought in to set up Grand Pacific Life Insurance in 1957, then went on to set up Finance Investment which he heads today.

Ing was replaced at Grand Pacific by Wadsworth Yee, who serves as executive vice president, in addition to his duties as State senator. At Finance Factor, Edward Matsu-

moto handles the day-to-day operations as senior vice president; and a former Amfac insurance executive, Robert Doane, runs Finance Insurance. Finance Securities is under Edward Wong.

A PREMIUM ON PEOPLE

Finance Factors puts a premium on people, and the fact shows throughout its operating arrangement. Almost all promotion comes from within the company, and it is a young company. Yee himself is 48 and the average age of the top line management group is 38. The average age for the entire company is only 32, half of whom have five years or more with the company. What holds the 250 people who make up the family of companies? It is a combination of a lot of things, ranging from one of the first profit sharing plans in the State to a training program that encourages personal development.

In-house training programs are set up annually for both new trainees and to further the knowledge of other employees. Because the other times of the year are hectic, the training periods run from March to June or July for five or six weeks on week nights. Beyond the basic training program, headed by personnel director Ross Landgraf, there is an opportunity for each employee to further his training at company expense. Every male employee is urged to take the Dale Carnegie Course, and the company will pay the tuition for anyone who wants to take real estate, insurance, or other related courses. Speakers are regularly brought in to talk to groups on subjects of industry interest, and the speakers are often from the competiton. As an example, bank credit men are invited in to speak, as are mortgage men, advertising people, and estate planners.

Finance Factors also encourages its people to have professional accreditation: At Grand Pacific the supervisors are all CLU's, at Finance Investment the property manager is certified, and two key executives are graduates of the National Installment Banking School. The senior management team has been through the Harvard Advanced Management Program, and even the head of the company's advertising agency, John McDermott of Fawcett-McDermott & Associates, is a licensed insurance man.

THE FORMULA HAS PAID OFF

How well this emphasis on people has paid off is evident in the over-all success of the company. Taken together, the entire Finance Factors family has resources totalling about $64-million. In addition to Factors, with $48-million, Realty has resources of $4½-million, Grand Pacific Life almost $3-million, and Investment $9-million. Up to now Finance Factors' growth has been almost entirely based on operations in the State of Hawaii. While this may not be true in the future, since Grand Pacific is already moving into California, and the company is interested in any good proposition no matter where it is, nevertheless management feels that Hawaii is still in a decidedly strong growth position. Wherever it goes, however, the sound management team and the proven corporate philosophy of Finance Factors will likely reflect its past successes in new and exciting directions.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

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. BYRD of West 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.

EXECUTIVE SESSION

On request of Mr. BYRD of West Virginia, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE D—TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES

The Senate, as in Committee of the Whole, resumed the consideration of Executive D, 90th Congress, first session, a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, the "Treaty Governing the Exploration and Use of Outer Space" is designed to establish rules preventing the use of outer space or any celestial body in it as a base for nuclear or any other weapons of mass destruction, and to provide means of enforcing these rules. Unlike the Consular Convention, it is not a unilateral treaty with the Soviet Union entered into at a time when the Soviets are our virtual enemies in the Vietnam war. On the contrary, it is a multination treaty subscribed to by many, and perhaps eventually by all nations. For these reasons I have been desirous of supporting it, provided it did not pose a threat to the security of the United States of America.

The obstacle in the way of my voting for ratification was the question as to whether the United States would be able to detect violations of the treaty by the Soviets or others in time to take measures for our protection. Frankly, I place no reliance on the treaty promises of the Soviet Union, and I do not have complete confidence that our own Government will always be alert and realistic in guarding against possible threats to our security. My lack of confidence, however, does not extend to our military leaders.

In order to satisfy myself on this vital point, I addressed three question to the Secretary of Defense. They were:

First. Will we be able to determine if Soviet spacecraft carry heavy weapons?

Second. If so, how?

Third. Could our present and projected retaliatory capacity survive a sneak attack from outer space?

The testimony of General Wheeler, Chairman of the Joint Chiefs of Staff, found on page 98 of the hearings before the Committee on Foreign Relations, constitutes a partial answer, but being given in open hearing, could not be specific enough to wholly resolve my doubts. The answers to my questions received from the Department of Defense, particularly from the Director of Research and Development, went into the matter more fully and furnished considerable assurance, but even that information might not have enabled me to make the grave decision to vote for the treaty.

I then sought and obtained a personal conference with General Wheeler, speaking for the Joint Chiefs of Staff. Obviously, the information or the subjects of discussion with General Wheeler cannot be disclosed, other than to say that they went directly to the core of the three questions propounded by me. The information from, and the assurance of, the Joint Chiefs of Staff, added to the data received from the Defense Department and carefully studied, enable me to vote for this treaty with complete confidence that it may promote, and certainly will not endanger, our national security.

I shall vote for the ratification of the treaty.

(At this point Mr. HOLLINGS assumed the chair.)

Mr. COOPER. Mr. President, I compliment the distinguished Senator from New Hampshire for his interest in securing exact and adequate information about the military and security aspects of the treaty.

I should like to speak briefly on this matter, because in the committee I directed my attention and addressed my questions to this particular issue.

We know that the interest of our country in the peaceful exploration of outer space is neither new nor recent. In November of 1958, President Eisenhower took the initiative, and, in an exchange of letters with the Chief of State of the Soviet Union, expressed our country's desire to seek agreements to limit the uses of outer space for peaceful purposes. This policy has been reaffirmed repeatedly by President Kennedy and President Johnson.

In its consideration of the treaty, the Committee on Foreign Relations, at its first hearing, received the testimony of Secretary of State Rusk, Ambassador Goldberg, and a statement by the Administrator of the National Aeronautics and Space Administration, Mr. Webb.

I must say that I did not feel that they dealt adequately with the military and national security aspects of the treaty. I requested that the chairman of the committee insist that the Chairman of the Joint Chiefs of Staff, General Wheeler, and the Deputy Secretary of Defense, Mr. Vance, speaking for the Secretary of Defense, appear at a public hearing on April 12, to testify concerning these problems.

I should like to comment on those provisions of the treaty which bear on our national security and military posture in light of the testimony given the committee by General Wheeler and Mr. Vance.

Paragraph (1) of article IV obligates the treaty parties "not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner."

Paragraph (2) of article IV prohibits "the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies" and, in the affirmative, requires that the moon and other celestial bodies be used exclusively for peaceful purposes.

In order to establish safeguards and to ascertain compliance by the parties with the above prohibitions of article IV, the treaty in article XII provides for inspection by granting the parties physical access "to all stations, installations, equipment and space vehicles on the moon and other celestial bodies" upon reasonable advance notice. But with respect to orbiting bodies—and this is the important distinction—there is no provision in article XII or in any other article of the treaty authorizing physical inspection so as to determine whether orbiting bodies are armed.

It was this absence of a provision in the treaty requiring inspection of orbiting objects which aroused my concern and prompted my interest in seeking additional information.

The Senate should address itself to this important question and the public at large has a right to be informed.

In the public hearing held by the Committee on Foreign Relations on April 12 the questions which have been raised here by the distinguished Senator from New Hampshire [Mr. COTTON] and which I will raise also, were addressed to General Wheeler, the Chairman of the Joint Chiefs of Staff, and the Honorable Cyrus Vance, speaking for the Secretary of Defense.

At the outset of the hearing, before I had an opportunity to put questions to these witnesses, the able Senator from Ohio [Mr. LAUSCHE] covered the subject matter thoroughly and in detail and obtained answers to many of the questions that concerned me. When my opportunity for examining the witnesses presented itself I noted that many of the questions I had prepared had been answered. The answers to some of these questions contain information and judgments which the Senate and the country as a whole are entitled to know.

One of the first questions asked by Senator LAUSCHE, and which I later asked, was this: Is it possible for the United States, within its present capabilities, to determine whether an orbiting object in outer space is armed?

The answer was that it is not possible to determine whether a single body orbiting in space is armed but that the appearance of a number of orbiting bodies would give notice to our security and military services of the possibility that they might be armed. Mr. Vance testified:

> We believe that, through our space observation and other technical surveillance systems, compliance with this provision of the treaty can, and will, be effectively monitored. This is not to say that one or two or some very small number of weapons could not be clandestinely orbited without being identified. This is possible. On the other hand, to be militarily significant, a large number of weapons would have to be deployed, and this would certainly be detected.

This view was reaffirmed by General Wheeler, who stated:

> We have certain capabilities today to detect and keep track of objects in space, and while, as I point out in my statement, a space power could undoubtedly orbit one or two weapons of mass destruction in space without our necessarily detecting it, any substantial number which would constitute a military threat could be detected at the present time by our present capabilities.

The second question I asked was this: Is it more difficult for the United States to detect an attack by armed missiles or an attack by armed orbiting bodies? Both witnesses testified that we could easily detect a missile attack but that we would have greater difficulty in detecting a surprise attack of orbiting bodies armed with nuclear weapons.

Both General Wheeler and Mr. Vance, speaking for the Secretary of Defense, assured the committee that the Defense Department is pushing forward its present programs for developing improved methods of surveillance and identification of orbiting armed objects, that the Department has sufficient funds at present to carry out this program and that the Department would not hesitate to request additional future appropriations when needed.

General Wheeler testified that:

> This threat can be answered only through intensified U.S. efforts to develop capabilities to detect and verify the orbiting of nuclear weapons or those threatening mass destruction. We must develop the capability of dealing with that threat should it materialize, with or without a treaty.

In this connection I believe the most significant testimony given by the Chairman of the Joint Chiefs of Staff was that he would prefer to rely upon the capabilities of the military services and the agencies of the United States to maintain monitoring and surveillance systems for the detection of possible armed satellites rather than have the right to inspection.

I do not know all of the reasons he had for making that statement, but it is important and significant that the Department of Defense and the Chairman of the Joint Chiefs of Staff said that they prefer to rely on our capabilities to detect any possible arming of orbiting bodies, and they expressed confidence that they would be able to maintain that capability. It is upon this basis that I find myself able to support the ratification of this treaty.

My last point is that the treaty does not significantly change our present situation. Today there is no agreement. It has been the announced U.S. policy since 1962 not to deploy weapons in outer space. We should bear in mind that whether we enter into this treaty or not, the Soviet Union, if it so desired, could orbit armed objects, and our present capability for verifying the armed nature of these objects in space would not be changed.

I close by saying that I believe this is an important treaty. I think it deserves more discussion in the Senate, not only concerning its provisions, but concerning its possible long-range effects. I would like to take this opportunity to compliment Ambassador Goldberg for his long and patient efforts and skill in negotiating this treaty.

I am happy that the Senator from New Hampshire raised this issue.

Mr. President, I ask unanimous consent that my questions to Deputy Secretary of Defense Vance and the Chairman of the Joint Chiefs of Staff, General Wheeler, and their answers be printed in the RECORD at this point.

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

MORE TESTIMONY SOUGHT

Senator COOPER. As the Chairman stated at the outset of this meeting, I did ask these witnesses be called to testify before the committee upon the military aspects of the treaty and its effect upon our national security.

I did not think that the statements of Secretary Rusk or of Ambassador Goldberg or Mr. Webb covered this aspect adequately. I have also read the statements of the Secretary of Defense, which I think you, Secretary Vance, have repeated.

Mr. VANCE. I have, sir.

Senator COOPER. And the statement of General Wheeler.

I may say at this point that many of the questions that I had prepared for this hearing have been answered because of the questions of Senator Lausche. I think he has explored this field very thoroughly.

But I do want to ask a few more questions because I think it is necessary that the country, as well as the Senate, feel that this treaty does not in any way impinge upon the security of the United States.

VERIFICATION OF ORBITING OBJECTS

I am aware, of course, as you have stated, that whether this treaty is entered into or not, the Soviet Union, if it desired, could orbit armed bodies, and our capability for verification would not be changed in any way. That is correct, is it not?

Mr. VANCE. That is correct.

General WHEELER. That is correct.

Senator COOPER. You have stated that the United States now has the capability of identifying objects that are orbited in space, but can we also determine whether or not they are armed?

Mr. VANCE. Senator Cooper, as I indicated in my statement, it would be possible for the Soviet Union to launch one or two which might escape our identification. However, it would be, in my view, impossible for the Soviet Union to launch, undetected, a militarily significant number, and I believe General Wheeler will concur with that statement.

General WHEELER. That is right.

Senator COOPER. I have not served on the Armed Services Committee for a long time or the Joint Committee on Atomic Energy, and some of these subjects are very technical. I do not have the knowledge that perhaps Senator Gore and others would have on the technical aspects. But may I ask again, can you distinguish and identify an orbiting body and can you determine now whether that body is armed?

Mr. VANCE. It is not possible to determine whether a single body orbiting in space is armed with the technology which we have at this point in time.

DETECTION OF ARMED ORBITING BODIES

Senator COOPER. But if you detected a number of orbiting bodies, that gives you cause for concern that they might be armed?

Mr. VANCE. That is correct, sir.

Senator COOPER. One of the purposes of this treaty is to encourage the free use of space. What would there be about a group of orbiting bodies that would give you concern that they might be armed?

Mr. VANCE. There are some characteristics which would be identifiable or would lead to the conclusion that this might be an or-

biting bomb or a nuclear weapon. The size would be one of the important facts that one would look to. There are other classified programs which we have underway at this point which when they reach their fruition will be able to give us a great deal more knowledge than we can gather at the present time with respect to the nature of the body in orbit.

Senator COOPER. Mr. Secretary, you have stated that there could be a small number of orbiting bodies which you could not detect but that a significant number would cause you concern. Now, is there any point where a certain number would cause you concern?

Mr. VANCE. Are you asking me how many would give us concern?

Senator COOPER. Yes.

Mr. VANCE. It is a difficult question to answer, Senator, but if we would detect ten or more, I would certainly have concern.

DETECTION OF A MISSILE LAUNCHING OR AN ORBITING BOMB

Senator COOPER. Would it be more difficult to determine whether a missile attack was being launched or whether a group of orbiting bodies might constitute an attack upon the United States?

Mr. VANCE. Let me say, Senator, with respect to that question, that it is much more difficult to launch an attack from space than it is to launch one from the earth. You have many problems in trying to launch an attack from space. You have the problem of accuracy. The accuracy of a bomb deorbited to the earth is much less than that of an ICBM. In addition the payload is less than that of an ICBM.

The whole problem of command and control is much more difficult with respect to an orbiting body. Finally, it is much more expensive than an ICBM.

So that from a commonsense standpoint, it simply does not make sense——

Senator COOPER. I understand, and that is the question I am going to direct my attention to in a minute. But that was not the question I asked.

Mr. VANCE. I am sorry.

Senator COOPER. My question is this: Is it more difficult to detect a missile launching than it would be to detect an armed orbiting object directed against this country?

Mr. VANCE. No. We have systems in being right now which make it easy to determine whether a missile has been launched.

Senator COOPER. That is what I thought. You make the distinction that it is easier to identify a missile attack on the United States than it might be——

Mr. VANCE. Oh, yes; indeed, sir.

Senator COOPER (continuing). To identify an attack by armed bodies orbiting the earth.

FEASIBILITY OF ARMING ORBITING BODIES

You said that, in your judgment—and I think General Wheeler also made the statement—the arming of bodies orbiting the earth was not feasible for many reasons, at least in the present state of technology. Would you consider that it is possible that the technology could advance to the point whereby the arming of orbiting bodies might become feasible?

Mr. VANCE. I doubt it myself, sir. But I said in my statement that it is possible that some of the disadvantages which I have mentioned to you in answer to your previous question may be eliminated in time.

Senator COOPER. Do you agree with that, General Wheeler?

General WHEELER. Yes, sir; it can be done at the present time, but it is not attractive for a number of reasons, some of which you have touched on, Senator.

I would think that advancing technology will remove some of the disadvantages inherent in an armed orbiting body, and it is for this reason that the Joint Chiefs of Staff consider, as I brought out with Senator Lausche, that we must improve our capabilities in the detection and verification area.

Senator COOPER. You now state that you believe the United States has the capability to identify orbiting bodies which might carry arms.

General WHEELER. This is correct, sir.

CONTINUED RESEARCH PROGRAMS

Senator COOPER. Assuming, as you have stated, that the technology could be advanced so that the arming of orbiting bodies might be considered feasible by the Soviet Union, do you now have a program to improve surveillance and monitoring which could meet such a contingency?

General WHEELER. We do, Senator.

Mr. VANCE. Yes sir.

Senator COOPER. You have no doubt about that.

General WHEELER. I have no doubt about it.

Senator COOPER. The reason I asked that, General Wheeler, is because you have said in the statement you filed with the committee several weeks ago and today that:

"As technical, economic, and military factors change or alter current assessments concerning strategic efficacy of orbital weapons, our national security will demand an increase in our military efforts in space not prohibited by the treaty"—

And, later:

"Of crucial significance to the Joint Chiefs of Staff is the proposition that the United States will not permit the authority of this treaty to become meaningless by diminishing U.S. military efforts in space technology."

Do you believe it would be necessary for further assistance from the Congress to authorize programs which would enable you to develop methods of surveillance and identification of orbiting armed bodies, so as to protect the security of the United States?

General WHEELER. That is correct, Senator. What I am really saying in these two statements, which you quoted, is that we cannot permit the treaty itself to generate a sort of euphoria that this gives us a security situation that will hold into the future indefinitely, and, therefore, we will undoubtedly be coming to the Congress in future years asking for budgetary support for continuing R. & D. programs to improve our capabilities for detection and verification.

Mr. VANCE. However, Senator, I would point out we have sufficient funds in the current year's budget to do all that is required at this time.

Senator COOPER. There is no question in your mind, then, that you will ask for the means to meet this possible contingency.

General WHEELER. None at all, sir.

Senator COOPER. I have two or three other questions.

CAN THE UNITED STATES EVENTUALLY ARM ORBITING BODIES?

The U.S. policy is not to arm orbiting bodies whether or not this treaty is entered into?

General WHEELER. That is correct, Senator.

Senator COOPER. Assume we enter the treaty and the United States does not arm orbiting bodies, and suddenly you discover that the Soviet Union has done so. Would that event place the United States at an immediate military disadvantage or endanger its security?

General WHEELER. I do not believe so, Senator. We gave up nothing that was currently attractive to us from a military point of view in stating our intention not to orbit weapons of mass destruction. And if the Soviets do orbit weapons of mass destruction, it would not follow, in my judgment, that we should do so in order to improve our security.

There might be other things that we should do which would take away from them any military advantage they might achieve.

INSISTENCE UPON VERIFICATION PROCEDURES

Senator COOPER. I realize there is not any practical method of verification. Would the failure of the United States to insist in this treaty on some form of verification with respect to orbiting bodies, mark any change in what I understand to be the policy of the United States to insist upon verification procedures with respect to weapons treaties?

That is probably a question for the Department of State.

General WHEELER. I believe that probably is one for the Department of State, Senator. I would say it represents no change which causes me concern. It is quite true, as I am sure you are inferring, that in the past in various arms control agreements we have insisted on on-site inspection, and, of course, in this particular instance we are not, except in the case of the moon and other celestial bodies.

Senator COOPER. My reason for asking is to determine whether this is the first deviation.

General WHEELER. Yes.

However, as I said in response to an earlier question from the committee, I would prefer to rely upon our national capabilities in this regard.

Senator COOPER. I would like to say that I support the objectives of the treaty, and I am very happy that you testified. I think your testimony cleared up—at least in my mind and, I believe, in the minds of others—questions which could relate to the security of the United States.

Thank you, Mr. Chairman.

* * * * *

WEAPONS OF MASS DESTRUCTION

Senator COOPER. The treaty refers to weapons of mass destruction as well as nuclear weapons. Can you give us some statement about that?

Mr. VANCE. Yes, I believe it would include such other weapons systems as chemical and biological weapons, sir, or any weapon which might be developed in the future which would have the capability of mass destruction such as that which would be wreaked by nuclear weapons.

Senator COOPER. I was impressed in reading the statements of Secretary Rusk and Ambassador Goldberg and Mr. Webb. However, they said little about the problem of verification and little about the military aspects of the treaty. You have directed your testimony toward those issues.

Is there anything that you could say in an executive session which would give further light on this subject that you are not able to say here in open session?

Mr. VANCE. We could go into further details on what systems we have and are working on in the verification field, and this might be illuminating to the committee.

Senator COOPER. But your statements would remain the same——

Mr. VANCE. Our statements remain the same. I fully support this treaty in every respect.

Senator COOPER (continuing). In executive session.

I think that is all.

Senator SPARKMAN. Any statements you give in executive session would simply sustain the conclusions you have reached.

Mr. VANCE. That is correct.

General WHEELER. That is correct.

Senator SPARKMAN. Thank you very much, gentlemen.

(Several Senators addressed the Chair.)

Mr. COOPER. I yield to the Senator from Colorado.

Mr. ALLOTT. I believe the distinguished Senator from New Hampshire [Mr. COTTON] and the distinguished Senator from Kentucky [Mr. COOPER] have both rendered a very important

service to the Senate in the discussion of this matter.

I had caused some study to be made, and I made some study of this matter in my office. I was not able to procure from the hearings nor from what I could ascertain any satisfactory answer to some of the questions that were raised. I have since received those answers from the discussion by the Senator from New Hampshire, and more particularly from the discussion by the Senator from Kentucky [Mr. COOPER], who is a member of the Committee on Foreign Relations.

With respect to the reservation expressed by the Senator in connection with the discussion of this particular treaty on the floor of the Senate, I was in the Chamber yesterday and acquiesced in the unanimous consent, after being assured that the minority leader had cleared this matter for a vote at 2:30. Therefore, I presume it is regular in that respect. Frankly, I feel, in view of the ramifications of this treaty, that it is a matter which might well have taken up a little more discussion than has been taking place in the Chamber for the last 3 weeks for the benefit of all of us.

I was concerned when I learned that apparently there were no hearings originally scheduled with respect to members of the Department of Defense. As I understand it, those hearings were scheduled on the instigation of the distinguished Senator from Kentucky. I may be in error about that, but it seems to me that a treaty which may potentially have long-term effects, which this treaty does, could well have borne a little more exhaustive discussion and a little more exhaustive investigation than apparently this treaty did.

I shall vote for the treaty with the assurances we have received here, but I do feel that there is a tendency on the part of the Senate and perhaps even on the part of many to skim over these matters in a rather cursory fashion—and believe me, there is nothing at all cursory about a nuclear weapon system in space.

It is true that we could identify even one missile—a nuclear missile—orbiting in space, and we could more readily identify perhaps 10 missiles which might be considered as constituting an offensive system, but it might also be considered in this same respect that we have to view the potentiality of the U.S.S.R. That potentiality might be to orbit 10 of these at one time, or in the course of 2 or 3 days, and then we are faced with a situation post facto about which nothing could be done.

However, in view of our developing technology and our capability, I believe within the foreseeable future it would be inadvisable and too expensive to orbit an offensive system in space, considering the potential that the U.S.S.R. has at the moment in the intercontinental ballistics field. Therefore, I do not regard this as an irrecoverable bar to voting for the treaty.

Mr. President, I ask unanimous consent that an analysis I made upon the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space be inserted in the RECORD as a part of my remarks.

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

This treaty was signed on January 27, 1967, on behalf of the USA, Great Britain and the USSR. It was referred to the Foreign Relations Committee, which has reported favorably thereon without reservation.

The purposes of the Treaty: To establish general principles for peaceful exploration and use of outer space, including the moon and other celestial bodies. The parties agree that the exploration and use of outer space and other celestial bodies will be for the benefit of all countries without discrimination; not subject to appropriation by claim of sovereignty; precludes the establishment of military installations and the conduct of maneuvers; and provides for the right to inspect installations and space vehicles on the moon and other celestial bodies.

The language of the Treaty is based on a blending of the language of the Anarctic Treaty of 1959 together with the substance of two United Nations General Assembly resolutions.

The Outer Space Treaty consists of a Preamble and seventeen articles. The pertinent articles are set out below. The issues raised by these provisions will be disposed of in a separate paragraph.

Article 1 provides that the exploration and use of outer space shall be carried on for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Article 2 provides that outer space shall not be subject to national appropriation by claim of sovereignty.

Article 3 provides that parties to the Treaty shall carry on their activities in the exploration and use of outer space in accordance with international law.

Article 4 provides that the parties shall not undertake to place in orbit any objects carrying nuclear weapons, install such weapons on celestial bodies, or station such weapons in outer space in any other manner. (It is to be noted that inspection provisions of Article 1 and 12 do not apply to Article 4.)

Article 5 obliges parties to return astronauts and to report to the UN any condition in outer space that might endanger life.

Article 6 provides parties shall bear international responsibility for all its national space activities.

Article 7 provides that state parties are internationally liable for damage to other state parties by any object launched into outer space.

Article 8 provides that an object launched into outer space retains its national character.

Article 9 provides for the principal of cooperation and mutual assistance between the parties.

Article 10 establishes means whereby requests can be make by parties to the treaty to observe the flight of space objects launched by one another.

Article 11 provides for informing the Secretary General of the UN of the nature, conduct, and location of activities of peaceful exploration in the use of outer space.

Article 12 provides for access to installations and space vehicles on celestial bodies. (Inspection provision.)

Article 13 provides that the provisions of the Treaty apply to the activities both of single states and in those situations in which states carry on activities jointly.

The remainder of the articles, 14 through 17, provide the necessary steps for ratification of the Treaty, and the means whereby a party may withdraw from the Treaty after ratification.

