Quang Tri was overrun, the people were told the attack had been expected. This only upset them more, and they asked the very practical question: "If you knew, why couldn't you do something about it?"

Furthermore, the statement by U.S. Ambassador Ellsworth Bunker that last week's attacks will be resented by the Vietnamese population and will hurt the Viet Cong politically is extremely wishful. Things just don't work that way in South Vietnam. The Saigon government has as yet failed to provide the people with any reason to support it, and there is even less likelihood that such support will be forthcoming now. It is far more realistic to expect ordinary Vietnamese to react the same way they did after earlier Viet Cong attacks on the cities: that is, with even greater indifference to the efforts of the government and the U.S. to rally their support. And one can only imagine the reaction of the citizens of the heavily populated cities of Saigon, Cholon, and Hué to being bombarded by their own planes in the desperate effort to kill the guerillas in their midst.

U.S. computers have yet to churn out what the effect of the Viet Cong offensive has been on the pacification program, but before I left Vietnam last month there was already mounting evidence that it was not running on schedule. In fact, a high Vietnamese official involved in the program told me flatly that pacification would not work. He may have overdrawn his case, but he said that within two weeks after the so-called Revolutionary Development teams come into a hamlet they are so demoralized by official corruption and obstructionism that they become ineffective.

Making a hamlet secure is often said to be 90 per cent of pacification. If this is true, then last week's events have pushed the program back to its beginnings, for the one cold fact that the guerrillas drove home last week was that no place in South Vietnam is secure.

The U.S. and the South Vietnamese governments must now face the task of putting back together the pieces of a puzzle that the Viet Cong were all too handily able to smash. The first effort in this direction has been the official attempt to convince the world and the Vietnamese people that the enemy paid an intolerably heavy price for his victory. This may prove true, but official estimates of enemy casualties last week should be viewed with the utmost skepticism. Body counts of enemy dead are at best always open to doubt; almost every reporter in Vietnam has his own personal example of inflated reports of enemy dead in battles that he himself has observed. To think that in the midst of last week's chaos and breakdown of communications a careful tabulation of such an enormous number of bodies was actually made defies logic and contributes further to the credibility gap.

THREATS

Of more importance is the question of what will happen to the fledgling democracy that the U.S. has tried so hard to foster. Given the state of open warfare throughout Vietnam last week, it was, of course, necessary that President Nguyen Van Thieu declare martial law. But in the heat of events, it should not be forgotten that the one thing that might restore the shaken faith of the Vietnamese people would be to see representative government finally begin to function.

It is an open secret in Saigon that many in the military junta would much prefer to go back to their old method of ruling by decree with complete suppression of opposition opinion. The capital in recent weeks has seethed with rumors that some members of the junta might stage a coup to bring back military rule. Now the national emergency has given them what they want for the moment. If any attempt is made to return to military rule as a permanent system of government, then the tragedy that befell the South Vietnamese last week will have reached its fullest proportions.

SENATE—*Wednesday, February 14, 1968*

The Senate met at 12 o'clock meridian, and was called to order by Hon. VANCE HARTKE, a Senator from the State of Indiana.

His Beatitude Elisha II, Armenian Orthodox Patriarch of Jerusalem, offered the following prayer:

We come from the holy city of Jerusalem to pray with this august body for armistice and peace in the name of the Prince of Peace and declare unto you, that you, each one of you, your very souls are the essence of our life, the life of Jerusalem, the life of Bethlehem, the life of Nazareth.

We live in you, in each of you; in your pursuit of peace, in your quest of freedom, in your thirst of serenity and love, our life has deeper, truer meaning.

We are bound up inextricably with the soul of all of you and we love you with infinite love; each one of you, each individual soul is a glowing spark of that torch eternal, kindling the light of survival for us within the sacred and hallowed walls of the Holy Sepulcher.

We look to the channel of your being for the pulse of Jerusalem, the heartbeat of Bethlehem; the glory of Christendom's holy shrines.

Vested, as we are, with the Holy Spirit, we ask God's blessing upon you, your blessed country, the Government of this Republic, the President of these United States and all who exercise just and rightful authority. May you continue as the repository of our hope, the citadel of our courage and the anchorage of our resolution.

May you further be endowed with wisdom equal to your strength, and strength equal to your lofty spirit, and courage commensurate with your responsibilities, to the end that your Nation may continue to lead the world in the advancement and fulfillment of the noble goals embodied in your Declaration of Independence and personified by your emancipator, Abraham Lincoln.

O Lord, source of our faith, in Thy name we bless this medal of the Order of the Holy Sepulcher, symbol of resurrection and revival of faith, so that the President, who will receive it at our hand, will continue to lead this Nation in life, liberty, and the pursuit of happiness. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 14, 1968.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. VANCE HARTKE, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 8, 1968, and Monday, February 12, 1968, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on February 13, 1968, the President had approved and signed the act (S. 1788) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, and for other purposes.

REPORT OF ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 256)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am transmitting herewith the Seventh Annual Report of the Arms Control and Disarmament Agency.

Two weeks ago, on January 18, this agency reported to me, and to the world, that agreement had at last been reached with the Soviet Union on a complete draft treaty to prevent the spread of nuclear weapons. The draft treaty, which has been submitted to the Eighteen-Nation Disarmament Committee in Geneva for consideration by other nations, is the most significant achievement of the Agency since its establishment 7 years ago.

On January 23, I forwarded to the Congress a request that the life of the Arms Control and Disarmament Agency be extended for an additional 3 years. At that time I noted the role of the Agency in bringing us close to the final conclusion of a non-proliferation treaty, and pointed out that the treaty "is not a creation of the United States. It is not a creation of the United States and the Soviet Union. It is the creation of all nations, large and small. . . ."

While the United States and the Soviet Union, as Co-Chairmen of the Geneva Conference, have had the responsibility for preparing the draft treaty, a reading of this report will make plain the

extent to which the draft has been responsive to interests and views of the nations which do not now have nuclear weapons.

In the course of a long and arduous negotiation, we have learned much of the concerns and desires of these nations. We have learned that it is not nuclear weapons they want, but security; not the destructiveness of the atom, but its benefits. We have been made aware of the depth of worldwide concern about the nuclear arms race.

The non-nuclear states have wanted their renunciation of nuclear weapons to be matched with a binding pledge by the nuclear powers to negotiate a halt in the arms race. They have not asked that the treaty require us to stop making nuclear weapons, or to divest ourselves of those now in our arsenals.

But they have asked us to pledge ourselves to move towards that ultimate goal. They feel the restraints they will voluntarily accept give them the right to such a pledge.

In drafting the non-proliferation treaty, the United States and the Soviet Union have acknowledged that right.

Under Article VI of the draft now before the Disarmament Committee, the nuclear nations will assume a solemn treaty obligation "to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament. . . ." It is an obligation the United States will undertake with the utmost seriousness—for it continues a policy begun in 1946, when this nation offered to place its nuclear weapons under international control. We reaffirmed that obligation at Geneva when the Disarmament Conference convened there six years ago.

A reading of this Report shows clearly that the United States is pursuing a broad program of research and negotiation in fulfillment of its commitment to disarmament. The non-proliferation treaty now under consideration is another step in that direction, as the hot line and the limited test ban treaty and the outer space agreement were before it.

No nation is more aware of the perils in the increasingly expert destructiveness of our time than the United States. I believe the Soviet Union shares this awareness.

This is why we have jointly pledged our nations to negotiate towards the cessation of the nuclear arms race.

This is why the United States urgently desires to begin discussions with the Soviet Union about the buildup of offensive and defensive missiles on both sides. Such discussions—and it is important to note that the Soviet Union has agreed to them, in principle at least—will aim at finding ways to avoid another costly and futile escalation of the arms race.

Our hopes that talks will soon begin reside in our conviction that the same mutual interest reflected in earlier agreements is present here—a mutual interest in stopping the rapid accumulation and refinement of these munitions.

The obligations of the non-proliferation treaty will reinforce our will to bring an end to the nuclear arms race. The world will judge us by our performance.

The report I am forwarding today is testimony to the skill and determination with which the Arms Control and Disarmament Agency, under the leadership of Mr. William C. Foster, is supporting this nation's effort to keep the somber and grim elements of the nuclear present from obliterating the promise of the future.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 12, 1968.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate, messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

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 bill (S. 1124) to amend the Organic Act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 25) to authorize the Secretary of the Interior, in cooperation with the States, to conduct an inventory and study of the Nation's estuaries and their natural resources, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 25) to authorize the Secretary of the Interior, in cooperation with the States, to conduct an inventory and study of the Nation's estuaries and their natural resources, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

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

ADDRESS DELIVERED BY HIS BEATITUDE, ELISHA II, ARMENIAN PATRIARCH OF JERUSALEM

Mr. BROOKE. Mr. President, it was my great privilege and pleasure today to sponsor the distinguished spiritual leader who delivered such an inspiring invocation to this Chamber. His Beatitude, Elisha II, Armenian Patriarch of Jerusalem, has served his people in Palestine for over 40 years, first as a theologian and scholar, then in various official capacities under his predecessors in the Patriarchate, as Archbishop of Jerusalem and finally, since June 1960, as Patriarch in his own right.

I ask unanimous consent that the address delivered by him to the Jewish community of Taunton, Mass., early last week, and a biographical sketch of this great, spiritual leader and humanitarian be printed in the RECORD.

There being no objection, the address and biographical sketch were ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY HIS BEATITUDE ELISHA II, ARMENIAN PATRIARCH OF JERUSALEM, AT THE 12TH ANNUAL BROTHERHOOD CONCLAVE, MARKING BROTHERHOOD WEEK IN CONJUNCTION WITH THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS, TAUNTON, MASS., FEBRUARY 11, 1968

"Glory, honour and peace to every man that worketh first to the Jew and also to the gentile."—Romans II, 10.

Dear friends and brethren, we have come from the Eternal City of Jerusalem, the cradle of the great religions to extend to you the blessings of the holy places and the greetings of your brethren there, who day and night keep vigil for the perpetuation of the flame of the Almighty's torch, in those places sacred to all of us as well as in the hearts of men.

We feel greatly honoured, at this moment, to be invited to this assembly, where spiritual and friendly hearts have gathered to meditate and to feel, in a united consciousness, the welfare of mankind. However, serenity and peace in the hearts of men are imperative factors in the realization of that beneficence, which beyond any doubt is the very basic foundation for prosperous and fruitful living.

Needless, even, it is to say that peace, before everything else, is the fruit of love—of that sublime virtue which befriends individuals and peoples; that imbues into the stormy and muddy hearts, the sanctity of God's feeling; and which, endows to human consciousness the stainless brilliancy of resplendent light through which the individual can truly perceive and come to know himself as well as his neighbour.

Religious bodies, as well as their representatives, in order to be able to be together, must be capable and willing to love one another. Human brotherhood is more of a moral communion than a dogmatic one. If the unity of faith has not materialised in the past, it is mainly due to the fact that men have not approached it with Love. God is the object of our faith, and God is Love.

In order to be able to achieve this aim, it is necessary for every church, synagogue, and mosque, for an instant at least, to free themselves from the fetters of obstacles created by historical causes, environmental conditions, racial considerations, and other more or less materialistic reasonings which have limited them in their isolation.

Governments often co-operate with one another on the surface, but rarely with consideration for their mutual welfare. The only power which would be able to unite the churches and synagogues and mosques in harmony is unparalleled and unvanquished love—from which is born, and which paves the way of, the minds of people for mutual understanding. For, verily, it is only the mind which is free of passions and disputes that can comprehend the truth—peace and love at the foremost, followed by concordance of opinions and doctrines. It is this perception that is revealed in a prayer of the Armenian Church—"Grant to the churches peace, that is to say, love, so that they may be able to have the unity of faith."

Could anyone deny the magnificent achievements of the preaching of the Gospels which the Church of Rome has carried out up to the present times in the remotest confines of the world? Could anyone forget the beautiful and glorious role of the Greek Orthodox Church in the true orthodoxy and verification of Christian doctrine and its luminous results in the past?

What world could we coin for the dedication of our unreserved admiration of those clean and noble activities which the American Christians have undertaken time and again, with increasing incentive, for the realisation of the mystery of faith and the spirit of the gospels in all the aspects of life?

Could we discard that very precious legacy which the Christian Church has received from the Holy Book of the Hebrews?

In the past, as well as at the present, each and every church has had and still has to this day her advantages and the methods of her devotions. It is with the synthesis of these factors that the holy task of Christian service is achieved.

O Lord and Saviour, Thou that said that "wherever two or three persons gather together in Thy name, Thou art there amongst them," we beseech thee, at this solemn moment, be amongst us and with us, we who have gathered here to offer to Thine name the service of love. Unite firstly our hearts and kindle the fire of love in us, so that it may guide us to the path of genuine brotherhood, which originates from you and culminates in you. Amen.

BIOGRAPHICAL SKETCH OF HIS BEATITUDE, ELISHA II, ARMENIAN ORTHODOX PATRIARCH OF JERUSALEM

Elisha II was born Eleazar Derderian in 1910 in the village of Gaynimiran, Turkey. Following the deportation of Armenians from Turkey in 1915, Eleazar Derderian fled with his family to Iran where his parents died. He was then placed in an Armenian orphanage at Nahr-el-Omar, Mesopotamia.

In 1922, at the age of 12, under the aegis of the Armenian General Benevolent Union, hundreds of Armenian orphans, Eleazar Derderian among them, were brought to Palestine. In 1924 at age 14, Eleazar Derderian entered the Theological Seminary of the Armenian Patriarchate. He was tutored by such distinguished scholars as the late Tourian and Koushagian Patriarchs and Bishops Papken and Aghavnouni.

In 1932 Eleazar Derderian was ordained a priest by the late Patriarch Torkom Koushagian and was renamed Yeghishe. Soon after his ordination, he was appointed macebearer to the Patriarch. In this capacity he frequently accompanied the Patriarch to Europe.

In 1937 Yeghishe Derderian, by then a priest of renown, was named Dean of the Theological Seminary, where he remained until 1945.

In 1945 he was elected Grand-Sacristan under the late Patriarch Guregh Israelian. Upon the latter's death in 1949, Yeghishe Derderian was elected Locum-Tenens of the Armenian Patriarchate, and on the 8th day of July, 1951, was consecrated Bishop in Echmiadzin, Armenia.

In 1952 he was named Archbishop of Jerusalem, and through his unceasing efforts, thousands of refugees from the 1948 war and the more recent Arab-Israeli War, found shelter in the Armenian Convent and within its compound.

On June 8, 1960, Archbishop Yeghishe Derderian was elected the 123rd Patriarch of Jerusalem, tracing his lineage to St. James, 1900 years ago. He adopted the name of Elisha II, which is a translation of Yeghishe, his priesthood name.

As guardian of the Church of the Holy Sepulchre in Jerusalem, and the Church of the Nativity in Bethlehem, and numerous other Shrines, Elisha II zealously tends Christendom's Holy places.

Apart from his duties as a member of the St. James Brotherhood, His Beatitude has been the Editor-in-Chief of "Sion," the official publication of the Armenian Patriarchate, since 1940, where appeared the best part of his writings and articles. He is the author of five volumes of poetry, "Magdalene in Wax," "Nights of Defeat," "The Passer-by," "Ageghtama," and "Saint Mesrob." He also authored "The Armenian Church Yesterday and Today," "The Nareg Prayerbook in the Armenian Literature," "From the Mountain," and the "Stranger." In addition to his literary work, he continues to lecture in the Seminary on General History of the Church, the Art of Sermonizing, Psychology, Theology, and Philosophy.

INTERNATIONAL COMMITTEE FOR THE RESTORATION OF THE CHRISTIAN SHRINES ON MOUNT ZION

Honorary Chairmen: His Beatitude Elisha II, Armenian Patriarch of Jerusalem; His Eminence Richard Cardinal Cushing, Archbishop of Boston; Dr. Eugene Carson Blake, General Secretary, World Council of Churches, Geneva, Switzerland; Dr. Charles Malik, Professor, American University, Beirut, Lebanon; His Worship Teddy Kollek, Mayor of Jerusalem; Hon. John W. McCormack, Speaker, United States House of Representatives, Washington, D.C.; Hon. Edward W. Brooke, Member, United States Senate.

Joint Committee, Jerusalem: His Excellency Bishop Shahe Ajamian, Chancellor Armenian Patriarchate, Jerusalem; Abbot Leo A. Rudloff O.S.B., Superior, The Dormition Abbey; Father Joseph N. Berkers A.A., Superior, St. Peter in Gallicantu; Prior Benedict Stolz O.S.B.; Father Jan Baptist Franken A.A.

CALL OF CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 939 to 945, inclusive.

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

ADDITIONAL COPIES OF HEARING

The resolution (S. Res. 213) authorizing the printing of additional copies of part 2 of the hearings entitled "Planning-Programming-Budgeting" was considered and agreed to, as follows:

S. RES. 213

Resolved, That there be printed for the use of the Committee on Government Operations three thousand additional copies of part 2 of the hearings entitled "Planning-Programming-Budgeting" held by its Subcommittee on National Security and International Operations during the first session of the Ninetieth Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 963), explaining the purposes of the resolution.

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

Senate Resolution 213 would authorize the printing for the use of the Committee on Government Operations of 3,000 additional copies of part 2 of the hearings entitled "Planning-Programming-Budgeting" held by its Subcommittee on National Security and International Operations during the first session of the 90th Congress.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 1st 1,000 copies	$542.33
2,000 additional copies, at $115.99 per thousand	231.98
Total estimated cost, S. Res. 213	774.31

ADDITIONAL COPIES OF COMMITTEE PRINT

The resolution (S. Res. 217) authorizing the printing of additional copies of the committee print entitled "United States Foreign Aid in Action: A Case Study" was considered and agreed to, as follows:

S. RES. 217

Resolved, That there be printed for the use of the Committee on Government Operations one thousand additional copies of its committee print of the Eighty-ninth Congress, second session, entitled "United States Foreign Aid in Action: A Case Study," a study made by Senator Ernest Gruening for the Subcommittee on Foreign Aid Expenditures.

ADDITIONAL COPIES OF HEARINGS

The resolution (S. Res. 231) authorizing the printing of additional copies of hearings, part 2, entitled "Riots, Civil and Criminal Disorders" was considered and agreed to, as follows:

S. RES. 231

Resolved, That there be printed for the use of the Committee on Government Operations one thousand additional copies of part 2 of the hearings before its Permanent Subcommittee on Investigations during the Ninetieth Congress, first session, entitled "Riots, Civil and Criminal Disorders."

ADDITIONAL COPIES OF COMMITTEE PRINT

The resolution (S. Res. 246) authorizing the printing of additional copies of the committee print entitled "The National Airport System" was considered and agreed to, as follows:

S. RES. 246

Resolved, That there be printed for the use of the Committee on Commerce eighteen thousand additional copies of its committee print of the Ninetieth Congress, second session, entitled "The National Airport System", interim report of the Aviation Subcommittee of the Committee on Commerce, January 23, 1968.

AUTHORIZATION FOR PRINTING OF A SENATE DOCUMENT

The resolution (S. Res. 249) to print as a Senate document a report on "The Cost of Clean Water" was considered and agreed to, as follows:

S. RES. 249

Resolved, That there be printed as a Senate document the report of the Secretary of the Interior, entitled "The Cost of Clean Water", in compliance with the provisions of section 16(a), of the Federal Water Pollution Control Act, as amended (Public Law 89-234); and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

CHARLOTTE N. HORTON

The resolution (S. Res. 256) to pay a gratuity to Charlotte N. Horton was considered and agreed to, as follows:

S. RES. 256

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Charlotte N. Horton, widow of Ralph W. Horton, an employee of the Senate at the time of this death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

WILHELMINA SIMMS

The resolution (S. Res. 257) to pay a gratuity to Wilhelmina Simms was considered and agreed to, as follows:

S. RES. 257

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Wilhelmina Simms, widow of Perry F. Simms, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

WIRETAPPING AND ORGANIZED CRIME

Mr. HRUSKA. Mr. President, as a former assistant district attorney, a member of the original Wilkersham Crime Commission, and a member of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, the Senator from Pennsylvania [Mr. SCOTT] has had the opportunity both to witness crime and its manifold effects and to hear and study the enlightened views of this Nation's specialists on this most urgent problem.

Although this problem has many dimensions, I believe all would agree that one of the most insidious threats facing us is the ever-increasing power and activity of organized criminal conspiracies. In a recently published article in the winter 1968 edition of the Howard Law Journal, entitled "Wiretapping and Organized Crime," Senator SCOTT carefully analyzes the threat of organized crime, noting that its heaviest impact is often on persons who can least bear it—those in the inner city and in poverty.

After a thorough discussion of the legislative and judicial background of electronic surveillance as well as the policy questions involved, the Senator states that while we all desire to protect the rights of individual privacy, it is essential that we not lose sight of the public good. Recalling that the balancing of individual rights and privacy against the public good is a basic precept of civilized society, he concludes that law enforcement officials must be given the authority to use electronic surveillance devices in limited but appropriate circumstances under strict court order, supervision and control if an effective program is to be mounted against these widespread and ruthless criminal conspiracies.

Legislation to this end has been introduced both by the distinguished chairman of the Criminal Laws Subcommittee, Senator MCCLELLAN, and myself and has been incorporated into the crime control bill reported by that subcommittee to the full Judiciary Committee. Because of the timeliness and importance of this issue, I request unanimous consent that Senator SCOTT's article be printed in its entirety at this point in the RECORD.

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

[From the Howard Law Journal, winter 1968]

WIRETAPPING AND ORGANIZED CRIME

(By Senator HUGH SCOTT*)

One need make no lengthy study to realize that a major problem facing the Nation is the internal threat created by the increasing incidence of crime. As a result, our citizens cannot lead their lives free of the fear and disquieting atmosphere resulting from the existence and reports of crime.

On March 9th of this year, I spoke at length on this subject in an address on the floor of the Senate entitled "Crime in America." At that time I stated:

"The failure of our society today is its inability to maintain law and order. For what is the purpose of society if not to provide a setting in which citizens may lead productive lives, free of the fear that others are able to abridge their rights, injure, or kill them at will? A nation guided by law must be a nation protected by law.

"It is especially significant that in recent years, while the standard of living in the United States has increased—in economic growth, average income, educational levels, technological know-how—the rate of crime has not decreased. Today it is worse than ever.

"This is a shocking commentary on a 'justice gap.' A nation within reach of the moon cannot guarantee its citizens their safety of the streets." [1]

In this article, I will direct my remarks to the one aspect of this problem which represents the most insidious threat to the continued existence of American Society as we now know it—the threat of organized crime. These are not the spontaneous crimes of passion, or the thrill escapades of misled youth—but rather the planned activities of professional criminals who plot their exploits with the utmost care and precision. As stated in the report of the President's Commission on Law Enforcement and Administration of Justice:

"Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.

"The core of organized criminal activity is the supplying of illegal goods and services—gambling, loan sharking, narcotics, and other forms of vice—to countless numbers of citizen customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods—monopolization, terrorism, extortion, tax evasion—to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials." [2]

It should be patently clear that organized crime does not operate in a vacuum. We can ill afford to stand aside and shake our collective heads at the effects of such criminal activity, for in one way or another, every individual is affected when such activities are permitted to exist in our society.[3] Indeed, some are affected more harshly than others, with the primary victims of organized crime being the disadvantaged persons in our urban areas. For the most part, it is not the upper or middle class who are lured into the web of narcotics addiction, victimized by loan sharks, and the numbers racket, to name a few—it is the urban poor. Moreover, when illegal profits are extracted from the public, as described in the above-quoted passage, it stands to reason that the burden falls heaviest on those who can least shoulder it and have the least share in the advantages of our society.

I firmly believe that any so-called War on Crime that falls short of a total attack on the roots and infrastructure of organized crime is a limited war, being fought for an unrealistically limited objective, with no chance of success in its declared purpose. There is no sound basis for giving organized crime immunity from pursuit and prosecution. Moreover, no matter how well-intentioned and thoughtfully conceived and administered are our efforts to assist those caught-up in a cycle of poverty, no program will be successful unless the effects of organized crime on these very persons is neutralized. It is estimated that the revenue of nationwide crime syndicates reaches nine billion dollars a year.[4] Unfortunately, the heaviest burden of paying this tribute is on the poor in the big cities and far outweighs the benefits of the antipoverty programs.

However, the mere conviction and intent to mount an effective assault on organized crime will not suffice. The very nature of the criminal syndicate increases the difficulty of dismantling it. Due to the complex structures and intricate overlays of authority described above, law enforcement officials have a difficult time in reaching the high command of organized crime. Underlings "on errands" for the boss often come within the grasp of alert law enforcement officials, but they are the "expendables." They either do not know who their real boss is or are fearful of discussing such matters. Under these circumstances, law enforcement is stymied. The

---

* United States Senator, 1958—; Visiting Fellow, Balliol College, Oxford, England, for the Michaelmas Term, 1967; U.S. Congressman, 1942–1958; Assistant District Attorney (Philadelphia), 1926–1941; LL.B., University of Virginia, 1922.