Issues Raised by the Language of the Treaty:

1. *Article 1* raises the question of whether or not there is a fixed obligation on the US to share with other parties to the Treaty the benefits and results of its exploration, particularly in the area of its present communications satellite field. It was the Committee's understanding that nothing in Article 1 diminishes the right of the US to determine how it shall share the benefits or results of its space activities.

2. *Article 4* raises the question of whether the US is committing itself to an arms control measure which has not been properly safeguarded from violation. In this regard, at the Committee hearings, Secretary Rusk commented, "We have no doubt we can monitor effectively a weapons system placed in outer space." This, together with a statement from the Joint Chiefs of Staff stating that they did not seek a mutual inspection provision in orbiting bodies, led the Committee to feel that there was no problem with regard to inspecting vehicles orbiting the earth which might or might not be carrying nuclear weapons in violation of the Treaty.

3. *Article 7* with regard to the nature and extent of international liability assumed by the parties—The Committee noted that the Administration is presently preparing a Treaty on international liability. Under the terms of this treaty, electronic interference by one spacecraft with another is not covered. Therefore, it is the understanding of the Committee that Article 7 pertains only to physical, non-electrical damage which space activities may cause to persons or people of another signatory state. Evidently, therefore, the electrical interference which must be covered may be the subject of another Administration treaty. The Committee report is not clear on whether or not this treaty is now being prepared. In a letter from Dean Rusk to Senator Smith with regard to this question, the State Department advised that negotiation of a detailed convention on liability will take a considerable amount of time. In the meantime, they consider that Article 7 represents a fair arrangement and will serve adequately as a guide for the parties to the Treaty. In the view of the State Department, no agreement with regard to the Space Treaty could have been reached without a fair liability provision. In this letter, however, Senator Smith raises the valid point that under the terms of this Treaty, the United States could be liable to a foreign national in this country who might be injured by an object launched in this country. Oddly enough, the Treaty goes further with protecting foreign nationals than US citizens who have no specific remedy at the present time for objects launched by the U.S. Secretary Rusk's comment to this point is that this is true but there are reciprocal provisions which would grant American citizens the same right on foreign soil.

4. *Article 12* provides access to installations and space vehicles on celestial bodies on the basis of reciprocity. It should be noted, however, that such access is only available to installations and space vehicles in place on the moon, and does not provide for any kind of inspection during the time that these vehicles or installations are in orbit.

(Several Senators addressed the Chair.)

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. COOPER. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I am glad to have the assurances that have been given. There are, of course, pros and cons on this treaty, as on all treaties.

I intend to vote for the treaty. I am, as we all are, concerned about the machinery that flies through the air.

But, I am more concerned about what is going on in the minds of the people who propel that machinery.

On that point, although this may seem perhaps not the place to say it, what are the conclusions I want to draw, hopefully?

I know that the hearts of all Americans go out to the family, and to the Russian people, in the death of Vladimir Komarov. I know that many people throughout the world must have said, in their own way, in their own language, to the Supreme Being in whom they believe, "May God rest his soul."

In view of the statements recently made by Svetlana Alliluyeva Stalin in recognizing in the midst of her Soviet land the existence of the Supreme Being, we have no way of knowing how many people in Communist lands may have sent up the same prayer, lacking sufficient strength within themselves but in their own way praying for the brave Komarov, "May God rest his soul."

Perhaps in a spiritual explanation lies some hope far more than in the simple control of machinery.

Mr. GRUENING. Mr. President, it would be difficult not to vote for a treaty which offers great hope of peace in space. Would we could have it on earth. I agree with the Senator from Colorado [Mr. ALLOTT] that it would have been desirable had we had a little more time for debate. I invite attention to one point I have discussed before, on April 14, which I think should have received more consideration before we were asked to vote. That is with reference to satellites as aids to the war which is now going on in southeast Asia.

In the New York Times of April 13, there was published an Associated Press story to the effect that:

> American bombers are being guided to targets in North Vietnam by daily photographs received from U.S. weather satellites.

According to the story, the aerial photos from the satellites are rushed, sometimes when still wet, to the U.S. air commander in South Vietnam, Lt. Gen. William W. Momyer, even while U.S. bombers are on their way to the north:

> By spotting breaks in the clouds, General Momyer can divert planes to areas that are unexpectedly clear. With satellite photos sometimes taken minutes before, he has a grasp of the weather situation that is impossible to obtain by conventional forecasting.

Mr. President, to me that would seem to be a violation at least of the spirit of the treaty. If we can use satellites, which are certainly articles in space to assist one side in the war, I think this is violating the spirit of the treaty even before it has been ratified. I realize that there is a distinction between outer space as intended in the treaty and what we may consider space closer to earth, but I feel the issue is not so clearly defined in the treaty to prevent future misinterpretation or misunderstanding.

I wish that this treaty had had fuller consideration.

Mr. President, I ask unanimous consent that the insertion which I made on April 14, which appears on page 9641 of the CONGRESSIONAL RECORD, including an article published in the New York Times concerning this matter be printed in the RECORD.

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

IS THE UNITED STATES IN VIOLATION OF THE SPIRIT OF THE OUTER SPACE TREATY EVEN BEFORE RATIFICATION?

Mr. GRUENING. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

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

Mr. GRUENING. Mr. President, I have supported, and intend to continue to support, the Treaty on Outer Space. It represents, in my opinion, an important step forward on the rocky road to peace for all mankind. I hope that it will shortly be reported favorably by the Senate Committee on Foreign Relations and that the Senate will then promptly give its advice and consent to its ratification.

In the New York Times this morning there appeared a story under the dateline of Saigon, South Vietnam, April 13, from the Associated Press to the effect that "American bombers are being guided to targets in North Vietnam by daily photographs received from U.S. weather satellites."

According to the story, the aerial photos from the satellites are rushed, sometimes when still wet, to the U.S. air commander in South Vietnam, Lt. Gen. William W. Momyer, even while U.S. bombers are on their way to the north:

"By spotting breaks in the clouds, General Momyer can divert planes to areas that are unexpectedly clear. With satellite photos sometimes taken minutes before, he has a grasp of the weather situation that is impossible to obtain by convention forecasting."

In connection with the Senate's consideration of the Treaty on Outer Space, a serious question is raised by this practice of using the weather satellites to locate attainable bombing targets in North Vietnam. The question is thus raised as to whether or not this practice would violate the objectives of the proposed treaty.

It is true that the weather satellites in and of themselves are not weapons of war and are not raining bombs on North Vietnam. It is also true that the satellites are not being used as triggers physically located on the bombing planes flying over North Vietnam.

On the other hand, when a weather satellite flashes a photograph to earth and that photograph is then rushed to the U.S. air commander in South Vietnam so that he can and does then determine places over North Vietnam where the weather is clear and he orders those places bombed, it is obvious that the satellite itself is passing on the information, through an intermediary, to the bombers. The weather satellite thus becomes an integral part of the bombing operation as though it were physically located on the bombers themselves as part of the trigger mechanism. The weather satellite is certainly an object in what is considered to be "outer space."

The question may well be asked: "Is not the United States in violation of the spirit of the Outer Space Treaty even before ratification?" This is a question that should be thoroughly explored by the Committee on Foreign Relations before it reports on the treaty. The time to explore this question is before, not after, ratification.

I ask unanimous consent that the news story from the New York Times of April 14, 1967, entitled "Satellites Guide U.S. Pilots in War," be printed in full at the conclusion of my remarks.

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

"SATELLITES GUIDE U.S. PILOTS IN WAR—WEATHER PHOTOS PROVIDING DATA ON NORTH VIETNAM

"SAIGON, SOUTH VIETNAM, April 13.—American bombers are being guided to targets in North Vietnam by daily photographs received from United States weather satellites.

"The Air Force said today that photographs of all Southeast Asia had become one of the most valuable guides to United States bombing and that the North Vietnamese might be receiving them, too, using them for air defense planning.

"The wave lengths on which the satellites transmit the photos are public knowledge, and they are being received and studied by various nations throughout the world.

"The Air Force has no confirmation that they are being received in North Vietnam. But experts said the necessary equipment was relatively cheap and the photos would be just as valuable to North Vietnam as they were to the United States.

"The weather photos from the ESSA (Environmental Survey Satellite Agency) and the Nimbus satellite, both orbiting more than 600 miles up, are monitored by Air Force weather stations in Saigon and in Udon, Thailand.

"Prints rushed to general

"So important are the pictures that wet prints are frequently rushed to the United States air commander in Vietnam, Lieut. Gen. William W. Momyer, while strikes are headed north.

"By spotting breaks in the clouds, General Momyer can divert planes to areas that are unexpectedly clear, with satellite photos sometimes taken minutes before, he has a grasp of the weather situation that is impossible to obtain by conventional forecasting.

"The electronic satellite photos are received by standard television techniques somewhat refined to give more detail. The standard United States screen, for example, has 500 lines an inch while satellite pictures are 800 lines an inch.

"Col. Edwin Carmell of Rantoul, Ill., who runs the Saigon weather post, says:

"'Our people, who are experts, can tell from the density of the picture, by comparing whites and grays, a remarkable amount of information.'

"He said they could generally get cloud ceilings, separate rain clouds from others and obtain a vast amount of detail needed by pilots.

"The two satellites usually furnish two photos daily of Southeast Asia.

"'The photos have become about 50 per cent of our product,' Colonel Carmell said. 'In the general's eyes, they are maybe 100 per cent.

"'The weather has been so bad up North recently, we could be 95 per cent correct by predicting bad weather all the time. That doesn't do much good. What the Air Force wants is to know about that other 5 per cent.'"

Mr. CURTIS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. CURTIS. Mr. President, when Mr. James Webb was before the Committee on Aeronautical and Space Sciences, I asked him to provide the committee with a list of benefits which would accrue to the space program and to the United States in general from this treaty, and also what the benefits would be which the Soviet Union would obtain.

Mr. Webb's response has just arrived in my hands within the past 5 minutes, and I ask unanimous consent to have his statement printed in the RECORD.

There being no objection, the state-

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

SPACE TREATY BENEFITS

Benefits which will accrue to NASA and the United States in general through the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space include the following:

1. Establishment of a regime of law in space which is founded on the high standards and objectives which were written into the National Aeronautics and Space Act of 1958. We are already meeting these standards by the open character of our activities. our emphasis on international cooperation, and our high-priority efforts to develop practical benefits from the exploration and use of outer space which can be shared with all people.

2. Narrowing of the field for military competition (the Treaty prohibits stationing nuclear or other weapons of mass destruction in orbit, on celestial bodies, or anywhere in outer space; forbids establishment of military bases, installations, and fortifications on celestial bodies; and bans the testing of any type of weapons or holding of military maneuvers on celestial bodies).

3. Obligation of states to treat astronauts as envoys of all mankind, assist them in distress, and return them to their own countries.

4. Obligation of states to report conditions discovered in outer space which could constitute a danger to the life or health of astronauts.

5. Recognition of property rights of states in objects launched into space and obligation to return if such objects or component parts are found beyond limits of state of registry.

6. Obligation to conduct exploration of outer space, including the moon and other celestial bodies, so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter.

Articles I and XII of the Treaty, which require free access to all areas, stations, installations, equipment, and space vehicles on the moon and other celestial bodies, provide a means of assuring compliance with the Treaty prohibitions which apply to the moon and other celestial bodies. There is no Treaty provision for inspection to assure compliance with the bombs-in-orbit provision, but in this matter, as General Wheeler stated in his testimony before the Senate Committee on Foreign Relations, we prefer to rely on our own national monitoring capability. *In the last analysis, this Treaty depends on the good faith of the states parties to the Treaty.* It is to our advantage because we gain their commitments to desirable objectives without giving up any present or planned activity. Should there be serious Treaty violation by another party, the United States could withhold the obligations otherwise owed to the breaching party or could regard the operation of the entire Treaty suspended during continuation of the breach. The United States may withdraw at any time on one year's notice. Mr. Webb's testimony, submitted to the Committee on Foreign Relations, is relevant here:

"The security of this country rests both on a strong defense posture to make aggression unattractive to any who may consider such a course and on a vigorous, dynamic aeronautical and space program. The programs being recommended by the President in his budget for 1968 fulfills this requirement. We *still stand* at the threshold of the space age. But we cannot *stand still* there. Our best hope for security lies in recognizing that we are only at a beginning, that no man can forecast with certainty what will become possible in the decades of development that lie ahead, and that we must therefore pursue a national program on a scale and at a pace which will keep this country at the frontiers of space science and technology. Do this, and we can face the future with confidence. Fail, and no treaty can guarantee our security."

As for Soviet motivation, it seems reasonable to assume that the USSR sees in the Treaty the same benefits that we see. The Soviets stand to benefit from such provisions as the requirement to give assistance to and that they hope that Article X will lead to some expansion of their tracking facilities, and in view of their current arms burden, they may been influenced by the desire to avoid extending the arms race into outer space.

Mr. CURTIS. Mr. President, while I intend to vote for the treaty, I invite attention to the fact that there is one significant sentence in Mr. Webb's statement, as follows:

In the last analysis, this treaty depends on the good faith of the states parties to the treaty.

We must not forget that. We must not forget Russia's historical record in reference to treaties.

It is my understanding that this treaty may be preliminary in nature and that there may be further space treaties, or more treaties with the Soviet Union.

It is my hope that in the future these treaties might have a little more study in depth by all committees of the Senate which have some responsibility with certain aspects of it.

I thank the Senator from Kentucky for yielding to me.

Mr. COOPER. Mr. President, I should like to call the Senate's attention to two further points.

I raised certain questions concerning the possibility of our entering into this treaty and suddenly discovering at a later date that one of the parties had violated article IV and was arming orbiting objects. I was concerned that such a possibility might place the United States at an immediate military disadvantage and endanger our national security.

I asked General Wheeler this question:

Assume we enter the treaty and the United States does not arm orbiting bodies, and suddenly you discover that the Soviet Union has done so. Would that event place the United States at an immediate military disadvantage or endanger its security?

General WHEELER. I do not believe so, Senator.

Second, I hope that this treaty will be adhered to in its own right because it could lead to a successful nonproliferation treaty.

Mr. THURMOND. Mr. President, will the Senator from Kentucky yield to me?

Mr. COOPER. I yield.

Mr. THURMOND. Mr. President, I believe this treaty to be unnecessary. It is simply an attempt to get the Senate to affirm policies which the administration has already agreed upon, both in the unilateral declarations of two Presidents, and in a series of resolutions agreed to in the General Assembly of the United Nations beginning in 1961. It is an attempt by President Johnson to have Congress share in the responsibility for the outcome of this dubious course of action, and to appease his critics who demand concessions in the name of peace.

The only benefit of this treaty will be to get formal Soviet accession to the Johnson program under the framework of treaty law. The merit of such an accomplishment is itself nebulous. The Soviets regard treaties as a scrap of paper, to be adhered to as long as the advantage is on their side, and to be violated at will. Therefore, their present agreement to the terms of this treaty has, at best, only a formal significance.

Since the Soviet record indicates that they will violate this treaty as soon as it fits their strategy of world conquest, it is of the utmost importance that every effort be made to appraise ourselves of the progress of their design. If the Soviets succeed in mounting nuclear weapons in an orbiting vehicle, the balance of power between the U.S.S.R. and the United States could change drastically.

We have declared that it is our official policy not to place weapons in space. Some military spokesmen have stated that there would be no military advantage to such an orbital superbomb.

While I do not wish to go into that issue at this time, suffice it to say that technology changes rapidly, and that the Soviet opinion of the value of orbital bombs may be quite different from ours.

We must not forget that certain policymakers in our Government about 5 years ago declared that the Soviets would not find it in their interest to install missiles in Cuba.

We should not hesitate, therefore, to use every scientific means at our disposal to check Soviet compliance.

I have discussed this matter with Senator JOHN STENNIS, chairman of the Armed Services Preparedness Subcommittee, and Senator CLINTON ANDERSON, chairman of the Aeronautical and Space Sciences Committee, and they both assure me that we will use all our resources, both scientific and otherwise, to monitor Soviet performance under this treaty. Moreover, we will call upon the Secretaries of State and Defense to keep the Senate continually appraised of the situation. If this treaty is violated by the Soviets, it is presumed that the administration will take steps immediately to cancel it and follow a course that will preserve our national security.

Furthermore, I call attention to article XVI of this treaty. After the treaty has been in force for 1 year, any party to it may give 1 year's notice of withdrawal. While such a privilege is of no value in a case where the disarmament features of the treaty have been violated, it may provide an escape should a rapidly-changing world situation demand that we reassert traditional national rights of sovereignty and responsibility. This treaty appears to be another step in the artificial and unrealistic atmosphere of detente with communism, in which emotions and desires supplant objective appraisal of events.

Upon these bases, therefore, I rest my position. It is clear that nothing will be gained by voting against the treaty. The administration has already put into effect the policies it proposes, whether the Senate approves of them or not. Although the treaty contains a potential threat to the national security, the Pre-

paredness Subcommittee and the Space Committee stand by in vigilance. Having thus stated my serious reservations, I will vote for this treaty with the understanding that if its laudatory goals prove illusory, steps appropriate to the occasion will be expected.

Mr. ANDERSON. Mr. President, as chairman of the Committee on Aeronautical and Space Sciences, I wish to endorse the treaty on outer space which is now before the Senate. I have had a long-continuing interest in the internationalization of science, and this treaty which defines the general guidelines for future relations among nations in the exploration and use of outer space is a forward step in using science as a basis for promoting mutual understanding among nations.

But the treaty contributes far more to world order than an outline of directives for functional cooperation in science and technology. Beyond that, it has actually taken an area—the environment of outer space—and provided that nations accepting the treaty make a commitment not to place in earth orbit any objects carrying nuclear weapons or any other kind of weapons of mass destruction. In this unique instance, such weapons are not to be installed on celestial bodies or stationed in outer space in any manner. What man has been unable to attain so far on the land, on the sea, and in the air, he has now been foresighted enough to establish as an objective in this new space environment: an agreement which looks to the future of space as a place where many beneficial activities can be carried on without fear or orbital bombardment.

The treaty is a general document setting forth broad principles to guide the behavior of nations as they develop space activities. In the United States we know the value of defining such concepts so that they will constitute a firm base from which we can devise rules and regulations for orderly expansion. The Declaration of Independence and the Constitution of the United States are basic documents devised at the dawn of our national history, and since that time, we have been striving to attain their objectives and ideals. With each new generation and with every advance in science and technology, we are still able to adapt to changing conditions and maintain the continuity of our history by adhering to broad principles defined by the founders of our Nation.

It is not to be expected that a treaty drawn at this time will solve every international space problem that may arise in the future. Indeed, it would hardly be wise to assume that in a rapidly developing field it would be possible to provide in advance for every possible contingency. What we do have in the treaty is a framework of ideas to guide us in ways which have been predetermined as helpful to nations and to mankind in general.

Looking back on the development of these general principles, it is clear that many of them have already been tested. They did not spring into being suddenly. Some were basic policies established at the beginning of the space age, particularly as far as the United States is concerned. For example, the National Aeronautics and Space Act of 1958 states that—

> The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

Furthermore, this first space law established the objective of "cooperation by the United States with other nations and groups of nations in work done pursuant to this Act and in the peaceful application of the results thereof."

I strongly favored those provisions.

Under this act, NASA began early to develop a significant program of international cooperation in space activities. It will be remembered that the first chairman of the Senate Space Committee—then Senator Lyndon B. Johnson, was invited by President Eisenhower to address the United Nations on the peaceful uses of outer space on November 17, 1958. Senator Johnson said, a little more than a year following the orbiting of the first spacecraft, that "penetration into outer space is the concern of all mankind", that outer space where "no nation holds a concession" is "unscarred by conflict, [and] must remain this way." He said that—

> We of the United States do not acknowledge that there are landlords of outer space who can presume to bargain with the nations of the Earth on the price of access to this new domain. We must not—and need not—corrupt this great opportunity by bringing to it the very antagonisms which we may, by courage, overcome and leave behind forever through a joint adventure into this new realm.
>
> What man has done thus far has been the result directly of international cooperation on an informal basis by men of science through the years. The success, further, of the formal cooperation undertaken in observance of the International Geophysical Year foretells the high promise offered by enlargement of our goals and intensification of our support and efforts.
>
> We know the gains of cooperation. We know the losses of failure to cooperate . . .

On September 25, 1961, when President Kennedy addressed the United Nations General Assembly on "Let Us Call a Truce to Terror," he emphasized the general principles which were being formulated under the aegis of U.S. leadership:

> As we extend the rule of law on earth, so must we also extend it to man's new domain—outer space . . . The cold reaches of the universe must not become the new arena of an even colder war. To this end we shall urge proposals extending the United Nations Charter to the limits of man's exploration in the universe, reserving outer space for peaceful use, prohibiting weapons of mass destruction in space or on celestial bodies, and opening the mysteries and benefits of space to every nation. . .

Thus, Mr. President, it is a matter of historical record that three Presidents of the United States have contributed to the broad policies incorporated in the treaty now before us. The record of negotiation within the United Nations reveals in many resolutions on outer space, passed unanimously by the General Assembly, that our officials steadily worked for principles which would insure space as a peaceful environment.

It is a matter of record, also, that the Congress has consistently supported international space activities for peaceful purposes. In the Communications Satellite Act of 1962, the declaration of policy and purpose provides in section 102:

> (a) The Congress hereby declares that it is the policy of the United States to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global communications network, which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries, and which will contribute to world peace and understanding.
>
> (b) The new and expanded telecommunication services are to be made available as promptly as possible and are to be extended to provide global coverage at the earliest practicable date. In effectuating this program, care and attention will be directed toward providing such services to economically less developed countries and areas as well as those more highly developed, toward efficient and economical use of the electromagnetic frequency spectrum, and toward the reflection of the benefits of this new technology in both quality of services and charges for such services.

The fundamental policies which were evolved are not merely theories. NASA's space program has been and continues to be tailored to the standards set forth in this treaty. Under these policies programs are planned and Congress authorizes and appropriates funds for space activities in specific areas, notably manned flight, space communications, the use of space vehicles for weather prediction, and navigation. Millions of people in many areas of the world are in a position to improve their crops and minimize the effects of natural disasters through use of our meteorological satellites. Our scientists and engineers work on the earth to use outer space for benefits which are reflected back to the earth in many practical ways.

Meanwhile, NASA's international space program has developed cooperative projects with some 69 nations and locations, getting maximum results with a minimum cost because nations which cooperate with the United States pay their share of the expense. Our international agreements now constitute a vast network of cooperative projects, particularly those which establish the tracking stations so essential to both our manned and unmanned space ventures.

Our manned space flight program is still in its infancy. We are all concerned over the tragic accident which befell our Apollo astronauts, and the accident which took the life of Soviet Cosmonaut Komarov, and the possibility of future misfortunes in space which may jeopardize the lives of other gallant men. This treaty recognizes the dangers inherent in exploring a new medium; it regards astronauts as "envoys of mankind" and states that parties to the treaty shall give them all possible assistance in the event of accident, distress, or emergency landing. No strings are to be attached to their return. We will be informed, and will inform others, of any information developed relating to the safety of astronauts in outer space. Astronauts thus become envoys of all mankind and are not to be regarded as unwanted intruders.

When I say that this treaty provides guidelines for the conduct of future space activities, I can also say that these fundamental policies have been pretested so that we need have no doubts about the wisdom of the general trend—that outer space is to be free, not subject to claims of sovereignty, and that nations are to cooperate so that all may benefit and none may be harmed. Every provision in the treaty is in harmony with the space policies of the United States and the fact that so many provisions were initiated by the United States is a testimonial to our leadership in this field. The treaty has already been approved by the President, and by the appropriate officials in the Department of State, the Department of Defense, and the National Aeronautics and Space Administration.

I shall vote for the treaty, and at the same time, in my capacity as chairman of the Committee on Aeronautical and Space Sciences, realize that those of us who are members of this committee have an obligation to exercise continued vigilance so that the U.S. national space program is meshed with international space arrangements in ways that protect the Nation and contribute in a realistic manner to world order and peace. The treaty will become international law, but as we all know, a law governs activities which must be administered in the public interest. The Committee on Aeronautical and Space Sciences will continue, under the rules of the Senate, to be the legislative tracking station for outer space programs of the United States.

Mr. TOWER. Mr. President, I wish to endorse the outer space treaty now before the Senate for ratification.

During the past 10 years, mankind has embarked upon what may prove to be the most exciting adventure in all human history—the exploration of the heavens both by man himself and by means of the most sophisticated, ingenious instruments he has yet devised. The future voyages of discovery in space may well surpass those that brought explorers from the old world to the new in terms of their impact on life on earth.

Space travel is no longer science fiction, but fact. On April 19 the latest spacecraft in the Surveyor series was soft landed on the moon and began transmitting scientific data to stations on the earth. In a few short years, a manned lunar landing will be made by the United States, the Soviet Union, or both, and other nations will surely follow thereafter.

We who have been fortunate enough to witness the advent of the space age have been given a magnificent opportunity to start with a clean slate in outer space. In no other major area of human endeavor is this possible, nor in all probability will it ever be possible again. Space is truly our last frontier. Accordingly, we have a most serious responsibility to begin now to provide guarantees, such as those contained in this treaty, so that the heavens shall forever remain a realm of peace and order. We must make some guarantee that the celestial bodies will not become the object of national appropriation both in order to prevent them from becoming future battlefields or the source of conflict among nations on earth. We must make it understood that celestial bodies are to be the preserve of all mankind and their use intended for the benefit of all mankind.

The role of the United States in this noble endeavor is to continue to take the lead it assumed at the beginning of the space age in efforts to guide space activities in the direction of peace. We have exhibited great statesmanship in this area, starting with President Eisenhower and continuing under Presidents Kennedy and Johnson.

The treaty under consideration represents no departure in the space policies thus far pursued by the United States. Rather, it represents a further step in their evolution. In 1958, then Senator Lyndon B. Johnson appeared before the United Nations at the request of President Eisenhower to state that the United States does "not acknowledge that there are landlords in space" and that our objective in space is the promotion of international cooperation. It was clearly stated in the NASA Act, passed in 1958, that our space program is intended for peaceful purposes. We fully supported the United Nations resolutions in 1961, 1962, and 1963 in which the legal principles governing the use and exploration of outer space were first enunciated. In essence these are that international law and the United Nations Charter are to be applied to man's activities in outer space, that the celestial bodies are not to be subject to any claim of sovereignty by nations, and that their use and exploration are to be open to all on an equal basis.

In 1962, our Defense Department declared that, although the United States had the technical capability to do so, it would not deploy nuclear or other weapons of mass destruction in outer space. Following the lead of the United States, the United Nations General Assembly approved a resolution in 1963 calling upon all nations to refrain from sending such weapons into an orbit around the earth or stationing them in outer space.

It has been shown, however, that statements of principles and noble intentions embodied in U.N. resolutions do not always provide sufficient insurance of good conduct. If those principles are to become meaningful guides to the conduct of nations as the pace of space exploration accelerates, they must be given more status under international law. Their embodiment in a treaty, with its greater binding force, becomes essential. It is equally essential, of course, that the provisions of such treaty not be violated in any way. While this Nation has lived up to its other treaty commitments and some others have not, hopefully we will see in future years no violations whatsoever of the outer space treaty.

Mr. President, in the interest of national security, I believe that we can no longer afford to wait to subscribe to a space treaty. Time is running short. To attempt to impose the rule of law in outer space after a dispute or conflict has arisen there, or a territorial claim has been made, may well prove to be an exercise in futility. The reasons for not waiting until some nation has landed on the moon or the planets to draft a treaty are quite obvious. By claiming sovereignty any nation might thereby claim the concomitant right of denial of access to these bodies for scientific exploration or any legitimate use. Should the United States fail to ratify the treaty, it would substantially weaken its ability to protest any occurrence of this nature in the court of world opinion.

Mr. President, scientists have warned that the space environment can be used for belligerent purposes in a number of ways. They have warned that any nation which controls outer space can thereby gain control of whole continents or the entire earth itself.

With this in mind, I have paid especial attention to the reasons given by the Joint Chiefs of Staff and the Secretary of Defense for their support of this treaty. We have been assured there will be no defense disadvantage to us as a result of ratification, that our MOL program can continue unhampered in any way.

Further, it is their belief that it is desirable to act now to prevent the introduction of destructive weaponry into outer space and to avoid the extension of the arms race into another arena. Our military experts have in fact said that the treaty enhances the national security by offering a real possibility of limiting the kinds and numbers of weapons that can be aimed at the United States.

Among other assurances that the treaty will not work to the detrmient of national security are the following:

We have no substantial reason at the present time to fear that a nation would choose to orbit nuclear weapons because of practical considerations involved. At the present state of the art, there is no real advantage to be gained. ICBM's afford a much more effective and far less costly means of accomplishing the job for which orbital weapons would presumably be intended, and the guidance and control problems of these weapons are still formidable.

This does not preclude the possibility of their use, however, nor deny the fact that the application of increasingly sophisticated technology will probably enhance their strategic value. It has been acknowledged by Secretary McNamara that, although it is possible that a very small number of orbital weapons could be deployed by an enemy without our detecting them by presently available means, a militarily significant number could not escape detection. Certain characteristics and patterns would become evident. Furthermore, against the possibility of a surprise attack from space, the United States has a swift retaliation capability in its ICBM's.

In any case the United States intends to continue the development and improvement of its technological capabilities to determine the presence of any orbital weapons and to keep abreast of the relevant activities and capabilities of other nations. No surrender of our right to do so is involved in this treaty. Any limitations in our detection and verification capabilities will be the limitations of technological development.

They will in no way arise from provisions of the treaty. In this connection the most important fact to remember is that the problem of monitoring potentially belligerent satellites is with us now. It will continue to be the same with or without the treaty. The treaty offers us relatively more security, however, because nations whose intentions to abide by the treaty are recorded before the world have hopefully acquired a compelling incentive to keep their word. The political and psychological stakes in doing so are high.

Mr. President, I feel further assured that the treaty will not be harmful to the national interest for the following reasons: No curtailment of either our military or nonmilitary space program is required. Development and refinement of our weather, navigational, communications, scientific, and mapping satellite systems will continue. In no sense do their functions violate the word or the spirit of the treaty. These systems are not intended for belligerent purposes. They play a very important role in surveillance of the peace by checking for ominous activities in outer space. The mission of the VELA satellite, for example, is to alert the world to the occurrence of any violation of the Nuclear Test Ban Treaty by detection of nuclear explosions at high altitudes beyond the reach of earthbound instrumentation.

Military personnel and equipment are not to be excluded from outer space. Very explicit provisions in the treaty allow for the use of any personnel and facilities in space in the pursuit and support of peaceful ends. There will be no necessity, therefore, to modify the roles performed by our astronauts, who are presently drawn from the military services, in support of the entire U.S. space program.

I do not wish to imply by my foregoing remarks that I think that this treaty offers any foolproof guarantees. Admittedly, consent to the treaty involves risk and the placing of great faith in the promises of the other contracting parties.

We are not, however, treading on entirely new ground. There is a precedent that affords substantial cause for optimism in the so far unblemished success of the treaty internationalizing the Antarctic. During the 7 years in which it has been in effect, there have been no suspected or known treaty violations. The free access to installations provisions have caused no trouble and encountered no opposition. American, Soviet, and scientists of other nationalities have visited and worked at each other's bases, participated in cooperative projects and information exchanges. In the case of the moon and other celestial bodies, the space treaty provides for reasonable advance notice between representatives of different nations before projected visits. Even with this provision, it is to be hoped that the same type of cooperation will develop on the moon as that which has developed in the Antarctic. Furthermore, military personnel work with scientists in the Antarctic and provide them with logistical support. The hostile environment encountered in the Antarctic tends to bring men together in realization of their mutual interdependence. It seems reasonable to assume that the harsh environment of outer space will also be conducive to cooperative endeavor. The frequent Antarctic experience with the rescue in distress of the men of one nation by those of another also give hope that the rescue and assistance to astronauts provisions of the space treaty will be observed.

Mr. President, in concluding my remarks, I wish to emphasize the following points. The creation of this international agreement is an attempt to take out insurance against both foreseen and unforeseen events. We must, however, realize that this treaty cannot provide for all the contingencies and issues that are bound to arise in the encounters of men and nations in outer space. That is not its intended purpose. The President has properly characterized it as "an interim achievement, a significant, but not final step forward." What is important is the fact that a substantial beginning has been made toward insuring that the rule of law shall prevail in space.

I am satisfied that this treaty contains nothing inherently detrimental to the safety of the United States. Gen. Earle G. Wheeler, in his testimony before the Senate Foreign Relations Committee said:

> The Joint Chiefs of Staff have no military objection to the United States becoming party to the treaty.

It makes no demands and places no obligations upon us which we have not already decided to accept. It requires no changes in our domestic, foreign, space, and defense policies. Whatever courses of action we planned to take in preparation for, or in the event of, hostilities directed against the United States from outer space would still be open to us. We will have lost no flexibility of action, but, in all probability, will have gained additional security.

I believe therefore that the United States has everything to gain and nothing to lose by participating in this great international undertaking. Similarly, I feel that considerations of enlightened self-interest will outweigh the advantages which any other party to the treaty might expect to gain by its violation. I shall go even further and express the hope that this treaty, by preventing the creation of an atmosphere of fear and distrust in outer space, may encourage the nations to channel their energies and ambitions into constructive and cooperative activities designed to meet its fascinating challenges as they have in the Antarctic.

Mr. President, I therefore support the outer space treaty and urge its adoption by the Senate. Ratification of the treaty would be a foresighted gesture on our part and one that should bestow great credit upon the 90th Congress and the American people, especially in the eyes of future generations for whom we shall have begun to lay the groundwork for the wise and beneficial use of the space environment.

Mr. DODD. Mr. President, I rise to approve ratification of the treaty before us.

Officially, the covenant is called Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies.

More popularly, it is referred to as the Space Treaty.

In the interest of simplicity, I propose to use the popular appellation.

It has been said that the Space Treaty represents the most important advance in arms control since the Nuclear Test Ban Treaty was negotiated in 1963. I concur in this estimate. And I derive some personal satisfaction from the fact that my resolution of May 21, 1963, helped pave the way for the Test Ban Treaty, as well as from the assumption that the ban on atmospheric testing has helped to ease the way for the agreement we have before us today.

In the age of nuclear weapons which are capable of wiping out entire cities at one blow, the quest for arms control becomes a matter of urgent concern to all the peoples of the world. Despite the tremendous difficulties posed by the existence of Soviet communism, I consider it proper that we should explore every realistic possibility of achieving arms control agreements.

Essentially the treaty before us obligates the signatory nations to conduct their activities in outer space in accordance with the principles of international law. It stipulates—

That the exploration and use of outer space should be for the benefit of all mankind;

That all nations should be free to explore outer space but that no nation should be able to claim sovereignty over any celestial body; and

That space should be an area of international scientific cooperation.

With these principles, no reasonable person could disagree.

I wish to deal with some of the objections to the treaty, because I have received letters from many intelligent citizens expressing concern over the treaty and arguing that it would imperil our security if the Soviets should secretly develop an orbital missile capability, while we have none. Among other things, these correspondents have pointed to the fact that the Kremlin publicly paraded what it described as an "orbital missile" hard on the heels of the United Nations resolution which called upon all member states to refrain from placing nuclear weapons in orbit.

I have heard conflicting opinions from scientists about the advantages of stationing nuclear weapons in orbit.

I believe it is accurate that a majority of our scientists consider orbital missiles impractical because of the high cost of placing them in space and because of the inevitable loss of accuracy.

On the other hand, I have heard some scientists argue that the loss of accuracy could be compensated for by using warheads of 100 megaton size or larger. And they argue further that if the Russians were ever to put up an orbital missile system it would at one stroke nullify any anti-missile defense we may establish because orbital missiles could be triggered to descend on us with virtually zero warning.

When the experts themselves differ so

sharply, it is difficult for a layman to have a firm opinion.

However, I do agree with those who oppose the space treaty that we must remain alert to the possibility that the Soviets may someday attempt to mount an orbital missile system in space and that we must therefore develop the capability to pinpoint and identify orbital missiles and if necessary to neutralize them.

But to those who oppose the treaty, I would point out that, with or without the treaty, we have to face up to the possibility that the Soviets may someday be tempted to place nuclear weapons in space, and that, with or without the treaty, it is still essential that we develop manned maneuverable spacecraft which can rendezvous with and examine suspicious space objects, and neutralize them if they turn out to be nuclear missiles.

Nothing is lost by signing this treaty, so long as we realize that the Soviets are frequently prone to dishonor their obligations and that we ourselves, in the final analysis, will have to develop the means for enforcing the treaty.

On this point, I find myself strongly reassured by the carefully researched statement of the staff of the Aeronautical and Space Sciences Committee, which I would like to read:

All intelligence gathering devices and methods would be used by the United States for information on situations involving any potential dangers to the nation. This would also be true in the absence of this treaty. The United States has the technological capability of detecting any substantial number of weapons of mass destruction which might be orbited by another nation. Nothing contained in the treaty could be used to deter the United States from developing a greater technological capability in this area. However, the policy of the treaty may deter some nations from attempting to acquire the technological capability to orbit weapons of mass destruction. Depending on the seriousness of the non-compliance, the United States could make a formal protest, discuss the situation in the United Nations, stress its determination to maintain peace by deterrent forces, or, in the last analysis, engage in protective military activities.

The need for a continuing alert should be driven home to us by the continuing Soviet insistence on the right to secrecy. In its first draft of the treaty, the United States called for compulsory reporting of activities on celestial bodies to the U.N. Secretary General and for the dissemination of information gleaned from space exploration to the public and the international scientific community. The Soviet Union balked at this, and insisted that all such reports be on a voluntary basis. On this point we gave in, in the interest of reaching agreement, so that the final wording of the treaty simply called upon member states to report on their space activities to the extent that they find it "feasible and practicable."

This is not a perfect treaty. But it is about the best we can do now, and it deserves to be supported.

It is a good thing to have the basic principle of international cooperation and respect for international law applied to mankind's future activities on outer space and on celestial bodies. And, although we must continue to scrutinize all Soviet space objects carefully, from a security standpoint the treaty is also a definite plus because even the Soviets will hesitate before openly affronting the many signatories to the treaty.

As one Senator, I congratulate the administration on the successful conclusion of the space treaty.

I hope it will lead to other and more far-reaching measures in the field of arms control in the not too distant future.

Mr. HRUSKA. Mr. President, the Senator from Idaho [Mr. JORDAN] is absent today because of a death in his family. He has asked me to read for him a statement which he had prepared and intended to make on the pending treaty.

STATEMENT OF SENATOR JORDAN OF IDAHO, READ BY SENATOR HRUSKA

Mr. JORDAN of Idaho. Mr. President, during the Eisenhower administration the Congress enacted the National Aeronautics and Space Act which declares that "activities in space should be devoted to peaceful purposes for the benefit of all mankind." In so doing the Nation established as policy its determination that outer space should not be some another battleground for the settlement of conflicts generated on earth.

The space environment offers a new arena for nations to use in trying to achieve peace through cooperation. The Treaty on Principles Governing the Activities of States in the Use of Outer Space, Including the Moon and Other Celestial Bodies provides an opportunity for the advancement of the national policy we have enunciated. It can be a major step in the historical development of the use of space and the eternal cause of peace.

The treaty on outer space will not interfere with our objectives in space. It provides an instrument for the sharing of knowledge and the expansion of our space effort through cooperative action. Clearly, the creation of such an instrument will serve our objective that activities in space be for the benefit of all mankind. But the treaty was carefully negotiated with emphasis on reciprocity and a determination that vital national interests should not be sacrified.

Thus, such endeavors as the orbiting of satellites to provide a warning system to deter aggression will be in no way curtailed by the space treaty.

The treaty contains needful principles to guide and govern the activities of nations in the exploration and use of outer space, including the moon and celestial bodies. For instance, article II provides that "outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means." If outer space can be successfully internationalized surely one of the most dangerous potential sources of friction among nations will have been removed. Article II contains a principle for which there is a modest precedent here on earth. The Antarctic Treaty provisions suspend national claims of ownership and give legal form to international exploration. Thus, this aspect of the outer space treaty is a further implementation of a doctrine we have already endorsed for undeveloped and little explored regions.

Our Government's satellite situation report, issued March 15, 1967, shows that as of that date there were 699 objects placed in space by man, most of them in orbit around the earth. The source of 561 of these objects is listed as the United States against 102 whose source is listed as the U.S.S.R., 29 French, two Canadian, two United States-United Kingdom, and three unknown. When satellites orbit the earth in 90 minutes or less, they pass so swifty over national boundary lines that it is to every nation's benefit to recognize and protect the international character of space.

Article III of the treaty requires those nations which accept the treaty to abide by international law, including the United Nations Charter. This provides the basis for nations to settle any conflicts which might arise in space by peaceful means rather than by resorting to violence. Perhaps we may be able to improve our abilities to achieve this objective on earth by achieving it in space. Space is truly a pristine environment and it is vital that we do all possible there to eliminate the diseases of conflict which divide us on earth.

Article IV deals with the military element in space activities. On this section, I believe, some writers have jumped to unwarranted conclusions without thoroughly studying the official text of the treaty. Some have even mixed up orbiting space vehicles with missiles and antimissiles.

Article IV has two paragraphs. In the first, nations which accept the treaty "undertake not to place in orbit around the earth any object carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies or station such weapons in outer space in any other manner." This provision not to place nuclear or other weapons of mass destruction in outer space is and has been the policy of the United States and the treaty does not change it.

Furthermore, the opinion of military experts is that bombardment from orbiting spacecraft is not an effective strategic device as compared to intercontinental ballistic missiles which are based on land and sea. Whether or not we have this treaty, we are already faced with the situation that the two most powerful nations on earth have land- and sea-based ICBM's—the most accurate and destructive weapons known. Thus, we have an effective military deterrent force for keeping the peace which can be controlled with far greater precision than orbital weapons.

In addition, the United States has intelligence gathering methods which make it impossible for another nation to orbit any substantial number of weapons of mass destruction without our knowledge. Any such aggressive action abridging the treaty by another nation would, of course, compel this nation and other nations to take the necessary steps for self-defense. But in view of our ICBM capability, we would not be suddenly faced with a situation which would leave us without the means to effectively resist aggression.

The second paragraph of article IV commits nations which are parties to the treaty to use the moon and other celestial bodies exclusively for peaceful purposes. Thus, it is forbidden to establish on celestial bodies any military bases, installations, and fortifications, and to test weapons and conduct military maneuvers. Nevertheless military personnel for scientific research or other peaceful pursuit are not prohibited. This provision merely embodies in legal form the actual practice which nations now follow.

Mr. President, I have mentioned only a few of the articles providing for the peaceful development of space, but I believe the matters I have touched on are representative of the total positive thrust of the entire treaty. As I see it, the treaty on outer space is not only an instrument of hope, it is a practical approach toward using outer space as an environment where peaceful activities can be carried out for the benefit of all mankind.

Although I admit this treaty is not all one could hope for in a compact on outer space, it must be remembered that it is the final product of agreement between 28 nations. The agreements reached show an encouraging spirit among nations. If we can carry into action the spirit of these negotiations, I believe we will have made a great step forward. This treaty does not tie our hands. It implements our policy.

Mr. President, after giving careful study to the treaty, I believe that in good conscience I can support it.

Mr. HOLLAND. Mr. President, will the Senator from Idaho yield me 1 minute?

Mr. CHURCH. I remind the Senator that 1 minute from now the unanimous-consent agreement to vote will be in order; but I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator.

Let me say to the Senator from Alaska [Mr. GRUENING] on the point he raised a moment ago that this treaty has no provision pertaining to the use of data obtained from any spacecraft such as a weather spacecraft traveling in earth orbit. The treaty refers solely and many times in these words to "outer space including the moon and other celestial bodies" but it does not affect in any way the use of data from satellites in orbit near the earth.

This treaty follows carefully the policy which we have followed with success in the Antarctic Treaty.

Mr. President, I hope that the Senate will ratify the treaty.

Mr. GRUENING. Let me say to the Senator from Florida that there is a vagueness there that perhaps should be clarified, because where the limits of space are in its relation to earth may be highly controversial in the future, and a satellite is certainly a spacecraft.

Mr. MANSFIELD. Mr. President, if, after the vote is completed on this treaty, I could be recognized to have the floor, I ask unanimous consent——

The PRESIDING OFFICER. After the vote on the treaty, the Chair informs the Senator from Montana that 10 minutes have been set aside for the Senator from Arkansas [Mr. MCCLELLAN].

Mr. MANSFIELD. Who has the time?

The PRESIDING OFFICER. The Senator from Arkansas [Mr. MCCLELLAN].

Mr. ALLOTT. Mr. President, what is the unanimous-consent request?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized at the conclusion of the vote on the treaty.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I wish the attachés of the Senate would, if they will, ask all Senators, if they feel inclined to do so, to be in the Chamber at that time.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum——

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the question is on the adoption of the resolution of ratification on the treaty on outer space. The yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Is there objection? Without objection, it is so ordered.

The question is now on agreeing to the resolution of ratification of the treaty on outer space. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. CLARK], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. HICKENLOOPER. I announce that the Senator from Massachusetts [Mr. BROOKE], the Senator from Illinois [Mr. DIRKSEN], the Senator from California [Mr. KUCHEL], and the Senator from Iowa [Mr. MILLER] are necessarily absent.

The Senator from Idaho [Mr. JORDAN] is necessarily absent to attend the funeral of a friend.

The Senator from California [Mr. MURPHY] is absent because of illness.

If present and voting, the Senator from Massachusetts [Mr. BROOKE], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. JORDAN], the Senators from California [Mr. KUCHEL and Mr. MURPHY] and the Senator from Iowa [Mr. MILLER] would each vote "yea."

The yeas and nays resulted—yeas 88, nays 0, as follows:

[No. 92 Ex.]

YEAS—88

Aiken	Gruening	Montoya
Allott	Hansen	Morton
Anderson	Harris	Mundt
Baker	Hart	Nelson
Bartlett	Hartke	Pastore
Bayh	Hatfield	Pearson
Bennett	Hayden	Pell
Bible	Hickenlooper	Percy
Boggs	Hill	Prouty
Brewster	Holland	Proxmire
Burdick	Hollings	Randolph
Byrd, Va.	Hruska	Ribicoff
Byrd, W. Va.	Inouye	Russell
Cannon	Jackson	Scott
Carlson	Javits	Smith
Case	Jordan, N.C.	Sparkman
Church	Kennedy, Mass.	Spong
Cooper	Kennedy, N.Y.	Stennis
Cotton	Lausche	Symington
Curtis	Long, Mo.	Talmadge
Dodd	Long, La.	Thurmond
Dominick	Magnuson	Tower
Eastland	Mansfield	Tydings
Ellender	McCarthy	Williams, N.J.
Ervin	McClellan	Williams, Del.
Fannin	McGovern	Yarborough
Fong	McIntyre	Young, N. Dak.
Fulbright	Metcalf	Young, Ohio
Gore	Mondale	
Griffin	Monroney	

NAYS—0

NOT VOTING—12

Brooke	Kuchel	Moss
Clark	McGee	Murphy
Dirksen	Miller	Muskie
Jordan, Idaho	Morse	Smathers

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). On this vote the yeas are 88, the nays 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the action taken today.

The PRESIDING OFFICER. Without objection, the President will be notified.

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.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. MANSFIELD. Mr. President, I have just sent copies of my proposed remarks to the Senator from Louisiana [Mr. LONG], the Senator from Tennessee [Mr. GORE], and the Senator from Delaware [Mr. WILLIAMS], and also to the administrative assistant of the distinguished minority leader for the Senator from Illinois [Mr. DIRKSEN].

Before all else, I wish to take note of

the magnanimous statement of the distinguished Senator from Louisiana, the majority whip, the assistant majority leader [Mr. LONG]. Over the weekend he indicated that he was prepared to put aside his personal reservations and differences and to vote for the motion which is now pending.

I think I know how strongly the Senator from Louisiana feels about the act for the public financing of elections. He believes with all his heart that it is essential for the maintenance of access to the Presidency for all Americans, rich or poor. He believes it essential for the curbing of tendencies toward private corruption of the public electoral process. The Senator from Louisiana believes in this law as its father and like any father, he is deeply determined that his offspring shall survive and develop. I know his fear that in the complexity of the process by which laws are made and unmade in the Congress, this significant advance—and let there be no doubt about it, the Long Act of last year is a significant advance—could conceivably be lost if the pending motion carries.

Nevertheless, in the interests of the demeanor of the Senate and the progress of the legislative program, the Senator from Louisiana made it clear over the weekend that he would put aside his serious doubts and resolve his concerns in accord with the pending motion. He has recognized, as have I, that there was an honest misunderstanding in our discussion of the matter and neither of us desires to profit by it.

That is more than the action of an experienced legislator, that is the action of a decent man. It is the action of a Senator in the best tradition of the Senate. I respect and admire the Senator from Louisiana for his courage, his magnanimity, and his understanding.

May I say, Mr. President, that I do not and never have indulged in personalities when considering legislation on or off the floor. It is a luxury I cannot afford and would not if I could.

In my judgment, the motion which is now pending is as promising—as any measure can be—of passage by the Senate, especially in view of the statement of the Senator from Louisiana over the weekend. I suppose some would find in this prospect some vindication or "victory" for me in my alleged "leadership struggle" with the Senator from Louisiana, a struggle which is in all essentials a myth.

I regret to disappoint the drama seekers, but there is no "leadership struggle" between the Senator from Louisiana and the majority leader. There is only a high degree of mutual respect and affection. And as for victories—I do not desire victories on the basis of honest misunderstandings.

A victory in this situation would be as hollow as it is meaningless. The fact is clear—my votes demonstrate it—as one Senator, I agree with the basic premise of the Long Act of last year, that the present system of financing elections is seriously deficient, and that some form of public financing is essential for the good of the Nation. Moreover, I believe that the preponderance of the membership of the Senate agrees with the premise.

When I introduced the pending motion it was not with the intent of overthrowing that premise which the Senator from Louisiana did so much to establish, for the first time, in law. I did so, rather, in the hope of resolving this matter after the lapse of an inordinate length of time. I did so when it appeared that the debate had gone beyond the point of usefulness and when the atmosphere in the Senate appeared to be growing more and more heated and uneasy. I felt that the time had arrived when the leadership had to act to try to break the procedural impasse. Not to have done so, it seemed to me, would have been to let the Senate slip further into a quagmire of irrelevancies—as it still might do.

As it now stands, the motion which is pending at the present time would retain the Long Campaign Fund Act of 1966 until July 31 of this year. At that date, it would expire unless an additional law providing safeguards and guidelines had been adopted in the interim. Personally, I believe that in that period, there could be adequate Senate committee consideration of the matter. There could be hearings during which all of the various proposals for guidelines and for changing the financing approach and for other reforms could be studied. In my judgment, there could be brought back to the floor, in 6 weeks or less, the kind of bill upon which most Members could agree.

May I say that, in my opinion, the pending motion would not only produce a Senate bill on election financing, but that it also would provide an acceptable pathway out of the present procedural dilemma on the Senate floor. May I say, further, that this motion was not offered as a compromise or as an endorsement or rejection of any particular position on the pending matter. It was offered simply as a course which seemed to me to be fitting in view of the impasse.