[1] Congressional Record, vol. 113, pt. 5, pp. 5973–5976.

[2] President's Commission on Law Enforcement and Administration of Justice Report, The Challenge of Crime in a Free Society (1967).

[3] For a most interesting discussion of criminal syndicates, see Cressey. The Functions and Structure of Criminal Syndicates, Task Force on Organized Crime Report, Appendix A, at 25 (1967).

[4] Figures may be found in Congressional Record, vol. 113, pt. 16, p. 21759; quoted in Childs, Justice or Privacy or a Bit of Both, in Congressional Record, vol. 113, pt. 16, pp. 21759–21760, supra.

reluctance and fear of victims and witnesses do not ease the task.[5]

How then do you break into this core and get to the center of this cancer? How do you obtain the necessary evidence when an organization is dedicated to protecting its masters through a code of silence? What do you look for when almost all communication is by word of mouth, and there are no telltale records or memoranda of illicit enterprises? There can be no doubt as to the extent of the problem, the question is how to successfully combat it.

It is against this unique background that I turn to probably the most controversial means of obtaining evidence—the techniques referred to as "bugging" and "wiretapping."[6] There are those who say that these techniques are the only effective tools to fight such criminal activity. Others condemn these methods as a dangerous invasion of privacy. There are valid arguments on both sides. But there should be no doubt that the final decision on how to proceed in this area must be based on both the rights of individuals and the need to protect society, not on an emotional harangue which too often accompanies these electronic surveillance debates. It should also be noted that the present United States law on wiretapping and bugging is totally unsatisfactory. Neither the right of privacy nor enforcement of the law is adequately served.

Anyone who has ever attempted an intelligent discussion of wiretapping and bugging will undoubtedly find himself confronted with a major problem at the outset: the sinister connotations and fear of "Big Brother" and "1984" which has become attached to the very terms themselves due to amazing scientific developments in the field of electronic surveillance. If we could only devise a word to mean "scientific techniques to combat crime," I believe the issue would be placed in much clearer perspective, and discussion could proceed unhampered by the distorted images which are conjured up by the very terms themselves. On this point, an historical parallel comes to mind. In eighteenth century England, when crime pervaded the city of London and the surrounding highways in staggering amounts, attempts to establish a constabulary met fierce opposition. The reason? Englishmen feared the very name "police" as it was a French word connoting foreign tyranny.

In our system of criminal justice, the need to balance the competing interests of privacy and law enforcement occurs at a number of points. The decision as to whether to strike the balance must depend on the specific circumstances involved. Indeed, the concept of balance is not new and, by a reading of the United States Constitution, can be traced. The framers of the Bill of Rights did not establish the privacy of the individual in his person and effects as an absolute right, nor did they establish his home as an impenetrable sanctuary. Protection was only guaranteed against unreasonable—not every—search and seizure. Thus, institutions of law enforcement were afforded the privilege of search and seizure under carefully circumscribed criteria. This is the recognition of a basic precept of civilized society: there is a point at which individual privacy and rights yield to the public good.

The problem, as Pound has described it, is "one of compromise; of balancing conflicting interests and of securing as much as may be with the least sacrifice of other interests."[7] While the striking of this balance is difficult, the study of law and the responsibility of legislating hopefully enable us to arrive at a point of equilibrium. It is clear that before striking any meaningful balance, one must study the competing values and interests so that the problem may be viewed in the proper perspective, since, as Burke points out:

"For that which taken singly and viewed by itself may appear to be wrong when considered with relation to other things may be perfectly right—or at least such as ought to be patiently endured as the means of preventing something that is worse."[8]

It should be clear at the start: what is sought is not the forsaking of "the requirements of the fourth amendment in the name of law enforcement"[9]—but rather a consideration of what is necessary in the name of the survival of the freedoms and liberties constituting our concept of an orderly and safe society.

In a subsequent part of this article, I will discuss the manner in which appropriate legislation can meet the Constitutional guidelines set out in the *Berger case*[9a] in order to ensure that basic guarantees are not disregarded. The following discussion centers on the other half of the equation—the need for modern surveillance techniques if law enforcement institutions are to be able to successfully perform their sworn duty of protecting society.

New York County District Attorney Frank Hogan, whose office has made the most sophisticated use of the techniques under consideration, has stated:

"I believe, as repeatedly I have stated, that telephonic interception, pursuant to court order and under proper safeguards, is the single most valuable and effective weapon in the arsenal of law enforcement, particularly in the battle against organized crime.

It is an irreplaceable tool and, lacking it, we would find it infinitely more difficult, and in many instances impossible, to penetrate the wall behind which major criminal enterprises flourish."[10]

All members of the President's highly respected Commission on Law Enforcement and Administration of Justice agreed both on the difficulty of striking the balance between the benefits to law enforcement and the threat to privacy. They shared the view that the authority to employ electronic surveillance techniques, if granted, must be exercised with stringent limitations. But a majority of the members favored enacting legislation "granting carefully circumscribed authority for electronic surveillance to law enforcement officers to the extent it may be consistent with the decision of the Supreme Court in *Berger v. New York*."[11]

The Commission referred to a conclusion by the English Privy Councillors who studied Great Britain's twenty year experience in this area:

"The freedom of the individual is quite valueless if he can be made the victim of the law breaker. Every civilized society must have power to protect itself from wrongdoers. It must have power to arrest, search and imprison those who break the laws. If these powers are properly and wisely exercised, it may be thought that they are in themselves aids to the maintenance of the true freedom of the individual.

"We cannot think it to be wise or prudent or necessary to take away from the Police any weapon or to weaken any power they now possess in their fight against organized crime of this character. * * * If it be said that the number of cases where methods of interception are used is small and that an objectionable method could therefore well be abolished, we feel that . . . this is not a reason why criminals in this particular class of crime should be encouraged by the knowledge that they have nothing to fear from methods of interception. * * * This, in our opinion, so far from strengthening the liberty of the ordinary citizen, might very well have the opposite effect."[12]

Recently, District Attorney Hogan pointed out that no responsible critic of wiretapping—not even the Attorney General of the United States—has urged that it be abandoned in national security situations. District Attorney Hogan views this as a concession that wiretapping and electronic surveillance are vital weapons in the detection of elaborately organized criminal conspiracies.[13] Mr. Justice White, dissenting in *Berger*,[14] has phrased the same vital question:

"If the security of the National Government is a sufficient interest to render eavesdropping reasonable, on what tenable basis can a contrary conclusion be reached when a State asserts a purpose to prevent the corruption of its major officials, to protect the integrity of its fundamental processes, and to maintain itself as a viable institution?"[14a]

In response to those who see Big Brother running rampant, one should point out the practical considerations which rule out the arbitrary use of the wiretapping and electronic surveillance devices and which therefore reduce possible invasions of privacy to a minimum: difficulty of installation, "maintenance" of the equipment once installed, properly monitoring conversations and adequately covering "rendezvous" overheard through surveillance.[15] Thus, in view of the

---

[5] Two bills which I have joined in proposing should serve to better this situation. While it is presently a crime to obstruct a court proceeding, it is not a crime to obstruct an investigation. Thus, by successfully stifling the flow of information at the investigative level either through violence or the threat of violence, shadowy interested persons prevent the case from ever reaching the courtroom. S. 676, 90th Cong., 1st Sess. (1967) would make such obstruction a federal offense.

A witness immunity statute is also needed. Through the proper legislative framework and with the proper safeguards, this would enable the U.S. Attorney General to grant immunity from prosecution to a witness where that witness could provide testimony essential to the conviction of the accused. Used with the proper attitude and in the appropriate circumstances, S. 677, 90th Cong., 1st Sess. (1967) would provide a useful tool in the war on crime.

[6] This article deals exclusively with the need for wiretapping and electronic surveillance to combat organized crime. Though I do not discuss the questions of such surveillance by private and public individuals and related to such law enforcement purposes, I wish to make it perfectly clear that I believe there is no justification whatsoever for such activities and feel the Congress must act to flatly prohibit them. Such prohibitions are contained in S. 2050, 90th Cong., 1st Sess. (1967), discussed later in this article.

[7] Pound, Criminal Justice in the American City 18 (1922).

[8] Stanlis, Edmund Burke: Selected Writings and Speeches 318 (1963).

[9] Berger v. New York, 388 U.S. 41, 62 (1967). This decision will be discussed in detail later in this article.

[9a] Ibid.

[10] Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary, 90th Cong., 1st Sess. 1093 (1967) (hereafter cited as Senate Hearings). See District Attorney Hogan's statement before this Subcommittee, at 1104–11, for specific instances of the successful use of wiretapping and electronic surveillance in criminal cases. Mr. Hogan was primarily testifying on a proposed wiretapping statute, but later in his remarks he referred to the "powerful effectiveness" of electronic surveillance investigative activity. Senate Hearings, supra at 1109.

[11] Organized Crime Task Force Report, supra note 2a at 19.

[12] Before Subcomm. No. 5 of the House Comm. on the Judiciary, 90th Cong., 1st Sess., ser. 3, 1110, 1112–13 (1967). Hereafter cited as House Hearings.

[13] Senate Hearings, supra note 10 at 1111.

[14] Berger v. New York, supra note 9.

[14a] Id. at 116.

[15] See Task Force on Organized Crime Report, supra note 2a, Appendix C; Blakey, Aspects of the Evidence Gathering Process in

effort, time, and manpower required for the proper use of such modern surveillance techniques, these methods—far from being a substitute for good police legwork—are frequently a preliminary to a great deal of it.

Congressional concern and activity in the organized crime-surveillance area is somewhat recent, but a quick glance indicates that those who stress the role of partisan politics on this issue do not know their "legislative history." Following World War II, the Congress attempted to pass a wiretap bill on several occasions. However, the primary concern in the 1950's was subversive activities, and it was not until the 1960's that such legislation was envisioned as a means to combat crime. In 1961, the Kennedy Administration endorsed proposals for a wiretapping law authorizing federal agencies to tap in cases of national security, organized crime, and other serious crimes, placing no limits on State wiretapping.

In 1962, the Kennedy Administration sent a somewhat more restricted bill to Congress. It authorized federal wiretapping in cases of national security, organized crime, and other serious crime, i.e., narcotics violations, murder, kidnapping, extortion, bribery, interstate transportation in aid of racketeering, interstate communication of gambling information, and a conspiracy to commit any of the foregoing. It limited State wiretapping to certain serious crimes and outlawed all other wiretapping. Congress took no action on the proposal. The Kennedy Administration recommended passage of similar legislation in 1963, but again Congress took no action.

In 1965, 1966, and 1967, several bills [16] on wiretapping and eavesdropping were introduced in both the House and the Senate, but the administration of President Johnson has not endorsed any that would extend wiretapping and/or electronic surveillance to organized criminal activities. In fact, by Executive Order [17] promulgated in July 1965. President Johnson ordered all federal agencies except the Justice Department to cease wiretapping. The Presidential order permitted the Justice Department to continue to tap wires only in cases of national security, but prior approval of the Attorney General was necessary.

Before discussing in detail the pending legislation in this area, I believe a brief analysis of the existing statutory law on wiretapping and eavesdropping and a summary of major court decisions on the use of these techniques is in order.

The basic statutory law on wiretapping is found in the Federal Communications Act of 1934 [18] which created the Federal Communications Commission and vested it with jurisdiction over radio, telegraph, and telephone communications. Section 605, dealing with interception of messages, reads in part: "no person not being authorized by the sender shall intercept any communication and divulge or publish the . . . contents . . . of such intercepted communication to any person." In construing Section 605, the Supreme Court has read the statutory prohibitions to apply to both interstate and intrastate telephone wires; [19] and has held that "no person" includes state and federal law enforcement officials; [20] and the barring of "divulgence" renders wiretap evidence inadmissible in federal courts.[21] The court has also excluded the fruits of wiretap enforcement official who introduces wiretap evidence in state proceedings technically commits a federal crime, the Court has held that suppression of the evidenec is not required by the statute.[23]

A 1941 statement [24] by Attorney General Jackson to the House Judiciary Committee advanced an interpretation of Section 605 on which federal agencies have since relied. By construing the phrase "intercept . . . and divulge" as an inseparable unit, Jackson's interpretation rendered wiretapping itself permissible. He also stated that the Federal Bureau of Investigation was a "person" under Section 605 in order to conclude that the interdepartmental sharing of information among FBI personnel would not constitute a "divulgence" in the sense prohibited by the statute.

Testifying on this issue, former Attorney General Nicholas deB. Katzenbach stated.

"I agree with my predecessor that the present law regarding wiretapping is intolerable. In fact, I would go so far as to state that it would be difficult to devise a law more totally unsatisfactory in its consequences than that which has evolved from Section 605.

"First, it adequately protects the privacy of no one. To prosecute successfully, the Government now must prove both interception and disclosure. Under these circumstances there is a good deal of illicit wiretapping. . . .

"Second, under present law, use of wiretapping for potentially justifiable prosecutive purposes is impossible. A number of State laws authorize wiretapping by police officials under certain circumstances and procedures. But the Federal law has been interpreted by the courts to prevent the use of this information in a criminal prosecution.

"I think there is general agreement that the President should be permitted to authorize wiretapping for national security purposes so long as this procedure is strictly controlled; wiretapping should not be permitted by private individuals and the law should be strengthened to insure that such abuses do not take place; if wiretapping is to be permitted at all, it should be done by law-enforcement officials, under strict controls." [25]

The present law gives us the worst of all possible solutions. . . .

Congress has never enacted legislation explicitly dealing with electronic eavesdropping. The Federal Communications Commission has recently banned the use of radio transmitting microphones for eavesdropping purposes without the consent of both parties to the conversation, but this ban does not apply to "operations of any law enforcement officers conducted under lawful authority." [26] The Attorney General has recently issued a Memorandum to Heads of Executive Departments and Agencies prohibiting the "use of mechanical or electronic devices by federal personnel to overhear or record non-telephone conversations involving a violation of the Constitution or a statute." [27]

Let us now take a closer look at judicial activity in this area. In 1928 (therefore, pre-Section 605) the Supreme Court ruled in *Olmstead v. United States*,[28] that evidence obtained by wiretapping defendant's telephone at a point outside defendant's premises was admissible in a federal criminal prosecution. The Court found no unconstitutional search and seizure under the fourth amendment because words as intangibles cannot be "seized" and because the tapping of wires at a place removed from the defendant's house is not a "search" (physical intrusion or trespass of a constitutionally protected area) within the Amendment.

In *Goldman v. United States* [29] the Court extended the theory of *Olmstead* to bugging in a case involving a detectaphone, i.e., a telephonic apparatus with an attached microphone transmitter. This decision was followed by *Silverman v. United States* [30] where the Court held that the use of bugging equipment that involved an unauthorized physical entry into a constitutionally protected private area without the consent of one of the parties violated the fourth amendment and rendered evidence so obtained inadmissible. This case concerned a spiked microphone that had penetrated the party wall to a heating duct in defendant's house. In *Wong Sun v. United States* [31] the Court specifically stated that under the fourth amendment verbal evidence, as well as the more common tangible evidence, may be the fruit of official illegality: "It follows from our holding in *Silverman v. United States*, 365 U.S. 505, that the fourth amendment protects against the overhearing of verbal statements as well as against the more traditional seizure of 'papers and effects' ". If one of the parties consents, no constitutional issues are presented, no matter where the interception takes place.[32]

The fifth amendment as such places no ban on the use of electronic surveillance devices.[33] The fourteenth amendment applies to state action the same limitations imposed upon federal action found in the fourth amendment.[34]

Thus, upon a reading of the preceding cases, the law could be stated as: wiretapping or eavesdropping in the absence of physical intrusion of a constitutionally protected area does not violate the Constitution.

This brings us to one very recent Supreme Court decision in this area, *Berger v. New York*.[35] That decision reversed 6–3 a state conviction for conspiracy to bribe based on a court-ordered eavesdrop. The Court held that a search that would otherwise be unconstitutional because of the element of physical trespass into a constitutionally protected area is not validated by a court order pursu-

---

Organized Crime Cases, at 92; and Senate Hearings, supra note 10, testimony of District Attorney Hogan, at 1101–02.

[16] For a comparison of two representative bills introduced in the Senate, see Appendix.

[17] See Senate Hearings, supra note 10 at 922, Memorandum of Attorney General, I.A.; and statement of Attorney General Ramsey Clark voicing the Department of Justice's opposition to court-controlled wiretapping legislation, Senate Hearings, supra note 10 at 82.

[18] 48 Stat. 1064 (1934), 47 U.S.C. 151–609 (1964).

[19] Nardone v. United States, 302 U.S. 379 (1937); Weiss v. United States, 308 U.S. 321 (1939).

[20] Nardone v. United States, supra note 19; Benanti v. United States, 355 U.S. 96 (1957).

[21] Nardone v. United States, supra note 19.

[23] Schwartz v. Texas, 344 U.S. 199 (1952).

[24] Statement of Attorney General Robert L. Jackson, Hearings on H.R. 2266 and H.R. 3099 before Subcomm. No. 1 of the House Comm. on the Judiciary, 77th Cong., 1st Sess. 18 (1941).

[25] Hearings on S. 2189 Before the Subcomm. on Crimnal Laws and Procedures of the Senate Comm. on the Judiciary, 89th Cong., 2d Sess. 34 (1966). See also statement of Attorney General Clark, Senate Hearings, supra note 10 at 82.

[26] 31 Fed. Reg. 3400 (1966), amending 47 C.F.R. 15.11 (1966).

[27] See Attorney General's Memorandum to the Heads of Executive Departments and Agencies Concerning Wiretapping and Electronic Eavesdropping (June 16, 1967), reprinted in Senate Hearings, supra note 10 at 922–24.

[28] Olmstead v. United States, 277 U.S. 438 (1928).

[29] Goldman v. United States, 316 U.S. 129 (1942).

[30] Silverman v. United States, 365 U.S. 505 (1961).

[31] Wong Sun v. United States, 371 U.S. 471, 485 (1963).

[32] Osborn v. United States, 385 U.S. 323 (1966) (recorder); Lopez v. United States, 373 U.S. 427 (1963) (recorder).

[33] Hoffa v. United States, 385 U.S. 323 (1966) (admission overheard by informer, like result); Olmstead v. United States, supra note 28.

[34] Nardone v. United States, 308 U.S. 338 (1939).

[35] Berger v. New York, supra note 9.

ant to a statute [36] which "on its face" failed to meet certain standards required by the fourth amendment to the Constitution. Thus this opinion partially negates *Olmstead* by finding that conversations are within the fourth amendment and the use of electronic surveillance devices to "capture" them is a search. But the Court did not specifically negate *Olmstead's* other ground, i.e., where oral evidence is acquired by electronic devices which do not physically penetrate a constitutionally protected area, the fourth amendment does not govern.[37]

As discussed below, the *Berger* decision is an invitation to Congress to enact appropriately circumscribed wiretapping and electronic surveillance legislation.[38] An examination of the points stressed by the Court should reveal the basis for this outlook.

The Court found the statute did not require sufficient particularity in the orders concerning the place to be searched, the person's conversations to be overheard, and the expected nature of the conversations and the times at which they will be heard. Significantly, as will be seen below, the Court indicated that a statute meeting these standards would meet Constitutional requirements.

Mr. Justice Clark for the majority stated that the absence of particularization in the statute as to offenses to which it applied and descriptions as to the type of conversations to be overheard gave the officer executing the order a roving commission. While specific words of a future conversation are hardly predictable and therefore difficult to describe with particularity, such particularity ought not to be required. The test under the fourteenth amendment has been sufficient particularly in terms of the subject matter. Thus, where a search warrant may issue to seize equipment used in illegal off-track betting, a surveillance order could issue where the conversation may be described as the placing and receipt of bets on horseracing between suspected persons at a specified location.

The opinion then considered the statute's authorization of a two-month period of continuous surveillance, characterizing this grant as a "series of intrusions, searches, and seizures pursuant to a single showing of probable cause." [39] Thus, the period of the authority to wiretap or eavesdrop must be carefully considered and the standard is that no greater invasion of privacy can be permitted than is necessary under the circumstances.[40]

Moreover, the Court found that the statute apparently permitted surveillance to continue for the duration of the statutory period in spite of the fact that the objective for which the order had been sought may have been realized. A provision for self-termination on the eavesdrop once the conversation sought is seized—shutting down the "plant"—would meet this objection. Language to the effect that extensions of the order could be obtained only upon a showing of present probable cause for continuance would meet the Court's objections to the statutory scheme whereby extensions could be obtained solely on a showing that it was in the "public interest," with no probable cause showing required.

Mr. Justice Clark then discussed the issue of notice. Noting that the success of the electronic surveillance warrant by its nature depends on the absence of notice, he found the statute had no requirement for notice as to conventional warrants nor did it overcome this defect by "requiring some showing of special facts" or "exigent circumstances." [41] But there is precedent for the showing of *such "special facts." Ker v. California* [42] sustained unannounced entry to arrest and to search where reasonable fear existed that an announced entry might lead to the destruction of evidence otherwise lawfully subject to seizure. Specific language conditioning the granting of an electronic surveillance order on a showing that "normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried," would appear to meet this objection.

Mr. Clark's objections that the statute did not require a return on the warrant—a report by the executing officer to the issuing Court on the results of the interception—does not create any legislative difficulties.

Where does this all leave us? On this point, I would quote Mr. Clark's remarks at page 21 of *Berger* in reference to the opinion of the dissenters that no warrant or statute could be drawn to meet the majority's requirements:

"If that be true then the 'fruits' of eavesdropping devices are barred under the [Fourth] Amendment. On the other hand this Court has in the past, under specific conditions and circumstances, sustained the use of eavesdropping devices. . . . The Fourth Amendment does not make the 'precincts of the home or office . . . sanctuaries where the law can never reach,' . . . but it does prescribe a constitutional standard that must be met before official invasion is permissible." [43]

In *Berger* the Court held the statute did not meet the Constitutional standard. But I do not read this case as making the pursuit of such a constitutionally-drawn statute fruitless. Rather, I read this case as an invitation to the Congress to work its legislative will on the difficult problem of drafting a just, effective and comprehensive wiretapping and electronic surveillance statute.

On June 29th, 1967, Senator Roman Hruska, introduced the "Electronic Surveillance Control Act of 1967" [44] which authorized electronic surveillance (eavesdropping and wiretapping) by duly authorized law enforcement officials under court order procedures. This legislation prohibited the private utilization of wiretapping and bugging.

Of utmost importance is that this bill is the only surveillance legislation pending before the Congress which was drafted post-*Berger* and with that decision specifically in mind. Others have also been active in this area—most notably the Chairman of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, Senator John L. McClellan, who has a long history of concern and activity in combating the threat of organized crime in our society. But, as was stated at the time of introduction of S. 2050, every effort was made to respond to the criteria the Court set forth in *Berger* and to develop a proposal which would fully comply.

While I feel a natural reluctance to authorize the overhearing of private conversations, even where there is the possibility that evidence concerning criminal activity may be uncovered, I must admit some doubt as to whether any wiretapping legislation should prevent the use of this weapon in society's struggle against organized crime—especially in view of the unique evidence-gathering problems in this area. The impact of the Crime Commission Reports, revealing testimony before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, on which I serve, and discussions with persons interested and concerned with all aspects of the criminal justice system lead me to believe that if such organized criminal activity is permitted continued immunity while it infests all of our lives, it may well destroy the viability and organization of our system. At the least, I am afraid I may have been wrong to believe that society does not need this weapon in its struggle against organized crime.

It is for these reasons that I have decided to co-sponsor S. 2050, the Electronic Surveillance Control Act of 1967, introduced by Senator Hruska. This legislation has the following major provisions:

1. Private utilization of wiretapping and bugging would be flatly prohibited.

2. Federal authorities would be authorized upon the obtaining of federal court orders pursuant to application of the appropriate U.S. Attorney, to conduct carefully circumscribed and strictly controlled electronic surveillance in investigation of specified crimes involving national security and serious criminal offenses.

3. At the state level, electronic surveillance would be authorized pursuant to state statute and upon order of a court of general jurisdiction.

4. An elaborate system of checks and safeguards would be established whereby criminal and civil remedies would be available to prevent abuses and unauthorized surveillance by public officials and private persons.

I believe that this legislation can provide our law enforcement authorities a useful tool in their investigations of organized crime while not unduly disturbing the privacy of the ordinary, law-abiding citizen.

In short, the advantages to society of this legislation outweigh its disadvantages. If flaws appear in its administration, they can—and must—be corrected. In the hope of encouraging continued discussion on this important question and also of having such discussions shed light rather than heat, I conclude this article by (1) listing what appears to be the basic legislative criteria set out in *Berger* [45] followed by (2) a comparison submitted to me of two pending surveillance bills, one pre-*Berger* and the other post-*Berger*.

1. There must be a neutral and detached authority interposed between the police and the public; that is, orders for interception of communications falling within the privilege of the fourth amendment must be issued upon the order of an impartial judge of competent jurisdiction.