Several Members have come to me in the past few days, however, emphasizing that if, for some reason or other, the bill containing controls and guidelines is sidetracked in the legislative machinery of either House, the advance represented by the Long Act of last year would be lost as of July 31. That is something which, as one Senator from Montana, I do not wish to happen. If I may be permitted to say so, as majority leader, I am inclined to think that a majority of the Senate also does not wish that to happen.

In short, if I gage the sentiment correctly what is sought by the Senate at this time, therefore, is the preservation of the very real legislative gain which with all its deficiencies, is represented by the Long Act on campaign financing. At the same time, and with greater emphasis, the Senate is determined that this gain shall not be subject to the jeopardy of abuse which, if the act stands alone, without safeguards and guidelines, might make it even more unsatisfactory than the unsatisfactory system of campaign financing which now prevails.

I pondered this matter at length over the weekend, focusing on this question: Would it be possible by some adjustment in language to preserve in law the principle of public participation in the financing of elections but hold its operation in abeyance until such time as tight safeguards over the equitable use of public funds for these purposes could be established?

Yesterday and again this morning I discussed this matter further with several interested Senators whose views vary on this question. I did not seek their concurrence but rather their guidance and to inform them. Moreover, since it is not the leadership's practice to seek to surprise the Senate or any of its Members on procedural matters, I wished to talk first with those who were most directly concerned so that they might be on notice as to my intentions.

Mr. President, I had intended, at this point, to send to the desk a modification of the pending motion. May I say to the Senate that this new language is my own; it was arrived at without consulting any other Member of the Senate. I alone am responsible for it.

By this new language the relevant portion of the pending motion would be changed to substitute for the expiration date of July 31, 1967, a provision that would prohibit the disbursement of any public funds under the Long Act until the Congress acts again on this matter by the passage of a further law providing guidelines and safeguards.

I realize that this modification is not the answer to everyone's view of this matter any more than was the original motion. In my opinion, however, this modification would better protect what I believe to be the preponderant viewpoint of the Senate. Under it, the principle embodied in the Long Act would be in no danger of being stricken from the statute books. At the same time, however, the Long Act would not become operative—not 1 cent of public funds will be made available for any political campaign—until appropriate safeguards and guidelines on usage were adopted by the Congress and have become law.

Mr. President, before I conclude, I think I should call the attention of the Senate to a matter which has caused me considerable strain, worry, and concern since Thursday last.

I refer to a personal commitment which, presumably I made, but which I had not thought I made in conversation with two distinguished Members of the Senate, the Senator from Tennessee [Mr. GORE] and the distinguished Senator from Delaware [Mr. WILLIAMS]. The distinguished minority leader from Illinois [Mr. DIRKSEN], who is indisposed and unavailable at this time, was also present during the conversation.

The conversation concerned the possibilities of an agreement to vote at a time certain and the possibilities of a motion to recommit which I intended to make—win or lose—on the Long amendment. While the two questions were certainly discussed, I do not recall that reciprocal assurances were either sought or agreed to.

Nevertheless, I have been informed by

one Senator that I did make a personal commitment; that if there were an agreement to vote at a time certain, I would offer a motion to recommit immediately thereafter. To be sure, those two events did transpire on Thursday. I thought they developed, however, because all were in agreement that it was a way for the Senate to get off dead center.

Quite frankly, I do not know, therefore, where this leaves me personally or where it leaves the Senate. For some time now, with passions rising and with days and weeks of wasted debate and recrimination over what began as a simple, clear-cut, and limited tax measure, I find myself—the Senate, in effect, finds itself—in the midst of what can only be described as a comedy of errors if it were not, apparently, a tragedy of misunderstandings.

The distinguished majority whip, the Senator from Louisiana, misunderstood me. I apparently misunderstood the distinguished Senator from Tennessee. The Senator from Delaware has said nothing of any misunderstanding, but perhaps even that is a misunderstanding of the Senator from Delaware's view of the matter. I apologize to all three of these distinguished members of the Finance Committee for what can only be described as a most inadequate effort on my part to be helpful to all of them and to the Senate.

Where, then, do we go from here?

I have in my hand the modification of my own motion—the motion which I made on last Thursday and which is now pending before the Senate. As I have already said, I arrived at the point of presenting this modification only after a great deal of soul searching, only after extended conversations and discussions with many interested Members of the Senate. I arrived at it in the hope of building a bridge between the position of the Senator from Tennessee and the Senator from Delaware on the one hand and the Senator from Louisiana on the other. If I have understood them, all have insisted throughout this debate that some form of public financing of elections is desirable and that the only problem is how to provide appropriate guidelines and election reforms which will safeguard these public funds from abuse and corruption.

I stand here in the Senate among my colleagues with what I believe is language which will achieve this purpose. Yet, I do not know whether or not I am now, in honor, permitted to offer it in place of the pending motion at this time. I most certainly will not offer it if the Senator from Delaware and the Senator from Tennessee tell me that I have a personal commitment to them which is binding upon me to insist, first, upon a vote on the pending motion. If they will tell me that I have such a commitment to them, I shall urge the Senate to proceed immediately to a vote without change, on the motion which is now pending. But if they do not so tell me, I shall proceed to offer substitute language which I have already described, to the motion which is now pending—language which I believe will preserve the positions of all three of these members of the Finance Committee, and, at the same time, will more faithfully reflect what I believe to be the preponderant sentiment of the Senate with regard to the matter which is before us.

I await the answers of my two distinguished colleagues to the questions I have raised, and then I shall urge the prompt judgment of the Senate.

Mr. GORE. Mr. President, this is a trying hour for the Senate. It is not for the senior Senator from Tennessee to pass judgment upon anyone, or to seek to interpret for anyone events which transpired. I desire to state precisely what happened. It is important for the Senate that it understand exactly what happened.

This has been a very hard-fought issue.

Mr. COTTON. Mr. President, may we have order, so that we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GORE. The distinguished and able majority leader refers to it as a comedy of errors. Mr. President, this began with a basic error. The 1966 act as the Senate will recall, which is now law, was attached to a bill to which it was not germane. Because it affects the revenue law, the only manner in which the Senate can now work its will with respect to amendment or repeal is to do so as a part of a revenue measure which originated in the House of Representatives. This is why the amendment to repeal the Long Act was offered as an amendment to the pending bill. This is the same procedure by which the law was enacted. This is the only way by which the Senate can work its will to repeal that law.

We acted in haste, in the closing hours of adjournment last year, when it was with the greatest of difficulty that a quorum was achieved. It is now agreed by all, including the distinguished author of the bill, that the law is in basic error in many respects.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG of Louisiana. This is a very good law. I would agree that it could be amended to satisfy the criticism of some. It is a very good law without any amendments. I hope the Senator will understand my position.

Mr. GORE. I thank the Senator for his statement. The Senator himself offered a number of far-reaching amendments, which in itself, it appeared to me, constituted an acknowledgment that the law was inadequate. I am pleased that the Senator has stated his position as he wishes it stated.

I submit that the agreement reached last Thursday and the motion which the distinguished majority leader submitted accomplished in a reasonable way that which he now seeks to accomplish. It provided that there be a hundred days before the act would expire, during which it was anticipated that the Senate would act. Indeed, the majority leader proposed to instruct the committee to report a bill within 6 weeks for the action of the Senate, which would still leave 7 weeks for action on the floor of the Senate and in the other body; but if by July 31, 1967, a time approaching the end of this session and before tax forms are printed, the act has not been amended, then by the majority leader's motion it would be repealed. I thought it was a reasonable motion.

Now, as to the gentleman's agreement we had, I wish to state as precisely, and fully, and in as detailed a way as possible what happened.

The distinguished majority leader asked me to join a conference. There were four of us involved in that conference. There were some other Senators, I think, who may have overheard the conference, or portions of it, but only four were participants: the distinguished majority leader, the distinguished minority leader, the distinguished senior Senator from Delaware, and the senior Senator from Tennessee.

The agreement we reached had these provisions. There was to be a vote on the pending Long amendment. Let me recall to the Senate the status of the Long amendment at that time. It was an amendment to the amendment of the senior Senator from Hawaii; not an amendment to the pending bill; but an amendment to an amendment. The Inouye amendment, as amended by the Long amendment, is still pending. It has not been adopted. Therefore, the Long amendment is not now a part of the bill before the Senate.

The senior Senator from Delaware and I were fully appraised of the parliamentary situation. Indeed, on the previous night we had insisted that the record be made clear as to whether the Long amendment had been offered as a substitute for the Inouye amendment or as a perfecting amendment. The RECORD shows that clearly. The rollcall vote was ordered. This is now a matter of record.

The question of whether the amendment of the junior Senator from Louisiana be adopted had some unusual characteristics. I am going to be perfectly frank with the Senate. It was said—I am not exactly sure who made the statement; I do not recall—that the junior Senator from Louisiana, being the chairman of the Committee on Finance, needed to get the amendment adopted as a face-saving matter for him. I know that all of us recognize the importance and the desirability of those things. Anyway, an agreement was reached: One, that the vote come on the Long amendment. I stated in consequence of the other provisions of the agreement that as far as I was concerned he could select his own time for a vote. The Senate is well aware, as I am, that in these close, hard-fought issues, the result of a particular vote is usually determined by absentees and pairs.

I was well aware that the witching hour had been set for 3:30 or 4 o'clock last Thursday afternoon. There was no agreement that we vote then. We could have had a vote earlier. The Senator from Delaware [Mr. WILLIAMS] or I could have had a vote by moving to table. However, in view of the other parts of the agreement I was not only willing to have a vote, at a time of Senator LONG's choosing, but I spoke to several Senators

on this side and told them that in view of the agreement we had reached it would be a virtually meaningless vote and they could vote as they pleased. At any rate, a vote was held.

The other part of the agreement was carried out. What was the other part of the agreement? The other part of the agreement was that the majority leader would immediately, after the vote—however it came out—offer a motion to recommit with instructions. Senators will recall that such a motion was made. It is in the RECORD.

There were to be three parts of the instructions: One, that the bill be reported forthwith, restoring the investment credit. Two, all amendments, all riders, were to be stripped from the bill except one, and that was that the Gore-Williams amendment be modified, taking from it the corrupt-practices amendment revisions which were in the original Williams amendment, and changing the date which was in my amendment to the Williams amendment for repeal as of July 1, to July 31. Third, the committee was to be instructed to report an election campaign financing bill within 6 weeks. The agreement was carried out. The vote was held, the result of which the Senate is advised.

The majority leader offered the motion he had agreed to offer. There is one step I should relate which was within the vision of most Senators and the gallery. Just before the agreement was given to vote on the Long amendment at a given time, with a time limitation, the four of us who participated in the agreement—Senators MANSFIELD, DIRKSEN, WILLIAMS, and GORE—met in front of where the Senator from Nebraska [Mr. HRUSKA] now sits. I specifically asked, "Does this mean that you will offer the motion we agreed to?" Senator MANSFIELD said "Yes." This agreement was fully executed.

Now, the question arises, and the majority leader seeks an answer as to whether that was a commitment.

I submit to the Senate these details as accurately and as precisely as I can recall them. There was no commitment that the majority leader would insist upon a vote on his motion. On the other hand, there was no suggestion that if we entered into this agreement it would be temporary in nature, and that after the vote on the Long amendment, then the motion would be either withdrawn or altered.

I state these details as clearly as I can recall them. If I have omitted something I would like to be corrected. As far as I am concerned I hope the distinguished majority leader will listen to the recollection of the Senator from Delaware [Mr. WILLIAMS], and the Senator from Illinois [Mr. DIRKSEN], and perhaps think about it overnight before altering his motion, which was a part of our agreement.

Mr. President, the Senate is an institution which I love. It operates in mutual trust and confidence. This institution could not function well in any other manner. The most sacrosanct thing we have in this body is confidence in gentlemen's agreements.

I appreciate very much the position taken by the majority leader. If we understand this to be a commitment, he says that he will go through with it.

This is MIKE MANSFIELD.

This is the Senate.

This is the integrity of the Senate and the integrity of its Members.

I should like the distinguished majority leader to consider my relation of these events as I have recalled them, and to hear likewise from others in the conference, before he reaches a decision as to whether he feels that the agreement would be fulfilled either by withdrawal or alteration of the motion at this time.

I hope that he will contemplate the move, and I will think about it further, and consult with him.

Mr. WILLIAMS of Delaware. Mr. President, when the Presidential Campaign Fund Act was first passed last year both the Senator from Tennessee and I, as well as other Senators, opposed its enactment because we thought it was a bad measure. We still feel that way about it.

For the past 4 weeks the Senators have been debating this issue, and finally we persuaded the Senate to repeal the act.

As the Senator from Louisiana has pointed out, we have been successful in our efforts. The Senate had adopted as a part of the pending bill one amendment which would terminate the Presidential Campaign Fund Act as of July 1. Also included in that same amendment were two very major and very important corrections and modifications of the Corrupt Practices Act, something which we have been working on for a number of years. The first would require full disclosure and reporting of all campaign expenditures, and the second extended the Corrupt Practices Act to primaries.

Now we are all familiar with the parliamentary snarl in which the Senate has been embroiled for the past 3 or 4 weeks. The Senator from Tennessee has just related the circumstances leading up to what we thought was an agreement. I will not review them. He has related the situation as I understand it. I will say that I did think we had an agreement or an understanding, but on the other hand, I recognize that there is always an area for an honest misunderstanding even though personally I did understand it this way.

I think, at the same time, that we should proceed. Let me first say that I appreciate the statement of the majority leader more than I can ever tell him. When he said that if the Senator from Tenessee, the Senator from Delaware, and the Senator from Illinois did have that understanding, all we had to do was say the word and he would proceed with his original motion—that is a statement which Senators would expect MIKE MANSFIELD to make.

I appreciate that attitude. Certainly I want to win; the Senate understands that. But at the same time I think there comes a time when something more important than winning is at stake.

We cannot operate, as the Senator from Tennessee has so well said, unless we can operate on gentlemen's agreements.

At the same time, we must be realistic and recognize that there can occasionally be an honest misunderstanding or difference of opinion. Therefore, I would prefer, here tonight, not to make this decision at this particular time. I think we understand each other, but I am hoping that some agreement can be worked out. I say that as one who feels that while we may win I do not want to take advantage of his offer. I respect him too much as a gentleman and a friend; winning is not that important.

I am therefore going to suggest to the majority leader that rather than pursue this matter tonight we leave the question as it is, that the Senate should adjourn. Perhaps all of us can go home and think this matter over very carefully and arrive at a decision, not from a personal standpoint but a decision which Senators will feel will be in the best interests of safeguarding the integrity and perpetuating the respect which the Senate must command.

The majority leader has been more than fair.

Mr. LONG of Louisiana. Mr. President, I wish to take less time than the Senator from Tennessee on this subject, and perhaps no more time than has the Senator from Delaware.

I have heard the statement made over and over again—and, oddly enough, at times with many Senators in the Chamber—and the response to which I have usually made to an empty Chamber, that there are no safeguards in the existing law.

Let me say that the law which I had the honor to sponsor last year provided in its text or in conjunction with already existing law at least four safeguards on the use of money paid to political parties from the presidential election campaign fund.

In the first place, the Federal criminal law which would be applicable if there were violation of last year's law provides as strict a fraud penalty as can be imagined.

Section 1001 of title 18, United States Code, provides as follows:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or documents knowing the same to contain any false, fictitious or fraudulent statement or entry shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Second, section 1002 of title 18, United States Code, covers virtually anything that might not be covered by the fraud penalty I just read.

Section 1002 specifies:

> Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer, or agent thereof, any sum of money, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Third and perhaps most important of all, however, is the Advisory Board set up by the so-called Long Act to aid and

counsel the Comptroller General in administering the act. It has Republicans to watch the Democrats and Democrats to watch the Republicans and three others to watch both the Democrats and the Republicans. Neither side is going to let the other side get away with a single dime. And the Comptroller General has to approve every expenditure before it can be paid.

Finally, the Long Act empowers the Comptroller General to issue such rules and regulations as he determines necessary to carry out his responsibilities under the act. If he has reason to believe there are gaps in the statute he can regulate to fill them. And bear in mind that his chief responsibility is to protect the United States from erroneous claims for Federal moneys.

Mr. President, I have been saying here on the floor of the Senate, with regard to my proposal, that everyone should be permitted to put up $1, 50 cents of which would go to the Democrats and 50 cents of which would go to the Republicans, with some arrangement in the future whereby third parties which had a substantial vote would be taken into account, so that no candidate for President need be subject to improper influence as a result of political contributions or the financing of his campaign.

I have been saying that if anyone fears that this presidential election campaign fund might be misused in any respect, he should bring in his amendment and I will support that amendment if it will prevent any kind of abuse that a Senator thinks has not been outlawed already.

Mr. President, my proposal is a good proposal. It was carefully considered. It had the best advice of the best minds in the Treasury Department, the best minds in the Joint Committee on Internal Revenue and Taxation, the best minds in the Finance Committee, the best minds in the House Ways and Means Committee, and all the additional advice we could get made available to us.

But, if anyone, out of an abundance of precaution, wants additional safeguards, to add anything to the proposal which would help alleviate the situation; if anyone is worried about how the money will be accounted for, let him offer an amendment to last year's law.

I attempted to improve upon last year's law myself in my amendment on which the Senate voted last Thursday. I have been willing to vote for any amendments to the Long Act which are within reason. But the one thing I have not been willing to do is to repeal the basic law we enacted last year, which for the first time provides that campaigns will be financed by $1 contributions and which frees the candidate of onerous obligations instead of leaving it entirely up to the very large contributors to finance presidential campaigns.

Mr. President, I do not think we made a mistake when we passed the bill last year. We had conducted hearings in the Senate Finance Committee. We studied the matter. We reported a proposal which was the product of our best judgment, as an amendment to a revenue bill—necessarily so. There were other amendments to that revenue bill. One of them was the Saltonstall amendment, upon which the then Senator from Massachusetts had worked for many years. So far as I know, there was not a single objection to it.

An effort was made on the Senate floor to strike the presidential election campaign fund title from that revenue bill. The effort was unsuccessful. When it came back from conference, there could have been an extended debate on it. We thought earlier that there would be a filibuster on it, but there was not. At that time I offered to yield, in order to save the bill, what I thought was the best part of the bill, the Presidential Election Campaign Fund Act, but those opposing the bill felt they could do better if they could vote their way and we voted ours. We voted on the conference report. It passed the Senate and the House and it became the law.

It has been suggested that the vote of last Thursday, in which I prevailed, was a face-saving matter. I do not think so. The way I counted them, there were 50 votes on each side, with the Vice President voting to break the tie, depending on what the motion was. A motion to table would fail on a tie vote. The Vice President could, if he wanted to break a tie vote, cast his vote. I said publicly that the Vice President, in my judgment, more likely would have voted to retain the existing law than to repeal it. So it was simply a vote, from my standpoint, to record the will of the Senate.

When we voted on this matter a week prior, I knew that three Republicans had to leave town immediately after the vote. That is why I thought a Senator should not have to suffer the indignity of being denied the courtesy to finish his remarks when he wanted time. One Senator wanted to be sure he would have a vote when he had his men in town, and when the other thought he had his men either in town or paired, he wanted a vote.

I suffered the loss of five absentees when that vote occurred on the Gore-Williams amendment. However, last Thursday, the opposition had more absentees than I did. The result was they lost because of absentees.

As I said on the floor yesterday on this subject, any time both sides want to agree to pair their absentees, they have my agreement. If they give me notice, I will give them the right to pair. But I ask them to fight either by the Marquis of Queensberry Rules or the London Prize Ring Rules. I will fight by either set of rules. I will abide either by the Marquis of Queensberry Rules or the London Prize Ring Rules. When they fight by the London Prize Ring Rules, there is no such thing as a foul. One can hit a man anywhere. If they are going to fight by those rules, I am willing to abide by them. But I do not want to go by the Queensberry rules while they use the London Prize Ring Rules.

As I said, I personally would be willing to agree to anything that was fair. I have agreed to abide by anything which the majority leader proposed. I remain by that position.

I was somewhat dismayed that the original recommittal motion was apparently shown to those of the opposition without having been shown to me. The majority leader did write me a letter. I assume that what he described in that letter was what he was referring to when he offered the motion to recommit. I do not quarrel about it. Whether the motion is agreed to or not agreed to, the bill is still open to amendment and still subject to debate. We can proceed accordingly.

As far as I am concerned, I feel I have been badly prejudiced by a failure of communications, for which I was in large measure to blame.

I do regard this as a procedural motion, and, accordingly, I am going to stay by my word. I said I would vote for the recommittal motion of the majority leader, whatever the motion was, and that is what I am going to do.

Mr. WILLIAMS of Delaware. Mr. President, if I may speak briefly, I wish to say to the Senator from Louisiana that I did not see any written form of the motion. I want to make that clear. I do not want anyone to think that the majority leader showed me anything that the Senator from Louisiana did not see.

I stated before that there was a verbal understanding, but at the same time I accept the fact that in any verbal agreement there can be a misunderstanding. When the Senator from Montana indicates such was the case, I know the Senator from Montana well enough to know that there was. There is no man in the Senate for whom I have a higher regard than the majority leader. He has again demonstrated the size and the man that he is.

That is why I make the suggestion that rather than debate it at this time and make a decision now, perhaps we could sleep on it tonight. As one who likes to win, now or at any other time, I still say there are more important things than winning. That is why I say we should sleep on it tonight and see if we can come up with a calmer decision tomorrow. I only make that as a suggestion.

Mr. MANSFIELD. Mr. President, I hardly know what to say. I believe I have received, indirectly, an answer to the question which I have raised. I believe the distinguished Senators are doing their best to alleviate the position in which they think I find myself and in which the Senate finds itself.

I do not know whether it would be a good idea to think over this proposal overnight, because I have an idea that, if that were the case, and the suggestion were offered in good faith and with good heart, we might find ourselves in just as difficult a position tomorrow.

In view of the fact that I did not get a clear-cut answer; in view of the fact, therefore, that I must make my own interpretation, and in view of the fact that I do not by any means approve of what I am about to do, I ask for a vote on the pending motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to recommit.

Mr. CURTIS. Mr. President, a parliamentary inquiry. What are we voting on?

Mr. HOLLAND and several Senators requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. For the

information of the Senator from Nebraska, the clerk will state the motion.

The assistant legislative clerk read Mr. MANSFIELD's motion, as follows:

I move that H.R. 6950 be recommitted to the Committee on Finance with the following instructions:

(1) To report back forthwith provisions which relate to restoring the investment tax credit and a provision providing for an expiration date of July 31, 1967 on the Presidential Campaign Fund law of 1966.

(2) To report back within six weeks provisions with respect to the Presidential Campaign Fund law of 1966.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

On this vote, the Senator from West Virginia [Mr. BYRD] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from West Virginia would vote "nay," and the Senator from Oregon would vote "yea."

Mr. HICKENLOOPER. I announce that the Senator from Massachusetts [Mr. BROOKE], the Senator from Illinois [Mr. DIRKSEN], the Senator from California [Mr. KUCHEL], and the Senator from Iowa [Mr. MILLER] are necessarily absent.

The Senator from Idaho [Mr. JORDAN] is necessarily absent to attend the funeral of a friend.

The Senator from California [Mr. MURPHY] is absent because of illness.

If present and voting, the Senator from Massachusetts [Mr. BROOKE], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. JORDAN], the Senators from California [Mr. KUCHEL and Mr. MURPHY], and the Senator from Iowa [Mr. MILLER] would each vote "yea."

The result was announced—yeas 64, nays 22, as follows:

[No. 93 Leg.]

YEAS—64

Aiken	Cotton	Hayden
Allott	Curtis	Hickenlooper
Anderson	Dodd	Hill
Baker	Eastland	Holland
Bennett	Ervin	Hruska
Bible	Fannin	Jackson
Boggs	Fong	Javits
Burdick	Fulbright	Jordan, N.C.
Byrd, Va.	Gore	Lausche
Cannon	Griffin	Long, La.
Carlson	Gruening	Magnuson
Case	Hansen	McCarthy
Church	Harris	McClellan
Cooper	Hatfield	Mondale
Monroney	Randolph	Talmadge
Montoya	Russell	Thurmond
Morton	Scott	Tower
Pastore	Smith	Tydings
Pearson	Sparkman	Williams, Del.
Pell	Spong	Young, N. Dak.
Percy	Stennis	
Prouty	Symington	

NAYS—22

Bartlett	Inouye	Mundt
Bayh	Kennedy, Mass.	Nelson
Brewster	Kennedy, N.Y.	Proxmire
Dominick	Long, Mo.	Ribicoff
Ellender	Mansfield	Williams, N.J.
Hart	McGovern	Young, Ohio
Hartke	McIntyre	
Hollings	Metcalf	

NOT VOTING—14

Brooke	Kuchel	Murphy
Byrd, W. Va.	McGee	Muskie
Clark	Miller	Smathers
Dirksen	Morse	Yarborough
Jordan, Idaho	Moss	

So the motion to recommit was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, earlier today the Senate voted on the motion submitted by the distinguished majority leader [Mr. MANSFIELD] to recommit H.R. 6950 to the Committee on Finance. I did not vote on that recommittal motion. I was in the reception room at the time. I did not hear the bell which indicated that a yea and nay vote was to begin, and for some unknown reason the pages did not locate me. I was there talking with some West Virginia members of the National Association of Letter Carriers.

I regret that I missed the vote. I had intended to vote against the motion to recommit, and had so advised the majority leader and the majority whip. I merely take the floor at this time to indicate for the record that had I been present and voting, I would have voted against the motion to recommit.

Mr. LONG of Louisiana. Mr. President, from the Committee on Finance, I now report a bill to carry out the instructions of the Senate. It provides for the restoration of the investment tax credit under the same circumstances as are described in the report of the Committee on Finance when it originally acted on this measure on March 23. In addition, it contains an amendment terminating the Presidential Election Campaign Fund Act effective July 31, 1967.

In accordance with further instructions of the Senate, the Committee on Finance will promptly begin hearings to improve and perfect the Presidential Election Campaign Funds Act. In accordance with these instructions, legislation containing improvements and perfections will be reported to the Senate within 6 weeks.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property, with an amendment, as follows:

That sections 48(j) and 167(i)(3) of the Internal Revenue Code of 1954 (defining suspension period) are each amended by striking out "December 31, 1967" and inserting in lieu thereof "March 9, 1967".

SEC. 2. Section 46(a)(2) of the Internal Revenue Code of 1954 (relating to limitation on investment credit based on amount of tax) is amended—

(1) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) for taxable years ending before January 1, 1968, 25 percent of so much of the liability for tax for the taxable year as exceeds $25,000, or

"(C) for taxable years ending after December 31, 1967, 50 percent of so much of the liability for tax for the taxable year as exceeds $25,000."; and

(2) by striking out the next to the last sentence and inserting in lieu thereof the following: "In applying subparagraph (C) to a taxable year beginning before January 1, 1968, and ending after December 31, 1967, the percent referred to in such subparagraph shall be the sum of 25 percent plus the interest which bears the same ratio to 25 percent as the number of days in such year after December 31, 1967, bears to the total number of days in such year."

SEC. 3. Section 48(a)(2) of the Internal Revenue Code of 1954 (relating to property used outside the United States) is amended by inserting before the semicolon at the end of subparagraph (B)(i) "or is operated under contract with the United States".

SEC. 4. The amendments made by the first section and section 3 of this Act shall apply to taxable years ending after March 9, 1967.

SEC. 5. The Presidential Election Campaign Fund Law of 1966 expires on July 31, 1967.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG of Louisiana. Mr. President, is it in order for me to amend the bill I have just reported?

The PRESIDING OFFICER. The substitute amendment is open to amendment.

Mr. LONG of Louisiana. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Louisiana [Mr. LONG] moves to strike section 5 of the substitute amendment (reported forthwith) for the bill (H.R. 6950) relative to the presidential election campaign fund law of 1966.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. WILLIAMS of Delaware. Mr. President, is the Senator from Louisiana ready to debate his amendment?

Mr. LONG of Louisiana. Mr. President, I am ready for a vote.

Mr. WILLIAMS of Delaware. Mr. President, I move to lay that amendment on the table.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware [Mr. WILLIAMS] to lay on the table the amendment of the Senator from Louisiana [Mr. LONG].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from New York [Mr. JAVITS]. If he were present, he would vote "yea." If I were at liberty to

vote, I would vote "nay." I therefore withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from New York [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from New York [Mr. KENNEDY] would each vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Florida would vote "nay."

Mr. HICKENLOOPER. I announce that the Senator from Massachusetts [Mr. BROOKE], the Senator from Illinois [Mr. DIRKSEN], the Senator from California [Mr. KUCHEL], and the Senator from Iowa [Mr. MILLER] are necessarily absent.

The Senator from Idaho [Mr. JORDAN] is necessarily absent to attend the funeral of a friend.

The Senator from California [Mr. MURPHY] is absent because of illness.

The Senator from New York [Mr. JAVITS] is detained on official business, and his pair has been previously announced.

If present and voting, the Senator from Massachusetts [Mr. BROOKE], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. JORDAN], the Senators from California [Mr. KUCHEL and Mr. MURPHY] and the Senator from Iowa [Mr. MILLER] would each vote "yea."

The result was announced—yeas 41, nays 43, as follows:

[No. 94 Leg.]

YEAS—41

Aiken	Fannin	Pearson
Allott	Fong	Pell
Baker	Fulbright	Percy
Bennett	Gore	Prouty
Boggs	Griffin	Russell
Byrd, Va.	Hansen	Scott
Carlson	Hatfield	Smith
Case	Hickenlooper	Spong
Church	Hruska	Symington
Cooper	Kennedy, Mass.	Thurmond
Cotton	Lausche	Tower
Curtis	McClellan	Williams, Del.
Dominick	Morton	Young, N. Dak.
Ervin	Mundt	

NAYS—43

Anderson	Hayden	Monroney
Bartlett	Hill	Montoya
Bayh	Holland	Nelson
Bible	Hollings	Pastore
Brewster	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, W. Va.	Jordan, N.C.	Ribicoff
Cannon	Long, Mo.	Sparkman
Dodd	Long, La.	Stennis
Eastland	Magnuson	Talmadge
Ellender	McCarthy	Tydings
Gruening	McGovern	Williams, N.J.
Harris	McIntyre	Young, Ohio
Hart	Metcalf	
Hartke	Mondale	

NOT VOTING—16

Brooke	Kuchel	Murphy
Clark	Mansfield	Muskie
Dirksen	McGee	Smathers
Javits	Miller	Yarborough
Jordan, Idaho	Morse	
Kennedy, N.Y.	Moss	

So the motion of Mr. WILLIAMS of Delaware, to lay on the table the amendment of Mr. LONG of Louisiana, was rejected.

Mr. WILLIAMS of Delaware. Mr. President——

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. Is H.R. 6950 at the present time open for amendment?

The PRESIDING OFFICER. The Senator is correct. It is open for amendment.

Mr. METCALF. Mr. President, I call up my amendment No. 137, and ask that it be read.

The PRESIDING OFFICER. The Senator is advised that a motion to strike is pending. But the amendment that is proposed to be stricken may be amended before the motion to strike is voted on.

Mr. WILLIAMS of Delaware. Mr. President——

Mr. LONG of Louisiana. Mr. President, may I explain to the Senate that what I would hope we would do would be to limit this bill to one strictly dealing with the investment tax credit; and if my motion prevails—and the Senate has declined to table my motion—this will be what I originally had hoped the majority leader was going to move, and what I, as the manager of the bill, had prayed he would move: that is, that we would be asked to recommit and report a clean bill, which would be nothing more than a bill to give business the investment tax credit and accelerated depreciation as of the date recommended by the President.

May I say, Mr. President, that if my motion carries, we will be in a position to do that; and if it does not carry, then we are going to be right back doing what we have done for the last month—taking extraneous amendments, which amendments will lead, in my judgment, to more and more controversy, until eventually we will have another motion to recommit, and once again we will go through the whole thing.

Let me say this, as one who is vehemently opposed to the Gore amendment to repeal the Presidential Election Campaign Fund Act of 1966. I am not going to take something I am against, which cannot command a majority vote in the Senate, and then tell other Senators that they cannot offer their amendments which can command a three-quarters vote or a two-thirds vote in this body. Why should we take something that can only be agreed to when you have an advantage on absentees, when there are good amendments that Senators would like to offer which can command a three-quarters majority?

I hope that we will be permitted to vote on a motion to strike out the one thing that the majority finds objectionable, and if we can I am willing to go ahead and pass an investment credit bill only. I hope that is what we are going to be asked to do.

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

Mr. LONG of Louisiana. I shall not yield to the Senator at this moment, but I shall yield to him shortly.

If Senators want to vote to give business the benefit of the investment credit they can do that. I have spoken for the committee and I have taken those orders from the Senate.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Louisiana may proceed.

Mr. LONG of Louisiana. Mr. President, the Senate has instructed the Committee on Finance to conduct hearings and report back a bill on election campaign financing after considering all aspects. We have been ordered by the Senate to do that. I wish to point out to Senators that we have been ordered by the Senate to conduct hearings and report back.

I find objectionable that part of the bill which the committee was instructed to report back which repeals the Presidential Election Campaign Fund Act of 1967, particularly since the Senate has voted with me on that matter as recently as last Thursday. If I detect the thinking of the Senate as revealed in the just defeated motion to table, the Senate is prepared to strike that part which I find objectionable, and if they do that, I suggest that no further amendments be offered. However, if repeal of the Campaign Act stays in the bill, as one Senator, I shall insist that other Senators have their amendments considered.

Mr. METCALF. Mr. President, do I have the floor?

The PRESIDING OFFICER. Is the Senator seeking recognition?

Mr. METCALF. Mr. President, I am seeking recognition to offer an amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, my amendment is an amendment which I have tried to write as an amendment to the investment tax credit bill. If I may, I would like to offer this amendment and have the clerk state it.

The PRESIDING OFFICER. The Senator is advised that the only amendment now in order, since there is a pending motion to strike of the Senator from Louisiana, is one that would amend the paragaph which the Senator from Louisiana seeks to strike.

Mr. METCALF. Then, I yield the floor with the understanding that after that proposal is voted upon I will have an opportunity to offer my amendment.

Mr. GORE. Mr. President, as the able junior Senator from Louisiana [Mr. LONG] has stated, this will probably be a very close vote.

Mr. MORTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GORE. Mr. President, representatives of two Senators who are absent have asked me to request that this vote not be held until tomorrow so that they may return to the Capitol. Of course, the pending amendment is subject to a substitute amendment. After opportunity has been afforded for offering and consideration of such amendments, I would be glad to enter into a unanimous-consent agreement to vote at some time certain, so that all Senators can be here and vote. If it turns out that the Vice President must decide, that is constitutional, and the decision will be made. However, I would not wish at this time to offer any suggestion as to the time for voting. Someone may have a substitute to offer. Let the Senate realize that there is before the Senate now a bill reported from the committee upon instructions by the Senate with a termination date of July 31, 1967, for the Presidential Election Campaign Fund Act. There is a motion pending to strike that section of the bill which the committee has reported upon instruction by the Senate.

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

Mr. GORE. I yield.

Mr. METCALF. I do not desire to delay the Senate. I wonder if the Senator from Tennessee would permit me, by unanimous consent, to offer my amendment. I do not request a yea and nay vote. The matter will only take 15 minutes or less and, then, the Senator from Tennessee can proceed and have us vote at a fixed time tomorrow or at some other time.

Mr. GORE. I shall not interpose an objection. I am not sure an amendment can be offered in the second degree, even by consent, but at least I would not object to the Senator offering whatever amendment he wishes to offer.

I would like to proceed with my statement briefly.

Mr. LONG of Louisiana. I would be willing to agree to arrange two pairs for the two Senators the Senator wishes to protect.

Mr. GORE. We are not going to vote on the Long amendment today.

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

Mr. GORE. I yield.

Mr. LAUSCHE. I would like to address two questions to the Senator from Louisiana to find out his position.

Is it the position of the Senator from Louisiana that if his amendment carries then he will not oppose consideration of other amendments that may be offered to load this bill down again as it was loaded before we voted today?

Mr. LONG of Louisiana. If I prevail in my motion, I hope to limit this bill, to the extent I am able, to what it started out to be: a bill to restore the investment tax credit, and accelerated depreciation.

Mr. LAUSCHE. What will the position of the Senator be if his motion is defeated?

Mr. LONG of Louisiana. Then, I feel that everybody else also should have their irrelevant, extraneous amendments considered.

Mr. GORE. Mr. President, I wish to retain the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. The distinguished Senator from Louisiana has just said that unless his amendment, which is now an amendment to a committee bill which has been reported by instructions from the Senate, is adopted, he will invite everybody else——

Mr. LAUSCHE. Then, we are back where we started.

Mr. GORE. This brings us pretty well around the merry-go-round. If the Long amendment is defeated, the bill will go to the House, restoring investment credit and repealing the Long amendment as of July 31. Meanwhile, the committee is under instructions to report a bill to replace it or amend it.

It seems to me that a reasonable course of action is to defeat the Long amendment and speed the bill to the House of Representatives.

Mr. METCALF and Mr. LONG of Louisiana addressed the Chair.

Mr. GORE. I shall yield in a moment, but I am not prepared to try to foreclose the Senator from Montana or any other Senator who may have substitutes to offer.

Mr. LONG of Louisiana. Mr. President, the Senator from Tennessee has great confidence when he assumes he is going to defeat everybody's amendment after he defeats the Long amendment. Other Senators have good amendments. The Long amendment would in effect strike the Gore amendment, and the Gore amendment, in my judgment, does not have a majority of the Senate in support of it.

Mr. GORE. The Senator is now on the other side. He is in the position of saying that unless his amendment to the committee bill is accepted he is going to invite everybody else to offer one, whereas, if his amendment is accepted he will seek to deny that privilege to everybody else.

Mr. LONG of Louisiana. The Gore amendment; that is, the provision repealing the Long Act of last year, is totally irrelevant to this bill to restore the investment credit and accelerated depreciation.

Mr. GORE. It is in the bill. It is in the bill. It is a part of the bill before the Senate.

Mr. LONG of Louisiana. If it stays in the bill, being totally irrelevant to investment credit, as far as I am concerned we are going to consider a lot of other irrelevant amendments which have more merit.

Mr. GORE. I shall not undertake to give any instructions to the Senate.

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

Mr. GORE. I yield.

Mr. ERVIN. Was not the Long law totally irrelevant to the bill onto which it was attached?

Mr. GORE. The best that I can recall it was, being a part of the Christmas tree bill.

Mr. LONG of Louisiana. Mr. President, will the Senator from Tennessee yield further?

Mr. GORE. I yield.

Mr. LONG of Louisiana. Was it not one of numerous amendments which were irrelevant to the bill to which it was attached?

Mr. GORE. Yes. There were so many irrelevant amendments. There were so many "goodies" on that Christmas tree that the conferees on the part of the other body had but little resistance. They, too, had some "goodies" on the tree. That illustrates how effective the junior Senator from Louisiana is. He prepares the way. But he is now in the position of advocating that his own committee's bill which was reported by instructions of the Senate, be amended.

Mr. LONG of Louisiana. Mr. President, will the Senator from Tennessee yield further?

Mr. GORE. I yield.

Mr. LONG of Louisiana. I am pleased to find that the Christmas tree bill, which the Senator finds so obnoxious with all of those amendments, seems to have had only one to which he objects now. I thought he objected to most of them. I am pleased to see that now there is only one to which he objects, the Presidential Election Campaign Fund Act of 1966.

In my judgment, that was the best amendment in the bill.

Mr. GORE. There were several to which I seriously objected. There was the $2 million tax benefit for one corporation. But they have got that. Perhaps we can stand a $2 million favoritism amendment. But the Long amendment which authorized an estimated $60 million to go into a campaign slush fund to be administered from Washington is a danger to the elective process. I want to see that amendment stricken from the law and that we then proceed to write an election reform bill. I am prepared after the substitute process is terminated, to enter a unanimous-consent agreement to have a vote and settle it. If it is 50–50 that is all right, but let us have a vote and fix a time certain when all Senators can be on notice and be in the Chamber. But I am not going to foreclose anyone else from offering an amendment.

AMENDMENT NO. 137

Mr. METCALF. Mr. President, I have been standing in this Chamber waiting patiently to offer a relevant amendment, an amendment offered in committee, an amendment to the bill which is relevant to the bill. I hope I will have an opportunity to offer such an amendment.

If I may, I ask unanimous consent that I may be permitted to offer this amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

First, the Chair states that the pending amendment of the Senator from Louisiana will be temporarily laid aside and the Senator from Montana may present his amendment.

The clerk will state the amendment.

The LEGISLATIVE CLERK. Renumber section 4 of the bill as section 5 and insert after section 3 thereof the following new section:

SEC. 4. Section 203(e)(1) of the Revenue Act of 1964 (Public Law 88-272) is amended by inserting at the end thereof the following new sentence: "The preceding sentence shall not apply in the case of property used predominantly in the trade or business of the furnishing or sale of electrical energy."

Mr. METCALF. Mr. President, I should like to have the attention of the Senator from Louisiana so that I may ask him some questions about the bill.

As I understand the bill—and I ask the Senator from Louisiana to respond—if tax credits are given, if the 3-percent credits for utility companies are given, does the bill prohibit any State from passing through to the consumer? Is that correct?

Mr. LONG of Louisiana. Present law states that the credit shall be passed through over a period shorter than the life of the property only with the consent of the company involved.

Mr. METCALF. Yes. The company involved, whether it be Consolidated Edison, Montana Power, whatever it is—unless the company consents—any public service commission or regulatory commission of the various States——

Mr. LONG of Louisiana. Oh, no.

Mr. METCALF. Cannot order it to be passed through——

Mr. LONG of Louisiana. The Senator is slightly in error. What the present law says——

Mr. METCALF. I am not in error. I am merely asking a question.

Mr. LONG of Louisiana. Present law applies only to Federal regulatory agencies—it does not apply to a State agency. Present law provides that a Federal agency cannot require a passthrough of the investment credit to the user in the case of those covered by section 203(e)(1) of the Revenue Act of 1964 unless the company agrees to it. That does not bind a State regulatory agency. One of these could follow this policy if it wanted to. They could require an immediate and full passthrough so far as they are concerned without the consent of the company.

Mr. METCALF. I am delighted to have that interpretation of the bill, because it was my understanding from reading the bill that a State regulatory commission could not order a passthrough whether it benefited the 3-percent credit under the bill.

Mr. LONG of Louisiana. As I recall it, we do not require that. My understanding is that we simply instruct the Federal regulatory agencies. Frankly, I say to the Senator, I have considerable doubt that we should try to instruct State regulatory agencies.

Mr. METCALF. I have, too. That is why my amendment was submitted.

Mr. LONG of Louisiana. It would be more appropriate that a State agency would decide for itself on this policy question. We would propose to decide it with regard to our own agencies, but we do not propose to decide that with regard to a State agency. That falls in the area of States rights. They have the same rights we have; namely, the right to be right and the right to be wrong.

Mr. METCALF. When this amendment was submitted in committee, it was my understanding, and it was the interpretation that was given, that the present law as written would prevent State regulatory agencies from passing through to the consumer, if the State regulatory agencies decided that they wanted to, unless——

Mr. LONG of Louisiana. I am familiar with that section, Senator. I wish to say that we debated that at considerable length in the Revenue Act of 1964. I was the Senator in charge of that bill.

Mr. METCALF. I remember. I participated in that debate.

Mr. LONG of Louisiana. I quote from the law:

> It was the intent of the Congress in providing an investment credit under section 38 of the Internal Revenue Code of 1954, and it is the intent of the Congress in repealing the reduction in basis required by section 48(g) of such Code, to provide an incentive for modernization and growth of private industry (including that portion thereof which is regulated). Accordingly, Congress does not intend that any agency or instrumentality of the United States having jurisdiction with respect to a taxpayer shall, without the consent of the taxpayer, use—
>
> (1) in the case of public utility property (as defined in section 46(c)(3)(B) of the Internal Revenue Code of 1954), more than a proportionate part (determined with reference to the average useful life of the property with respect to which the credit was allowed) of the credit against tax allowed for any taxable year by section 38 of such Code, or
>
> (2) in the case of any other property, any credit against tax allowed by section 38 of such Code,
>
> to reduce such taxpayer's Federal income taxes for the purpose of establishing the cost of service of the taxpayer or to accomplish a similar result by any other method.

I think from what I have quoted the Senator can see that the provision refers only to what we would tell the Federal Power Commission, the FCC, the Interstate Commerce Commission or other Federal regulatory agencies. So far as State agencies are concerned, they have the complete right to do the opposite if they so choose.

Mr. METCALF. Mr. President, with that explanation, and that interpretation from the Senator in charge of the bill, I am perfectly willing to withdraw my amendment. My only hope in this amendment was to provide that if State regulatory agencies held hearings and decided that these benefits should be passed through to the consumer, they should be permitted to do so. If the Senator from Louisiana will so interpret the bill so it can do so, I will ask unanimous consent, under that understanding, to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question is on the motion of the Senator from Louisiana.

Mr. WILLIAMS of Delaware. Mr. President, I understand the committee amendment is subject to a perfecting amendment or motion.

The PRESIDING OFFICER. The Senator is advised that only amendments which amend the motion of the Senator from Louisiana to strike would be in order.

Mr. WILLIAMS of Delaware. That is what I understood.

Mr. President, the Senate has acted very wisely in my opinion in ordering to send the measure back to the committee to report back with a termination date for the presidential campaign fund of July 31. I understand the Senate committee is to hold hearings and will develop a workable program for the financing of campaigns and then report back to the Senate in 6 weeks. I think that was the best procedure.

I was hoping the Senate would stand by its earlier vote of today. However, under the motion of the Senator from Louisiana he proposes to strike one section, which has the effect of reinstating the Presidential Campaign Act effective July 31. This would nullify the earlier vote of the Senate.

If we are going to reopen this question in the Senate then I think we should discuss various proposals and see if we can arrive at a plan that would be more effective than the present one for a $1 checkoff on each tax return.

If this is to be the procedure I shall have a proposal to offer on behalf of the Senator from New York [Mr. KENNEDY], the Senator from Illinois [Mr. PERCY], and myself which proposes to enact President Johnson's 1966 recommendation for campaign reform effective July 31. The President's recommendations were introduced last June when he sent his message to Congress. The President's proposal recommended the financing not only of presidential campaigns but also of congressional campaigns by allowing $100 contributions to political campaigns or candidates as an additional deduction for tax purposes. In that manner an individual could make a contribution up to $100 to the party or candidate of his choice. I think that is very important to give the contributors a choice as to which candidate or political party they wish to support.

The bill also carried a provision to reform the Corrupt Practices Act along the lines of what was enacted by the Senate a couple of weeks ago, when it accepted the two amendments I offered. This proposal extends the Corrupt Practices Act to require 100-percent reporting by all political committees. That is important. Everybody agrees to it. It would also extend the provisions of the Corrupt Practices Act to primaries. They are two points on which Presidents Johnson, Kennedy, and Eisenhower had been very firm over the years.

This proposal, which was recommended in a message by President Johnson, was introduced in the Senate by the Senator from Pennsylvania [Mr. CLARK], and was cosponsored by the Senator from Kentucky [Mr. COOPER], the Senator from Michigan [Mr. HART], the Senators from New York [Mr. JAVITS and Mr. KENNEDY], the Senator from California [Mr. KUCHEL], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the former Senator from Oregon, Mrs. Neuberger, the Senator from Wisconsin [Mr. PROXMIRE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Rhode Island [Mr. PELL].

This amendment is now printed as amendment No. 172, and is on each Senator's desk. I shall not call it up tonight

for a vote, but it will be called up tomorrow, at which time I shall outline the reasons why it should be adopted. This will not be offered should the Senate decide to accept no further amendments to this bill but to leave it as just approved by the Senate.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Earlier in this statement, the Senator said he hoped the Senate would abide by the decision which it made earlier this afternoon. Will the Senator explain what he meant by that decision to which we should adhere?

Mr. WILLIAMS of Delaware. The decision made earlier this afternoon was for the Senate to recommit the bill, eliminate all amendments except those relating to the restoration of the 7-percent investment tax credit, plus the additional amendment to terminate the Presidential Campaign Financing Act effective July 31, 1967. That same motion also carried instructions to the committee to report back to the Senate its recommendations in connection with a method of financial political campaigns and that that report would be made in 6 weeks. I think that would be the orderly procedure.

I want to make it clear as I offer the amendment that it is not being offered under the threat that if this amendment is not accepted, I shall be a dog in the manger and help sink the bill with a lot of other amendments. I am offering it in good faith. I want it accepted or rejected on its merits.

I object to the position of the Senator from Louisiana that he is going to have his way or he will kill the bill by loading it with amendments. I will not be a party to any such procedure.

The Presidential Campaign Financing Act was adopted in the latter part of 1966 as a rider on the Foreign Investors Tax Act. I find no fault with that procedure. The only manner in which the Senator from Louisiana could offer the amendment in the Senate was to offer it as an amendment to a formerly passed House bill. But, by the same token, the only way in which any Senator can propose the repeal of that act is to use the same procedure and offer an amendment as a rider on a previously passed House bill dealing with revenue.

The act was enacted as a rider adopted in the Senate. The Senator from Tennessee [Mr. GORE] and I proposed the amendment as a rider to repeal it.

Mr. LAUSCHE. I concur fully in what the Senator has said. The Senator from Delaware has said that we have stepped again on the merry-go-round on which we have been moving for practically 4 weeks. The Senator from Montana [Mr. MANSFIELD] attempted to clarify the confusion that has existed on the Senate floor for 4 weeks by separating the capital investment tax credit features of the bill from all the other amendments. We voted to send the bill back to committee, with instructions to report back separately a bill on capital investment tax credit. That was done. But out of the clear sky, like a bolt, comes the initiation of the old 4-week routine—an amendment dealing with the subsidizing of presidential elections.

The moment the chairman of the Finance Committee offered that amendment, other Members of the Senate who had pet bills or amendments that they wanted to offer were encouraged to offer their proposals.

Mr. President, how long are we to engage in this merry-go-round movement? We are exactly where we were last week. The Senator from Louisiana proposes the most incomprehensible proposition that I have heard of. He says that if we defeat his amendment he will accept every amendment that is offered so as to load down the bill for defeat; but if we approve his amendment, he will not accept any others. How can he justify a position of that type? I cannot understand it.

I understand the position of the Senator from Delaware when he says that he hoped the Senate would abide by what was done earlier today, but since we do not propose to abide by it, he suggests he is going to offer his amendment. I understand that.

Do I misunderstand the position of the Senator from Louisiana?

Mr. LONG of Louisiana. The Senator certainly does. He has never been more mistaken in his life than in what he is saying now.

Mr. President, I have been in these Williams traps before, and they are very difficult to get out of; but I have found that if I twist and wriggle long enough, somehow I will get through them.