2. Probable cause must exist where the facts and circumstances within the knowledge of the official requesting the order (warrant) and of which he has reasonably trustworthy information, are sufficient unto themselves to warrant a man of reasonable caution to believe that an offense has been or is being committed.

3. The warrant must particularly describe the place to be searched and the persons or things to be seized.

4. The specific crime which has been or is being committed must be identified.

---

[36] N.Y. Code Criminal Procedure, Section 813–a, as amended L. 1958, c. 676, effective July 1, 1958.

[37] To the effect that while wiretapping therefore remains outside the 4th amendment, it would be prudent to consider Berger v. New York, supra note 9, in drafting such legislation, see statement of District Attorney Frank Hogan in Senate Hearings, supra note 10 at 1112. See also, Berger v. New York, supra note 9, Justice Douglas's dissent, at 64, to the effect that the decision completely overrules sub silentio Olmstead v. United States, supra note 28; and letter from Professor Kent Greenwalt, Judicature, Volume 51, Number 1, June–July 197 at p. 29; and statement of G. Robert Blakey in Senate Hearings at p. 934.

[38] On this point, see the excellent statements of District Attorney Frank Hogan and Professor G. Robert Blakey in Senate Hearings at p. 1092 and p. 932, respectively.

[39] Berger v. New York, supra note 9 at 59.

[40] See, Berger v. New York, supra note 9 at 56–58, for a discussion of Osborn v. United States, 385 U.S. 323 (1966).

[41] Berger v. New York, supra note 9 at 60.

[42] Ker v. California, 374 U.S. 23 (1963).

[43] Berger v. New York, supra note 9 at 63–64.

[44] S. 2050, 90th Cong., 1st Sess. (1967).

[45] See Speech of Senator Roman Hruska, 113 Cong. Rec. S. 9145 (daily ed. June 29, 1967).

5. Precise and discriminate procedures must be spelled out for issuance of the order.

6. The order must relate to specific conversations sought so as to be construed to give authority for a general warrant.

7. Prompt extension of the warrant must be accomplished.

8. There must be probable cause for the continuation of the order.

9. There must be a termination date for the order once the conversation sought is obtained.

10. There must be a requirement for notice—apparently within a reasonable time—to the person against whom the order has been issued.

11. There must be a provision for a return on the order.

I welcome the comments, recommendations, criticism, and assistance of law enforcement and criminal justice personnel, the bar, bench, educators, interested citizens, aspiring law students and all who would work actively to formulate a concrete and reasonable approach to a major problem facing this Nation.* We can ill afford to shirk this responsibility. The need for action could not be clearer.

*Ed. Note. Shortly before the publication of this article, the Supreme Court held that the fourth amendment bars the admission of evidence obtained by an electronic eavesdropping device placed by FBI agents, without a search warrant, on top of a public telephone booth, even though no trespass occurred. Katz v. United States, 36 LW 4080 (December 18, 1967).

APPENDIX

COMPARISON OF THE TWO BILLS WHICH HAVE BEEN INTRODUCED RE WIRETAPPING AND EAVESDROPPING

S. 675 SENATOR M'CLELLAN'S BILL, FEDERAL WIRE INTERCEPTION ACT [Pre-Berger]	S. 2050 SENATOR HRUSKA'S BILL, ELECTRONIC SURVEILLANCE CONTROL ACT [Post-Berger]
Prohibition	
Prohibits wire interception to overhear private conversations without consent of one of the parties to the conversation.	Same plus prohibits eavesdropping also (electronic devices).
Exemption	
Exempts routine activities of employees of a communications carrier or FCC.	Same.
Penalty	
Makes interception, disclosure, use or attempts at such unlawful except where authorized under Act; penalty for violation re this is $10,000 and/or 2 years.	Same as McClellan but penalty is $10,000 and/or 2 years.
Use as evidence	
Any information obtained in violation of this Act is inadmissible in evidence.	Same as McClellan.
Manufacturing equipment	
	Bans manufacture, shipment, advertising of devices useful for eavesdropping and wiretapping. Exempts from those provisions (with the exception of advertising) common carriers in the normal course of business and federal, state or local governments or persons under contract with such units of government. Penalty for violation is $10,000 and/or 5 years.
Seizure	
	Authorizes seizure and forfeiture of any device used, shipped, or manufactured in violation of this Act.
National security	
Excludes the application of this Act to the "President taking such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power or to protect the national security information against foreign intelligence activities". No information obtained under this power shall be used in any judicial or administrative proceeding.	Same as McClellan Bill but the information so obtained may be received in evidence—but only where the interception was reasonable.
Leave to intercept—Federal Government	
Permits Attorney General to authorize any federal law enforcement agency to apply to a federal judge for leave to intercept, and authorizes such judge to grant leave to intercept wire communications when such interception may provide evidence of certain serious felonies, to wit: Any offense punishable by death or imprisonment for more than one year and concerning violations of the Atomic Energy Act, espionage, sabotage, or treason; Any offense involving murder, kidnapping, or extortion which is punishable under Title 18 of the United States Code; Any offense involving the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, or marihuana punishable under laws of the U.S.; Any conspiracy to commit any of the foregoing acts.	Same as McClellan Bill, but the leave to intercept is for *eavesdropping* as well as wiretapping. The felonies concerned are (1) all the crimes listed in the McClellan Bill, plus (2) offenses relating to sports bribery, obstruction of justice, injury to the President, and welfare fund bribery.
Leave to intercept—State Government	
Permits Attorney General of a State or the principal prosecuting attorney for any political subdivision thereof, to make application to State court judge of competent jurisdiction for leave to intercept wire communications within the State when such action may provide evidence of *any crime* or any conspiracy to commit crime as to which the interception is authorized by the law of that State.	Same as McClellan Bill, but such interception is limited to those cases where evidence of the following specific offenses may be provided: murder, kidnapping, gambling (if punishable as a felony), bribery, extortion or dealing in narcotic drugs or marihuana or any conspiracy involving the foregoing offenses.
Use of information by law enforcement officers	
Permits any investigative or law enforcement officer who has obtained knowledge of the contents of a wire communication in accordance with this Act to use or disclose such to another officer to the extent necessary for the proper performance of official duties. Also makes disclosure while giving testimony permissible where knowledge gained in accordance with this Act.	Same as McClellan, but concerns evidence derived from the intercepted communication as well as the communication. Intercepted information, gained in accordance with this Act, otherwise may be disclosed only upon a showing of good cause before a judge with authority to authorize such interception.

APPENDIX—Continued

COMPARISON OF THE TWO BILLS WHICH HAVE BEEN INTRODUCED RE WIRETAPPING AND EAVESDROPPING—Continued

S. 675 SENATOR M'CLELLAN'S BILL, FEDERAL WIRE INTERCEPTION ACT [Pre-Berger]	S. 2050 SENATOR HRUSKA'S BILL, ELECTRONIC SURVEILLANCE CONTROL ACT [Post-Berger]
Contents of application	
Each application for leave to intercept shall be made in writing upon oath or affirmation, and shall state the applicant's authority to make such (Federal or state statute). Each application shall include the following information: Full and complete statement of the facts and circumstances relied upon by the applicant; The nature and location of the communications facilities involved; A full and complete statement of the facts concerning all previous applications, known to the individual authorizing the application, made to any judge for leave to intercept wire communications involving the same communication facilities, or any of them, or involving any person named in the application as committing, having committed, or being about to commit an offense, and the action taken by the judge on each such application. The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.	Same as McClellan Bill, plus application must include: identity of the person authorizing it and the number of outstanding authorizations based on grounds similar to those in the present application.
Grounds for issuance	
Judge may enter an ex parte order granting leave to intercept if the judge determines on the basis of the facts submitted by the applicant that there is probable cause for belief that: (1) An offense for which such an application may be filed under this Act is being, has been, or is about to be committed. (2) Facts concerning that offense may be obtained through such interception. (3) No other means are readily available for obtaining that information. (4) The facilities from which communications are to be intercepted are being used or about to be used in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by a person who has committed, is committing, or is about to commit such offense.	Same as McClellan, with the exception that (3) reads as follows: (3) Normal investigative procedures have been tried and have failed or reasonably appear unlikely to succeed if tried. NOTE.—No probable cause test.
Public telephone	
	No public telephone may be intercepted, unless in addition to satisfying all the foregoing requirements, the judge also determines that: the interception will be conducted in such a way to minimize or eliminate intercepting communications of other users of the facility and there is a special need to authorize such interception.
Privileged communications	
	Conversations between husband and wife, doctor-patient, lawyer-client, or clergyman-confidant, may not be intercepted unless in addition to satisfying all the foregoing requirements, the judge also determines that: the interception will be conducted in a way that minimizes or eliminates intercepting "privileged communications" and there is a special need to authorize such interception. No privileged communication intercepted shall be disclosed or used other than as *it is necessary* in the authorized disclosure or use of an intercepted communication under this Act.
Contents of order	
Each order granting leave to intercept shall specify: The nature and location of the communications facilities as to which leave to intercept is granted Each offense as to which information is to be sought The identity of the agency authorized to intercept The period of time during which such interception is authorized No order granted may permit wiretapping for more than 45 days. Extensions may be granted for not more than 20 days each upon further application made in conformity with the above requirements and the necessary findings by the court.	Same as McClellan Bill.
Emergency situations	
	Law enforcement officials may temporarily waive the formal requirements for authorization so long as the emergency situation requires such a waiver such authorization would be available absent the waiver Formal application must be made within 48 hours after the emergency interception. If the application is denied, no information obtained may be used or disclosed and the person whose conversation was intercepted must be notified of the interception.
Precautions for accuracy	
Applications made to a court and orders granted by a court shall be sealed by the court, not to be made public except in accordance with the Act or by court order.	Information obtained by interception shall be sealed & recorded by the authorizing judge and retained for a period of 10 years. Unless under seal (or no satisfactory explanation of its absence) the information contained in such recording may not be used in any court or other proceeding. Applications for interceptions must also be sealed by the judge and retained for at least 10 years.

APPENDIX—Continued

COMPARISON OF THE TWO BILLS WHICH HAVE BEEN INTRODUCED RE WIRETAPPING AND EAVESDROPPING—Continued

S. 675 SENATOR M'CLELLAN'S BILL, FEDERAL WIRE INTERCEPTION ACT [Pre-Berger]	S. 2050 SENATOR HRUSKA'S BILL, ELECTRONIC SURVEILLANCE CONTROL ACT [Post-Berger]
Copy to defendant	
The contents of a wire interception shall not be received in evidence or otherwishe disclosed in any criminal proceeding in a federal court unless each defendant is furnished a copy of the authorizing court order not less than 10 days before trial.	Same as McClellan Bill, but the information from the interception cannot be used in *State court* as well as in federal court if defendant is not given notice.
Motion to suppress	
Any *defendant in a criminal trial in federal court* may move to suppress the use as evidence of any intercepted communication on the ground that: (1) Communication was unlawfully intercepted. (2) The authorization for interception is insufficient on its face. (3) There was no probable cause for believing the existence of the grounds on which the order was issued. (4) The interception was not made in conformity with the authorization. If the motion to suppress is granted, the evidence is inadmissible in any court or proceeding. Disclosure of the contents of the communication could result in criminal penalties depending on the law of libel and slander in the jurisdiction in question.	Same as McClellan, *but* "any *aggrieved person*" (a person who is the direct or indirect object of the interception) may move to suppress in *any trial, hearing, or proceeding.* NOTE.—Though the Hruska bill only contains (1), (2) and (4) as grounds for suppression and therefore not the *probable cause* test of (3), Senator Hruska's man says that the probable cause test is implied in (1). Same as McClellan Bill plus the possibility of civil damages (again depending on the law of the jurisdiction as to libel; what is publication; etc.) U.S. given right to appeal suppression order.
Reports concerning intercepted communications	
Within 30 days of the expiration of any order granting leave to intercept, the judge shall transmit to the Administrative Office of U.S. Courts and the Attorney General a copy of the order extensions, and the application(s) made therefor. Within 30 days of a denial of an application or extension, the judge shall transmit a copy of the application to the same parties. Each March, the Administrative Office shall transmit to Congress a report concerning the number (#) of applications made, granted, and denied during the preceding year. Such Report shall state: (1) Number of applications made by each federal agency and the number of orders granting or denying such (2) Number of applications made to, and granted and denied by, each federal or state court (3) Number of applications made, granted, and denied with respect to each category of criminal offense enumerated in the Act (4) Number of applications made, granted, and denied within each state and political subdivision with respect to each category of criminal offense.	Similar to McClellan Bill, plus some information which goes to the issue of the effectiveness of the interceptions and an accounting of the deposition of motions to suppress.
Witness immunity	
	Permits U.S. Attorneys to seek immunity from prosecution for witnesses in cases involving violations of this Act.
Recovery of civil damages	
	An individual whose communication is intercepted, disclosed or used in violation of this Act, is given (1) a civil cause of action against the person making the interception, disclosure or use and (2) is entitled to recover— (A) Actual damages but not less than liquidated damages computed at the rate of $100 for each day of violation or $1,000, whichever is higher; (B) Punitive damages. (C) Reasonable attorneys fees and litigation costs. A good faith reliance on an interception order issued by a judge pursuant to this Act shall constitute a complete defense to an action under this section.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting pursuant to law, that the "Limitation on salaries and expenses, Railroad Retirement Board," for the fiscal year 1968 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Civil Service Commission for "Annuities under special acts," for the fiscal year 1968, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriations; to the Committee on Appropriations.

REPORT ON REPROGRAMING OF PROJECTS AT SCOTT AIR FORCE BASE, ILL.

A letter from the Deputy Assistant Secretary of Defense, Properties and Installations, transmitting, pursuant to law, a report on the Air Force Reserve construction program; reprograming of projects at Scott Air Force Base, Ill., within lump sum authorizations (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Assistant Secretary of the Army, Research and Development, transmitting, pursuant to law, a report on Department of Army Research and Development contracts (with an accompanying report); to the Committee on Armed Services.

TYPOGRAPHICAL CORRECTIONS IN SCHEDULE OF EXPIRING LICENSES, FEDERAL POWER COMMISSION

A letter from the Secretary, Federal Power Commission, transmitting two typographical corrections which should be made in the schedule of expiring licenses for non-Federal hydroelectric projects having an installed capacity of not more than 2,000 horsepower, which was transmitted to the Congress with the Commission's letter of January 23, 1968; to the Committee on Commerce.

PROPOSED LEGISLATION ON FISH PROTEIN CONCENTRATE

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate (with an accom-

panying paper and document); to the Committee on Commerce.

STATISTICS OF PUBLICLY OWNED ELECTRIC UTILITIES IN THE UNITED STATES, 1966

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of "Statistics of Publicly Owned Electric Utilities in the United States, 1966" (with an accompanying document); to the Committee on Commerce.

REPORT OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Chairman, District of Columbia Armory Board, transmitting, pursuant to law, the 10th annual report and financial statements of the Board's operation of the District of Columbia Stadium and the 20th annual report and financial statements of the Board's operation of the District of Columbia National Guard Armory for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, Office of Administrator of Veterans Affairs, transmitting, pursuant to law, a report of the activities of the Administration for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Finance.

PROPOSED AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

A letter from the Administrator, Agency for International Development, Department of State, transmitting a draft of proposed legislation to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Bureau of Engraving and Printing fund, fiscal years 1966–67, Treasury Department, dated February 12, 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements for the fiscal year 1966, Federal Housing Administration, Department of Housing and Urban Development, dated February 12, 1968 (with an accompanying report); to the Committee on Government Operations.

ANNUAL REPORT UNDER THE LEAD AND ZINC MINING STABILIZATION PROGRAM

A letter from the Secretary of the Interior, transmitting, pursuant to law, the sixth annual report under the lead and zinc mining stabilization program, for the year ended December 31, 1967 (with an accompanying report); to the Committee on Interior and Insular Affairs.

CLAIMS SETTLED BY GSA UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a statement of claims settled during the fiscal year ended June 30, 1967, by the Administration under the Military Personnel and Civilian Employees' Claims Act of 1964 (with an accompanying paper); to the Committee on the Judiciary.

PROPOSED INTERSTATE AGREEMENT ON DETAINERS

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to enact the Interstate Agreement on Detainers into law (with an accompanying paper); to the Committee on the Judiciary.

PROPOSED DANGEROUS DRUG PENALTY AMENDMENTS OF 1968

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act by increasing the penalties for illegal manufacture and traffic in hallucinogenic drugs (including LSD) and other depressant and stimulant drugs, including possession of such drugs for sale or other disposal to another, and by making it a misdemeanor to possess any such drug for one's own use except when prescribed or furnished by a licensed practitioner, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

ALCOHOLIC AND NARCOTIC ADDICT REHABILITATION AMENDMENTS OF 1968

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Community Mental Health Centers Act to make provision for specialized facilities for alcoholics and narcotic addicts, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF FEDERAL BUREAU OF INVESTIGATION POSITIONS IN GRADES 16, 17, AND 18

A letter from the Director, Bureau of Investigation, Department of Justice, transmitting, pursuant to law, a report with respect to positions in the Federal Bureau of Investigation in grades 16, 17, and 18 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON AIR POLLUTION BY FEDERAL FACILITIES

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report on measures being taken to control the emission of air pollutants from Federal facilities (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"HOUSE CONCURRENT RESOLUTION 5

"Concurrent resolution memorializing the Congress and the President of the United States to review and enact legislation to modify the new federal meat inspection act and the slaughterhouse equipment regulations of the U.S. Department of Agriculture so as not to drive the independent slaughterhouses and meat packing plants out of business

"Whereas, twenty-nine states have, on their own accord, adopted compulsory state meat inspection programs, and twelve other states, including South Dakota, have such programs on a voluntary basis; and

"Whereas, in South Dakota a total of approximately ninety (90) meat slaughterhouses, locker plants and packing plants have served the people of this state on the whole, with clean, wholesome meat subject to purity standards enforcement by the South Dakota Department of Agriculture; and

"Whereas, the quality will be improved further by the new compulsory state meat inspection program; and

"Whereas, many of these plants, operated in a clean manner by any reasonable standards, are nevertheless small plants which cannot economically continue to operate if forced to comply to present federal slaughterhouse equipment standards promulgated by the U.S. Department of Agriculture; and

"Whereas, this legislative body is in full accord with the provisions regarding the inspection of meat as to purity and cleanliness;

"Whereas, this legislative body opposes the application of the present U.S.D.A. standards for construction and equipment to the small intrastate slaughtering and processing plants; and

"Whereas, the construction and equipment standards for intrastate slaughter and processing plants should be left under state jurisdiction:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-third Legislature of the state of South Dakota, the Senate concurring therein, that the President and the Congress of the United States of America be, and the same is hereby, respectfully, requested to give due consideration to instructing the U.S. Department of Agriculture to adjust its regulations so as not to drive the independent slaughterhouses and meat packing plants out of business and until then to withhold authority to enforce the new meat inspection act; and

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the Offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Senate of the United States, the members of the Congressional delegation of the state of South Dakota, and the Secretary of the Department of Agriculture of the United States; and

"Be it further resolved, that the South Dakota Legislature hereby urges the members of the Congressional Delegation from South Dakota to take immediate steps toward the development of an act amending the meat inspection program as now enacted into law, so as to have the question of equipment and inspection procedure standards resolved by state law.

"Adopted by the House of Representatives January 22, 1968.

"Concurred in by the Senate February 1, 1968.

"JAMES D. JELBERT,
"Speaker of the House.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"LEM OVERPECK,
"President of the Senate.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Public Works:

"HOUSE CONCURRENT RESOLUTION 4

"Concurrent resolution memorializing the Congress of the United States to authorize the State Highway Commission to increase the gross axle weight permitted for farm to market vehicles using the Federal Aid Highway

"Whereas, the present Federal Aid Highways Act of 1956 limits the load weight of vehicles to 18,000 pounds on any single axle and 32,000 pounds on any tandem axle traveling on Federal Aid Highways; and

"Whereas, the ability to get farm crops from the harvest field to market in the most expeditious manner possible is imperative to efficient farming operations; and

"Whereas, the time consumed in getting farm crops to the market is greatly increased by the present load limit restrictions; and,

"Whereas, the transportation of other commodities is impeded by the existing restriction on load limits on the Federal Aid Highways.

"Now, therefore, be it resolved, that the House of Representatives of the Forty-third Session of the Legislature of South Dakota, that Senate concurring therein, respectfully urge the Congress of the United States to take whatever action might be necessary and appropriate to authorize the Highway Commissions of the states discretionary power to designate load limits of 20,000 pounds on any single axle and 36,000 pounds on any tandem axle traveling on Federal Aid Highways.

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the offices of the President and Vice-President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the members of the Congressional delegation of the State of South Dakota, the Secretary of the United States Department of Transportation, and the Governor of the State of South Dakota.

"Adopted by the House of Representatives January 22, 1968.

"Concurred in by the Senate February 6, 1968.

"JAMES D. JELBERT,
"Speaker of the House.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"LEM OVERPECK,
"President of the Senate.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

A resolution of the House of Representatives of the Commonwealth of Kentucky; to the Committee on Finance:

"HOUSE RESOLUTION 40

"Resolution urging the President of the United States and the United States Congress to consider whether the State Teachers' Retirement is being discriminated against for federal income tax purposes and whether any retirement payments should be subject to federal income tax

"Whereas, Social Security payments are not subject to federal income tax; and

"Whereas, Veterans' Disability pensions are not subject to federal income tax; and

"Whereas, Railroad Retirement pensions are not subject to federal income tax;

"Now, therefore,

"Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

"Section 1. That the House of Representatives hereby urges the President of the United States and the United States Congress to consider whether the State Teachers' Retirement is being discriminated against for federal income tax purposes and whether any retirement payments should be subject to federal income tax.

"Section 2. That a copy of this resolution be sent to the President of the United States and to the members of the United States Congress.

"Section 3. That a copy of this resolution be sent to the National Education Association and to the Kentucky State Education Association."

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Interior and Insular Affairs:

"CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

"Concurrent resolution memorializing Congress to enact proposed legislation amending the Land and Water Conservation Fund Act of 1965

"Whereas, outdoor recreation is necessary for physical development and is a re-creation of one's sense of purpose and a rejuvenation of one's awareness of himself and others around him; and

"Whereas, the United States and South Carolina have an abundance of natural resources, effective federal, state and local action is necessary to assure the people of America a place in which to recreate; and

"Whereas, it is evident that population will double in the United States by the year 2000 with demand for recreational opportunity tripling during the same period; and

"Whereas, outdoor recreation lands and facilities are deficient in most urban areas; and

"Whereas, high quality non-urban areas must be acquired and preserved now for recreational use by future generations; and

"Whereas, we in South Carolina recognize that in our heritage our Country and State offer many recreational opportunities; and

"Whereas, without proper planning for orderly acquisition and development there is no assurance that needs will be met; and

"Whereas, local communities as well as some states do not presently have the fiscal resources to undertake a planning, acquisition of development program of the magnitude recreation requires; and

"Whereas, we in South Carolina are using the resources of the land and water conservation fund as one of the federal programs which we believe will contribute in a large measure to meeting recreation needs; and

"Whereas, the land and water conservation fund is inadequate in some areas to sufficiently fulfill its purpose of an incentive for recreational acquisition and development: Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring: That the Congress be memorialized to enact, without delay Senate Bill 1401 which proposes to amend Title 1 of the Land and Water Conservation Fund Act of 1965 to provide for additional revenues to accrue to the fund.

"Be it further resolved, That a copy of this Resolution be forwarded to each United States Senator and member of the House of Representatives from South Carolina and to the President of the United States Senate and to the Speaker of the United States House of Representatives.

"Attest:

"INEZ WATSON,
"Clerk of the House."

A letter, in the nature of a petition, signed by C. Nagel, of Bridgeton, Mo., remonstrating against the moon project; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the Pembina River Flood Control Association, Pembina, N. Dak., praying for the enactment of legislation to develop the Pembina River Basin; to the Committee on Foreign Relations.

SELECTIVE SERVICE—RESOLUTION OF AMERICAN ACADEMY OF MICROBIOLOGY

Mr. HARTKE. Mr. President, I am in receipt of a letter from a member of the American Academy of Microbiologists, Dr. Walter A. Zygmunt of Evansville, Ind., who encloses a resolution from that professional organization relating to the practices of Selective Service in drafting graduate students in that specialty.

I ask unanimous consent that the resolution may appear in the CONGRESSIONAL RECORD and be properly referred.

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

The resolution was referred to the Committee on Armed Services, as follows:

RESOLUTION

(Prepared by the Board of Governors, American Academy of Microbiology, Inc.)

Whereas graduate Education is absolutely essential to the continued orderly development and dissemination of knowledge in this country; and

Whereas the current draft legislation is grossly disruptive to this process,

Be it resolved, That the American Academy of Microbiology, Inc. requests the National Advisory Committee to the Selective Service System urge the Selective Service Boards to consider for deferment all graduate students admitted to degree programs in microbiology and who remain in good standing and make normal progress toward the degree. The American Academy of Microbiology is equally sympathetic to a similar consideration for graduate students in other disciplines.

BILLS INTRODUCED

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

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 2964. A bill to amend title 23, United States Code, in regard to the obligation of Federal-aid highway funds apportioned to the States; to the Committee on Public Works.

(See the remarks of Mr. HRUSKA when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 2965. A bill for the relief of Aristides Saketos; to the Committee on the Judiciary.

By Mr. LAUSCHE:

S. 2966. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. LAUSCHE when he introduced the above bill, which appear under a separate heading.)

By Mr. COTTON:

S. 2967. A bill for the relief of Cheng Sat Fu; and

S. 2968. A bill for the relief of Cheung Chan; to the Committee on the Judiciary.

By Mr. BAKER:

S. 2969. A bill for the relief of David E. Alter III, and his parents, Mr. and Mrs. David E. Alter, Jr.; to the Committee on Foreign Relations.

S. 2964—INTRODUCTION OF BILL RELATING TO REDUCTION IN FEDERAL HIGHWAY FUNDS

Mr. HRUSKA. Mr. President, the administration's recent order that Federal aid highway obligations for calendar year 1968 will be held to approximately $4.115 billion, or a reduction of $600 million from previously estimated obligations for 1968, has drawn widespread criticism. Not only the wisdom but the legality of the President's action has been called into question. Coupled with a similar cutback in November 1966, it has lead many citizens to wonder if there is any "trust" left in the highway trust funds.

This reduction in Federal highway funds is being announced as a device to slow down inflation—which it may temporarily accomplish—yet it will have exactly the opposite effect in the long run. The funds and work may be halted by 5 percent but construction costs almost certainly will continue to rise. It well may be that today we can build a mile of highway for 5 percent less than the cost next year.

The administration is surely aware of increasing costs. Four days after the

present cutback was announced, the Department of Transportation submitted to the Congress "The 1968 Interstate Cost Estimate." An increase of $9.7 billion over the 1965 estimate for the 41,000-mile Interstate System was reported. A total of $56.5 billion is now anticipated to be necessary to complete the system. However, it is highly unlikely this will be the last estimate. The final bill to be paid for a system of interstate and defense highways will be increased appreciably because of the reduction of Federal highway funds. In my State alone, the cost of the Interstate System has increased by $26 million over the past 3 years.

Increased costs, while the most obvious consequence of the administration's action, is not the only problem. To attempt to fight inflation by depressing one segment of the economy is anomalous, to say the least. Many taxpayers work in the highway construction industry. Are they to slow down and produce only at 95 percent of their capacity? Are 5 percent of the employees to be fired? Are the construction contractors who have invested heavily in plant and equipment to pay 95 percent of the cost of such equipment or to use it 95 percent of the time? And more importantly, will this action by the administration reduce by 5 percent the tragedy that occurs on our highways every day? In 1967, 53,000 persons were killed in traffic accidents according to the National Safety Council. The cost of these accidents is estimtaed at $11 billion. Better and safer highways can reduce this toll both in terms of lives and property, but it will not be done by continuing to postpone the completion date of the Interstate Highway System.

The consequences I have just mentioned are serious and wide-ranging, but there is a much deeper and broader problem pointed up by the highway fund reduction. This problem, however, is not limited to building highways, it pervades the Vietnam war, education, welfare, and national defense. It is the problem of the growing power of the executive branch of the Federal Government.

It could be that by congressional inaction, a vacuum has been created into which the executive branch has moved. In the past, the Congress has delegated authority broadly, without establishing the necessary guidelines. For example, in legislation authorizing the Peace Corps and the Manpower Act of 1965, the Congress had virtually written a blank check and handed it to the administration. On the other hand, the President, in many cases, has committed the country to a certain policy, leaving no choice to the Congress but to go along with it.

The problem involved in the highway spending fund issue, however, is more direct. The President has refused to spend money that the Congress specifically authorized and appropriated. This has happened before. For example, the President ignored specific congressional directives to build the B–70 bomber and, more recently, to build a full-scale anti-ballistic-missile system. In essence, this is the power of an item veto which is one the President does not constitutionally possess. It encroaches upon the most fundamental of congressional powers—that is, the power over appropriations.

It is not that the Congress did not make itself clear on the priority of a national highway system. The Federal-Aid Highway Act of 1956 specifically stated the policy of the Congress. The language used was not ambiguous. It stated:

> It is hereby declared to be essential to the national interest to provide for the early completion of the "National System of Interstate Highways."

And further:

> It is the intent of the Congress that the Interstate system be completed as nearly as practicable over a thirteen year (now fifteen years because of a later amendment) period and that the entire system in all the states be brought to a simultaneous completion.

Title I, section 108(a) of the Federal-Aid Highway Act of 1956.

Mr. President, debate has not been absent concerning the meaning of this language. Our distinguished colleague from Massachusetts, Senator BROOKE, on March 3, 1967, presented a well reasoned argument that the language is mandatory upon the administration. Others have contended that the authorization and appropriation language is permissive and the ultimate decision of expenditure lies with the executive branch of Government. The question, however, has not been settled and its resolution, in the broader sense, has never been more important or critical to our Nation.

If congressional priorities for health, safety, and national defense can be rearranged at the discretion of the President, the constitutional basis for that power, or the lack thereof, should be settled once and for all. As a member of the Senate Subcommittee on Separation of Powers, I have been studying this problem as it manifests itself in various areas of the Government. In order to bring the problem into focus on this additional issue, I offer for appropriate reference, a bill to amend title 23, United States Code, in regard to the obligation of Federal-aid highway funds apportioned to the States. This bill is a companion to measures that have been introduced in the House of Representatives, one of which was offered by Congressman ROBERT V. DENNEY from Nebraska.

The bill is direct and points up the precise problem. It precludes any officer or employee of the executive branch from impounding or withholding from obligation any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of section 104, of title 23 of the United States Code. It does, however, except such funds which are determined to be necessary to defray expenditures which will be required to be made from the highway trust fund.

It is hoped that this bill and others like it, will press the issue of whether the President has the authority to negate the expressed intent of the Congress and, in the narrower sense, to disrupt the orderly and timely completion of the Interstate Highway System. I ask unanimous consent that the text of the bill I offer be printed in the RECORD.

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

The bill (S. 2964) to amend title 23, United States Code, in regard to the obligation of Federal-aid highway funds apportioned to the States, introduced by Mr. HRUSKA (for himself and Mr. CURTIS), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 2964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) No part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this section shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund."

S. 2966—INTRODUCTION OF BILL RELATING TO LIMITATION OF CENSUS QUESTIONS

Mr. LAUSCHE. Mr. President, I introduce a bill and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2966) to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes, introduced by Mr. LAUSCHE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

Mr. LAUSCHE. Mr. President, the bill contemplates limiting the authority of the Census Bureau to require the answer of questions only in areas which clearly aid the Bureau in accurately computing the size of the population.

My bill has its origin in the belief that the constitutional purpose of a census in the United States is to aid in determining the apportionment of the House of Representatives. The Census Bureau should not have the power to invade the privacy rights of our citizens by requiring them to answer queries such as:

> (If a woman) How many babies has she ever had, not counting stillbirths?
>
> Have you been married more than once?
>
> Did your first marriage end because of death of wife or husband?

What is the value of this (your) property?
What is your rent?
Did you work at any time last week?

It is somewhat difficult to see how questions of this nature can aid in arriving at an accurate numerical determination of the population; nevertheless, these questions are taken from a special census of Metropolitan New Haven conducted on April 5, 1967, as a pretest for the 1970 decennial census.

At the present time, according to the Bureau of the Census, 67 subject items are proposed for inclusion in the 1970 Census of Population and Housing; and for noncompliance in responding to the Census Bureau's questionnaire, including essentially personal inquiries, a citizen could be faced with a $100 fine and 60 days in jail.

My bill would limit mandatory response to subject areas clearly related to the constitutional purpose of a census. It would also permit the Census Bureau to seek additional information which might be useful to Government and private organizations, but would make response to such questions voluntary.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New York [Mr. KENNEDY] I ask unanimous consent that, at its next printing, the name of the Senator from New Jersey [Mr. WILLIAMS] be added as a cosponsor of the bill (S. 2928) for the relief of certain distressed aliens.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the junior Senator from Oregon [Mr. HATFIELD] I ask unanimous consent that, at its next printing, his name be added as a cosponsor of the bill (S. 2749) to amend the Food, Drug, and Cosmetic Act to include a definition of food supplement, and for other purposes, introduced by the senior Senator from Mississippi [Mr. EASTLAND].

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota [Mr. MCGOVERN] I ask unanimous consent that, at its next printing, the name of the senior Senator from Wyoming [Mr. MCGEE] be added as a cosponsor of the bill (S. 2617) to establish producer owned and controlled emergency reserves of wheat, feed grains, soybeans, rice, cotton, and flaxseed.

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

Mr. HATFIELD. Mr. President, on behalf of the Senator from Michigan [Mr. GRIFFIN] I ask unanimous consent that, at its next printing, the names of the distinguished Senator from Connecticut [Mr. RIBICOFF] and the distinguished Senator from South Carolina [Mr. HOLLINGS] be added as cosponsors of the joint resolution (S.J. Res. 136) to revise the policy of the United States with respect to its territorial sea.

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

THE NATIONAL COURT ASSISTANCE ACT—AMENDMENTS

AMENDMENT NO. 528

Mr. TYDINGS. Mr. President, during the last session I introduced a bill entitled the National Court Assistance Act, S. 1033. The proposal had two main features: First, authorization of a grant-in-aid program to encourage improved judicial administration in State and local courts; and second, establishment of an Office of Judicial Assistance as a national clearinghouse for up-to-date information on court management. As I pointed out last year, the response to my preliminary circulation of the bill was predominantly favorable, but as may be expected in the case of any legislative proposal, opposition was expressed in some quarters. The main argument in opposition to the bill is that it invites encroachment by the Federal Government upon the autonomy of State and local courts.

I share the concern of those who oppose unnecessary Federal intervention into local affairs, and for that reason I included in S. 1033 provisions to protect the independence and autonomy of state and local courts. Section 5 of the bill provides that the resources of the act may be used only with the approval of the court involved. And section 8 specifically prohibits the Office of Judicial Assistance from exerting any control or influence over State or local courts. These provisions are meant to assure that the initiative for implementing reforms remains with the judges of the local courts.

However, dissatisfaction with the provisions guaranteeing the autonomy of the State and local court systems has remained one of the major sources of dissatisfaction with the bill. To further guarantee the insulation of the State courts from Federal intrusion, I, therefore, submit an amendment to S. 1033. This amendment would establish an Advisory Council on Judicial Assistance, comprised of seven members appointed by the President. In making the appointments the President is to give due consideration to recommendations and endorsements from certain named professional societies and organizations concerned with judicial administration and management techniques. The Council members are to be appointed for staggered 2-year terms, and are to receive a per diem compensation. It will be the duty of the Council to advise and consult with the Director of the Office for Judicial Assistance with respect to the act. The Council will also be empowered to approve or disapprove regulations proposed by the Director for establishing general standards for obtaining grants under this act. The basic content of the regulations is left to the Director and the Council, except that the regulations must provide for regular reports to the Director by any recipient of a grant under the act.

It is my hope that this Council will help ease the fears of those who worry about preserving the autonomy and vigor of the State and local courts against intrusion by the Federal Government.

I remain committed to the principles of the National Court Assistance Act, seeing it as a means to stimulate judicial reform at the local level and to encourage local courts to reevaluate the adequacy with which they deal with judicial problems of today. The act is intended to help State and municipal courts help themselves by obviating any pressure for Federal involvement in matters of local justice, either through an expansion of Federal court jurisdiction or whatever. I believe that the act will strengthen, not weaken, our system of creative federalism.

Mr. President, I ask unanimous consent that the text of the amendment be printed in full in the RECORD.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 528) was referred to the Committee on the Judiciary, as follows:

On page 4, line 7, insert the following:

"SEC. 3a. (1) There is hereby established an Advisory Council on Judicial Assistance, hereinafter referred to as the Council. The Council shall be comprised of seven members appointed by the President, who, in making such appointments, shall give due consideration to recommendations and endorsements from professional societies and organizations concerned with judicial administration and management techniques including the American Bar Association, the American Society for Public Administrators, the Association of American Law Schools, the Association of Consulting Management Engineers, the National Conference of Chief Judges, the National Conference of Court Administrative Officers, the National Conference of Metropoltian Judges, the National Conference of State Trial Judges, the National Conference of Trial Court Administrators, and the North American Judges Association.

"(2) Members of the Council shall be appointed for terms of two years; except that the terms of office of three of the members first taking office shall expire, as designated by the President at the time of appointment, at the end of one year. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve for the remainder of that term. Members of the Council shall receive compensation at the rate of $75 a day while engaged in the actual performance of duties vested in the Council, and shall also be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties. The President shall designate one of the members as chairman, who shall serve as chairman at the pleasure of the President.

"(3) The Council shall act and advise by affirmative vote of a majority of the members thereof.

"(4) It shall be the duty of the Council to advise and consult with the Director of the Office for Judicial Assistance with respect to the Act. Regulations proposed by the Director pursuant to section 5 of this Act shall not be effective until considered and approved by the Council."

On page 4, strike lines 8 to 15 and insert in lieu thereof the following:

"SEC. 4. Within six months after the enactment of this Act, the Director shall, after consultation with the Council, issue regulations establishing general standards for obtaining grants under this Act. The regulations shall provide for regular reports to the

Director by any recipient of a grant under this Act, and the Director shall from time to time, on the basis of the reports and other information available to him, review and, if necessary, revise the regulations issued pursuant to this section. Such regulations and revisions thereof shall not become effective until approved by the Council."

NOTICE OF RESCHEDULING OF HEARING

Mr. JACKSON. Mr. President, I wish to announce that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs has rescheduled Senate Concurrent Resolution 11, National American Indian and Alaska natives policy resolution, for hearing on Tuesday, March 5.

The hearing is scheduled for 2 p.m. in room 3110, New Senate Office Building, and those interested in testifying on this proposed legislation should contact the committee staff at the earliest opportunity in order that a witness list may be prepared.

MARYLAND LAWMAKERS ACT ON "PUEBLO"

Mr. BREWSTER. Mr. President, all America continues to be concerned about the return of the *Pueblo* and its crew, and enraged over the act of piracy that brought about its seizure.

For example, on January 31, both houses of the General Assembly of Maryland passed resolutions urging the United States to use force if necessary to free the *Pueblo* and its crew. No opposition was recorded on either resolution.

The resolution in the house was introduced by Delegates Burgess and Warfield, and the one in the senate by Senator Fred L. Wineland.

I believe the texts of these resolutions will be of interest to my distinguished colleagues, and for that reason, I ask unanimous consent that they be printed in the RECORD.

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

RESOLUTION

(By Delegates Burgess and Warfield)

House resolution supporting the President and Congress on any action they may take to secure the release from North Korea of the vessel U.S.S. *Pueblo* and its crew, and expressing sympathy to the families of the crew members of the U.S.S. *Pueblo*

Whereas, The members of the House of Delegates of Maryland are gravely concerned over the capture by North Korea of the vessel, U.S.S. *Pueblo* and its 83 member crew and

Whereas, this incident will cast a heavy burden on the leadership of this Country and require that very important decisions be made, and

Whereas, all citizens of the United States and especially the families of the crew members of the U.S.S. *Pueblo* are extremely concerned over the safety of those crew members, now therefore be it

Resolved by the House of Delegates of Maryland, That the members of this body extend their full support to the President and members of Congress on any action they may take to secure the return of the U.S.S. *Pueblo* and its crew and be it further

Resolved, That the members of this body extend their sympathy to the families of the crew members of the U.S.S. *Pueblo*, and be it further

Resolved, That a copy of this Resolution be sent to each member of the Maryland delegation of the U.S. Congress.

RESOLUTION

(By Senator Wineland)

Senate resolution protesting the act of piracy committed by North Korea against a naval vessel of the United States and supporting the actions of the U.S. Government in this serious matter

On Monday, January 22, 1968, the Communist Government of North Korea committed an act of piracy against the United States with the armed seizure of the USS "Pueblo" in international waters near Korea.

The facts of this outrageous incident, as reported by Ambassador Arthur J. Goldberg to a meeting of the United Nations Security Council, disclose that a naval intelligence ship of the U.S. Navy, the "Pueblo", was accosted by a vessel of North Korea while in international waters off the shores of Korea, and after being surrounded by several North Korean vessels was boarded and forcibly taken to a North Korean port.

The evidence presented by Ambassador Goldberg clearly shows that the "Pueblo" was in international waters, more than twelve miles from the coastline of Korea and that the subsequent boarding and seizure of the "Pueblo" was a dangerous and precipitous act devoid of justification or excuse.

Such an action on the part of North Korea is not new. Recently a band of assassins from North Korea attempted to take the life of President Park Chung Hee of South Korea and failed. Other acts of piracy involving the seizure of South Korean fishing vessels and the kidnapping of South Korean Nationals have been successful.

Such acts are clearly an indication of the desperate condition in which North Korea finds itself today. Since the Korean Armistice, South Korea with the help of the free world has prospered economically; North Korea with its communist help and resources has not prospered. The tyrannical regime in control of North Korea must learn that they cannot substitute for their failures, piratical attacks upon the free nations of the World.

To date the United States Government has insisted on resolution of this attack by diplomatic means. If no results are forthcoming, then this government must consider other and more forceful means.

Throughout the history of the United States, other governments have committed acts of piracy against the United States but have suffered retribution, as at Tripoli and prior to the War of 1812.

America is a free nation because its government has protected the liberty and the property of its people. In this latest act of piracy by North Korea, the very ideals upon which our nation has been founded, are now jeopardized. The USS "Pueblo" and its crew must be released immediately.

Now as we face this clear and present danger to our security, the members of the Senate of Maryland have followed with increasing concern the rapid unfolding of the events surrounding the seizure of the "Pueblo", and in the case of the Prince Georges County Senators, with special interest because of the presence on the "Pueblo" of a resident of the county, Marine Sergeant Robert J. Chicca; now, therefore, be it

Resolved, That the members of the Senate of Maryland express their shock with the act of piracy committed by North Korea against a naval vessel of the United States and we extend our unqualified support to the actions of President Lyndon B. Johnson and the United States government in resolving this crisis in a manner which will uphold American honor, ideals and prestige in the world, and be it further

Resolved, That copies of this Resolution be sent to President Lyndon B. Johnson, Vice-President Hubert H. Humphrey, to Ambassador Arthur J. Goldberg, to the members of the President's Cabinet, and to Senators Daniel B. Brewster and Joseph D. Tydings and Representatives George H. Fallon, Samuel N. Friedel, Edward A. Garmatz, Gilbert Gude, Clarence D. Long, Hervey G. Machen, Charles McC. Mathias, Jr., and Rogers C. B. Morton.

VIETNAM—TRIBUTE TO GENERAL WESTMORELAND

Mr. BREWSTER. Mr. President, we are in the midst of probably the greatest and most decisive battles of the Vietnam war.

In the past 2 weeks, the Vietcong forces struck at many of the towns and cities of Vietnam, including the capital at Saigon. Their clear hope was to deal a shattering blow at Vietnamese morale, to destroy the legal government and its administrative machinery in the countryside, and to weaken the Vietnamese and American military forces. They also hoped to weaken American resolve.

Today, large units of the North Vietnamese Army are poised to strike in the northern Provinces—at the outpost at Khe Sanh and elsewhere along the demilitarized zone.

American fighting men have been through a couple of very hard weeks. The weeks ahead may be far harder.

In my judgment, Mr. President, our forces need all the backing, all the encouragement, all the trust it is in our power to give.

And I mean all our forces: the private at his lonely outpost, artillerymen at their stations, airmen flying support—all of them. And I mean, especially, our outstanding field commander, Gen. William Westmoreland.

This brilliant and hard-working officer has for 4 years now given our men in Vietnam inspired leadership. He has beyond any doubt spent more time in the field with his troops than any leader of similar rank in any war. Almost every day, he can be found somewhere near the battlefront, getting a firsthand look at the local situation, talking with unit commanders to get their views and recommendations and chatting with simple soldiers to make sure they have what they need.

He performed a miracle of planning and execution in setting up the elaborate logistics base that supports our combat troops. He has defeated the Vietcong in every major engagement since our men went into real combat. In the past 2 weeks—despite the most careful planning by the enemy, despite the large forces he employed, despite the sneak nature of his attacks during a holiday period—the Vietcong were thrown back by the Vietnamese Army and by General Westmoreland's forces. And the enemy lost more men in 2 weeks than he had previously lost in any 2 months of combat.

One of the Communists' goals in this major assault was—as I have said—to shake American confidence.

Mr. President, I can think of nothing that helps the men in Hanoi more toward this goal than to cast doubt on our own

commander in the field. Yet I have read such criticism in the past few days in several publications.

I deplore this type of comment. It only makes things tougher for ourselves—and easier for our enemies.

I do not suggest that mistakes have never occurred. They have. I do not suggest that statements have been made that sound sometime a little too optimistic.

But I do say: show me a commander who thinks he may not win, and I will show you a commander who probably will not win.

Mr. President, show me a commander who does not bear a scar and I will show you a commander who has never been in a fight.

I think all Americans should be proud of the very able, hard-hitting military forces we have employed in Southeast Asia, and particularly their commander, General Westmoreland.

STATE DEPARTMENT ISOLATION WARD

Mr. WILLIAMS OF Delaware. Mr. President, I was somewhat shocked today to find that the State Department is operating what might be referred to as a special isolation ward or cooler for employees whose only crime is telling the truth to a Senate committee.

When this situation was called to my attention I visited this place. I suggest that Members of the Senate and the press go to 23d and D Streets, on the first floor of the old State Department Annex Building. There will be found an entire floor that is being heated and maintained by the State Department, and much of the building is piled up with a lot of junk. Only one office on this floor is occupied.

The two employees who are in this room are Harry M. Hite, who is a GS–13 at a salary of $15,307, and Edward Burkhard, who is a GS–12 at a salary of $12,890.

Mr. President, these two employees have had practically no work since 1965. They have had absolutely no work at all assigned to them since October of 1966. Their only duty is to report at 9 o'clock in the morning and to remain there until 5:30 in the evening. They have a telephone and a typewriter, and they sit there looking at each other and reading the newspapers. They have repeatedly sent requests to their superiors in the State Department, asking that they be assigned duties. Thus far nothing has been assigned to them.

Mr. President, these two men are being isolated and penalized solely because they testified in the Otepka case. In that case, two or three other employees testified and lied to the committee about whether or not they wiretapped Mr. Otepka's telephone. These two men told the truth, and that is their only crime; they told the truth. Those others who lied to the committee and later, when caught, changed their testimony, have been adequately taken care of by the State Department. They were taken care of because they tried to cover up for them. But the State Department could not fire these two men because it realized it could not sustain charges. The men draw their salaries and sit there twiddling their thumbs for 8 hours a day in what now has the appearance of an old abandoned warehouse.

This is ridiculous, especially at a time when we hear so much about Government deficits.

The State Department is well aware of this situation because these two men have sent repeated memorandums to the Department appealing for some work to do.

Mr. President, I went through the place this morning, and I looked at it. I invite Senators and members of the press to go down there and look at the conditions in that building. If those who go there are unable to find the room at first, do not give up, because I searched for 10 minutes before I could find anybody in the building. The men were there, in room 114, and on the job, sitting there as they have been for the last 16 months, waiting for somebody to give them orders.

Mr. President, I most respectfully suggest that this matter should be straightened out within 72 hours. If not, I am going to submit a resolution asking for the immediate removal of their superior.

DISSENT: THEORY AND PRACTICE

Mr. BYRD of West Virginia. Mr. President, I call the attention of Senators to last Sunday's Washington Post, in which there appeared excerpts of scholarly and perceptive remarks by Editor J. R. Wiggins on the theory and practice of dissent in the United States. The remarks by Mr. Wiggins were made last week during the Churchmen's Washington Seminar of the National Council of Churches of Christ.

During a time in which too often the vestiges of civilized conduct are cast aside in favor of wanton destructiveness, I feel that anyone who reads Mr. Wiggins' statement will benefit from the wisdom of his well-balanced observations.

He asks whether it is possible to define the nature of the duty to dissent and the appropriate limits on the exercise of this right. And then, using historical examination and his own thoughts, Mr. Wiggins presents his views regarding the principles of dissent.

Mr. Wiggins finds first that a citizen who believes that a governmental policy constitutes a departure from national interest or moral rectitude has a duty to dissent. I would agree with this provided the dissent takes the form of lawful dissent.

That there is such a duty, it seems to me, is the very essence of self-government, the very spark of a democratic system—

Mr. Wiggins says—

A people devoid of this impulse would induce such passivity into an electorate as to make the form of government a matter of indifference.