The Finance Committee originally brought before the Senate last month a bill to restore the investment tax credit, with nothing on the bill having to do with repealing the Long act on presidential campaign financing. However, such an amendment was offered, so we had to struggle back and forth about the matter over a long period of time. We offered amendments to the amendment, substitutes for the amendment, and when the opposition came in—with my team out of town—and voted that amendment on the bill, it was my turn to seek to have more amendments voted on the bill.

Mr. LAUSCHE. Mr. President, I condemn that policy to the most vigorous degree that I can. I can never subscribe to it. But my question is——

Mr. LONG of Louisiana. Just a minute. Will the Senator permit me to make my position clear?

Mr. WILLIAMS of Delaware. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I have not voted for a single amendment that is not, in my judgment, an amendment which has merit and which deserves the consideration of the Senate, of the House of Representatives, and of a conference committee of the two Houses. I have voted for similar amendments on other occasions. I have voted for them on their own merits. But when a Senator brings in an amendment I am against, and offers it as an extraneous amendment on this bill, my reaction is, "Very well, if you want to make another Christmas tree bill out of this one, so be it. Bring in your baubles."

If the Senator is willing to limit this bill to the investment tax credit, so am I, as I stated almost a month ago when the whole fight started. But if Senators wish to broaden it to include all sorts of extraneous matters, I do not see how the Senator can expect to put on the one he wants as an extraneous amendment without——

Mr. LAUSCHE. I do not want to. Neither do I want the Senator's.

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Ohio.

Mr. LAUSCHE. Will the Senator yield for me to propound a question?

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio, and then I should like to complete my remarks.

Mr. LAUSCHE. What will the Senator from Louisiana do with respect to the other amendments that will be offered, in the event his amendment is defeated?

Mr. LONG of Louisiana. May I say that as far as my amendment is concerned, it simply takes the Williams-Gore amendment off the bill. If their amendment is off the bill, I do not want an amendment on the bill. I have none on it. I am simply moving to strike theirs off. If they take theirs off, I shall not put mine on. If theirs goes on, I will fight to put mine on, and will be willing to accept other Senators' amendments.

If the Senate wishes a clean bill to give back the investment tax credit, which we have been talking about for a month, I am willing to vote for it, as I said on this floor almost a month ago. But I do not intend to support a proposition in which somebody can rub my nose in the ground by voting to repeal a law that is on the books, and which seeks to catch me at a disadvantage when my allies are absent. I cannot agree with Senators whose position is, "We will do this to you, but we want you to keep other amendments off this bill." My judgment is that we will either keep it a bill relevant to the investment credit or it will not be a bill relevant to the investment credit. I am perfectly willing to vote to limit it to the matter of this investment tax credit. I am not asking for any advantage. I am asking for a chance for the Finance Committee to conduct campaign financing hearings, to hear Mr. WILLIAMS' plan, Mr. GORE's plan, Mr. METCALF's plan, and everybody else's plan. After we get through studying everybody's suggestions, my thought would be to give the committee an opportunity to report out what we think is the best possible campaign financing plan.

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

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Louisiana is willing to have this matter come before the Senate as a simple, clean, objective capital investment tax credit bill, on condition that his amendment is agreed to?

Mr. LONG of Louisiana. Oh, no. This would not be a clean investment tax credit bill unless my amendment is agreed to.

Mr. WILLIAMS of Delaware. Mr.

President, I point out again that the Senate, by a vote of 2 to 1, made its decision earlier this afternoon, with the result that we have before us now a clean bill dealing only with the restoration of the 7 percent investment credit and the expiration date of the Presidential Campaign Act of 1966. I should like to keep the bill as it now stands, and I will not offer my amendment unless the Senator from Louisiana presses for the adoption of his amendment. If he does I have no choice. Rather than restore the Presidential Campaign Act after July 31, we should give consideration to some of the excellent suggestions that were made by the Senator's own President of the United States, President Johnson.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Just a moment.

The Senator from New York [Mr. KENNEDY] and the Senator from Illinois [Mr. PERCY] have joined me, and this amendment can be offered if the Senate decides to proceed with amendments. I would be perfectly willing to agree there would be no amendments and keep the bill as it presently stands. I leave the decision to the Senator from Louisiana or rather to the Senate tomorrow. As I understand, we could not vote tonight anyway.

Mr. LONG of Louisiana. Will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield the floor.

Mr. LONG of Louisiana. If the Senator wishes to yield the floor, I will say it in my own right.

Mr. WILLIAMS of Delaware. I was going to yield the floor.

Mr. LONG of Louisiana. Mr. President, the Senator uses a most unfortunate choice of words when he says I am seeking to restore the Presidential Election Campaign Fund Act. All I am seeking to do is just leave the law the way it is, until the committee can report out a bill on this matter in 6 weeks, setting forth the committee's recommendations. I am perfectly content to hear the Williams suggestion, and consider it and vote on it in the committee. I wish to hear the Senator from Montana [Mr. METCALF] explain his ideas. I wish to hear everybody, and study everybody's thoughts. I should like to study the recommendations of Mr. Neustadt, one of the great political scientists of America. I want to hear what he thinks about all this. I wish to get everybody's advice.

May I say to the Senator from Ohio, in my judgment he is falling into grievous error when he says I am threatening the Senate. What I am saying is this: If the Senate will hold this to an investment tax credit bill, I will hold it to an investment tax credit bill. But if Senators insist on putting amendments on the bill, whether, as the Senator calls it, by instructions of the Senate—referring to the amendment that is on there through a misunderstanding between myself and the majority leader—or otherwise, then, I say again as I said almost a month ago on this same subject, I am willing to support every other rider I think is a good one. If it is not a good amendment, I will not support it. It will not be the first time I have voted for amendments on bills.

I remind the Senator that the only way we can legislate on revenue bills or in the revenue area in the Senate is to amend a House bill. The Constitution of the United States absolutely forbids us to originate revenue acts here in the Senate. We have to wait for the House of Representatives to send us a bill, and then we can amend it. Once in awhile we do what the Senator criticizes. He said it was a Christmas tree bill. Whoever, I believe in the Washington Post, first used the expression that "when the bill hit the floor it lit up like a Christmas tree," I think found a very appropriate phrase, which caused Senators to begin calling a measure such as the Foreign Investors Tax Act a Christmas tree bill. But that is the only way we can consider various and sundry revenue proposals which Senators have to offer.

If it were within my power, as committee chairman, to send to the House of Representatives a revenue bill originating in the Senate, and let them talk about amending our bill instead of our amending theirs, I would be delighted. But the Constitution does not permit us to do it, and the only way under the sun that I know to keep the Senate an equal legislative body with the House of Representatives is, once in awhile, to support a Senator and give him an opportunity to offer his amendment on a revenue bill that has passed the House.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. Mr. President, the point I am trying to make is that we are back where we were before we voted this afternoon. The majority of the Senate voted to send the bill back to the committee, ordering the committee to report on two matters.

The committee was ordered to report on the investment tax credit and to put a termination date on the Long bill as of July 31.

We are now proceeding to undo what we ordered the committee to do, and to that action I cannot subscribe. That is my position.

Mr. LONG of Louisiana. Mr. President, the Senator saw how we got in that position, I hope, because there was a misunderstanding in complete good faith between two men of honor, both of whom wanted to do the right thing by the other.

I voted for the Mansfield motion, even though I could not think of anything that would prejudice me more.

At the time I initially objected to the motion of the majority leader, some people seemed to feel that I was challenging the majority leader's leadership or that I was not showing the respect that should be shown to the leadership when the majority leader indicated that he had an agreement from both sides. Unfortunately, our agreement was predicated on different interpretations of what his motion was to be.

I offered to surrender, and I did. I voted for his motion, even though under the circumstances he thought I was being victimized, and he voted against his own motion. I obeyed the orders of the Senate and followed those orders and sent the bill back.

When the bill was reported to the Senate, I did what any Senator has a right to do—to amend the bill. I offered an amendment to strike out what is totally irrelevant to the investment tax credit.

If the Senator wants to be irrelevant again, he can be as irrelevant as he wishes, and we can wander all over barnyard.

Mr. LAUSCHE. Mr. President, does not the Senator see that when he offers his amendment there will be a whole series of other amendments offered and we will be back where we started?

Mr. LONG of Louisiana. No. If my amendment prevails—the amendment that is pending at this moment—this will be a clean investment tax credit bill, precisely the bill reported originally by the Senate Committee on Finance before other people insisted on making us vote on other extraneous matter.

Who is responsible for this? It is those Senators who insisted on putting an extraneous rider on the bill, a provision that would repeal the Presidential Election Campaign Fund Act of 1966.

That being the case, if Senators are going to put those extraneous riders on the bill, I will invite other Senators to offer their amendments, because some of their amendments are very good. I voted for a number of amendments that are very good amendments.

I voted for the Bob Byrd amendment to let old people who cannot find a job draw social security.

I voted for the Abe Ribicoff amendment to help a man put his boy through college.

I voted for the George McGovern amendment to help the cattle farmers.

I voted against a lot of other amendments, amendments that had not been studied and that I felt needed more consideration. I felt that we could not afford to agree to those amendments at that time.

I voted against the Prouty amendment, although I know the Senator from Vermont is sincere in his effort to try to give assistance to old people. However, adequate consideration had not been given to the proposal.

If the Senator from Ohio wants to hold this measure to a strict tax credit bill, I have been willing to do that all the time, and I am willing to do so now. However, if the Senator does not wish to do so, then I think it would be just as appropriate to let other Senators offer amendments.

There are some amendments that have been agreed to before by the Senate. The Senator from West Virginia [Mr. BYRD] has had his amendment agreed to by the Senate, I believe, three times now, and always by an overwhelming vote.

How in good conscience can we tell a man that he cannot offer his amendment which has been studied and supported by the Senate when another Senator is permitted to offer an amendment that would not command a majority vote of the full Senate and insist that that amendment be the only amendment to the bill?

Nothing is contained in the rules of

the Senate that gives a Senator a right to add his amendment to a bill and insist that that be the only amendment.

Mr. LAUSCHE. The remarks of the Senator sound effective, except that they have the weakness that he now wants relevancy, while last year he indulged in irrelevancy by permitting the start of an avalanche of amendments that were neither pertinent nor relevant to the pending bill.

Mr. LONG of Louisiana. I did not contend that the foreign investors tax bill was relevant to all of the amendments, nor that the amendments were all relevant to it.

This Senator had told every other Senator earlier in the 89th Congress: "Please hold off your amendments. Don't offer them to this bill. We will, in due course, give you an opportunity to offer your amendments at a time when we will have no procedural objection." Finally, near the end of the 89th Congress came a bill which was the handicraft of the Fowler Task Force. We asked the Secretary of the Treasury what he wanted.

We held the bill up to Senators and said: "Well, this looks like the last train through the station. If we don't let you offer your amendments to this bill, it will be too late. Offer your amendments. If I don't fulfill my commitments now, it will be too late."

There were numerous amendments remaining to be considered. I voted for amendments that I thought were good amendments, and I voted against amendments that I thought were bad amendments.

We went to conference with the House of Representatives. Treasury Department representatives were heard in the Senate-House conference committee and were consulted.

In conference, we thought we retained the best part of the Senate action.

There was no intention to limit the foreign investors bill to relevant amendments.

We were cleaning the decks. There is no use kidding ourselves about that. We were offering Senators a chance to offer amendments that they had held up from offering for years.

Former Senator Saltonstall from Massachusetts had an amendment to require the Government to make an annual reporting of its contingent liabilities. It took the former Senator from Massachusetts 6 years to get that amendment enacted into law.

I had urged him not to offer his amendment to the debt limit bill and to two or three other bills.

I had said: "I will find a bill to let you offer your amendment too, and I will have no procedural objection. I perhaps will support it."

What does the Senator think was the first amendment to go on the Christmas tree bill? It was the Saltonstall amendment, offered by the Senator from Delaware [Mr. WILLIAMS], who finds so much trouble with the Christmas tree bill.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. Mr. President, the Senator mentioned the Saltonstall amendment.

The Saltonstall amendment was the only amendment to the so-called Christmas tree bill which did not provide for any loss of revenue. Not a dime of revenue was lost through that amendment.

All that the Saltonstall amendment provided was for an annual reporting by the various agencies of the Government, listing both their assets and their liabilities. The amendment was agreed to unanimously.

I repeat, it represented no loss in revenue.

The first amendment agreed to that provided for a loss of revenue was offered by the Senator from Louisiana to increase the depletion allowance for oyster and clam shells. Then followed the $2 million special tax windfall for just one company.

I pleaded with the Senator from Louisiana not to open up the measure as a Christmas tree package for a number of special interests.

Mr. LONG of Louisiana. Mr. President, I have no apologies to offer. I have voted for tax reductions. I have had the honor of pushing through the Senate about $20 billion in tax cuts. And I am not sorry for that.

The Senator from Delaware apparently wants to tax the American people until they have lost their eyeballs. However, I am happy that I voted for tax cuts. By means of those tax cuts, we provided for the giving of a minimum standard deduction to the little man and for helping people of limited means who have special expenses.

One of the Senate amendments on the very foreign investors tax bill was an amendment to let the old people have a more generous deduction for medical expenses. I have no apologies to offer for that nor for another Senate amendment on that bill which would have extended medicare to cover the costs of drugs.

THE EYES OF TEXAS ON PENSACOLA

Mr. TOWER. Mr. President, a vice president of Lone Star Steel Co., L. D. "Red" Webster, had occasion recently to tour and observe the Pensacola Naval Air Station, and to be welcomed aboard the U.S.S. *Lexington*.

His observations were reprinted in a special article in the Longview Daily News, of Longview, Tex.

Realizing the worthiness of the article and the views expressed by Mr. Webster, I ask that the article be printed at this point in the RECORD, so that it may be shared by other Senators.

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

L. D. (RED) WEBSTER OPINES "COLOR ME BLUE . . . NAVY BLUE"

(EDITOR'S NOTE.—L. D. (Red) Webster, vice president, public relations and advertising, Lone Star Steel Company, recently observed the U.S. Navy in action. He was among a party of national business and civic leaders who were guests of the Navy for a tour of Pensacola Naval Air Station facilities and a cruise aboard the U.S.S. *Lexington*.

(As a former newsman, Webster brought home to Texas vivid images of modern Russia during a 1958 tour. His series of newspaper articles on that trip were widely reprinted and later published in book form under the title, "I Saw Russia."

(Here is his impression of our Navy.)

(By L. D. "Red" Webster)

Color me blue—Navy blue, that is!

And for all of you mothers, dads, wives, sisters and little brothers who might have concern about the well being of your loved one now serving in Uncle Sam's Navy, take a tip from this old landlubber and don't worry: the boy is in the best of hands.

Until a few weeks ago, I probably would have said my leanings were toward another branch of the service but after a visit to Pensacola, the Navy's "Annapolis of the Air," I discovered the gray strands among my red locks had suddenly taken on a blue cast. I even bought a Pensacola sweat shirt and wore with pride a blue cap whose gold emblem indicated I had been to Pensacola if for no more important reason than to enjoy a civilian's tour.

Pensacola opened my eyes to a branch of our nation's service that I had never been close to. With eyes opened, they began to sparkle with respect for the kind of men who run the Navy, and the training program the Navy provides.

Pensacola is beautiful, but not extravagantly so. It is old, and in its crustiness, there is a rough, rugged quality of durability that marks itself on every man who trained there. In its newer facilities, especially those for space studies, there is a freshness that is as new as the frontiers of space itself. At Pensacola, they guard the goodness of the past with fervor, look to the unknown of the future with courage and daring.

Arriving at Pensacola in a Navy transport, the equivalent of an airline's DC-6 but with the seats all facing backward and not too plush, our group received a red carpet welcome. A band was on hand, but before we could deplane, four admirals and a host of captains boarded and apologized for the rain which kept us from marching down a long line of greeters. It was a winning, warm welcome, and from that moment on, we were a part of Pensacola.

Aside from the detailed tour of the giant base where we were shown, among other things, the new medicine building for studying man's environment in space, and the devices where men are put through all sorts of tests to develop reactions to space conditions, the highlight of the trip was a day long cruise on the USS Lexington.

Lady Lex is quite a boat! As we walked toward the gangplank, an old gent stood looking at this mammoth vessel. He opined "You'll never make me believe that much steel will float." I agreed.

Our day on Lady Lex was characterized by high and cold winds (40 degrees, in Florida, too) and a choppy sea. Without a quiver, Lady Lex glided from the pier, moved into a channel whose width was just a coat of paint wider than the big boat, and headed for the open gulf. Despite the waves and wind, underfoot the boards of the flight deck were as solid as a concrete slab. No vibration, no pitching, no rolling. Just plain solid, even tho Lady Lex was now pushing along at about 25 m.p.h.

As we headed out to sea our group started a tour under the direction of a young engineering Officer. Quickly, I realized that I didn't want a guided tour. So I conveniently got "lost" from the group, and for a couple of hours, prowled Lady Lex from the bow, right up to where the anchor chains slide out through the nose, to the stern, from the bottom most deck about four stories down, to the top of the bridge six or seven stories high. It's the equivalent of a 10-story building, and three times longer than a football field.

In the depths of Lady Lex's innards, I

learned about the Navy Squeezing sideways through corridors bulky men aren't comfortable in, I met up with the engine room. In this hot, sweaty forced-air compartment, I saw Navy training at its best. Here were massive boilers, the pots that generated the power to keep Lady Lex, with all of her intricate systems, on the prowl. Nowhere did I see an officer, petty or otherwise. Instead, my disbelieving eyes fell on a handful of kids, just plain boys, one of whom was fuzzy-faced for lack of a first shave, and the others weren't much older, if any.

The only orders these lads received came over the intercom. The directions had to do with upping the steam or lowering it, depending upon the power needed to operate the ship, or the catapult high above on the flight deck. When the words came over the speaker, these kids popped to, and you never saw such a fanfare of wheel-spinning and lever-jerking in your life.

That night, at a banquet, I asked Adm. A. S. Heyward, our host and top seadog of the Navy's air training program, about the extreme youth I had seen. He said, "Yes, we can take them as young as 17, but that is exceptional." He then told me that the average age of enlistees or inductees assigned to Pensacola for duty, not air training, was "about 19."

On the flight deck a swarm of propeller craft singled in, caught their hooks on the big cables across the deck, and settled to quick stops, lifted the hooks, then gunned to immediate take-offs. Then came the jets and the same routine. Up ahead of the bridge, I watched a plane being adjusted to the catapult. On signal, the plane was slammed into the air within a space of about 30 yards, smooth as silk. There must have been a hundred arrested landings and take-offs, and on the following day, Lady Lex celebrated her 175,000th arrested landing.

On the ride back to Dallas, I thought about the ingredients that are necessary for the development of what I'd seen at Pensacola. Of course, man-to-man leadership was the basic requirement, I thought of Admiral Heyward, a grand guy, the kind of a man you'd be honored to follow anywhere. Then I realized that seated beside me was another outstanding example of the breed. He was a big bear of a man. Square-jawed, heavy-browed, muscular, native Texan Capt. David S. Crockett, C. O. of the Dallas Naval Training Station. He personified the Navy.

Up ahead in the plane, youthful example of what makes the Navy click, prepared box lunches for the passengers. He was flame-thatched Mike Armour, yeoman second class, whose home is Mineola.

With the memories of Pensacola fresh in my mind, and the faces of a captain and a boyish sailor before me, I had but one thought. It was:

"Gosh, I wish I could have been a Navy man."

SPEECH OF GENERAL WESTMORELAND TO THE ASSOCIATED PRESS

Mr. TOWER. Mr. President, I am not aware whether someone else has done this today. If it has not been done, I should like to do it.

General Westmoreland has made an excellent speech to the Associated Press, and following his speech, he submitted cogent answers to questions that were propounded. I ask unanimous consent that the transcript of this very closely reasoned defense of what we are doing in South Vietnam and his advocacy of it be printed at this point in the RECORD.

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

TEXT OF GENERAL WESTMORELAND'S REMARKS AT AP MEETING

(NEW YORK, *April 24.—Here is the text of Gen. William C. Westmoreland's speech on Vietnam Monday to the annual meeting of the Associated Press*)

A COMMANDER'S VIEW OF THE WAR IN VIETNAM

Almost 40 months ago I last visited this hotel just before leaving for duty in Vietnam. I came by to see my friend, Gen. Douglas MacArthur.

Gen. MacArthur said to me: "I see you have a new job. I know you realize that this new assignment carries with it great opportunities, but it also is fraught with hazards."

I now wonder whether this occasion is an opportunity or a hazard.

The situation in Vietnam has been accorded the most intensive news coverage in history. As a result, every American should have, by this time, his own image of the war. How accurate is this image? Do most Americans fully appreciate the character of the war and its complexity? Today I hope to contribute to better understanding.

What kind of a war is being fought in Vietnam? How is it being fought? How is the battle going? And what lies ahead? These questions I will address.

The Vietnamese—and we, their allies—are involved in a total undertaking—a single, all-pervading confrontation in which the fate of the people of Vietnam, the independence of the free nations of Asia, and the future of emerging nations—as well as the reputation and the very honor of our country are at stake. At one and the same time, we must fight the enemy, protect the people, and help them build a nation in the pattern of their choice.

THE REAL OBJECTIVE

The real objective of the war is the people. If the enemy could take Saigon, or the heavily populated areas of the Delta, or both, the war would be over—without negotiation or conference. He lost this chance two years ago, and I can promise you that his military tactics alone will not win him another opportunity. Yet, despite his staggering combat losses, he clings to the belief that he will defeat us. And through a clever combination of psychological and political warfare—both here and abroad—he has gained support which gives him hope that he can win politically that which he cannot accomplish militarily.

Many myths about the Vietcong still persist—and I hope I can dispel some of them here and now.

The doctrine of conquest in South Vietnam is from the book of Mao Tse-tung. It is the standard three-phase pattern—the combination of subversive political cells, guerrilla units, and conventional military forces.

Between 1954 and 1963, political cells, trained and directed from North Vietnam, were installed throughout South Vietnam. At the same time, Hanoi directed that the Vietcong begin recruiting and organizing guerrillas, and training them in terror tactics.

By late 1964 the combination of enemy political-guerrilla warfare and governmental instability in the south resulted in a decision by Hanoi to enter the decisive, and final, phase. Vietcong companies were formed into battalions, regiments and divisions, and North Vietnamese army units began to infiltrate covertly to the south.

ON HANOI'S TERMS

Never at any time during those 10 years of subversion, terror and attack did Hanoi relax its control over its war against the people of South Vietnam. The goal of this aggression was then, and still is, the conquest of the South—reunification on Hanoi's terms.

What we have is not a civil war. It is a massive campaign of external aggression from Communist North Vietnam.

The political cells have created an enemy pseudo-government that still pervades many villages and hamlets. The guerrillas wage constantly, mostly at night, the cruelest kind of war—terrorism—civilians are shot, bombed and mutilated as examples to those who might resist or defect, or simply because they are leaders.

A typical example of Vietcong terror took place shortly before I left Vietnam. During the early morning hours of April 16th, the Vietcong attacked a hamlet 20 miles north of Saigon. Among the victims were five revolutionary development team members. Three of them were women. Their hands were tied behind their backs and they were shot through the head.

During the last nine years, 53,000 Vietnamese—a large share of them teachers, policemen, and elected or natural leaders—have been killed or kidnaped. Translated to the United States, that would be more than 600,000 people, with emphasis on mayors, councilmen, policemen, teachers, government officials and even journalists who would not submit to blackmail.

At the other end of the war spectrum, we have fought, in the south, during the past year, major elements of eight North Vietnamese regular army divisions. We have captured thousands of weapons and large stores of ammunition and equipment that have been transported from North Vietnam.

In summary: The Vietcong is not a legitimate nationalist movement. It is a movement organized, controlled and supported by the Communist government of North Vietnam. What support it gets from the people of South Vietnam is largely the result of terror, intimidation, and murder of those individuals who oppose it.

Two years ago South Vietnam was on the verge of defeat. The enemy's main force units were attacking with increased intensity from hidden bases and sanctuaries. The government of Vietnam had arrived at a crossroad. It was a question of honoring a long-standing commitment by the Government of the United States to a young nation fighting for its freedom, or defaulting to the aggressor. Our President reaffirmed our commitment and made the courageous decision to stand firm—to stay the course. This meant using whatever military and economic power was necessary.

Once we had major forces ashore we began to look for the enemy, and he was not hard to find. Major battles ensued; they were bitter and bloody. But in them we learned that the enemy has little regard for human life and, for propaganda purposes, will turn losses and defeats into absurd claims of victory.

During the last year and a half we have sought out the enemy, caught him off guard, fought him before he was ready. For a time he stood and fought and we punished him severely. Now he is becoming more difficult to find. We have invaded his elaborate and widely scattered base areas—some of them built over a period of 20 years.

Working closely with the Vietnamese forces we have moved into many of the populated and productive areas which formerly provided supplies and recruits to the enemy.

INFILTRATION IS COSTLY

We have turned the enemy's ambushes against him and we have learned how to draw him into an ambush. We have sent our deep patrols to find him. He has been punished by B52 strikes and unparalleled close support from our tactical air, artillery and naval gunfire. And on land and sea we have made his infiltration costly.

Although the military picture is favorable, I emphasize the fact that we have no evidence to indicate that the enemy is slowing his invasion from the north, or that he is breaking up his major units and scattering them about, or that he has given up his

plans to try to inflict major defeat upon us. He is taking great casualties and he does have logistics problems, but his leadership is good and his men are tough and tenacious. He needs a victory for political, psychological and morale purposes, and he will continue to strive for one.