Very carefully, Mr. Wiggins traces major instances of mass dissent in this country from the days just following the American Revolution.

He tells how Thomas Jefferson, who realized the importance of dissent, viewed rather calmly a rebellion of Massachusetts farmers. Jefferson was more concerned about the stern measures taken against Pennsylvania farmers who participated in the Whisky Rebellion. To quote Mr. Wiggins:

Jefferson knew the country could survive the disorders and that it couldn't survive the disappearance of a spirited citizenry insistent upon its privileges.

"To punish these errors too severely would be to suppress the only safeguard of the public liberty," Jefferson said.

Mr. Wiggins relates how, in five instances in our Nation's history, popular dissent, ranging from civil disobedience to outright violence, has vastly altered national policy, forcing a reversal of legislative intent or executive direction.

Says Mr. Wiggins:

Such was the case in 1804, when a Republican defeat of the Federalists nullified the Alien and Sedition laws. In 1808 it occured when the Republicans gave in to hot resistance over the Embargo Act.

Lincoln's election climaxed dissent against the Government's proslavery policies. And the Civil War—the ultimate dissent—marked the beginning of the end of slavery in the United States.

The repeal of the 18th amendment was the fourth instance which Mr. Wiggins cited as an example of a major policy change resulting from dissension.

Then came the years of the Civil Rights demonstrations—

Said Mr. Wiggins—

and the swift alteration of local and state policy toward discrimination against a racial minority—an interlude of dissent which, of course, still persists and one which already has significantly altered policy.

Mr. Wiggins believes that, in the last generation, some forms of civil disobedience have begun to acquire the status of socially acceptable behavior. He cites nine different guidelines which, in his opinion, are relative to either the tacit acceptance or the rejection of dissent by society.

Unfortunately, he adds, there are some persons who do not seem to comprehend the limits of society's endorsement of dissent. Mr. Wiggins points out that those who fail to perceive the restrictions on civil disobedience have more recently employed acts of civil disobedience in situations not governed by the guidelines or principles enunciated before exploring remedies through normal channels, and sometimes without regard for the safety of innocent persons.

Mr. Wiggins said:

There have been frequent demonstrations in which violence has been used to disrupt public meetings and interfere with speakers. This is a technique perfected by the fascists and the Nazis.

He added:

Those who are in dissent ought to be the last to encourage a contest in which the side with the most numbers and least scruples is bound ultimately to triumph.

Those who are in dissent . . . should be the first to demand for those who speak in opposition to them full personal security.

Mr. Wiggins says that certainty seems to be a characteristic of dissenters and that it is dangerous for minds to become closed to the witness of new facts and new forces. He reminds us of the following exhortation by Oliver Cromwell:

I beseech you, in the bowels of Christ, think it possible you may be mistaken.

Mr. Wiggins concludes:

While we concede and defend the right of dissent, it is equally important to acknowledge and support the right to conform. If one is precious to a minority, the other is sacred to a majority. They are not long found singly and separately, but exist in a complementary relationship, the existence of each making more secure the perpetuation of the other. The preservation of both depend upon majorities and minorities extending to each other that decent deference and toleration without which no society of origins as diverse as ours can long survive.

I wish that Mr. Wiggins' concluding thought, Mr. President, could be read and comprehended by Americans everywhere, for it expresses the essence of the great problem which faces this Nation today. We will continue to be beset by woes until we reach that precious state of balance between dissent and conformity of which Mr. Wiggins speaks and until each and every American understands the immorality which is implicit in the idea that one man's rights can supplant another's.

Mr. President, I ask unanimous consent that Mr. Wiggins' excellent, lucid, and thoughtful comments be printed in the RECORD.

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

DISSENT: THEORY AND PRACTICE

(By J. R. Wiggins)

(NOTE.—Excerpted from remarks Thursday before the Churchman's Washington Seminar of the National Council of Churches of Christ.)

The citizens of a nation born in a revolution preceded by almost a generation of disaffection and dissent can be expected to regard disagreement proceeding even to the edge of sedition in a different way than it might be viewed by a people with another heritage.

Americans have historically manifested a toleration toward violent expressions of opposition that has confused many observers from other countries. At the same time, their memory, as a people, teaches them that a long and steadily accelerating tendency toward violent attack upon and obstruction of government may sometimes be a prelude to something even more serious.

There are intervals in every country's history when the normal outlets for political discontent seem inadequate to channel away the dissent of factions and groups who are too impatient to await the outcome of an orderly political contest for the mind of the majority.

Perhaps we are in such an interlude; and if this is so, it behooves us to examine both the reasons for this impatient and impulsive urge and the means of dealing with it.

The vast majority of those who now are dissidents from governmental policy in this country wish to have the Government remove their discontents; but the fact cannot be blinked that a certain minority would rather have the discontents remain and see government pushed to the extremes of force to suppress disorder. This minority, we must assume, is not interested in the rights and responsibilities of dissent within the framework of a democratic society. They are interested in overturning that society . . . With them government and society, if it means to survive, has no recourse but overwhelming military force.

We are not concerned with locating the limits on their rights and duties, for revolution recognizes no limits, admits no responsibilities and contends for unlimited right including the right to use force and violence. As Dr. William Sloane Coffin has put it: "You cannot ask the government to respect your right to be a revolutionary."

THE DUTY TO DISSENT

The citizens with whom we are concerned stand on a different footing. Can we define for them the nature of the duty to dissent and locate for them the appropriate limits on the right to dissent? And if we can establish some general principles perhaps we can proceed to make some particular applications to specific dissents of our time.

Let us begin with the duty to dissent from the policy of government when that policy seems to the individual citizen to constitute a departure from national interest or moral rectitude. That there is such a duty, it seems to me, is the very essence of self-government, the very vital spark of a democratic system. A people devoid of this impulse would induce such passivity into an electorate as to make the form of government a matter of indifference. And a people with this impulse will invest even the most unsatisfactory system of government with the vigor and force that may make it adequate to deal with society's problem.

It was becasue he was interested in keeping this spark of dissent alive that Thomas Jefferson viewed with equanimity the disorders of western Massachusetts farmers in Shays' rebellion and worried over the stern measures taken against Pennsylvania farmers in the Whisky rebellion. He knew the country could survive the disorders and that it couldn't survive the disappearance of a spirited citizenry insistent upon its rights and privileges. "To punish these errors too severely," Jefferson said of Shays' rebellion, "would be to suppress the only safeguard of the public liberty."

Americans have had a lot of instruction on dissent—even some very explicit instruction on civil disobedience. They have been taught by Thoreau that "Under a government which imprisons any unjustly, the true place for a just man is also a prison."

Americans then are inclined to tenderness toward dissent by the instruction of their own history, by the exhortation of their philosophers, by the knowledge that truth is changing and by the counsels of their heart—which incline them, if the truth be told, toward the disrespect of authority and the admiration of nonconformity.

RESPECT FOR ORDER

But there is another strain in their makeup, too—deriving from their respect for order, their belief in representative government, their confidence in the wisdom of the majority and their belief in the integrity of their own government. And these character traits compete with each other in times that put these opposite tendencies in conflict.

No sooner have we digested Thomas Jefferson's admonitions on the virtues of an occasional revolution and the necessity of watering the tree of liberty with the blood of patriots than we come upon such counsels as this about dissent:

". . . As far as my good will go (for I can no longer act), I shall adhere to my government, Executive and Legislative, and, as long as they are republican, I shall go with their measures whether I think them right or wrong; because I know they are honest, and are wiser and better informed than I am."

And as we have imbibed from Locke and Rousseau some principles of revolutionary character, so have Americans taken into their philosophical "bloodstream" the injunction on majority rule that lies implicit in the theories of the social contract.

EARLY REBELLIONS

These were the political theories, pro and con, that engaged American attention. Now what of the practices of Americans through their own government?

Once independence was gained, the new government did not have to wait long to test its principles in operation. Shays' rebellion in 1786 was the first test of policy. It was put down and the rebellious farmers punished. While the disorders were in progress Washington gave advice that he must have taken straight from Francis Bacon. He wrote to Henry Lee, Oct. 31, 1786:

"Know precisely what the insurgents aim at. If they have real grievances, redress them if possible; or acknowledge the justice of them and your inability to do it in the present moment. If they have not, employ the force of government against them at once . . . Let the reins of government then be braced and held with a steady hand, and every violation of the constitution reprehended."

The Whiskey rebellion of 1792 raised more serious issues. Citizens of Western Pennsylvania tarred and feathered a Federal tax collector, excise notices were torn down, collectors' offices were broken into, public meetings threatened ostracism of anyone accepting the office of collector. President Washington mobilized a small army to put down this spreading rebellion. Many citizens were arrested and indicted. Two were convicted of treason—and escaped the death penalty by Washington's pardon.

This first dissent from a Federal law, degenerating into rebellion, was put down with scrupulous fidelity to legal process—but did not wholly satisfy some critics who always argued that the armed forces were not necessary. It is an argument that has been heard frequently since when civil disturbances are involved.

Next came the Fries rebellion in the administration of John Adams—against a direct tax by the Federal Government. Once again, the Federal Government sent soldiers into Pennsylvania, apprehended the dissenters, tried them and had some of them sentenced to death for treason. Once again, the President pardoned the offenders. There could hardly be more salutary precedents for prompt reaction to defiance of the government, quick and constitutional trial of the accused, and compassionate and liberal treatment of the dissenters.

ALIEN AND SEDITION LAWS

If President Adams reacted wisely and successfully in dealing with the Fries rebellion, his Administration marred this record by reacting excessively to dissent from the policies of his government that was mostly a matter of utterance. The Alien and Sedition Laws, aimed both at extravagant political denunciation and at some of the immigrants involved in them, was denounced as a "nullity" in the Virginia and Kentucky resolutions adopted by Republicans and were abandoned at their termination in the Jefferson Administration. This adventure into the punishment of mere utterance has had a salutary effect on subsequent administrations.

Thomas Jefferson had to deal with resistance to the Embargo Act and in this effort, because of the widely dispersed character of the dissent, he failed. It was still being hotly resisted and disregarded when it was repealed in 1808.

In the decades prior to the Civil War, the United States presented a veritable laboratory experiment in dissent. Abolitionists in the North, kindred in spirit to Henry Thoreau, began with vigorous vocal dissent and proceeded to disobedience and to resistance to the enforcement of the fugitive slave laws and other statutes sympathetic to slavery. The citizens of the slave states responded with other kinds of disobedience and resistance, obstructing the movement of the mails and otherwise countering the abolitionists.

The War Between the States, of course, was a dissent such as the Nation has not seen since, providentially. And it ended, after a long and bloody contest, with the settlement of the issue of secession—itself the ultimate

in dissent from central authority. During the anguish of this long struggle there were many other tests of Federal power to suppress dissent, ranging all the way from mere utterance to treason. One of these, especially instructive in our day, was the opposition to the draft law. The most serious disturbances occurred in New York City.

THE DRAFT RIOTS

On Monday, July 13, 1863, while the drawing of draft numbers was proceeding in a building at Third Avenue and 46th Street, a shot was fired and a mob of several thousand people assailed the draft headquarters. Rioting continued for four days, completely beyond control of police and military. Eighteen were killed, a thousand injured and $1,500,000 in property destroyed. Twenty of the rioters were tried and 18 were convicted and sentenced to life imprisonment, according to Rhodes History of the United States. Many of those injured were Negroes attacked by Irish mobs who blamed them for the war. The draft was suspended and not resumed until August 19 when 10,000 infantrymen and three batteries of artillery were sent into the city.

The draft law was attacked in the courts in Pennsylvania but sustained after an interesting struggle. The classic legal contest over the law arose in Indiana where the Sons of Liberty resisted the draft. Three men—Bowles, Milligan and Horsey—were tried by a military commission on the charges of "conspiracy, affording aid and comfort to rebels, inciting insurrection, disloyal practices and violation of the laws of war." They were found guilty and sentenced to death. They were released April 3, 1866 when the United States Supreme Court, in *ex parte Milligan* held that the Government, in an area free from invasion where the civil courts functioned, could not have military authorities arrest, try and convict the accused.

It is interesting that in the midst of the Civil War, public sentiment compelled the Government to retrace its steps on many occasions when military authorities, in an excess of zeal, arrested citizens on the basis of mere utterance.

An episode with a contemporary ring took place in 1894 when the Army of the Commonwealth marched on Washington demanding that Congress issue $500 million fiat money to finance a huge highway improvement program.

Congress, needless to say, did not pass Coxey's highway bill; but one is compelled to say that it really was a pretty good idea and deserved more consideration than it won by the methods that were used to secure its passage.

NEW ERA OF DISSENT

World War I started a new era in the history of dissent in the United States. There were more than 1900 prosecutions and other judicial proceedings during the war, involving speeches, newspaper articles, pamphlets and books, according to Zechariah Chafee Jr.'s classic "Free Speech in the United States."

Once again, the draft and its enforcement, produced a flood of dispute and dissension Secretary of War Baker informed the Attorney General that there were 308,489 known desertions on June 10, 1918. On Sept. 3, 1918, the FBI attempted a roundup of slackers and in three days seized 50,000 men in theaters, restaurants, street cars, railway stations and pool halls and street corners.

In New York, Alexander Berkman and Emma Goldman, longtime anarchists, formed the Non-Conscription League, with promises of help to those who refused to register and be drafted.

Armed groups resisted the draft in Texas and Oklahoma. At the end of the war there were nearly 300,000 cases of draft evasion still in process.

Following World War I, dissent took its ugliest form. On June 2, 1919, the home of Attorney General Palmer on R Street, across from the home of Assistant Secretary of Navy Franklin Roosevelt, was bombed—the front of the house was blown in and two bodies found in the debris. Eight explosions—at homes of officials and wealthy persons—followed.

At the scene of most of them were found leaflets proclaiming the beginning of a class war and hailing the victory of "the international proletariat." On Sept. 16, 1920, an explosion in Wall Street near the J. P. Morgan building killed 30 and injured 300 persons. These explosions set off a nationwide hysteria against terrorism with Congress demanding action by the Justice Department.

The action came in the notorious Palmer Red Raids of 1921 in which 2500 aliens were arrested on warrants of the Bureau of Immigration. In the end, 446 were deported. The conduct of the raids was protested widely by civil liberties groups. Dissent expressed in violence had its result in the outrageous disregard of the civil rights of many accused persons.

As legal cases originating in these tumultuous years proceeded through the courts to the United States Supreme Court, historic opinion began to shape an American doctrine of dissent.

Schenck vs. United States concerned a clear incitement to resist the draft in circulars mailed to draftees which declared conscription to be unconstitutional despotism. In sustaining conviction the Supreme Court opinion by Justice Holmes laid down this important test of the relation of speech to action: "The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

The contours of American doctrine that emerge are really those of Schenck—with its emphasis on the close relation between utterance and consequent evils that Congress may rightfully try to prevent.

They suggest that citizens who obstruct the war-making powers of the Government by words that directly relate to acts in defiance of it, do so at their peril.

The story of the draft in World War II is a very different story than the draft in World War I. At the end of World War I there were 295,000 men on the rolls as dodgers; but at the end of World War II there were only 8836 on service rolls as draft evaders.

The American Civil Liberties Union in 1943 pointed up the contrast in a statement asserting that the World War II record proved that "our democracy can fight even the greatest of wars and still maintain the essentials of liberty."

REMARKABLE TOLERATION

Once the country had recovered from the postwar hysteria of the 1920s, there began in the United States, in 1930, and continued until after 1944, an era in which dissent expressed in speech and print enjoyed a freedom not exceeded at any period in this country's history and seldom paralleled at any time or at any place on the globe, and even dissent verging to resistance and disobedience was extended a toleration remarkable for any organized society.

Then, in 1945, commenced a new period with a different climate toward dissent. This time, the violence was not evidenced by indiscriminate terror and bombing, but by acts of espionage—the Rosenberg case, the Hiss case, the Fuchs case—and a host of other events and incidents that set afoot a national atmosphere of fear and apprehension of the McCarthy era. This time, there were no Palmer raids or similar acts of executive suppression. The intimidatory impulse originated in Congress—the Smith Act, the McCarran Act, the abuse of legistative inquiry by the House Un-American Activities Committee and the Senate Committee on Internal Security.

The country finally began to right itself in the early 1950s. I think the year 1954 can be noted as the commencement of a new era. It was an era of triumph for dissent—dissent, again, as in the pre-prohibition era, from the repression of local and state laws, customs, mores and tradition.

In the ensuing decade, dissent, utilizing the spoken and the written word, employing new varieties of passive resistance and civil disobedience, wrought such a transformation in the discrimination enforced by society upon the victimized Negro minority as seldom has been produced in any country by measures short of outright revolution.

The decision of the United States Supreme Court, in Brown vs. the Board of Education, commenced this era on May 17, 1954. Congress added a succession of Civil Rights Acts. The Executive departments of the Government invoked the military power of the Nation to carry this movement forward in Arkansas, Louisiana and Alabama.

The unique thing about this incredible decade of progress, it seems to me, is the fact that the object of the dissenting words and acts were restrictive, discriminatory and prejudicial local and state laws, customs and mores—and that the Federal Government itself was, by its court decisions, its laws and its national administration, the foremost dissenter.

Then came a succession of acts of violence, beginning with the burning of Watts, on Aug. 11–16, 1965, and followed in succeeding months by violence exploding in the slums of one great city after another. (It is important to distinguish these spontaneous eruptions from anything that might be described as civil disobedience. They were rather irrational outbursts of rage).

At the same time, the dissent in the cities moved from words to acts, dissent against the war and the draft and campus dissent from college and university policies began to swing from utterance to action. Sometimes the three concurrent dissents have merged.

LEVELS OF DISSENT

Comparisons between the level of dissent existing now and that in previous periods when dissenting opinion and acts were widespread is not easy. The dissent from war and conscription is a phenomenon with which the country has had the most experience. And it is clear that so far, this form of dissent has not reached anything like the levels that existed during the Civil War period and the World War I period, or even the World War II period. On Nov. 1, 1967, for example, there were 15,621 draft delinquents out of a total registration of 35,881,000. This is a far cry from the level of nearly 300,000 delinquents at the end of World War I.

The number and percentage of men who fail to report for induction are substantially lower than during the Korean War. During 1967, according to the Selective Service officials, 1306 such cases were filed, compared with 642 the previous year. The previous high under the 1948 Act was 1022 in fiscal 1954.

The disturbances on campuses, on the other hand, are a newer experience for Americans. They are not wholly draft-related, or only draft related, but no doubt are a complex of all current dissent factors—youth revolt, draft revolt and civil rights revolt—predominating in different degrees at different times and places.

The riots in the cities are also phenomena with which the country has had less prior experience.

Can we draw any conclusion or discern any general behavioral phenomenon in this cursory history of American dissent? Can we perfect out of our past experience and current anguish any generalizations about the right of dissent and the duty of dissent?

It is instructive, I think, that in the history of the country, popular dissent, verging to civil disobedience and outright resistance, have in five conspicuous instances vastly altered national policy, compelling a reversal of legislative intent or executive direction. This was the case in 1804 when the Alien and Sedition Laws were left a nullity by the Republic defeat of the Federalists. It happened again in 1808 when the Republicans, now themselves in power, abandoned the embargo in the face of the total inability of the Government to prevent widespread disobedience and defiance of the law.

The election of Lincoln climaxed a long period of rising dissent against the pro-slavery policies of the Federal Government. The Civil War—the very embodiment and ultimate in dissent—reversed the national policy and put slavery on the way to extinction. The repeal of the 18th Amendment was another reversal of national policy coerced by the collapse of enforcement in a rising volume of dissent, disobedience and defiance of law. Then came the years of the Civil Rights demonstrations and the swift alteration of local and state policy toward discrimination against a racial minority—an interlude of dissent which, of course, still persists and one which already has significantly altered policy.

A TENDENCY TO CYCLES

It is, I think, also instructive to note the tendency of dissent and repression to occur in cycles of some kind—to work themselves out through a discernible sequence beginning with disagreement, proceeding to debate and verbal dissent, verging into passive resistance and civil disobedience and culminating in violence. This violent climax then has been followed by a reaction that has tended to reverse the process by starting out to discourage violence alone and that has often proceeded down the scale toward the repression of civil disobedience, passive resistance and even verbal dissent.

It is my own chief interest and concern that the storm and stress of our American dissents leave intact and undiminished the freedom to speak and write against the policies of government (or for them). It is perfectly clear that on frequent occasions in the past the curtailment of the freedom to write and speak did take place under constructions of the Constitution that rendered almost imperceptible the line between mere words and acts.

This clearly happened in the period of the Alien and Sedition Laws, during the Civil War and during World War I and the years immediately after the war. We have a right to ask of authority that the distinction between words and acts be kept clear. But our admonitions cannot run to government alone. Citizens, too, have their responsibilities.

Zechariah Chaffee, in his "Free Speech in the United States," said:

"I want to speak of responsibilities of the men who wish to talk. They are under a strong moral duty not to abuse the liberty they possess. All I have written goes to show that the law should lay few restraints upon them, but that makes it all the more important for them to restrain themselves. They are enjoying a great privilege and the best return which they can make is to use that privilege wisely and sincerely for what they genuinely believe to be the best interests of their country."

Dissent raised from the level of speech and publication to the level of civil disobedience has not enjoyed the same legal or moral sanction as utterance in our society, but some forms of civil disobedience, in the last generation, seemed to be acquiring by slow degrees the status of accepted behavior, under certain circumstances, among most Americans.

The country had grown to accept as tolerable in our society acts of civil disobedience under some circumstances. Can we define these circumstances? I think the consent of society was conditioned upon:

(1) The existence of an evil of such magnitude as to warrant extraordinary measures;

(2) The absence of any remedy within the law or through ordinary political devices;

(3) The presence in the protested laws involved of an alleged illegal aspect (as in local and state segregation laws in conflict with Federal laws or the Constitution);

(4) The use of methods of disobedience not involving injury to innocent people;

(5) The choice of methods of disobedience not infringing on the acknowledged rights of others;

(6) The probability that the disobedience would achieve a remedy;

(7) The selection of a clearly defined and precise object of the disobedience;

(8) The avoidance of violence;

(9) The purity of the motives of those engaged in acts of civil disobedience.

If I am right, it is quite clear that the public had not extended its indiscriminate endorsement to all acts of civil disobedience. And it is quite clear that the restricted nature of the popular franchise for civil disobedience was not widely understood. Acts of disobedience began to be seen in situations where the substantive evils complained of were minor indeed. They began to be employed before any exertions to remedy the situation by ordinary process. They were used against laws burdened by no constitutional infirmity. They were utilized in spite of the threat to the safety of innocent persons.

There have been frequent demonstrations in which violence has been used to disrupt public meetings and interfere with speakers.

This is a technique perfected by the Fascists and the Nazis. Those who are in dissent ought to be the last to encourage a contest in which the side with the most numbers and least scruples is bound ultimately to triumph. Those in dissent, if they are at all farsighted, should be the first to demand for those who speak in opposition to them full personal security. The business of breaking heads is not an enterprise involving so much ingenuity that others cannot be instructed in it or learn to profit by it, if it becomes one of the necessities of public life.

When it does, however, dissenters and nonconformists will not gain the greatest advantage from it. One must look forward with anxiety to the election campaign ahead if public meetings are to degenerate into pitched battles commenced in the name of civil disobedience.

ANXIETY AND MISGIVING

One must also look forward with anxiety and misgiving to a march to coerce Congress into action on legislative proposals by stopping the functioning of the Government of the United States through the obstruction of public offices and buildings if that, as has been reported, is intended. Let us hope this is not so, because citizens have a right to go into and come out of public buildings without molestation or injury or interference.

If there is a widespread attempt to interfere with that right, many will not tamely submit but will call upon the forces of the law to make that undoubted right good and, that failing, will feel free to assert that right on their own. If such an intention exists, it is an intention to deprive hundreds of thousands of citizens of their rights, an intention to violate the laws of the District of Columbia which prohibit obstructive picketing, an intention to illegally disrupt the conduct of the Government of the United States by interfering with officials and Congressmen in the performance of their constitutional duties. Let us hope that there is no such intention.

There are broadly three groups involved in the United States today in the conspicuous dissent and perhaps we need to keep their distinctive characteristics in mind as we weigh both society's proper reaction to them and consider any restrictions upon the forms of dissent that have traditionally been encouraged and those that have been repressed.

The first of these groups is that made up of students.

There is some resemblance between American youth today and English youth of privileged liberal families in the period before World War I as described by Rebecca West in "The Meaning of Treason." Of them she wrote:

"They were brought up in a state of complete immunity from any form of physical want. Not only did they never suffer from hunger or cold or lack of clothing, they lived in a society from which such deprivations were being eliminated more quickly and more thoroughly than ever before . . . Yet they were taught and believed that they were living in the worst of all possible worlds but that they need not despair, as it would be the easiest thing they and their parents ever did to tear it down and make a better one . . . of altruism and truthfulness and austerity they thought well and claimed the monopoly, believing that they, and they alone, were the saviors of society. Of the other virtues, patriotism, it is to be remarked, was the first to get its dismissal. It was naive for a man to feel any conviction that his own country was the best, or even as good as any other country; just as it was naive to believe that the soldier of any foreign army committed atrocities or to doubt that any English soldier or sailor or colonial administrator failed to do so."

Toward the dissent of youth the view of society ought to be marked by patience resting on the knowledge that time will repair many of the excesses into which young men are led, that the rest of them can be tolerated until and unless the commotions of a very small minority interfere with the rights of their contemporaries who wish to get an education or the liberties of others who have a right to speak—even though what they say may depart from the given wisdom of dissenting college students.

In any case, the dissenting students stand in a special position and their dissenting words and acts raise different problems that must be dealt with in a different way.

UNENLIGHTENED POLICY

And so, it seems to me, do those who are engaged in a struggle to right the wrongs that for a century have been inflicted upon a racial minority in the United States. Their efforts to express their legitimate discontent, even when cast in forms that might be objectionable if resorted to by citizens with a long record of equal rights, must be faced with a toleration born out of understanding. If the Negro leaders behave like men who have not had the discipline and training of long political experience, it is we of the white community who have deprived them of that experience and we cannot expect to escape some of the bad consequences of that unenlightened policy.

A campaign of civil disobedience directed against nature itself is not likely to produce the repeal of any of its laws. It will be a long time after all current discrimination has been eliminated before the consequences of historic acts of injustice are removed from our midst. The day will not be hastened if the Negro minority, in a fit of understandable impatience, resorts to acts of disobedience arising out of sheer frustration, or if the white majority, reacting to such acts and frustration, reverts to misdirected repression and resentment.

Those who are not yet adult citizens and those who have suffered from unfair discrimination, in my view, stand on a different ground than that occupied by men and women who always have enjoyed full rights as citizens in our democratic system. Society has a right to apply to its privileged

majority groups the theory of the Social Contract. They have enjoyed the fullest rights and privileges. They have assumed as well the obligations and responsibilities that go with those rights and privileges.

As citizens to whom all kinds of political resources have been available they share responsibility for the policies their country pursues and they cannot wholly separate themselves from the measures they protest. Society justly can hold them to a greater degree of accountability for words or acts that tend toward the disruption of order. They lack that primary grievance of the disenfranchised.

Of these citizens, it seems to me, the Government is entitled to ask forms of dissent and disagreement that comply with our traditions—speech within the limits of parliamentary utterance, actions in conformity with laws adopted by due process. The exact limits on both speech and actions may fluctuate with the occasion, but there surely is a line beyond which such citizens ought not to proceed if they count themselves within the community that does not intend or propose the revolutionary overthrow of this Government by force and violence. If they belong to this revolutionary persuasion, none of the limitations we have been discussing apply to them—and neither do any of the rights and immunities which sovereign nations legally withhold from those who intend the destruction of the nation.

Certainty always has been a characteristic of dissenters. Only people completely convinced that they are beyond all doubt wholly right would undertake the difficulties and discomforts of dissent. It is an attribute that gives force and vigor to dissenters. At the same time, once this stage of certainty is reached, minds close to the witness of new facts and new forces. And, in the fluid world in which we live, this can be a very dangerous thing.

Anyone examining the working papers produced at the Detroit conference of the National Council of Churches last fall would be struck by the lack of any reservation as to the central position of the work groups. The assumption that the Government of the United States was altogether wrong was never challenged. The presence of a reasonable doubt is not an unmitigated disaster in human society. It may dull resolution, but it contributes both to reflective thought and more prudent action. One should not forget the salutary exhortation of Oliver Cromwell: "I beseech you, in the bowels of Christ, think it possible you may be mistaken."

While we concede and defend the right of dissent, it is equally important to acknowledge and support the right to conform. If one is precious to a minority, the other is sacred to a majority. They are not long found singly and separately, but exist in a complementary relationship, the existence of each making more secure the perpetuation of the other. The preservation of both depend upon majorities and minorities extending to each other that decent deference and toleration without which no society of origins as diverse as ours can long survive.

REGARDING REPRESENTATIVE TAFT'S SPEECH IN CALIFORNIA

Mr. YOUNG of Ohio. Mr. President, in Vietnam, we Americans are involved not only in an un-American war but an immoral war which now to many seems unwinnable unless this American war is waged for another 3 to 6 years. Every American has the right to dissent if he so chooses. A Senator, if he so believes, has the duty to express his dissent. Now comes an obscure Member of the other body who was defeated for U.S. Senator in 1964, and then in 1966 managed to be elected to the House of Representatives by about 7,000 majority with the help of the overwhelming Republican majority in our State legislature which gerrymandered his congressional district by changes adding 15,000 registered Republican voters. His statement adds a little touch of hilarity and humor perhaps needed in this grim period. At a small meeting in Los Angeles, Representative TAFT, JR., declaimed that the distinguished Senator from Arkansas, J. WILLIAM FULBRIGHT, should step down as chairman of the Senate Foreign Relations Committee in the interest of national unity because of his dissent regarding the war President Johnson is waging in Vietnam. This is the closest TAFT, JR., will ever come to telling the U.S. Senate how to conduct its business. JUNIOR has the Taft name and the backing of the Taft family fortune, but not much else going for him. He spoke about some traditional cooperation that should exist, he says, between a chairman of a Senate committee and the White House on major foreign policy issues.

The ineptitude of TAFT, JR., recognized by Ohio citizens in 1964, is now made evident on the west coast. For effrontery and pure unadulterated gall this gratuitous advice to the Senate of the United States coming from a Member of the other body who is a junior member of the House Committee on Foreign Affairs, at the bottom of the totem pole on the minority side of that committee, is, in fact, so ludicrous such criticism should really be ignored as unworthy of mention. Like water dripping down off a duck's back it should probably be unnoticed.

Ohio citizens in 1964 turned back his bid to become a United States Senator. He came closer then than he ever will in the future to having his voice and views listened to in the Senate. Perhaps he himself recognizes this for the other day his small voice regarding the operation of the Senate and the Foreign Relations Committee of the Senate did not even come from Washington nor even from my State of Ohio, but it came from a little meeting in California about as far distant from the Capitol as anyone could be and still be within the continental United States.

Senator J. WILLIAM FULBRIGHT, the distinguished junior Senator from Arkansas, first came to the U.S. Senate in 1944 following service in the House of Representatives. He is regarded by all his colleagues in the Senate as a truly great and dedicated American. Throughout our Nation he is held in the highest admiration and respect by citizens generally, and the United States and our citizens have every reason to feel more secure in this trying period that this eminent scholar, high-minded statesman and experienced legislator is serving our Nation as chairman of the Foreign Relations Committee of the U.S. Senate.

MONTANA'S GLACIER NATIONAL PARK, A WINTER WONDERLAND

Mr. MANSFIELD. Mr. President, in the New York Times for last Sunday, February 11, 1968, there is published an article, written by a well-known Montanan from Columbia Falls, Mont., Miss Carol Woster. The article is entitled "A Brave New Wintry World Opens Up at Glacier National Park."

I ask unanimous consent that this well written and highly descriptive story of the many glories of Glacier National Park be printed in the RECORD.

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

A BRAVE NEW WINTRY WORLD OPENS UP AT GLACIER NATIONAL PARK

(By Carol Woster)

WEST GLACIER, MONT.—The million acres of Glacier National Park, a summer playland for decades, are on their way to becoming a winter wonderland as well.

Multicolored hotrods on skis—more familiarly known as snowmobiles or snowcats—are opening up rugged, unplowed areas in Montana's northwest that only skiers and snowshoers used to be able to explore once cold weather set in.

The new winter sport had its modest beginnings about three years ago, when local residents began working a "cat," which can cost $700 to $1,300, into the family budget. Since then, the popularity of the machines, capable of covering more than 200 miles a day at speeds up to 60 miles an hour, has prompted some dealers to make the cats available on a rental basis. The usual rate is $25 to $35 a day.

SNOWMOBILING ENCOURAGED

The use of snowmobiles by sightseeing families is being encouraged by the National Park Service. U.S. 2, which skirts Glacier Park's southern boundaries, is the only route across the park open during the winter, but this has now taken a secondary position as far as anyone having access to a snowmobile is concerned.

The Park Service has allotted to cat users 70 miles of unplowed roadways on the west side of the park and 30 miles on the east side, as well as all the parking lots used by summer tourists.

"The scenery is outstanding in winter, as well as during the summer," Ruben O. Hart, the park's chief ranger, said the other day. "People are really enjoying themselves."

The people, added Roy Lindsey, a snowmobile dealer living near the park, are of all ages. They range in age from 7 to 75, he said, observing that "adults play with them [the snowmobiles] like a kid with a toy."

UNEXPECTED DELIGHTS

"A new world has been created in the winter months," Mr. Lindsey commented, referring to picture-taking and sightseeing.

As travelers zip along, able to cover about as much ground in an hour as a skier can in a day, they seem to find unexpected scenic delights around every bend.

Rugged peaks familiar to many hiking tourists in the summer have new faces. The crevasses are banked in snow, and silvery waterfalls, which plunge hundreds of feet, become sparkling ice formations. Fragrant pines, the sunsets and the intense blue sky add to the exhilarating feeling of riding through the vast park.

The 50 or so glaciers display as many moods and colors as the ever-changing sea. The mountains of blue ice seem to stand in each other's shadow, looking attractive or eerie, depending on whether they are being viewed in the sunlight of day or the dusk of evening.

While the cats can reach speeds of 60 miles an hour, snow conditions, such as two or three feet of powder, generally keep the machines down to about one-third that amount. Their fuel capacity is about five gallons.

This year, as a result of the growing interest by snowcatters in exploring the park,

the Park Service has provided two overnight cabins free of charge.

One cabin, called Packer's Roost, is in a forest clearing on the west side. It contains four folding cots, a wood stove and floor space for about four sleeping bags. The shelter is situated in a scenic pocket of mountains, but travelers are not permitted past the point because of the danger of avalanches.

Views from the cabin include the Garden Wall, a ridge of gouged-out cliffs and jagged peaks that tower majestically over the dense forests. Long ago, Indians used to consider the Garden Wall as the backbone of the world.

On the east side of the park is Sherburne, a rough-hewn cabin that accommodates about five persons. It is situated in comparatively open country midway between Many Glacier and Babb, a town in the Blackfoot Indian Reservation.

FOUR-MILE JOURNEY

"To get the spectacular views," Ranger Hart said, "you take the cat about four miles from the Sherburne cabin to the Many Glacier Hotel. Pretty little Swiftcurrent Lake is there in Many Glacier Valley, with Grinnell Point in the background."

The 220-room Many Glacier Hotel is closed during the winter, as are the other hotels hereabout. The snow in the area does not begin to melt until April or May, and the hotels do not open until June, when the tourist season begins.

Snowmobiles are also used by the Park Service. The unplowed portions of Going-to-the-Sun Road are patrolled by the clumsy, bulky Tucker snowcat that was purchased seven years ago for about $8,000. The cat, with an enclosed cab and four pontoons, is used by personnel measuring snow, observing wildlife and counting game.

Alongside the four modern snowmobiles that the Park Service now also owns, the Tucker looks like an old-fashioned steam engine. The newer cats are used for the same purposes as the Tucker, and also on search and rescue missions. The latter is an added duty that became necessary when family snowcatting began to catch on.

Permits are necessary to operate the snowmobiles in the park, and Ranger Hart reports that their use has increased sharply. Last winter, a total of 94 permits was issued; last December, 46 were granted. The demand for January, February and March was expected to be much higher.

When obtaining a permit, the snowmobiler must list his itinerary. No accidents involving the machines have occurred, but their growing popularity has made some regulations, such as the carrying of certain equipment, necessary.

FREQUENT BLIZZARDS

For example, more supplies may be required on the east side of the park because of the frequency of blizzards. Such things as a map and compass probably would not be insisted upon for a short trip on the west side, where heavily timbered roadways lessen the risk of becoming lost.

Among the items that the snowmobiler may be required to take along—and this is strictly up to the park rangers—are an ax and shovel, a first-aid kit, flashlight, bedding, matches, rations, tools, tow rope or chain, fire extinguishers, skis, poles and snowshoes. Guns are not allowed, since hunting is not permitted.

While big game is plentiful in the park, there is only a remote chance of danger. Persons in snowmobiles may spot moose, herds of elk, startled deer and occasionally, in some areas, a mountain goat, a bobcat, a mountain lion or the fur-bearing pine marten.

On rare occasions, a bald eagle might be seen. Bears, of course, are in hibernation.

DAILY TRAIN SERVICE

To reach the park, the same transportation that is used during the summer tourist season is available, but there the similarity ends. The Great Northern Railroad's Western Star, operating between Chicago and Seattle, stops daily at East Glacier and West Glacier; after that, however, the visitor is on his own.

The red buses, always on hand during the summer to take tourists to the busy hotels are absent, and the depots themselves have a windswept, lonely look.

KOREA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an editorial published in the Baltimore Sun this morning, entitled "Careful in Korea," which supports the President's diplomatic efforts to avoid rash actions in Northeast Asia to bring about release of the *Pueblo* and its crew, be printed in the RECORD.

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

CAREFUL IN KOREA

The incident of the intelligence ship Pueblo has served, among other things, to remind us that there are parts of Southeast Asia other than Vietnam, and that there are friendly regimes besides Saigon's with whom our dealings are touchy and difficult. The Government in Seoul, already worried about North Korean raids before the Pueblo was seized, has since that time felt that the United States in its concern for the ship and the crew was downgrading the seriousness of, for instance, the North Korean attempts to assassinate President Chung Hee Park. The feeling has run high enough for President Johnson to dispatch a special representative, Cyrus Vance, to talk to the authorities in Seoul, for reassurance and for discussion of their security problems.

This kind of preventative consultation is in line with the Administration's careful attitude right now on all matters Korean, including the case of the Pueblo. If Mr. Johnson was tempted toward precipitant action—which incidentally might well have placed the crew in greater jeopardy—he resisted the temptation, and he still resists any temptation to build the incident into a major crisis that might lead to new Korean conflict. It is the wise way. We have already had too many Southeast Asia examples of how hasty action can bring consequences unforeseen.

TRIBUTE TO MIKE MANATOS

Mr. MANSFIELD. Mr. President, one of the most outstanding men in Government today is a distinguished citizen from Rock Springs, Wyo., Mike Manatos.

Mike has taken over the functions of Larry O'Brien insofar as legislative coordination between the Senate and the White House is concerned.

I am sure that every Member of the Senate knows Mike. He is one of those individuals who do not seek to step out in front but who does his job and does it extremely well.

He is a man for whom I have the greatest admiration. He is devoted to the President of the United States and who gives his all to the job, which is his responsibility.

Mike Manatos is available to Senators at any time. He is a man whom I know as a good coordinator, a man who is well aware of the legislative process and its limitations, a man who knows that there is a distinct line between the White House and the Senate, and a man who is fully aware of the difficulties that such a job and a relationship of that sort can, at times, entail.

An excellent article on this shy and modest man has been published in the Rocky Mountain News of Denver, Colo. It is entitled "The Man on Call to Presidents," and is written by James Foster.

The article is sympathetic. It is also accurate, and I ask unanimous consent to have it printed in the RECORD, so that those of us who, perhaps, do not know Mike Manatos as well as others, will be able to get a better insight into the abilities of this man and a better recognition of his integrity as well.

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

PHONE RINGS OFTEN FOR WHITE HOUSE AIDE FROM WYOMING: THE MAN ON CALL TO PRESIDENTS

(By James Foster)

WASHINGTON, February 3.—The President is as close as the telephone. It rings often.

The mild-mannered Wyomingite at this end of the direct line is Mike Manatos, administrative assistant to two presidents and one of Rock Springs High School's most distinguished graduates.

As Senate liaison officer, Manatos is President Johnson's chief arm-twister on Capitol Hill. It is his job to grease the skids to get Administration legislation through a sometimes balky congress.

Since Lyndon B. Johnson is considered one of the most effective arm twisters of all time, Manatos knows he is working for a pro. The job, he says with a chuckle, offers both "challenge and satisfaction."

The President may call Manatos from the chief executive's oval office right down the carpeted corridor. Or from Texas. Or from West Germany. Or from Australia.

"There are standing orders around here that the President is always available," the 53-year-old explains, straightening his black, silver and gold stripe tie. "On the other hand, he (the President) has no hesitancy in calling you—and it doesn't make much difference what time it is."

The calls from Australia and Germany came at what would have been the middle of the night there, Manatos recalls. The President wanted to check the progress of some special legislation.

"I asked the President if he didn't want me to wait until morning to call him back but he said 'no,' call him back right away."

IMMEDIATELY

In the LBJ time scheme of things, this means immediately, if not sooner.

"Fortunately I had most of the information he wanted in my head. The rest of it I got quickly and called him back. He was waiting for my call."

The urgency of the presidency also means the phone in the Manatos home will ring at any hour of the night. The White House operator says, "The President is calling," and the next voice on the line is the familiar Texas drawl easily recognized by all Americans.

But, Manatos says, all members of the President's staff are required to operate on a high-octane formula of total performance.

He sums it up simply: "Both President Kennedy and President Johnson have expected total effort. Both have expected results."

Manatos sips coffee and tells with undeniable pride of the events that led him

from modest mining town beginnings to the inner sanctum of top Government.

"My father, Nick, was a coal miner. He was a Greek immigrant from the island of Crete. He still lives at Rock Springs. My brother, Tom, is head of the math department at Rock Springs High School."

But the dwindling coal mines offered little attraction for Mike. After high school he came to Washington to attend Strayer's College. He received an accounting degree from George Washington University.

ACTIVE MAN

Active in the Wyoming Young Democrats, Manatos returned to the nation's capital in 1937 as administrative aide to a succession of Wyoming senators: Harry Schwartz from 1937 to 1943, Joseph C. O'Mahoney, 1943 to 1953; Lester C. Hunt, 1953 to 1954; O'Mahoney again from 1954 to 1961 and J. J. Hickey beginning in 1961.

Manatos also had been elected president of the U.S. Senate Administrative Assistants Assn., an honor denoting prestige and experience amid the intricate legislative latticework of "The Hill."

GOT CALL

Within a month after going to work for Hickey, Manatos received a call from Lawrence O'Brien, new postmaster general.

O'Brien, known as "the key legislative architect of the New Frontier," had helped engineer the campaign of the new young Democrat President from Massachusetts, John F. Kennedy. O'Brien told Manatos his experience could be put to greater national service as a presidential aide.

"I reported for work Feb. 7, 1961," Manatos recalls. "A couple of days later I stepped into President Kennedy's office to thank him. He shook my hand warmly and said, 'Welcome aboard.' The President then said, 'You've been on The Hill a lot longer than I have. I'll need your help,' and that was that."

Manatos remembers asking O'Brien what the hours of the new job would be. "O'Brien said I could come in any time before 9. He didn't say what time I could leave."

That's the hitch, Manatos came to find out. For members of the Presidential team, the work is never done. Manatos still comes in "any time before 9" and considers himself lucky to get home before 7:30 or 8 p.m. It's a 6-day work week—sometimes 7—although normally he only travels weekends when senators accompany the President to the Texas ranch or elsewhere to hammer out key legislation.

DRAWBACKS

The schedule leaves something to be desired as far as home life is concerned. But, Manatos declares, his wife, Dorothy, a native of American Fork, Utah, and their two children still at home would not ask him to give it up.

Andrew, 22, a student at American University here. Daughter Kathleen, 16, attends public high school. Another daughter, 23-year-old Ann (Mrs. George Hatsis), lives at Salt Lake City, Utah.

Although the Manatos family lives comfortably in the above-average suburb of Chevy Chase, there is admitted contrast in dealing with matters of state and those at home.

"I'm afraid I'm spoiled by this existence," Manatos says, no more than a buzzer away from every type of service. "I'm chauffeured upto the Hill every day in a White House limousine. Then, when I have to take my own car (a 2-year-old Chevrolet) to the garage to have the oil changed I sometimes catch myself thinking somebody else ought to be doing it."

NEAT OFFICE

Manatos' office though small, is nice; the art work blends, the magazines are current and the coffee cups, bearing the White House seal, are clean.

However, on the wall hang two reminders of the precarious pinnacle on which public servants perch.

They are certificates of his appointment under the two Presidents. In fine script they allude to prudence and integrity and other qualities Westerners take for granted.

But then in the last line, Manatos points out with mixed-amusement, is the phrase ". . . for the time being." That means, he explains, that in politics particularly the good guys one day aren't always considered good guys the next day. "That little phrase there on the end," he says, "keeps you on your mettle."

Several times Manatos has "seriously considered" jumping into the political waters. In 1966 his name was widely circulated as a candidate for the U.S. Senate. It would have meant a fight in the Wyoming democratic primary with his boyhood chum, Rep. Teno Roncalio.

HAD BLESSING

Manatos, understandably, had President Johnson's blessing. But in 1960, while Manatos worked for Johnson-backer Sen. O'Mahoney, Roncalio beat the Kennedy drum. The primary fight, therefore, could have reverberated clear to the top of the Democratic organization.

"I finally decided," Manatos says, "that the party or its chances were not best served by having a knock-down, drag-out fight with Teno."

Manatos' fights now are concentrated on Capitol Hill. "I found my greatest challenge—even though I had worked on The Hill for years—was to get acquainted and develop a rapport with senators that assured them I was acting in good faith and that my word was bond. That's the way it has been."

While daily he helps oil the wheels of the democratic process, a singular experience three years ago stands out in Manatos' mind as "the greatest proof of how much democracy has to offer."

BIG THRILL

"The Greek prime minister at that time, George Papandreou, was here for a state visit. The President invited not just me and my wife but asked my father to come all the way from Rock Springs for the state dinner. There you had it—an immigrant from Crete shaking hands with the President of the United States and the Greek prime minister.

"That was the greatest day of my father's life."

After seven years within the aura of the presidency, Manatos says he still senses the awe his father felt that night.

"Sometimes you wonder what you're doing there, but there you are."

And with that, Manatos hurries away to a cabinet meeting.

The President is ready—and never, never kept waiting.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

DEAN ACHESON ON NEGOTIATIONS WITH THE COMMUNISTS

Mr. BYRD of West Virginia. Mr. President, the desire of all thoughtful men today is to find a way to end the fighting and dying in Vietnam and bring about an honorable peace in that wartorn land.

Some of the more strident and extreme voices have called for talks with the Communists regardless of safeguards and conditions. You can, they seem to imply, trust the other side to make peace. Others less extreme, but equally concerned, believe that negotiation is almost an end in itself; that any form of talking is a step toward settlement.

Mr. Dean Acheson, the distinguished Secretary of State during President Truman's administration, disagrees. According to his experience, the Communists see negotiation as war carried on by other means. In a television interview late in 1967 Mr. Acheson discussed the difficulties of negotiating with the Communists through the crises of the postwar years. His list includes Communist guerrilla warfare in Greece, the Berlin blockade, and a shooting war in Korea. The Cincinnati Enquirer was sufficiently impressed with the insight and wisdom of Mr. Acheson's remarks to make them the subject of a recent editorial which was also reprinted in the Christian Science Monitor of February 9, 1968.

Mr. Acheson's analysis will not be comfortable reading for those who wish to cut and run in Vietnam. Nor will it be enjoyable for those who wish to end the war by beginning talks regardless of safeguards to ascertain Communist good faith.

Mr. Acheson's view will help those who seek a balanced perspective on this difficult problem. He has walked down this trail before. His wisdom comes from participation and experience.

And Mr. President, Mr. Acheson's thoughts of late last year take on an even greater significance in the light of the savage violation by the Communist forces of a Vietnam Lunar New Year truce this past 2 weeks.

The thousands of civilians dead, wounded, missing, displaced, or homeless in the cities and towns of South Vietnam testify to the ruthless brutality and the latest treachery of the Communist forces.

This then, Mr. President, makes it even more important that we understand the Communist interpretation of what negotiation really means.

Mr. Acheson is an excellent guide to that understanding. I ask unanimous consent to insert this editorial discussing his remarks in the RECORD.

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

MR. ACHESON ON NEGOTIATIONS

Only a handful of Americans have had more practical, first-hand experience negotiating with the Communist world than Dean G. Acheson. As assistant secretary of state, as undersecretary, and finally as secretary of state, Mr. Acheson had a prominent part in a succession of east-west confrontations from the early days of the cold war through the armistice negotiations in Korea.

When Mr. Acheson speaks, consequently, of the futility of negotiating with the Communists, his words carry an authority unshared by most of those who have advanced propositions for ending the Vietnam war.

Mr. Acheson is quite correct, we think, in recognizing that Communists and Americans look upon negotiations through altogether different eyes. "With us," he says, "negotiations is a David Harum business in which both parties want to reach a result and each one wants to get a slight advantage in reaching a predetermined result—sale of a horse, end of a war, whatever it may be.