So the end is not in sight. The enemy can hide in the jungles and mountains of South Vietnam where we cannot reach him without major effort. He rests and regroups, trains and replenishes in hidden camps and supply areas in regions along the borders of neutral countries and the demilitarized zone which he overtly violated almost a year ago. He continues to recruit and train guerrillas for use as guides and intelligence agents for his main force units and for sabotage and terror. So we must be prepared for more bitter fighting in days to come.

Before leaving the military situation, I must honestly say that I am concerned about cease-fire proposals. In other wars, cease-fire was an acceptable condition; but, in this war, inevitably it will be a military advantage to the enemy and a detriment to our side. This is because of the clandestine character and covert methods of the enemy. Traditionally he has used covertly cease-fire periods to reinforce and resupply his units, and to strengthen and realign his political posture.

One of the regrettable facts of war—any war—is that casualties are not confined to the military forces involved. There are civilian casualties in Vietnam and these are of constant concern to me, my commanders and men. But, civilian casualties do not result from indiscriminate use of our firepower. They are caused by mechanical failure or human error. This is in sharp contrast to the Vietcong policy of calculated attacks on civilians.

Never in the history of warfare have so many precautions been taken by men in combat. We cover an enemy-held area with leaflets and loudspeaker broadcasts warning of impending attack. We do not permit an air strike or artillery fire on a moving column of enemy until Vietnamese officials give approval. Every possible precaution is taken to avoid casualties among civilians. Never has a nation employed its military power with such restraint.

Now a word about the Vietnamese armed forces.

I have worked with the Vietnamese military for more than three years, and I have learned to understand and admire them. A look at their record in combat, as well as in political administration, reveals an exceptional performance, when all is considered. During the last three years I have seen them literally hold the country together. Despite their military background they have taken long strides toward developing democratic processes and institutions. They fought the enemy guerrilla and main forces alone, until our arrival, and, during that time, they were expanding their forces to the limit that their manpower and economy could support. Except for the continental army of our early years, never before in history has a young military force been subjected to such a challenge. In my book, the Republic of Vietnam armed forces have conducted themselves with credit. As I tour the country several times each week, I am encouraged by the obvious improvement in the morale, proficiency and quality of their fighting forces.

STANCH ALLIES

Today the Republic of Vietnam armed forces are working and fighting side by side with their allies—the Koreans, the Australians, the New Zealanders, the Thais and the Filippinos, as well as the Americans, and they have earned the confidence of these staunch allies.

The Vietnamese armed forces and the Vietnamese people are aware of and appreciate our support. They know we have assisted them for 12 years in the development of their military organization.

More important to the Vietnamese, I think, is the fact that our American servicemen are eager to help them build schools, dispensaries, and other things of lasting value to their communities. These civic action projects, voluntarily undertaken by our troops and those of our allies, are inspiring to behold.

A young corporal undertakes the support of a Montagnard family whose breadwinner has been assassinated. An American squad or platoon adopts a hamlet, bringing to its people the material things they need and the spiritual uplift which will help them to self-sufficiency. Many communities in Vietnam are living a better life because of the encouragement and help our troops have given to them. A true missionary zeal among our troops is commonplace and is one of the unique characteristics of this war.

I am constantly impressed by the concern for the lives of others shown by the men of my command. As I travel among them, and I see their courage against the enemy and their compassion toward their friends, I am inspired by their example.

I would like to tell you more about the men of my command. Today your soldiers, sailors, airmen, marines and coast guardsmen:

Are better educated than before.

Are better informed.

Have traditional American ingenuity and initiative.

Are better physical specimens.

Have high morale.

And understand what the war is all about.

They know that they are helping to stop the spread of communism in Southeast Asia and to give the people of South Vietnam a freedom of choice. They have been given a job, and they are doing it well, and with pride . . . and they are dismayed, as I am, by recent unpatriotic acts here at home.

What are these men? They are mostly youngsters representing every State of the Union—from the farms, the cities, the factories and the campuses. They are the sound product of America's democratic society. They are the sum of our educational system, our medical science and our communications. Their excellent morale results from knowledge of their jobs, sound military policies, professional unit leadership, and unprecedented material support. Their medical care is superb, their food is excellent and their mail is carefully handled. Shortages have been few and of short duration.

FORWARD WITH CONFIDENCE

As an individual, this fighting man is a tough, determined professional in battle one day, and next day, a sensitive, compassionate friend helping the Vietnamese people. He is a fighter, a thinker, and a doer. He has seen—at first hand—Communist subversion and aggression at work; he has acquired a deeper appreciation of the importance of freedom. And from his ranks in the years ahead will come the confident, alert, intelligent citizens and leaders who will make this nation's future greater than its past.

With fighting forces like these, a commander cannot help but look forward with confidence as he views the military situation.

But I am mindful that the military war in South Vietnam is, from the enemy's point of view, only part of a protracted and carefully coordinated attack, waged in the international arena. Regrettably, I see signs of enemy success in that world arena which he cannot match on the battlefield. He does not understand that American democracy is founded on debate, and he sees every protest as evidence of crumbling morale and diminishing resolve. Thus, discouraged by repeated military defeats but encouraged by what he believes to be popular opposition to our effort in Vietnam, he is determined to continue his aggression from the north. This, inevitably will cost lives—American, Vietnamese, and those of our brave allies.

I foresee, in the months ahead, some of the bitterest fighting of the war. But I have confidence in our battlefield capability. And I am confident of the support we and our allies will continue to receive from our President and from the Congress.

The magnificent men and women I command in Vietnam have earned the unified support of the American people.

Thank you.

Gen. Westmoreland answered written questions submitted at the annual meeting of the Associated Press. Following is a partial text of the questions and answers:

Q. Gen. Westmoreland, have you asked the Pentagon for more troops and how many?

A. As commander of our American armed forces in Vietnam, it is needless to say I am constantly studying our troop requirements. I continuously analyze the situation. I submit my requests from time to time, my desires, my estimates to my senior military headquarters. I have been getting troops in considerable numbers during the past year. They are continuing to arrive. The number of troops that will ultimately be needed is a matter that will have to be studied in consideration of many factors—our estimate of the enemy's capabilities and intentions, the economy of South Vietnam. Because as we deploy troops to go ashore we per se put pressure on their economy and this is a factor that has to be considered. These matters and these factors will have to be reviewed at our senior levels in Washington. Needless to say, the discussions that have taken place are privileged and, as a matter of military security, I cannot give you any definitive number as to my estimate of the number of troops that will be required.

BOMBING OF AIRFIELDS

Q. Would you comment please on the bombing today in North Vietnam, an airfield there. What happens if the Migs take sanctuary in Red China?

A. I was delighted to learn that the Mig airfields have been bombed, at least two of them today. This was a military target on which was based aircraft that had been used offensively against our fighter-bombers. It is true that Migs could take sanctuary in China, as they did during the Korean War, but the Migs would be at a disadvantage operating from those bases compared with those in North Vietnam. The reaction time would be increased and they would therefore become a lesser threat to our fighter-bombers, and the jeopardy to our very fine Air Force and Navy pilots would be reduced.

CASUALTY STATISTICS

Q. There are daily statistics of the number of Vietcong killed, but serious doubt about the body count announced of those that have been killed. What is your view please of the accuracy of this count?

A. Over a period of over three years, I have given this matter considerable personal attention. It is my judgment that the casualty figures that we estimate or state that we have inflicted on the enemy are accurate, perhaps conservative. True enough, there could be from time to time some exaggeration. There could be some double counting of casualties, but in my opinion this is more than offset by those enemy troops that are killed by artillery or air strikes that we never know about. Also we do not claim credit, in estimating or assessing casualties on the enemy, those that die of wounds. So all factors considered, I feel that the figures that you receive that are announced by my headquarters in Saigon are definitely accurate and I believe on the conservative side when all factors are considered.

POLITICAL ASPECTS OF WAR

Q. Could you run this war without political help and could you win this war if given a free hand in military decisions?

A. As a military man, this is a bit of an awkward question. I think it is impossible in view of the nature of the war, a war of both subversion and invasion, a war in which political and psychological factors are of such consequence, to sort out the war between the political and the military. Political factors must be considered, they must be considered in selecting targets. They must be considered in our actions involving nearby so-called neutral countries. They must be considered in the means that are used in pursuing the war. The reason for this is not only because of the complexity but also because of our national policy to confine this war to that of a limited war, and this means that from time to time the means are limited. And that policy has been made loudly clear: that it is not our intention to expand the war. We want to keep it as a limited war and therefore political factors have to be considered and the decisions involved are necessarily above my levels. Since I deal in military factors, I am responsible only for fighting the ground war in South Vietnam and only that air war in the so-called expanded battle area.

SINO-SOVIET INTERVENTION

Q. What is the possibility of escalation of the war bringing in Red China and Soviet Russia and how effective would they be if they did come in?

A. This is a very difficult question to speculate on. To a military point of view I think we should be prepared for any contingency. Of course the USSR is providing equipment to North Vietnam primarily in terms of air defense, weapons and systems. The Communist Chinese are providing support in the form of transportation units and some antiaircraft weapons but primarily infantry-type weapons to support the North Vietnamese army and Vietcong main force units. I think this boils down to whether the USSR and Red China feel that the threat to their formal government and their territory is of such consequence that they could hazard the risk that would necessarily be involved.

VIETCONG FIGHTING SPIRIT

Q. The Vietcong are regarded, generally, to have fought well against us for quite some time. To what do you attribute their spirit?

A. The Vietcong, organized, directed and commanded from Hanoi, have placed good emphasis on political indoctrination. As a matter of interest their training program for their units devotes more time to political indoctrination than it does to military training. This indoctrination is well done. Of course, it is backed up by a ruthless cadre that uses strong-arm methods that are required to keep their troops in line.

Now, this so-called cadre, or leadership are excellent. They have been well trained and indoctrinated and they are committed. However, we have noted a number of recent trends that are encouraging. We are picking up more prisoners, more defectors coming in and the rate seems to be increasing in a very encouraging way. We learn that many of the rank and file of these units would like very much to defect to come in under the government of Vietnam's amnesty program, the so-called Chieu Hoi program. But the cadre control them so tightly that they cannot get away. We also know that there is considerable friction between the North Vietnamese leadership and the South Vietnamese, the Vietcong. North Vietnamese leaders are playing more and more a role in the South. The leadership in Hanoi is by their action putting in their own leadership apparently because they do not trust some of the South Vietnamese leadership, and there is definite friction between these two regional groups.

The number of defectors that we have received has been multiplying by a factor of two for the last couple of months, and, hopefully, this trend will continue.

The number of senior defectors that are coming in is encouraging. Whereas a year ago defectors were primarily confined to the lower ranks, now we are getting some of the senior officers. I talked to one the other day, a senior officer, and he told me that many members of the large headquarters that he served before defecting would like very much to defect, but they have not been able to find a way. The control by the North Vietnamese leaders was of such consequence that they could not make the break.

FAST DEPLOYMENT SHIPS NEEDED

Mr. TOWER. Mr. President, during the past month I have been doing more thinking than talking about the fast deployment logistical ships, their function, the method of procurement, and the effect upon the merchant marine and shipbuilders.

I have studied the testimony of the Army, the Navy, the Marine Corps, and the Office of the Secretary of Defense. They are solidly behind this program, and their arguments are persuasive.

I have analyzed the opposition to the program. I find it based largely on fears. I am convinced that these fears are groundless. I therefore believe the Senate should reverse its previous action and approve the FDL program.

Here we have a program based upon a concept of fast reaction in time of crisis—a program vigorously supported by the military leaders of all services and by the Defense and service Secretaries. The proposed ships are especially designed to carry out the requirements for the concept—characteristics which are neither feasible nor economical for incorporation in merchant ships.

These include humidity control, ability to maintain and exercise Army vehicles in place, fueling facilities, ventilation to remove exhaust fumes of running vehicles, rapid offloading either over-the-beach or at a pier, helicopter storage maintenance and operating capability, and habitability environment for extended periods at sea. Although some recent commercial ship designs incorporate some of these features, none has more than a few. Certainly, no economically viable ship could includes all of the essentials.

I am particularly impressed by the results of defense logistic studies compiled since 1964.

The proposed fast deployment capability could reduce the duration of conflicts, cut casualties substantially, and vastly reduce the amount of territory which would have to be recovered. General Johnson, in his testimony before the House Armed Services Committee, pointed out that the United States has suffered seriously from lack of a rapid deployment capability. He stated that the Joint Chiefs of Staff have reviewed the key studies and reports that have led to the FDL ship program, and they agree that it will meet a most important and valid military requirement.

The strategic requirement for a rapid deployment capability should be obvious from our past experience, Mr. President. Such a capability in 1941–42 would have allowed us to reinforce the Philippines and perhaps stop the Japanese expansion in the western Pacific. Indeed, such a capability might have deterred the Japanese attack.

In Korea, our initial deployment was made possible only by the presence of troops in Japan. We required nearly 2 months to close the 2d Infantry Division from the United States to Korea. In contrast, under the rapid deployment concept, less than 2 weeks would be required to close a division, plus supporting units whose total strength exceeds that of the division itself.

Our general strategic objectives are to deter aggression and, to the extent that we cannot deter it completely, to limit it in form, locale, and duration. As long as we maintain these objectives, we are remiss if we fail to provide the most effective means of carrying them out.

Land prepositioning is relatively inflexible. In conjunction with aircraft, it enables rapid response only to a contingency near the point of prepositioning and requires permission of the host country for overflight and egress. As we have recently witnesed in France, it is unrealistic to believe that we will have the support of all host countries in a future contingency. Without a ready fast deployment capability our readiness to support our national objectives is lost.

The ability of the merchant marine to provide this rapid response has been thoroughly analyzed. Since the merchant marine is dispersed throughout the world, it would require a minimum of 30 days to gather the ships required to load a brigade for deployment. Such a recall would immediately alert the world to our impending move and defeat our deterrent effect. The FDL ships, fully loaded or partially loaded and ready, can sail within 24 hours. Those who claim that this job can be done by the merchant marine do not understand the concept.

This does not reflect upon the merchant marine. For follow-on support, the merchant marine is vital—a fast, modern merchant marine. The FDL ships are not designated to replace private shipping, nor is it intended to utilize them in peacetime for point-to-point shipping in competition with the merchant marine. To do so is not only uneconomical, in view of their special characteristics, but also would completely defeat their reason for existence—the immediate availability for deployment.

A picture has been painted showing the FDL ships as policing the high seas and threatening wayward nations with "power diplomacy." Let us face the facts of real life and ask why we maintain a strong 6th Fleet in the Mediterranean and a powerful 7th Fleet in the Far East. These fleets are maintained to protect our national interests and our primary national interest is to hold the line against aggression.

Regardless of what national policies one believes we should pursue, we do have certain worldwide commitments

imposed by agreements and treaties which Congress and the Defense Department must support. In order for Defense to fulfill its responsibilities, Congress must provide the military with the options necessary to most effectively carry them out.

We have provided the nuclear deterrent option, an option which we hope will never be used, but one which is in the hands of our leaders and which we know will be used only when absolutely necessary. Yet, when we are requested to provide a much less costly option, one which is much less deadly but most effective in dealing with the present threats, we question the ability of our leaders to use the option properly. I do not understand this reasoning.

The FDL ships will not be standing menacingly off the shores of some small nation threatening to land if things do not go our way. However, they may be near an area where we have commitments or ready to sail from port should the need arise. Their flexibility and readiness will permit them to move without raising alarm or notifying the world of our intentions—as would be the case should we call in our merchant marine. The integrated rapid deployment capability combining the FDL ships, the C-5A aircraft, and selective prepositioning provides us with a powerful option in fulfillment of our national strategy—one which is most effective and which is attainable at the least cost.

The new ship procurement practice of the Navy—buying large numbers of ships on a multiyear basis—is being adopted in the interest of providing the best possible ships at the lowest cost. However, the potential fringe benefits of this concept include the economic motivation for modernization of private shipyards due to a favorable opportunity to amortize the investment.

Our shipbuilding industry needs incentive to modernize—incentive which can come only from a strong Government policy regarding defense and merchant marine future programs. No businessman is going to commit $20 million to $100 million in modernization of his facilities unless there is a reasonable assurance of business. The new ship procurement practice of the Navy—which is embodied in the FDL program—other oncoming programs, and the fiscal year 1966–67 DE and LST procurements, will go a long way toward motivating private investment, improvement of shipbuilding practices, and ultimate lower costs for both Navy and merchant marine.

A similar program of long-range shipbuilding for the merchant marine will further stimulate capital investment. The results can do nothing but benefit the Nation, the Government, the merchant marine, and the shipbuilding industry.

The cross-section views of the shipbuilding industry are best illustrated by a letter written by Mr. Ed Hood of the Shipbuilders Council of America to our colleague, Senator MAGNUSON:

> Individual reactions to this project within the collective maritime community have run the full spectrum—from great enthusiasm to serious uncertainty to outright opposition—and the shipyard industry has been no exception.
>
> There is, however, universal agreement among our members that substantial cost savings result from the series production of a standardized ship design in any multiyear procurement.
>
> Additionally, our shipyards have long contended that significant cost savings can be derived when the shipbuilder is given an opportunity to influence the vessel's design. In this connection, it is believed that the yards can eliminate numerous construction bottlenecks which increase costs and suggest alternate less costly features which in no way impair the vessel's strength or operating capabilities.
>
> In these two respects, the FDL project conforms with the long-held beliefs and objectives of our industry.
>
> As to the validity of the basic concept of the FDL's military mission, it would seem presumptuous to us to pass judgment either pro or con. We are not privy to the DOD's back-up data on anticipated future logistic support requirements nor the analyses which determined that the FDL project has greater merit than any of the other options examined.
>
> Within the shipyard industry, another aspect of the FDL project has developed a wide range of opinions. I refer to the probability that the successful bidder will construct an entirely new shipyard. Within the two extremes, there are those who believe that the FDL ships can be obtained on a series production basis, with cost savings, in existing facilities, appropriately modified. And, there are others who contend that if our merchant and naval shipbuilding facilities are to be commensurate with existing ship replacement needs, we as a nation would require more shipbuilding capability than is now available. The FDL yard, in this last context, would be considered as only an increment of the required additional capacity.

So wrote Mr. Hood of the shipbuilders council.

The shipbuilders seem to agree with the Navy conviction that the concept of multiyear procurement of a large number of standardized ships will promote substantial cost savings. Furthermore, they agree that even existing facilities would probably require appropriate modification for this large project. I understand that although the Navy envisions a new or substantially modernized shipyard, this is in no way a requirement. One proposal has announced plans to modernize an existing shipyard for this program.

The Navy appears to be practicing what it preaches. For the past year, a very thorough study has been in process to develop a master plan for modernization of its own shipyards. Although engineered estimates are not yet developed, it is apparent that this modernization will involve in the order of $600 million over a 6- to 7-year period. I am told that this program will result in new, modern machinery, modern process lines, the most efficient materials handling facilities, and new or modernized functional buildings with all workflow designed for most effective operation. I will be most anxious to hear the details of this program when it is first presented in the 1969 budget program next year.

Some unions and some segments of the shipping industry are opposed to the program because they see the FDL ships as direct competition with the merchant marine—both in the quest for shipbuilding funds and in eventual ocean trade. As I have already stated, it is clear to me that the use of the FDL ships in point-to-point trade would be uneconomical and would defeat their reason for being. They will always be fully or partially loaded for deployment and will therefore be unavailable for ocean trade. Furthermore, I understand that Secretary McNamara has agreed to provide assurance that these ships will not be utilized for point-to-point cargo carrying in peacetime.

Talk about competition for shipbuilding funds is not a realistic argument. The FDL ships are military ships, budgeted by the Defense Department, and justified on the basis of military necessity. Merchant marine shipbuilding subsidy funds are budgeted by the Department of Commerce and justified accordingly. We do require a stronger merchant marine, and I have championed and will support such a program; and I would not consider it to be in competition with the Navy shipbuilding program.

This program is unique in Congress. I recall very few large programs which have been so vigorously and unanimously supported by all services and by Defense. There must be firm conviction regarding the requirement. I hope the House will include this program in its bill. If it does, I strongly recommend that we in the Senate give full reconsideration to the program and approve it.

I point out that in approving the program for the two fiscal year 1966 ships and for more ships in fiscal year 1968, we are not authorizing the entire program. We are authorizing the concept.

Again, Mr. President, let us remember that Congress establishes national policy and is dutybound to provide the tools required to carry out this policy. To deny the tools of defense is to deny the policy and weaken our resolve and ability to carry out our national objectives.

The FDL program should be pursued.

I ask unanimous consent that an article from Navy magazine of April, concerning this FDL program, be printed at this point in my remarks.

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

THE FDL PROGRAM: WHAT IT IS AND WHY THE PENTAGON WANTS IT

The Navy's announced desire to construct a fleet of Fast Deployment Logistics (FDL) ships has stirred up as much ire—and as many hazy visions—as the drug LSD. An AFL–CIO official, for example, has called them "superjuggernauts of the sea" which "would appear to cast the United States in the role of a global policeman."

The Senate Armed Services Committee wasn't convinced that the program's worth would justify its cost. Besides, it reported, it was concerned that the program implied the United States was "considering intervention in any kind of strife or commotion occurring in any of the nations of the world."

In mid-March, much to the disappointment of the Defense Department the Senate chopped the request for FDL funds from the FY 1968 budget.

The fight isn't over yet, however, and beneath the haze a range of issues has emerged.

HITTING RAPID DEPLOYMENT

In attacking the FDL because they picture it as a global policeman's squad car, its opponents are really firing over the FDL to hit the rapid deployment system of which it is

a part. The objective of rapid deployment is to enable American troops and their equipment to respond quickly and meaningfully to a crisis and, thus, to "git thar fustest with the mostest" when they are called upon to go. That objective is not exactly new to military men.

What *is* new with the rapid deployment system is its speed and scale. An Army infantry division force would be able to move troops in C-141 aircraft and immediately necessary equipment for them in giant C-5A planes to a trouble spot, in response to a request from an ally and to orders from the President. These Army forces would then be supplied with heavy equipment in a matter of a few days by FDL ships.

The ships would not carry combat troops but only material, heavy vehicles, and the like, "married" to the forces they would supply, owned and maintained by the Army, and able to move under their own power onto lighter craft and thence ashore. Thus, the FDL is something quite different from an amphibious assault ship—both because it is to support Army troops, not Marines, and because it carries only cargo which is to be offloaded in a non-assault operation.

The secret of the rapid response—of the Army divisions, of the logistic ships and of the aircraft—is constant readiness. The FDLs, for example, could be kept fully loaded, deployed offshore where trouble was anticipated, and ready to move their cargo ashore when the decision was made to send in troops.

Or, kept partially loaded and ready to move at 25 knots from ports in the United States or in forward areas overseas, they could move anywhere in the world within two to 20 days, and offload their supplies in hours.

NEEDED FOR LEBANON

It took 56 days after the beginning of hostilities in Korea to move the Second Infantry Division and supplies for it from the United States to the theater of war. In the summer of 1958, in the Lebanon crisis, two division forces in the United States, earmarked for possible use there, and ready to go, could not be moved as quickly as the situation in the Middle East demanded. Because of this problem, a less desirable course was chosen, and some forces were moved from Germany to the Eastern Mediterranean. A combination of C-5As and FDLs would have obviated the transportation and supply problems.

The rapid deployment capability could have two kinds of effects. First, its existence could deter enemies from initiating military action in peripheral areas remote from the United States, since an enemy would know that distance would not affect our capability to make our influence quickly felt there. Second, in the event that deterrence failed, a rapid deployment capability could limit the fighting in form, in locale, in destruction and in duration.

U.S. forces introduced rapidly into battle to assist allied forces could reduce the risk of their destruction or defeat. Acting alone in support of American interests, they could delay the advance of an enemy's attack before it gained overpowering momentum.

Studies have indicated that casualties in battle and the duration of conflicts could both be reduced by as much as one-half in most cases, because of the improved reaction time, and the better support of friendly forces against attack that it would bring.

NOT A COMPETITOR

The objective, then, as the Pentagon sees it, is not to give the United States more power to police the world, but rather to continue to develop a balanced deterrent and, at the same time, to enhance the usefulness of tactical forces. In any event, the FDL is part of a Department of Defense program that has been under development for three years; thus, the attacks against the FDL as a global policing power are misdirected.

A second major objection to the FDL program has been that the ships would be operated in competition with the U.S. Merchant Marine. Yet, the very nature of the FDL—constant readiness, instant deployment—takes away much of the force of this argument. The FDL is not designed to do what the Merchant Marine does and conversely, the Merchant Marine could not conceivably do what the FDL is designed to do. The roles of the two are very nearly mutually exclusive.

Because they would always be fully or partially loaded with Army equipment, FDL ships would not be available for peacetime point-to-point transportation of military cargoes.

Furthermore, FDLs would not handle bulk cargoes as efficiently or as well as Merchant Marine ships could. The Merchant Marine would continue to be essential to the national defense for steady and sustained transportation of supplies after the FDLs' initial quick reaction, which could not in any way eliminate the need for that backup support.

Beyond this, the Defense Department, in an unusual step, has told Congress it would accept a prohibition against using FDLs in point-to-point traffic in peacetime as part of the language of the law.

COMPLEMENTS MM

So, far from undermining the Merchant Marine, the FDL concept complements it. And the new ship procurement concepts associated with it, the Navy believes, will go far toward rejuvenating the ship-building industry upon which, to a considerable extent, the health of the Merchant Marine depends. At the same time, these concepts—which will be applied in future ship procurement projects—are expected to bring substantial cost savings to the Navy and, thus, to the taxpayer.