"The Communists," the former secretary of state goes on, "have a Clausewitz idea toward negotiation. Negotiation is war carried on by other means, and what they hope to do in a negotiation is not to bring about a peace but to disadvantage somebody in the course of a war—separate you from your allies, cause you domestic trouble at home, and so forth."

In specific terms, Mr. Acheson recalled that "in all the experience I have had with the Communists, negotiation never preceded a settlement or got anywhere. This was true in Greece. They carried on the operations against Greece until they became unproductive, and then stopped.

"In the blockade of Berlin they went on until it was hurting them more than it was hurting us, and then stopped.

"In the case of Korea, exactly the same thing happened."

In terms of the Vietnamese action, Mr. Acheson is convinced that the fighting will stop when the Communists weary of it and that nothing the United States and its allies can do will hasten the day. Negotiations, certainly, are not the answer.

"Negotiation," he says, ". . . will be a pain in the neck and will get you no nearer to the solution of this matter. In fact, it'll get you further [away]."

It is one of the features of the modern liberal syndrome that negotiation is capable of accomplishing any objective, that there is no end that cannot be reached at the negotiating table. That notion fails to take into account the malevolence of the Communist world; it fails to recognize that Communists, except in extraordinary circumstances and for limited ends, do not want problems solved except through the capitulation of their foes.

These convictions account for the magic that the idea of Vietnamese negotiations seems to hold for a great many Americans. In their eyes, the day that negotiations begin is the day that the war is all but over.

Dean Acheson's credentials as a liberal need no elaboration. That he, despite his ideological commitment, nonetheless sees the fallacy of negotiation ought to give all Americans pause.—Cincinnati Enquirer

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GENERAL WESTMORELAND AND THE RECENT SNEAK ATTACKS IN VIETNAM

Mr. BAYH. Mr. President, the Lunar New Year truce in Vietnam has been savagely violated by the Communists who launched a series of sneak attacks upon the urban areas of South Vietnam during the past 2 weeks.

In the wake of these brutal assaults, some individuals have criticized Gen. William C. Westmoreland, claiming he has misled us with unrealistic and inaccurate reports of progress in 1967.

Mr. President, General Westmoreland, like most of us, has been unable to forecast precisely the actions of the enemy in Vietnam. He has had to deal with the evolution of events in an unpredictable and dangerous environment. He has learned the great risk involved in trying to place evaluations of Vietnam efforts in a time frame.

But General Westmoreland has accomplished a great deal. The Communist attacks have not changed this fact.

To realize how demanding General Westmoreland's task has been, one has only to recall the dark days of January 1965. Vietnam stood on the verge of a total collapse. Communist forces were overrunning the hamlets and villages. The South Vietnamese Armed Forces were stretched to the breaking point.

General Westmoreland's leadership and his support of the South Vietnamese averted the collapse that was so imminent. He outwitted the enemy during this period of weakness and buildup, gaining precious time and creating a new foundation for expanded military and civic operations.

U.S. combat forces arrived. The South Vietnamese forces began retraining and revitalization programs. The war was carried into the jungle sanctuaries of the Vietcong. The Communist grip on the countryside was weakened in many villages and hamlets. Security conditions were created, enabling five elections to be held during 14 months despite all Communist efforts to disrupt or destroy them. The culmination was a constitutional government elected by the people of Vietnam in the autumn of 1967.

Is it any wonder, Mr. President, that General Westmoreland would take pride in helping to achieve these goals and would so report them to the American people?

The Communists were hurt. Their losses were increasing. They had been unable to win a major battle with our forces since 1965.

In this mood and under a mantle of deceit and treachery, the Communists proposed and then violated a Lunar New Year truce. They struck brutally at the cities of South Vietnam for the first time in the war. They killed, wounded, and made homeless thousands of civilians. They turned city streets into arenas of death and suffering. But they failed to gain the active support of the population in those cities who ignored the Communist call for a general uprising. They failed to break the will and spirit of the retrained and revitalized South Vietnamese Army which fought well following the initial period of surprise and shock. They failed to capture the cities. Their forces were rooted out of the towns they invaded, and the bitter house-to-house fighting is going on in a few places at this very hour. These efforts cost the Communist forces thousands of their best men. These include members of their seasoned underground network within the cities.

Stripped of their dramatic aura, these New Year attacks have not changed the basic equation in Vietnam. The achievements of 1965–67 continue to endure. The South Vietnamese Government at this very moment is engaged in new responsibilities of rehabilitation and reconstruction. Final success or failure in Vietnam will depend upon the outcome of these efforts. For the Vietnamese themselves—the burdens they carry—will determine the outcome of the war.

In short, the Communists have created confusion, and there will undoubtedly be more similar attempts. But they have paid a high price. The Vietnamese people have not lost their will.

The question remains whether those who view these events from vantage points outside of Vietnam will possess the same fortitude. Certainly it is clear that General Westmoreland in all of these crises has served his country and the cause of the people of Vietnam well. One desperate, inconclusive Communist lunge at the cities does not negate these accomplishments, however much the enemy might wish us to so conclude. The days ahead will be critical for the final outcome in Vietnam.

VIEW OF VIETNAM AND AMERICA

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting and enlightening view of Vietnam and America presented by the noted historian, Arthur M. Schlesinger, Jr., Albert Schweitzer professor of humanities at City University, New York.

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

FORUM OPENS DEBATE ON VIETNAM

(By Arthur M. Schlesinger, Jr.)

I write as a Roosevelt-Truman-Kennedy Democrat deeply disturbed by the course we are following in Vietnam. I believe that many Democrats across the country share this concern. Indeed, it can, I think be safely said that, if a Republican Administration were pursuing this policy, if a Republican President were deliberately widening a war on the mainland of Asia in the evident determination to impose a military solution on a small Asian country, hardly a Democrat in the land would approve.

Yet, because our own party is in office, we naturally suppose that a Democratic President must be carrying out a Democratic foreign policy; and this supposition reinforces the instinctive sympathy with which any citizen must regard President Johnson as he struggles with complex and formidable problems. We know too that the Administration course is backed by earnest and conscientious men. And the situation is further confused by the apparent conviction with which the Administration insists that it is doing no more than walk in the footsteps of Presidents Roosevelt, Truman and Kennedy. But does this continuity really exist? Closer examination shows, I think, that this Democratic Administration, far from simply carrying forward the foreign policy of its Democratic predecessors, is in fact conducting something much closer to the traditional foreign policy of the Republican Party.

Let us look briefly at the points made by the Administration when it claims to be carrying out a traditional Democratic foreign policy.

(1) *That the Johnson Administration is doing today exactly what President Roosevelt did in the time of Hitler.* This argument implies that we are stopping in Vietnam a threat of global aggression equivalent to the one we stopped a generation ago in Europe and Asia. Is this really so? Does anyone in Washington seriously suppose that Ho Chi Minh and his ragged bands, in North Vietnam, a nation of 16 million people with no industrial base, present a threat comparable to that presented by Hitler? That if Ho were to take Vietnam today, he would be in Singapore tomorrow and in Seattle next week?

Obviously no one in his senses could possibly believe this. Therefore, in order to strengthen a sad case and justify what it has sent young Americans to do, the Administration has begun to argue that we are combatting in Vietnam, in the words of the Vice President, "militant, aggressive Asian Communism with its headquarters in Peking, China"—in short, that Hanoi and the Viet Cong are of interest not in themselves but as the spearhead of a Chinese program of aggression. This is quite a point. Yet the Administration has produced wretchedly little evidence to sustain so vital a proposition.

There is no evidence, for example, that Asian Communism is a unified movement, run out of Peking. Nor is there evidence that North Vietnam has been, is or will be a Chinese puppet. If North Korea, which owes its very existence to Chinese intervention in the Korean War, declares its independence of Peking, how can anyone think that North Vietnam, whose whole history has been shaped by resistance to China, will become the obedient instrumentality of Chinese aggression? As good a probability—unless we succeed in driving the North Vietnamese hopelessly into the arms of the Chinese—is that Hanoi, with its vast Russian support, would resist Mao's pressure, and do so much more effectively than the parade of gimcrack regimes we have sponsored in Saigon.

The Vietnam War simply does not offer evidence of any threat of global aggression comparable to that which confronted Roosevelt twenty-five years ago. The analogy is phoney—and the indication is that we are over-reacting to a local war. As for Chinese aggression, this is thus far a prediction, not a fact. If it should come, the realistic bulwark against China in Asia will be, not the intervention of white men from across the seas in the Westmoreland style, but Asian nationalism, even if local nationalism may sometimes assume a communist force.

(2) *That the Johnson Administration is doing today in Vietnam exactly what President Truman did in Korea.* But a moment's reflection, I submit, shows that Korea and Vietnam are quite distinct cases. For one thing, Korea was a clearcut example of aggression across frontiers. North Korea plainly and indisputably invaded South Korea. There was no civil war in South Korea, no South Korean equivalent of the Viet Cong. The government in Seoul, for all its faults, effectively represented its people. Moreover, this was a war backed by the United Nations, not just a unilateral action by the United States. Most important of all, the Korean War took place when Communism was still a relatively unified international movement—when the extension of Communism meant the automatic extension of Russian power and, given Soviet purposes, an automatic increase in the danger to American security and world peace.

It is very different today. The fighting, for example, originated *inside* South Vietnam; the Viet Cong have held a good deal of the country for nearly a decade. When we started bombing North Vietnam in February 1965, the Hanoi regime, according to our own Department of Defense, had only 400 regular troops south of the border. The United Nations has not backed the war; indeed, many nations have called in the UN for an end to our bombing of the north. Even our SEATO allies decline to give us effective assistance in an intervention which we keep claiming the SEATO treaty renders mandatory. Above all, the row between Peking and Moscow has shattered the Communist world. No one can assume any longer that the extension of Communism automatically means the extension of Russian—or of Chinese—power. Polycentrism has transformed the character of the Communist threat.

So the Korean analogy breaks down too. Moreover, when General MacArthur wanted to escalate the war and carried his argument to the Congress, President Truman fired him. The present Administration, very far indeed from the man from Independence, reverently builds up its pro-escalation generals and sends them on stateside speaking tours.

(3) *That the Johnson Administration is simply carrying forward the Vietnam policy of President Kennedy.* It is presumptuous for anyone to claim to know what President Kennedy would have done about Vietnam had he lived. But we know what he said about Vietnam a few weeks before he died: "In the final analysis, it is their war [the people of South Vietnam]. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam." This implies a profound conviction that to Americanize the war would be, in the most serious sense, to make it unwinnable.

President Kennedy called it *"their* war." President Johnson, on the other hand, calls it *"our* war." Nothing describes more succinctly the difference between their two policies. One policy is to help the South Vietnamese to win their war; the other is for Americans to win it for them. No doubt it has become our war in some sense when in some months more Americans are killed than South Vietnamese are drafted. But can we ever win the war in any abiding sense unless the people of South Vietnam show a will and purpose at least equal to that of Viet Cong? Does the magnitude of our intervention really encourage such will and purpose? Is it not true that the more we do, the less they do? Was not President Kennedy right in suggesting that the war could never be won unless the people of South Vietnam won it for themselves?

These are the reasons why this Democrat at least rejects, with a certain indignation, the bland theory that our present policy of throwing our weight around in Vietnam is nothing more than an easy continuation of the Roosevelt-Truman-Kennedy approach to foreign affairs. Can any Democrat really see any of these Presidents deferring to the Joint Chiefs of Staff in the contemporary manner and righteously ordering the squalid bombing of a small nation far beyond the demonstrable involvement of our own national interest or safety? Would any of these great Presidents have suggested that the future of the world depends on a showdown between himself, and, for heaven's sake, Ho Chi Minh? They had—all of them—too much sense of humor, which means sense of proportion.

It is a little difficult for these reasons to see how the course of the present Democratic Administration can be regarded as just the expression of good old Democratic policy. The record shows, I would think, that the Administration has departed considerably from the creative spirit of the Democratic theory of foreign affairs and has come awfully close to adopting the traditional policy of the Republican party.

Up to the present, every Democratic President in this century has profoundly believed at least three things: (a) that nationalism is a political force of tremendous power, especially in what was once the colonial world; (b) that therefore in dealing with nationalism in the ex-colonial world *military* solutions imposed by white powers are an illusion, and local *political* solutions are a necessity; and (c) that in the longer run nationalism must be contained within a framework of effective international organization. Unfortunately the present Democratic Administration, while paying lip-service to these beliefs, denies each one of them in action in Vietnam.

If any expectation is clearly futile, it is that the armed intervention of white men will determine the ultimate course of history on the mainland of Asia. Yet our Administration's assertion that we are not just a Pacific but an Asian power condemns us to precisely this preposterous adventure. The nostalgic faith in gunboat (now aircraft carrier) diplomacy, the hope that by 'zapping the wogs' we can make them do what we want them to do, the theory that B–52's can liquidate nationalism: these are Republican ideas, not Democratic ideas. Anyone who still believes such things badly needs a course in modern history. At the very least he should take a close look at the film *The Battle of Algiers* (which should be required viewing at the Pentagon). In the long run, nationalism will be irresistible—and all the armed intervention of white men does is to deliver the credit and passion of nationalism to the present beneficiaries of our napalm.

Our party's mode in such matters has been to seek political, not military solutions. That is why Roosevelt did not go to war against Mexico in the thirties; it is why he did his best to prevent the return of Vietnam to France after the Second World War. That is why Truman launched the Point Four program to assist national development in the third world. That is why Kennedy acted with such sympathy toward the new nations. This is the Democratic legacy we are rejecting every time our bombers drop a new load of explosives on Vietnam.

More than this, Roosevelt, Truman and Kennedy believed that nationalism had to be accommodated within larger international frameworks. They believed that the safety of our country required friends and allies. They were deeply opposed to 'going it alone'—which is, after all, what isolationism is all about. But the Johnson Administration has made other judgments. Its Vietnam policy has in consequence created doubt of American purpose and mistrust of American power all around the planet. Where Wilson, Roosevelt, Truman and Kennedy sought to work closely with the nations most essential to American security, President Johnson's policy has isolated the United States from our best allies—and at the same time it has also provided an immense stimulus and boon to isolationism within the United States. The disconcerting fact is that a Democratic Administration is 'going it alone' more than any American government has done for thirty years.

We are Democrats. Let us look honestly at what we are doing in, and to, Vietnam. Does this have any serious relationship to what Wilson, Roosevelt, Truman, Kennedy inspired us to think about and care about in the world? Going it alone, primary reliance on military destruction, indifference to political solutions, indifference to world opinion: would any of these great Democratic Presidents have defined this as the foreign policy of our Party? Yet exactly these things constitute the basic elements of the approach to Vietnam which the Republican candidate recommended in 1964 and which the Democratic Administration, contrary to the Roosevelt-Truman-Kennedy tradition, adopted in 1965.

Now Washington is dominated by the men for whom only military power counts in world affairs; "the Commies don't understand anything else." It is fashionable again, as it was in the heyday of John Foster Dulles, to dismiss and deride considerations of world opinion. The hard-nosed men hold sway.

How naive it all is! The American Presidents who achieved the greatest power in the world, Democrats all—Woodrow Wilson, Franklin Roosevelt, John F. Kennedy—did so precisely because they were idealists as well as realists; because they understood that a fundamental component of national power is the capacity to move world opinion. Nothing is less realistic than the supposition that

a $70 billion defense budget contributes more to American world influence than the ability to impress the judgment and touch the hearts of plain people.

"What has America lost," wrote James Madison, another Democrat, "by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind." Wilson, Roosevelt and Kennedy knew that national strength had its moral as well as its military dimensions. They conquered the world not through the threat of American arms but through the embodiment of American ideals.

Democrats disturbed over the widening of the war in Vietnam should not feel that they are abandoning the Democratic Administration. It is the Democratic Administration which in this area is abandoning the historic principles of the Democratic Party.

U.S. GOLD SUPPLY LOWEST SINCE APRIL 28, 1937

Mr. SYMINGTON. Mr. President, on February 8, the Federal Reserve Bank of New York announced that the monetary gold stock of the United States had dropped $100 million in that past week, the lowest point in nearly 31 years.

This puts the gold we now hold at $11.884 billion, below $12 billion and the lowest since April 28, 1937.

The more gold we lose, the more we hear some people say, "What is gold worth anyway" as they concentrate on a new setup—CRU's, or SDR's, or other plans.

Maybe gold is worth as little as some say. But would it not be advisable to have some agreement on the substitute before the United States goes off the gold standard if for no other reason than the fact we have no more gold to sell?

IS KING'S NONVIOLENCE NOW OLD FASHIONED?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Robert C. Maynard, Washington Post staff writer, entitled "Is King's Nonviolence Now Old Fashioned?" the article having appeared in the Post on February 11, 1968.

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

IS KING'S NONVIOLENCE NOW OLD FASHIONED?

(By Robert C. Maynard)

The setting and mood were familiar: the packed Baptist church, the freedom songs, the stirring address that precedes the call to contribute, and then the word: "We have come to redeem the soul of America . . ."

Martin Luther King's mastery of oratory electrified this Nation once and pointed a whole generation of Americans toward the fight for Negro equality. But, at the moment he spoke in Washington last Wednesday night, the task to which he has devoted his life never seemed more difficult.

Dr. King, whose commitment to non-violence won him the Nobel Peace Prize in 1965, now faces the challenge of his career as the leading nonviolent spokesman of this generation on the issue of equal rights.

To dramatize the economic plight of the Negro and to demand Congressional action on a massive scale, he plans to bring some 3000 poor people, most of them black, to camp in and be civilly disobedient in Washington, starting in April.

VOICE OUT OF THE PAST

As he leaned forward in the pulpit of Vermont Avenue Baptist Church, he held the integrated audience spellbound, as he has done so often in the decade of his prominence. The turn of phrase has the rolling cadence that moves and stirs.

But hearing Martin Luther King today is hearing the past—even though it is the future that concerns him, a future which he feels will be born of truly treacherous times for the Negro. He holds tenaciously to nonviolence in a time when much violence surrounds him.

He concedes that times have changed since his ringing "I have a dream for America" speech at the Aug. 28, 1963, March on Washington. He concedes the increasing intractability of whites and the growing anger of blacks.

PRESTIGE ON THE LINE

Despite those concessions, Dr. King and his Sotuhern Christian Leadership Conference have laid their prestige and their resources on the line to bring off the 1968 Poor People's Campaign for Jobs or Income.

There is some fear within the King camp that the campaign, which will have a series of legislative demands, may founder before a Congress unenthusiastic on civil rights and a Nation reacting negatively to the urban violence of recent summers.

The King campaign promises to bring to the city this spring "militant nonviolence" and direct action. Thus, for the first time since the March on Washington, the Capital will become the focus for full-scale civil rights demonstrations.

King's drive is aimed at the national Government, but it comes at the same time as the local organizing drive of Stokely Carmichael, the SNCC black power advocate.

PERILOUS IMPLICATIONS

The city, then, is the focal point for organizing efforts of the two leading black activists of our time. The implications are perilous for the city and for the Nation.

Carmichael, whose public break with the posture of nonviolence is nearly two years old, spent two hours with Dr. King and several of his aides Wednesday evening. Carmichael brought along SNCC's chairman, H. Rap Brown.

The Wednesday meeting was the second encounter of the week between King and Carmichael. They both addressed the newly formed Black United Front on Tuesday evening. It was a session that lasted nearly four hours.

Dr. King is often asked to comment on the possibility that his drive will be taken over by violent elements or *agents provocateur,* bent on embarrassing him and his movement, but he minimizes that danger by saying his main cadre will be "trained in the discipline of nonviolence."

THE THREAT OF FAILURE

That danger, perhaps more than any other, can be smothered. What is a greater peril to King's plans is that nothing will happen. Just nothing. A few thousand poor people, some marchers, a few arrests, congressional condemnation, presidential censure, a bridge stall-in, a hospital sit-in, then nothing. Proof.

If that happens, what becomes of Martin Luther King? What becomes of the Southern Christian Leadership Conference? Most important, what becomes of the nonviolence that Dr. King, almost alone of the great civil rights leaders of the 1960s, still espouses?

Dr. King's present drive could be described as an antiriot drive. He has said often that he is working to save the Nation by showing Negroes that nonviolence can work, can get results for them in their economic plight.

Looking beyond the coming summer, he sees a danger in this country if urban violence continues. To group after group, he has drawn the scenario of what the end of the road of ghetto violence could be: "I see a barbed wire fence around the ghettos, I see us in concentration camps." That, he says, will be the end of the America we know now. "It will be a rightwing takeover, a sort of fascist state."

A fascist state, say many SNCC workers, Carmichael among them, is what America is now. When a policeman beats a Negro and goes free, when a landlord can rent hovels at high prices to Negroes without legal censure, when schools do not educate Negro children and when "crime in the streets" becomes more important than hunger in Mississippi or on the Southside of Chicago, they say, we are living in a society that could quickly and easily become overtly fascist.

Washington SNCC has said it is not ready to reveal its current program.

Whatever that program will turn out to be, the chances are that it will address itself to these conditions in ever more strident tones. The differences between their approach and that of Dr. King promise to be sharp.

Despite those differences, Carmichael and King have apparently come to a common understanding on one point: there will be no public denunciation of one by the other. This, as Carmichael has stressed so often, is the age of Black Unity.

In the weeks since Carmichael began his efforts here, and in the last few days when Dr. King was here, the politics of arranging unity began to emerge.

CARMICHAEL AS CONCILIATOR

Carmichael, whose reputation has been that of a fiery revolutionary, has shown an extremely conciliatory style in bringing together a coalition of civil rights activists and spokesmen of every cast.

How well that coalition hangs together remains to be seen. Doubtless there will be defections, but from quite conventional civil rights activists one hears such comments as:

"For God's sake, let's try to stick together. We can't do anything as Negroes unless we learn to work for some common goals."

Maintaining such a coalition, in the face of past failures, will mean some yielding by representatives of both ends of the equal rights spectrum.

In these early stages Carmichael has shown the manner of someone serious about his task. When stung by criticism from someone in the Negro community, he responds by calling the potential adversary "flesh of my flesh and blood of my blood."

It is still to be discovered whether the blood grows thinner as winter turns into spring and spring into summer.

KING'S APPEAL TO PEOPLE

Dr. King's civil rights ecumenism has been practiced in an interestingly different manner. While he has held some intense confrontations with the black nationalists while he was here, Dr. King—and for that matter his staff—dealt with the whole Negro community with a persistent theme that sounded like this:

"We are here to deal with a serious problem in a sick society. We would like to have your support and understanding, but especially your understanding."

As for coalitions: absolutely not.

From ministers to garbage men, from businessmen to disc jockeys, Dr. King has contacted a wide spectrum of groups. In each, he has said essentially the same thing: the situation is urgent, the Congress won't act without being pressured and the way to mobilize that pressure is by appealing over the heads of Congress to the people.

INEVITABLE COMPARISONS

While King's public exposure in three days here was wide, Carmichael in more than a month has made only a handful of public appearances.

Carmichael has played the role of the intense behind-the-scenes arranger, King has played the public "come-unto-me" role.

Although neither would wish to think that it is so, the fact is that as these two men attempt to achieve their ends, inevitably they will be compared.

King, 39, played a unique role in the civil rights movement: it both shaped him and was shaped by him; the child was the father of the man.

A master organizer of demonstrations, he, and SCLC, dramatized the plight of the Negro in the South as had never been done before. As television journalism zeroed in, Dr. King brought Mississippi and Alabama dramatically into the homes of Americans. He made racism in the South come alive.

FRUSTRATIONS OF SNCC

While that effort was touching Americans outside of the South, there was a different and dirty day-to-day job going on in the backwoods of Alabama's Lowndes and Dallas Counties and in Southwest Georgia. That was the one-by-one job of registering Negroes to vote. It was to this job that SNCC committed itself.

It was here that the frustrations of trying to change local injustice piecemeal turned many SNCC workers from idealists to angry young men and women, convinced by 1966 that the job could not be done the way they were doing it. They emerged from their Southern experience with a belief that the whole society had to be dismantled and rebuilt.

Stokely Carmichael has emerged as the spokesman for that group. At the age of 26, he has become the symbol of an indigenous revolutionary.

Dr. King points to civil rights legislation and other social changes as the signs of success that urge him onward, nonviolently, to "help redeem the soul of the Nation." Carmichael, meanwhile, has found nonviolence and nation-saving wanting. They have brought their vastly different viewpoints to a city that is the seat of government—and two-thirds Negro.

LITHUANIAN INDEPENDENCE DAY

Mr. BAYH. Mr. President, on October 22, 1966, the Senate adopted a resolution—House Concurrent Resolution 416—urging the President to direct the attention of world opinion through the United Nations and other appropriate international forums to the denial of and the urgency for restoring the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania.

This month, as we celebrate the 715th anniversary of the statehood of the Republic of Lithuania, it is only fitting that we remind ourselves of this honorable commitment and renew our pledge to seek self-government for these brave and suffering peoples.