Examination of these interrelated issues might begin with a look at the U.S. shipbuilding industry.

That industry is behind other American industries and foreign shipbuilders, both in absolute productivity per man and in rate of growth. Ship construction in U.S. yards costs about twice as much as that abroad. Part of the reason for this is the Navy's past piecemeal procurement policies.

It should be remembered that while the Merchant Marine provides only a few hundred million dollars of work per year to the shipbuilding and allied industries, Navy work amounts to $2 to $2.5 billion dollars a year. Because of the piecemeal approach, ships have not been standardized as they might have been; capitalization in shipyards has not been encouraged as much as it might have been if there were more series production; and designing with economic production in mind has not been emphasized because, under present practices, shipbuilders construct ships previously designed by the Navy, which has not had as much regard for the individual builder's problems as the builder would have.

HOW IT WOULD BE DONE

Since 30 of the FDL ships would be built if the program is ever fully approved, the project presents an ideal opportunity to use new methods, and this the Navy has done. The "Total Package Contract" approach is being followed and is expected to lead to cost savings and perhaps to construction of a new private shipyard, the most modern one in the world.

As the new approach would be applied in the FDL project, one contractor would design, build and engineer all the ships under a contract he would have helped to formulate and won in competition with other contractors.

A total of $17.7 million has has been provided for the contract definition phase of the FDL, with three companies—Litton Industries, Lockheed, and General Dynamics—in the competition. With congressional approval, the Navy would award a three-year, multi-year contract by June 30, 1967 to one of these. Navy planners figure each ship would cost somewhere around $35 million.

Whether to build a new shipyard, incorporating modern methods, would be a decision for the contractor. A new or modernized shipyard of high productivity would provide a much-needed stimulus to the American shipbuilding industry.

THE BATTLE GOES ON

In summary, both the Navy and the Department of Defense have carefully considered the implications of the rapid deployment capability for the national defense posture, have concluded that it is both necessary and desirable to a power with interests and obligations over a vast part of the globe, and have decided that a mixture of air forces and sea forces—the C-5A and the FDL—is the optimum combination for getting troops and supplies where they are needed fastest.

The opposition has been vocal and Congress has not been enthusiastic about the project. Though the fight has been lost for the moment in the Senate, it will be carried to the House. And if it is lost there, the fight will be resumed next year.

THE DEATH OF FATHER OF REPRESENTATIVE DIGGS

Mr. HART. Mr. President, I rise to introduce a sad note in our RECORD. Within the past few minutes I have learned of the death in Michigan of the father of Representative CHARLES C. DIGGS, JR.

Mr. Diggs, father of Representative DIGGS, achieved dramatic success in Michigan. He was one of the outstanding successes in the Detroit business community, having started literally from scratch. He was one of the earliest Negro members of the Michigan State Senate. He lived a full life, blessed, I suspect—if we could have his word on this—with the most satisfying of all incidents, the emergence of his son as a national figure and a respected one.

I know that all of the Michigan delegation in Congress join me in expressing to his widow and to Representative DIGGS and the family our deepest regret.

On a personal note: Many years ago, when I first became active in politics in Michigan, Representative DIGGS' father was very kind to me, and his kindness I shall never forget.

Mr. President, while I realize that these words are of little meaning at the moment to the family, I can assure them that all of us here and at home recognize that Charles Diggs was a dramatic example of the success that can be achieved by an American, whatever his color.

GEN. WILLIAM CHILDS WESTMORELAND—AN OUTSTANDING SOUTH CAROLINIAN—OUTSTANDING AMERICAN

Mr. HOLLINGS. Mr. President, I rise to comment on the visitation of one of the most distinguished South Carolinians to ever grace our great State, the honorable and four-star Gen. William Childs Westmoreland, of Columbia, who is presently visiting in South Carolina with his mother, whom he has not seen for the past 3 years.

I was presiding in the Senate yester-

day at the time General Westmoreland made his presentation to the Associated Press in New York, but since that time I have listened to a transcript of his speech and of the question-and-answer period that followed, and I wish to congratulate him on his magnificent presentation. It indicates to me—and I believe it is significant and worth observing—that General Westmoreland represents a new breed of a new military.

I was acquainted with General Westmoreland before his Vietnam assignment. For a year he attended The Citadel, the military college of South Carolina, at Charleston. Later he went to West Point and made an excellent record there.

I knew him as an outstanding superintendent of the Military Academy at West Point. At that time, while I was serving as Governor, he was honored with an honorary degree from The Citadel.

In his colloquy yesterday with the press in New York, General Westmoreland pointed out that it was not the intent of the United States to follow a policy of annihiliation, but rather to employ a war of attrition.

He spoke of the tremendous restraint being used in this commitment of military forces in Vietnam.

I could relate, firsthand, one incident that occurred during my visit to Vietnam last November and December which graphically illustrates this point. The situation in question was a touchy one and certainly demanded more of a political and diplomatic response than the authoritarian one of a military commander.

I admired the way General Westmoreland handled the problem. I remarked then and many times since my return about his magnificant handling of this situation.

He showed this characteristic again yesterday in his response to questioning about the type of war we were employing. He spoke in response to charges that have been made by those, less knowledgeable, on the floor of the Senate.

He addressed himself to the bombing, and specifically the bombing of Mig airfields in North Vietnam. He said he was delighted at those bombings. Talking as a father, which he is, and as a man of compassion, he said it was not that we were annihilating, but that we were saving lives with the step-up of the bombing against targets in the north, and specifically the bombing of Mig airfields.

The General's remarks were certainly different from those of the nervous Nellies who are fearful about involvement of Red China.

Certainly no one has advocated rushing headlong into a confrontation with Red China or the Soviets, but when we ask our pilots to fly down the gun barrel each day in Vietnam we should be able, as commanders back home, so to speak, to face the risk of such a confrontation. We must eliminate the easy access of Mig fighters to our pilots and planes in the north by knocking out their airfields and their airplanes whenever and wherever we can.

It has been said that these planes would then be flown from fields in Red China. As I understood the general's answer he did not advocate hot pursuit, but he did say that knocking out these airfields would make it a little more difficult for them to run us into flak alley to use their missiles against us, and especially would reduce the tremendous losses from antiaircraft fire.

General Westmoreland answered the charge of those who have spoken in this Chamber with respect to cease-fire and the cessation of bombing. He said a cessation in bombing and a cease-fire would once again mean a loss of American lives and the lives of our allies in Vietnam.

He responded to the question of what portion of the battle the South Vietnamese were carrying on. He said that they rated high and were still carrying on a majority of the search-and-destroy missions. Then, finally, in answer to a question, he said that peace demonstrations are hurting the war in Vietnam and costing us lives because it means, in the eyes of the Communists, a victory in the political-type war that is being fought.

In this respect, I am reminded of the comments made by another good friend, Dr. Frank Barnett, who used to head our National Security Seminars in Washington. He talked about the three dimensions of war. The first dimension, in World War I, was one of land, sea, and air; the second dimension, in World War II, was one of nuclear, atom, and hydrogen bombs; and in the third world war, in which we are presently engaged, he discussed the third dimension of psychological, political, economic, and sociological warfare.

It is not my intent to comment on history and recall the French surrendered at Dienbienphu in 1954, but history will record that North Vietnam had practically no economy left. They had lost their bridges, pathways, and industrial capacity and still they were only holding on, all the while working for a political victory. This is all they had left. The 13 battalions lost by the French could have easily been replaced, but France could not stand the political defeat back home. As a consequence, superior military forces withdrew from the field of battle. This background, Mr. President, is to show that Ho Chi Minh knows the hardship that war can bring, but he also knows that a war of this type can work because he has seen it work.

The answers of General Westmoreland, as to the peace demonstrations and the political reactions we engage in at home, forcefully moves a major front of the war in Vietnam to the shores of the United States.

This is a different war. I cannot help but recall one incident that occurred when I visited the airfield at Saigon. The airfield and planes were being attacked on the ground and were being defended from the air by the Army and by helicopters. I remarked to General Westmoreland that this war was a mixed-up engagement; that in every war I had seen, the ground forces were always supported by the air forces and this was a turnaround. General Westmoreland, at that time, said that that was the way this war is. Actually, the frontline is in the rear because down in the Mekong Delta more of the battle is in progress.

I felt that was a sage observation until I watched at home, as a newcomer to the Senate, the debate being carried on. Now I believe—from General Westmoreland's response and observation of yesterday, and from what I have observed—that the frontline has been brought to the home front and we are being hurt by peace demonstrations and the position being taken by leading Senators in this body.

I am familiar with past discussions about freedom of debate. I am for rule XXII. That was the first important vote taken in the Senate after the presiding officer [Mr. SPONG] and I were sworn in. If I differ with Senators, it is not a differing with their right to speak. I will, as Voltaire said, defend to the death the right of Senators to speak.

I think it is significant that corresponding with General Westmoreland's visit we had a presentation by our distinguished Senator and friend from South Dakota [Mr. MCGOVERN] earlier today. I was unable to be in the Chamber at the time but I have read a copy of his remarks. The Senator from South Dakota has been called from the Chamber for a press conference. He was told of my intent to make these remarks and has courteously said that he would study them this evening and probably respond to them tomorrow.

The Senator from South Dakota discusses the matter quickly and gets to the point. In the final part of his speech he says that the ineffective and unpopular officials of Saigon do not have the confidence of their subjects. As reported by General Westmoreland, and as other Senators in this body know, this is not true.

One of the great stories in Vietnam is that a responsible civil government is emerging. Our military is helping to build this government. It is easy for us to sit back here and call it unpopular. I do not know how long Senators here will last politically, or how long the administration will last. If we look at some of the popularity polls I think the administration is in trouble in 1968. However, that does not mean that we are going to abandon the Government. Neither should a lack of total support mean that we should abandon the civil government in Vietnam. We should hail the free elections, the drawing up of the constitution, and the various elections now being held in the villages in the face of unbelievable terrorism. Terrorism that has resulted in the death of numerous public officials. This great desire for a freely elected officialdom to me is indeed a healthy sign.

I disagree also with the second observation of the Senator from Sorth Dakota that we have no obligation to play policeman for the world, and especially in Asia.

As I said in an earlier speech in the Senate, I stood with the present Senator from Arizona [Mr. FANNIN], who was then Governor, and several other distinguished Members of this body, at the last battleship within the commission of the U.S. Navy. We still have that one under commission. It has 1,100 men aboard ship and now, as then, is 62 feet under

water at Pearl Harbor. As we harken back to that day 25 years ago, remembering Pearl Harbor, we also remember that the great United States of America stood alone as the world's policeman. Since World War II, we have stood as the policeman in Berlin, Lebanon, Suez, Korea, the Dominican Republic, Cuba, Guatemala—and now at Vietnam.

These are instances which we have not brought upon ourselves but instances which have been thrust upon us in the role of world leaders. If they want to talk about great resources for the Great Society, let us talk about the great resources we have as a free people to protect freedom the world over. Thus, I think we do have this obligation. Being a policeman is not always a pleasant job, but it is always a necessary one.

The third lesson which the Senator from South Dakota points to is:

> Corrupt regimes of the kind we have been alined with in Saigon do not deserve to be saved by the blood of American boys.

Mr. President, I believe this is a political statement. We have been free, without even a civil war, for 100 years. We have been a free nation for almost 200 years and yet there is still talk of corruption here within the Halls of this Congress.

Is it not amazing that South Vietnam has a government at all, or a regime at all, after a systematic killing off of the leadership? The great lesson of Vietnam is that we as a people are willing not only to help militarily but also to help build a government, and a society.

The fourth lesson that my distinguished friend points out is that those who believe that American military power has an important role to play in the Pacific should return to the once-accepted "doctrine of our best generals that we should avoid committing American soldiers to the jungles of Asia."

That is another good political statement that holds good whether in a war or out of war.

I agree basically with the Senator's thesis that we should heed our military leaders in time of war. But I differ in that I prefer to heed those leaders who are fighting the war today, directing our military efforts today, who are charged with saving the lives of our fighting men today, rather than military leaders—though we may all agree upon their competence in their time and in their day—who lived, planned, and fought a different war in a different world and under different circumstances.

General MacArthur, great as he was, never fought the kind of war that General Westmoreland is now fighting in Vietnam.

When history makes her judgment as to who knew best how to conduct this war in Vietnam, and who has done the most to bring about its end, I want to be counted firmly and irrevocably on the side of "Westy" Westmoreland.

Finally, the fifth lesson:

> Our involvement in Vietnam came about through a series of moves by the Executive Branch.

And then talks about the undeclared war—I would only refer to the response of the Honorable George Ball in an internationally televised program, who, when asked what would have been the policy of President Kennedy, responded that the present policy in Vietnam under President Johnson would have been the policy of President Kennedy. In fact, President Kennedy was the one who really stepped up the commitment of our troops. We all remember, in the 1950's, the entry of the United States into Vietnam in an advisory capacity politically, economically, and militarily that it came about under President Eisenhower, in his exchange of correspondence with Winston Churchill and, later on, upon request of the Government in Vietnam.

I think there is a lack of candor with respect to saying that we are there at their request solely. I think we are necessarily fighting in Vietnam in order to keep from having to fight here in our own homeland.

I believe this war is both important and significant. Considering the recent accolade given the United States at the SEATO conference by the members of the nations most directly involved I do not see how any other conclusion is possible. I will admit that President de Gaulle does not like our actions there. He does not want anyone to win in Vietnam. But the nations of the SEATO alliance and the nations in the Far East immediately involved, who know what is in the balance, have commended the stand of the United States in Vietnam.

That brings me to the final words in the presentation of my distinguished friend from South Dakota:

> A conscientious man would be cautious how he dealt in blood.

Mr. President, would not we all?

That should be taken in light of the statement in his introductory remarks:

> So, I do not intend to remain silent in the face of what I regard as a policy of madness.

When a distinguished Member of this body refers to policy in Vietnam as being a policy of madness, that statement should not go unchallenged, particularly in light of General Westmoreland's presentation to the Associated Press on yesterday. He agreed with our policy there. The only thing he could not answer was: When would the war end? The reason he could not answer that question was that he could not tell when we, back here in Congress and in the administration, would finaly unite in a resolve and a clear and convincing determination that we know what the real issues are and that we will continue to seek an honorable victory in Vietnam.

It is a simple axiom—an aggressor will terminate his aggression when the cost of that aggression exceeds his willingness to pay. We will never raise the price sufficiently high in Vietnam by running away from the truth.

Instead of painting signs of protest, we should be painting the number of Migs downed in combat. Instead of shouting, "Peace at any cost," we should be shouting, a just peace at whatever price.

Instead of preaching treason, we should be preaching justice and freedom of choice for all men everywhere.

Who in all the world is better qualified to know the conduct of the war in Vietnam and the effect that actions here at home have on that war then General Westmoreland?

No one.

Just as our soldiers have been called a new kind of fighting man, so General Westmoreland is a new kind of military leader. He is not only an outstanding soldier, but he is also a political scientist. He was a brilliant student at West Point. This background has stood him in good stead, because he has been called upon to lead a two-front war—one of which deals with government and politics—and he has performed admirably in both.

Few men have been better qualified to fill a job demanded of them by their government than General Westmoreland.

I submit that speeches on the floor of the Senate which contribute to the encouragement of those demonstrations also cost the lives of American fighting men.

And I submit further that it is high time such talks ceased without observing what is in the balance.

The national interest demands it. The lives of our sons and fathers depend upon it.

Seldom has the world witnessed so divided an America as she is witnessing today. It is a division that, like all divisions, can only cause pain and suffering for those divided.

The strength of America has always been her unity of purpose. Her uniform dedication to simple, basic precepts of liberty and justice for all. That unity does not exist today, and the inevitable result is the sapping of our incalculable strength.

Mr. President, we, as the highest elective body in this great country of ours, and, indeed, we as a nation, very badly need a thorough reassessment of where we stand today and where it is that we are going. Our purpose in this world seems to have become obscured by a haze of oratory, a cloud of semantics, and a divergence of opinion; and we seem no longer to know where we are going. This sometime happens when you take your eye off the target.

Let us make that reassessment. Let us urge our President to look once again at exactly what needs to be done to terminate this terrible war. Let us ask him to take politics out of it and do whatever he must to win.

Let us urge this Congress to reflect once again, anew, upon the why's and where's of Vietnam and strive to achieve that unity of purpose to bring that incalculable strength of which we are capable together again.

Let us urge our people to look once again at the reason we have become the greatest power the world has ever known—and why. Let them once again know that a desire to be free, to choose the God of our choice, and the government of our choice, is the incentive that caused our forefathers to decide that neither history, nor expedience, nor the easy way, is acceptable as an alternative to freedom.

What better time for such a reassessment—such a reflection—such a look—than now when the man who symbolizes what I feel to be the position of an over-

whelming number of our people, is here—back from Vietnam—trying to tell us that standing together, unified in our determination to win with honor, we can achieve a peace; and once again show the world that the United States of America has not altered those basic principles upon which she, as a nation, was founded.

I believe when my distinguished friend from South Dakota makes the statement that—

Hanoi knows very well that America is not going to surrender or withdraw from this war—

When he says—

Hanoi knows very well that not a single U.S. Senator has advocated either U.S. surrender or U.S. withdrawal—

He is in error, because I have only to refer to the recommendations after the first part of his presentation. In light of the war in Vietnam, the position that we now find ourselves in, the distinguished Senator recommends:

Stop the bombing, north and south, end the search and destroy offensive sweeps and confine our military action to holding operations on the ground.

That to me means surrender. That to General Westmoreland would mean surrender.

He says further:

We should clearly state our willingness to negotiate directly with the Vietcong with some recognition that they will play a significant role in any provisional government resulting from a ceasefire and a negotiated settlement.

General Westmoreland said yesterday, in answer to questions, that the Vietcong were the North Vietnamese, and made that crystal clear.

I think the real persuasion of his statement is found in the distinguished Senator's allusion in the second paragraph of the first page of his prepared talk:

If the war continues on its present course, our dreams of a Great Society and a peaceful world will turn to ashes.

Mr. President, I believe in first things first, and I believe we should put our minds to a free society before we can undertake the thought of a Great Society. I believe that is the issue.

If I were Ho Chi Minh, without artillery, without an air force, and without a navy, but I saw that I was winning political victories every day—that the frontline had moved to the churches and universities—that Members of Congress were being constantly besieged on Capitol Hill with cries of "Peace, peace, peace," I too, would hesitate to come to any table to negotiate. If I had heard the frontline had moved to the civil rights movement, where Martin Luther King says we, the United States of America, are the greatest dispensers of violence, and Stokely Carmichael says, "Hell, no," I believe I would refuse to negotiate. If I had heard that the frontline had moved to Fifth Avenue, ordinarily reserved for victory marches, and had observed a march of some 100,000 urging surrender, I would hold off from going to the negotiating table. If I were Ho Chi Minh and had heard the United States of America was being called an aggressor by its own people, and was being urged to be cautious about spilling blood, and all this talk about stopping the bombing and stopping the search-and-destroy missions, and all the talk about surrender, I would also not want to negotiate.

I think Ho Chi Minh and the Communists in the north have today won another political victory in the third dimension of our war in Vietnam here in the U.S. Senate Chamber. And when someone refers to that war as a policy of madness, I believe, having my own convictions, that I had no alternative but to express them.

DUTY-FREE TREATMENT OF DICYANDIAMIDE AND OF LIMESTONE FOR CEMENT—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 286) to permit duty-free treatment of dicyandiamide pursuant to the Trade Expansion Act of 1962. I ask unanimous consent to the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of West Virginia. Mr. President, I have submitted this conference report in behalf of the junior Senator from Louisiana [Mr. LONG], chairman of the Senate Committee on Finance.

The House-passed bill would permit the duty on dicyandiamide to be reduced to zero immediately without regard to the 5-year staging requirements of the Trade Expansion Act. There are two Senate amendments to this bill.

The first one was added at the request of the administration. It waives the requirements of the Trade Expansion Act for certain prenegotiation hearings and other administrative procedures. This waiver was added in recognition of the short time remaining to negotiate with respect to this product during the Kennedy round.

The second Senate amendment added a new provision to the bill to provide for negotiating a zero tariff on limestone used in making cement without regard to the staging requirements of the Trade Expansion Act. This amendment also waived the prenegotiation hearings and other administrative procedures so that negotiations with respect to this limestone could be undertaken before the Kennedy round terminates.

The limestone amendments—except for waiving the prenegotiation requirements—are substantially the same as those contained in the House-passed version of H.R. 1141.

The House agreed to all these Senate amendments. The bill before us, I am advised, is identical to the bill the Senate passed on March 23. I urge that the conference report be agreed to.

Mr. DOMINICK. Mr. President, I merely wish to congratulate the Committee on Finance, particularly the distinguished chairman of the House Committee on Ways and Means, WILBUR MILLS, and Congressman JOHN BYRNES, Senators CARLSON, LONG, and BYRD, for the work they have done in getting these particular bills through. It has not been easy to do, even though there was no opposition, because we have been working against a time limit, which has been of some substantial difficulty.

Among other things, we knew that the time within which negotiations under the Kennedy round could continue in Geneva would end by the end of this month, so that it was extremely important that we be able to alert our own negotiators as to the actions of Congress in this field, so that they could take it up and see it through in their talks with the respective countries involved.

The portion I am particularly pleased with is, of course, the limestone amendment. I think all the amendments are good, but this one is particularly good because it relieves a real shortage we have in certain areas of our country where we need limestone for the manufacture of Portland cement.

So again I congratulate my friend the distinguished Senator from West Virginia for having brought the matter up in this fashion and this rapidly.

Mr. BYRD of West Virginia. Perhaps I should say to the distinguished Senator that I am advised that the House conferees had asked that the amendment on limestone be deleted, but the Senate conferees would not agree to that. I am sure that pleases the Senator from Colorado.

Mr. DOMINICK. It certainly does.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. GORE. Earlier today I indicated I would be prepared to enter into a consent agreement to vote on the Long amendment at some time certain. It appeared then that a substitute might be offered, but none has been offered; and after conference with the senior Senator from Delaware, I am prepared to enter into an agreement to vote at 3:30 tomorrow, if the able assistant leader is prepared to enter into such an agreement.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry of the distinguished senior Senator from Tennessee, let me say that I am not prepared to enter into such an agreement. The distinguished majority leader and the distinguished majority whip left the floor feeling that this conference report would be the remaining business before

the Senate today, and that thereafter I would move that the Senate adjourn. So I am not prepared to enter into such an agreement.

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

Mr. BYRD of West Virginia. I yield.

Mr. GORE. I was certainly not suggesting that the Senator do so without making such inquiries and contacts as he desired. I really rose only to indicate that we were prepared for a vote at some time certain when Senators could have adequate notice to be present.

The able junior Senator from Louisiana has given his estimate that the Senate is evenly divided on this issue, 50–50. I think perhaps his estimate may be a little optimistic on his side. It is my view that a majority supports repeal.

But in any event, if we can fix a time certain, I would be prepared to fix a time right now—for example, 3:30 tomorrow afternoon—and take my chances and accept the results. But I can understand the able Senator not wishing to enter into such an agreement, and I certainly do not press it. I only wished to indicate that this issue will ultimately probably be determined by those present and those absent and those who arrange for pairs, as many close questions are. Sometime we must settle it; and I would be prepared to settle it at 3:30 tomorrow afternoon.

Mr. BYRD of West Virginia. Well, Mr. President——

Mr. GORE. By tomorrow it may be that I will receive additional requests. As of now, I have only requests of Senators to postpone the vote until tomorrow. Tomorrow will be a different day, but as of now I am prepared to agree to vote. It is important that Senators have adequate notice.

Mr. BYRD of West Virginia. Mr. President, I wish it were within my power to accommodate the distinguished senior Senator from Tennessee in this matter. As for myself personally, I would have no objection to voting on the matter tomorrow afternoon at 3:30, or voting on it now. But under the circumstances, I am sure that the senior Senator from Tennessee will understand that I would have to interpose an objection if a unanimous-consent request to that effect were to be made.

Mr. GORE. I understand. I do not make such a unanimous-consent request, and would not do so in the absence of the majority leader and the chairman of the Committee on Finance, unless they had been advised of it.

Mr. BYRD of West Virginia. Yes. I am sure the Senator will understand that I could not agree to it in their absence.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock a.m., tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR NELSON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the approval of the Journal tomorrow, the Senator from Wisconsin [Mr. NELSON] be recognized for 45 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the speech by the Senator from Wisconsin [Mr. NELSON] tomorrow, there be a period for the transaction of routine morning business.

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

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the period of the transaction of routine morning business tomorrow, statements therein be limited to 3 minutes.

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

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at some time during the period for the transaction of routine morning business tomorrow, the distinguished senior Senator from Arkansas [Mr. MCCLELLAN] be recognized for 15 minutes.

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

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate today, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock, tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 47 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, April 26, 1967, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 25, 1967

The House met at 12 o'clock noon.

Rev. T. Stewart Matthews, St. Paul's Episcopal Church, Macon, Ga., offered the following prayer:

Almighty God, who hast given us this good land for our heritage, and through whose mighty power our fathers won their liberties of old, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, and especially this House of Representatives in Congress assembled; we beseech Thee that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the good of Thy church, the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations; and that there may be justice and peace at home, and that through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness; and in the day of trouble suffer not our trust in Thee to fail; all which we ask through Jesus Christ our Lord. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 375. To amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 67–8.

CRITICAL SITUATION IN VIETNAM

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. WOLFF. Mr. Speaker, it has come to my attention through private Vietnamese sources that there is a desperate power struggle going on in Saigon between Premier Ky and General Thieu, and that this power struggle has caused a serious breakdown in the will of certain