Mr. President, long before North America was discovered and permanently settled by Europeans, the Lithuanians had established a powerful and independent state which for centuries maintained the freedom and safety of millions of eastern Slavs. Independence, however, was not to remain theirs forever. In 1795, Lithuania was annexed by Russia. Numerous attempts to throw off the powerful Russian control failed, as did the Russian attempt to utterly destroy Lithuanian language and culture. The people of Lithuania fiercely resisted, steadfastly maintaining their religion, language, and traditions. During World War I, Russian domination gave way to German occupation. Again, the people resisted oppression to the point that, on February 16, 1918, Germany was forced to give up its illegal occupation, and an independent Lithuanian state, based on democratic principles, was proclaimed. After a brief period of Russian intervention, Lithuania was recognized in 1920 as an independent government. On July 27, 1922, the United States officially recognized the independent Government of Lithuania.

Since that memorable day in 1918, however, Lithuania has been the continuous target of powerful and aggressive neighbors. During World War II this small nation became a pawn in the massive struggle between warring nations. First the Russians, then the Germans, then the Russians overran the countryside, each leaving its tragic mark upon the land. Many Lithuanians fled their native country, thousands more were deported to Siberia, countless others were killed and injured. Since then, Lithuania has been regarded as one of the dependent republics of the U.S.S.R.

Representatives of the American Lithuanian community have long been leaders in the movement to reestablish the independence of their mother country. The Lithuanian World Congress in 1958 unanimously adopted a resolution declaring that Lithuanians "have not accepted and never will accept rule by other nations."

With this background in mind, Mr. President, let us reaffirm our belief in the principle of self-determination and the validity of the claim for Lithuanian independence. Every effort should be exerted to relieve the plight of a suffering people.

Let us also extend our prayers and best wishes to all Lithuanians as they celebrate their 715th anniversary as a nation and the 50th year of its declaration of independence.

CHILDREN AND SMOKING: A PUBLIC CONCERN

Mr. YARBOROUGH. Mr. President, the Public Health Service has recently issued a pamphlet entitled "What We Know About Children and Smoking." Much of the material included in the report is taken from "Clearing the Air," an article written by Dr. Daniel Horn for the December 1966 issue of the PTA magazine. Dr. Horn serves as director of the National Clearinghouse for Smoking and Health.

This document should receive the attention of all who are earnestly concerned with the impact of smoking on health in our society—and it is all the more significant because it deals with smokers under the age of 18 years.

The pervasiveness of smoking among the young is growing at an astounding rate. While adults presently quit smoking at a rate of about 1 million per year, this publication informs us that "young people continue to take up the habit at a rate of 1,500,000 a year."

At another point it is reported that "by the age of 18 about half of the teenagers smoke on a fairly regular basis."

Mr. President, it is my contention that the cigarette industry, through its radio and television advertising, has succeeded in making the practice of smoking seem to the young mind an almost essential step to social acceptance. Indeed, with television sets in 93.4 percent of American households, and with the cigarette industry spending $195 million a year on television advertising, it is increasingly difficult for a child to grow up in America and not become a smoker.

At the very least, we must begin to limit advertising beamed to children and youth which depicts smoking solely as a pleasurable, graceful, and competely "in" thing to do, with not even the slightest allusion to any of the health dangers inherent in the habit.

I am a cosponsor of proposed legislation introduced by the distinguished Senator from New York [Mr. KENNEDY] to limit the advertising of cigarettes on radio and television during hours when minors make up a significant segment of the listening audience. I support the bill from no desire to regulate the cigarette industry, but rather from the need to consider the health of youth.

Mr. President, the airwaves of our Nation are a national resource, like rivers and mountains, that belong to you and to me and to every other American citizen. A newspaper or magazine is privately owned and can pursue its own advertising policy, but the communications spectrum above the earth cannot be anyone's private property.

Television and radio stations must receive a public license in order to have the privilege of using this communications spectrum. You and I and every American, through our Government, can stipulate any condition for this license, or even withhold it altogether, for these stations make their money through a public asset and therefore must operate in the public interest. It is not just appropriate, but it is essential, that the privilege of using this public resource be governmentally limited when such use threatens the health of children in the name of profit.

The bill that I support would limit the privilege of these multimillion dollar businesses to advertise their product over public airwaves when that advertising is directed toward individuals—especially children and youth—to lure them into a habit that has been proven beyond all reasonable doubt to be dangerous to their health and happiness.

In a recent issue of the Washington Post it is reported that one tobacco company, P. Lorillard Co., will not renew its television sponsorship of National Football League games in the coming season. In a letter to Senators ROBERT KENNEDY and WARREN MAGNUSON, P. Lorillard Co. stated its intention "to select programs that are not oriented to young people." I happily and enthusiastically applaud P. Lorillard Co. for this acceptance of its public responsibility, and I most earnestly hope that other tobacco companies will follow its commendable lead. Surely, voluntary limitation of advertising by the industry is by far the best solution,

but, unhappily, few of the companies have shown a willingness to forgo the profitable youth market.

Yet these are profits that must be forgone, for, as this Public Health Service pamphlet informs us:

There is no longer any question but that the young people who are now taking up cigarette smoking will suffer more illness and die earlier than those who do not.

When health and even death is the issue, the cigarette industry must cease advertising designed to lure minors into the habit of smoking. And once a child begins to smoke, it is extremely difficult to stop—indeed, it is estimated that only 20 percent of the people who try to give up smoking actually succeed. It is one thing for a man or a woman to make a decision of this importance, but it is another thing for youth and even children to be lured into the habit by "get-em-while-they're-young" advertising.

Barring a more responsive performance by the cigarette industry, the Congress has a responsibility to act on this issue. Action on Senator KENNEDY's bill, S. 2895, is pending before the Committee on Commerce. I will continue to work for the passage of this measure unless the cigarette companies begin, as P. Lorillard Co. has begun, to develop an advertising policy that considers health as well as profit.

Mr. President, I ask unanimous consent that the Public Health Service's excellent pamphlet entitled "What We Know About Children and Smoking" be printed in the RECORD.

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

WHAT WE KNOW ABOUT CHILDREN AND SMOKING

(NOTE.—Much of the material in this pamphlet is taken from "Clearing the Air," an article by Daniel Horn, Ph. D., which appeared in the December 1966 issue of *The PTA Magazine*, Dr. Horn, a specialist in the behavior sciences, is director of the National Clearinghouse for Smoking and Health, Public Health Service.)

Since the beginning of time, elders have asked the question—why *do* children act the way they do? The question is no easier to answer than the companion question of why elders act the way they do. This is as true of cigarette smoking as it is of anything else.

When the Surgeon General's Report, SMOKING AND HEALTH, was issued in January 1964, a great many parents and teachers saw in it a new argument to use with young people.

The argument went like this:

"We adults began smoking cigarettes before science proved they were as harmful as they are. Now we know better, but it is too late to do anything about it, because quitting cigarettes is so hard. You young people, on the other hand, haven't begun to smoke. You are alerted to the dangers of cigarettes and you have your parents' bad example before you. You can now exhibit your native good sense and not start."

As it turned out, this is not what happened. Several million adult smokers have quit cigarettes since the Surgeon General's Report was issued. Adults are continuing to quit at the rate of about 1,000,000 a year. But at the same time, young people continue to take up the habit at a rate of 1,500,000 a year!

A great deal has been said and written about the difficulties of quitting smoking. Almost nothing has been said about how hard it is for the average child to grow up in our society today and not become a smoker.

IS SMOKING REALLY HARMFUL?

Unfortunately, yes. There is no longer any question but that the young people who are now taking up cigarette smoking will suffer more illness and die earlier than those who do not.

In 1964, the Public Health Service issued its famous report on smoking and health. Three years later it followed this report with a new review of the scientific facts about smoking, "The Health Consequences of Smoking." Here are some of the facts, quoted from this new report:

"Approximately one-third of all deaths among men between the ages of 35 and 60, are 'excess' deaths in the sense that they would not have occurred as early as they did if cigarette smokers had the same death rates as nonsmokers.

"Cigarette smoking is now the most important cause of chronic bronchopulmonary diseases and greatly increases the risk of dying from these diseases.

"Men who smoke cigarettes have a death rate from coronary heart disease 70 percent higher than that of nonsmokers. This increases to 200 percent and even higher in the presence of other known 'risk factors' such as high blood pressure and high serum cholesterol.

"Seventy-seven million days of work are lost each year in the United States which would not have been lost if cigarette smokers had the same rates of illness as nonsmokers.

"A relationship between cigarette smoking and death rates from peptic ulcer has been confirmed, and data now suggest that a similar relationship exists between cigarette smoking and morbidity from this cause."

One of the tragic things about cigarettes is that the earlier the child begins, the greater is the likelihood of illness and early death later on.

WHY DO CHILDREN START?

There have been a number of studies about smoking among children and teenagers. Although these vary in their methods, almost all agree on the following conclusions. There are few smokers before the age of 10 or 12. Exploratory smoking increases rapidly in junior high school and fairly regular smoking begins to get a foothold by the 8th or 9th grade. During high school there is a large increase in the proportion of regular smokers, so that by the age of 18 about half of the teenagers smoke on a fairly regular basis.

The trend in recent years has been a slight decrease in smoking among boys and a fairly steady increase in smoking among girls. The reason is a social one. At one time, smoking was a masculine privilege and was considered unladylike, or worse, for women. This distinction has fallen away with the passage of years and the smoking habits of women have grown closer and closer to those of men.

Studies have shown that the child is much more likely to smoke if his parents and/or his older brothers and sisters smoke, and if his friends smoke. Smoking begins at earlier ages among children who have lower goals, less ability, and who achieve less. But there are exceptions to these general findings—many children of smoking parents do not become smokers, and some children of nonsmoking parents do take up smoking; some high school valedictorians smoke and some high school dropouts do not.

There are four basic questions to ask about smoking behavior. Why does a child consider smoking? What makes him actually begin smoking? What satisfaction does he get out of smoking, once he has started? And finally, what outside factors influence him to continue smoking, or influence him to quit?

Why does a child consider smoking? Unfortunately, probably all children consider smoking at one time or another. Why would they not—in a society where 40 percent of the adult population smokes, where cigarettes are advertised, sold, and used everywhere? The better question probably is what factors go into a child's decision not to smoke? Nonsmoking becomes more attractive when admired adults, or friends, or older brothers and sisters are nonsmokers.

What makes a child begin to smoke? For some children, smoking is a positive choice; others seem simply to drift into smoking. There are many reasons for taking one's first cigarette—exploration and curiosity, a desire to imitate adult behavior, a wish to rebel against authority.

What satisfaction does a child get from smoking? A child usually dislikes smoking when he first begins, and does not get the gratifications which an adult gets from smoking. One has to learn to like cigarettes and it is a long time before one becomes a confirmed smoker. In the meantime, quitting cigarettes is easy.

What factors influence the child? The primary influences are family, friends, teachers, school administrators, health workers in general and physicians in particular. Also important is what the child reads, hears on his radio, and hears and sees on television.

The general climate of acceptability of smoking is probably one of the strongest influences that makes smoking attractive to children. But acceptability, being a social phenomenon, *can* be changed. It has already been changed, for example, among physicians. Large numbers of physicians have quit smoking in the past 10 years or so; the result is that today, smoking at medical meetings is rare, and those who do smoke feel embarrassed. On a smaller scale, the same thing can occur within units such as families, circles of friends, clubs, PTA's or work groups.

WHAT CAN ADULTS DO?

Emphasizing the long-term health hazard of cigarette smoking can be very effective with high school students. One study in Portland, Ore., showed that this approach cut in half the rate of taking up smoking in a single school year. Presumably, it is most effective with youth to whom long-range considerations are already important—who plan to go to college, or prepare for a career.

Clearly, the hazards of cigarette smoking appear different to a 17-year-old boy thinking about taking up smoking than to a 57-year-old man who has been smoking for 40 years. It is difficult for a teenager to imagine being 57, ill, or disabled. Recently, scientists have been learning that disability from smoking may result even at relatively young ages. This may make the hazards of smoking seem more real to young people.

Perhaps what emerges most significantly from a study of smoking behavior of children is the importance of the personal behavior of people who work with children. It is easy to see that smoking by a parent, a teacher, or an adult leader can influence the motivation of youth to smoke, can support the perceptions that might lead to the decision to start, can encourage learning to use the cigarette to handle emotions, and can provide strong environmental support for smoking.

Unlike trying to persuade a child to do something once, like getting a tentanus shot, and unlike trying to teach children to do something always, such as "brush your teeth after every meal," we are trying to get young people to *not* do something forever.

To do this, we must teach children that their actions do indeed have lasting effects upon their lives, that ill-health can be caused by their actions and thereby interfere with their enjoyment of life, that what they do and how they behave makes a difference not only to themselves but also to others who imitate or might imitate them, and that they owe it to themselves as well as to others to maintain good health.

STUDENTS SOUND OFF ON SCHOOL ISSUES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story by Susan Jacoby, which appeared in the Washington Post of February 13, 1968, entitled "Students Sound Off on School Issues."

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

STUDENTS SOUND OFF ON SCHOOL ISSUES

(By Susan Jacoby)

More than 1000 Washington high school students accepted an unprecedented chance yesterday to tell a top public school official what they think is wrong with the city's educational system.

The students met at McKinley High School at the invitation of George R. Rhodes, new assistant superintendent in charge of junior and senior high schools. It is believed to have been the first time a high-level school administrator has publicly called together a group of students to ask for opinions on how the school should be run.

"The first comment which was made when I proposed having this meeting was 'There's going to be trouble when you get that many students together,'" Rhodes said. "I cannot for the life of me understand why anyone should assume there will be trouble when students get together to talk about anything."

FAMILIAR COMPLAINT

Rhodes, who was the principal of McKinley until his appointment last month, said "the one thing I have learned in my experience as a principal is that if you expect students to react in a favorable manner, they do. I have found it much easier to change the attitude of students than those of teachers and administrators."

Rhodes told the students, "I am giving myself three months to accomplish something in this job. If I can't accomplish anything for you in that time, I will be looking for another job."

Complaints voiced by students at the meeting had a familiar ring. They have been raised by activist students at demonstrations this year in several of the city's high schools.

The students' two major complaints are that they have little voice in school policy decisions and that the quality of academic instruction is poor.

POORLY PREPARED

"We know we are being poorly prepared," said Randolph Robinson, a senior at Anacostia High School. "Many of us do not read adequately or work problems in math accurately. We are not being prepared to compete.

"I speak as a black student, a representative of the 90 per cent majority in the schools. It is too late for those of us who are seniors, but it is time for us to group together. The children who are in the elementary and junior high schools must be taught pride and dignity before it is too late. By uniting, we can help accomplish this."

The students at the meeting made up a diverse group. One student from Coolidge made an unpopular request for a return to the track system, saying that "bright children are being deprived of the opportunity to be in classes with other children who want to learn."

QUESTIONS PREMISE

Replying from the stage, Rhodes questioned the premise that slow students have less desire to learn than faster ones. "I don't think there's a student here who doesn't want to learn," Rhodes said, and was loudly applauded.

Other students were members of the Black Student Union, a new group being formed in several high schools. The Modern Strivers, a group from Eastern High School, wore African dress in observance of Negro History Week.

Rhodes requested the students to return to their schools and organize elections to select representatives for a council "which will serve as a kind of pipeline to me." He said he did not want to spell out the functions of the council "because that should be up to the students."

The entire meeting was orderly, although the influx from other high schools brought the total number of students at McKinley to more than 3500 during the morning.

BUSINESSMEN HEAR KING PLEA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story by Jean White, Washington Post staff writer, entitled "Businessmen Hear King Plea," the story having appeared in the Washington Post on Friday, February 9, 1968.

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

ASKS HELP FOR POOR: BUSINESSMEN HEAR KING PLEA

(By Jean White)

It was obviously an audience that was prospering and not feeling hunger pains, but the Rev. Dr. Martin Luther King, Jr. came to the D.C. Chamber of Commerce yesterday to recruit support for his poor people's campaign.

"We are tied together," he told the Negro businessmen. "The Negro middle class is as much the victim of discrimination as the masses of Negroes."

The only difference, said Dr. King, was that the middle-class Negro—like the businessmen in the audience—"gets just enough to know how long and how far he's been out."

Dr. King, the head of the Southern Christian Leadership Conference, threw out a broad hint on how his middle-class audience might help the poor people that he will bring to Washington in April for the camp-in.

In Selma, Dr. King recalled the poor Negroes took the marchers into their homes, and then added that his poor people's army may want some "pork chops . . . and a few sirloin steaks."

Dr. King addressed the members of the Negro chamber of commerce at a Dunbar Hotel luncheon as he ended his stay here for a SCLC board meeting to approve plans for his spring mobilization of poor people.

Earlier, he took his appeal for support to Negro ministers, garbage collectors, a mass meeting of Washington Negroes, and a broad spectrum of civil rights leaders.

Before Dr. King spoke yesterday, Theodore Hagens, president of the D.C. Chamber, said pointedly that the "time has come for those who have been apathetic" to join in the Negro cause.

No longer, he said, can such people stand idly by and allow people like SCLC "to take all the blows and knocks."

Dr. King drew on the Biblical parable of Dives, the rich man, and Lazarus, the poor man, in his speech to the Negro businessmen.

"Dives did not go to hell because he was rich," the Negro leader emphasized. "He went to hell because he passed Lazarus every day and didn't see him. Dives went to Hell because he was a conscientious objector in the war against poverty."

As for the tactics of the poor people's campaign, Dr. King again pledged it would be "nonviolently conceived and nonviolently executed."

He brushed aside any talk of shutting down the Pentagon or Congress with a "we're-no-fools," statement.

But he then added: "We're sure going to plague Congress. And we are experts in plaguing."

In Congress yesterday, Sen. Spessard L. Holland (D-Fla.) called on Government leaders to give the SCLC leader notice that laws will be enforced during his planned massive demonstration.

DEATH OF RABBI ELIEZER SILVER, OF CINCINNATI, OHIO

Mr. LAUSCHE. Mr. President, Ohioans, especially in the area of Cincinnati, were saddened by the death on Wednesday, February 7, 1968, of Rabbi Eliezer Silver.

My contact with Rabbi Silver began about 15 years ago, while I was Governor of Ohio, and throughout our friendship I was always stimulated and inspired by his noble character. He was dynamic and at times humble beyond description. He was possessed of a fine sense of humor; and in the midst of discussions, he displayed firmness of character. He was able to lessen tensions by his keen wit.

In 1907, he came to the United States from Lithuania. During his life in our country, he had the extraordinary privilege of conferring with Presidents Theodore Roosevelt, William Howard Taft, Calvin Coolidge, Franklin D. Roosevelt, Harry S. Truman, and Dwight D. Eisenhower, and with Vice President Alben Barkley.

In addition to his religious leadership, Rabbi Silver was deeply interested in education.

During World War II, his major activity was the bringing of aid to the Jewish victims of Hitler's oppression. During the war, he helped to save thousands of Jews from the extinction that was certain to be their lot from Hitler's hands.

Surviving Rabbi Silver are his wife, Mrs. Pearl Silver; and two sons and two daughters.

With his family, his friends, and the members of his congregation, I mourn his passing.

WHY AMERICANS SHOULD FLY U.S.-FLAG AIRLINES

Mr. SYMINGTON. Mr. President, there is a simple way all Americans can help the Nation's travel deficit—fly U.S.-flag airlines whenever possible.

Government employees and businessmen alone could contribute greatly to correcting the imbalance in the country's international travel account by flying U.S. airlines, because they make up a considerable number of the passengers who take trips abroad. But all Americans—tourists, military personnel, persons visiting relatives—could also help cut this deficit if they planned their overseas visits to include transportation on U.S. planes or ships.

The case for flying U.S.-flag airlines has been well documented in two articles by Columnist Sylvia Porter. Miss Porter is to be commended, not only for her perspicacity and patriotism in calling for her fellow Americans to fly U.S. carriers overseas in the first column; but also for her perseverance in the second article, in which she pursued her argument in the face of criticism of her views from spokesmen of foreign-flag airlines.

Perhaps some of the U.S. airlines—in addition to Trans World Airlines—could

communicate some words of encouragement to Miss Porter.

Mr. President, one of the first voices heard on this matter was the voice of the distinguished senior Senator from Washington [Mr. MAGNUSON]. In a letter dated January 3 of this year to Commerce Secretary Alexander B. Trowbridge, Senator MAGNUSON suggested that the Government, "as the largest user of transportation facilities," do its utmost to encourage the use of U.S.-flag transporation. He also pointed out the "potential balance-of-payments advantages" to be realized by the utilization of U.S.-flag carriers.

If proposed efforts to increase tourism to the United States are successful—and we hope they will be—foreign carriers will enjoy greatly expanded load factors. Europeans historically have shown a spirit of nationalism by flying their national carriers, often not evidenced by our American citizens. We should do all possible to urge our citizens to do likewise.

Of course, that portion of the deficit attributed to international pleasure travel is only a part of the $3.5 billion to $4 billion imbalance in U.S.-international accounts expected for 1967 by President Johnson.

I believe that if Americans are urged voluntarily to fly U.S. airlines, much will be done to keep this deficit under control.

The potential is there: 59 percent of the people flying overseas from the United States are American citizens, but only 44 percent of this traffic moves on U.S. airlines; 74 percent of the North Atlantic passengers are American residents, but only 41 percent of this traffic moves on U.S. aircraft. More than 2 million American citizens live abroad either in the military or in civilian status—excluding Vietnam, Canada, and Mexico; but only 35 percent fly U.S.-flag carriers.

Two out of every three dollars spent on foreign-flag aircraft contribute to the U.S. gold outflow. This part of the outflow could be cut in half if that traffic were on U.S. planes. If Americans flew U.S. airplanes as much as they flew foreign-flag aircraft, the United States would increase its gross revenue from international travel by $180 million.

This problem is one that is serious and growing. The administration is anxious to alleviate the overall deficit; and Congress is currently studying proposed solutions.

I ask unanimous consent that the two articles by Miss Porter, and also the letter of January 3 from the chairman of the Committee on Commerce, Senator MAGNUSON, to Secretary of Commerce Trowbridge, be printed in the RECORD.

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

[From the New York Post, Jan. 9, 1968]

HOW TO CLOSE THE TRAVEL GAP

(By Sylvia Porter)

The passport office at Rockefeller Center was almost as crowded last week as at the peak of the summer tourist season. I had gone to check the responses of these obvious overseas tourists to President Johnson's call for a reduction of $500 million a year in our travel outside the Western Hemisphere.

"It does seem funny to be getting a passport today," said one embarrassed man. "But I'm in the shoe business and I must personally see our suppliers in Rome."

"My husband travels to Europe on an average of once a month and I'm not going to sit back alone," said a middle-aged lady. "A tax on my travel? My husband will pay it."

"My Christmas present from my parents was a summer vacation in Switzerland," said a charming coed. "I don't want to seem unpatriotic, but what difference could my little trip make?"

If these are typical attitudes—and I fear they are—cooling the boom in U.S. tourism overseas will be an enormously difficult task.

Nevertheless, the central fact is that we as tourists are now spending $2 billion more a year abroad than foreign tourists are spending here. This is deficit of crisis magnitude.

Let's get this point very straight now. No matter what we do, we will be criticized. If you visit Santa Fe instead of Seville this summer, the Spanish government will complain that its economy is being unfairly depressed. If you travel on a U.S. airline instead of on a foreign flag carrier, the foreign carrier will insist that unless it earns your dollars, it will not be able to buy U.S. aircraft and everybody will be hurt. There's no easy way out.

But it's a matter of priorities. Assuming that you want to do your part to help save the dollar, here's what you can do:

If you are like the college coed, consider switching your trip to somewhere in North or South America or other approved areas this year.

If you are scheduled for Europe, try to go on a U.S. airline or steamship and make your reservation through a U.S. agent. This will give your dollars to U.S. firms.

If you do go abroad, hold down your spending. Don't load up on goods for which there are U.S. counterparts at home.

If you are a member of a trade organization which holds international meetings, request your officers to schedule the next convention in the U.S. We now play host to less than 10 per cent of the 800 international conventions attended by U.S. citizens each year. This is a ridiculously small percentage. If we could raise it only to 25 per cent, we could cut our balance of payments deficit a minimum of $60 million a year.

If you are like the man in the shoe business, consider bringing your overseas representative to the U.S. for meetings instead of going abroad yourself. The U.S. Travel Service has been trying to promote this through its "Busivisit" program.

If you are in the travel business, start pushing the "See the U.S.A." and "Discover America" programs as never before. These are fine slogans, but so far there has been scant industry-wide cooperation to back them up and even less coordination between private industry and the government.

If you have friends, relatives or acquaintances overseas, encourage them to visit your country, and remember every $1 spent on travel here becomes as much as $3 as it moves through the economy. Every travel dollar is a new dollar, all "plus."

It will be weeks before we know what tourist restrictions Congress will vote and when they'll take effect. But all on our own, we could help close the travel gap. We could do it just by using the above guides to our . . . actions this year.

[From the New York Post, Feb. 1, 1968]

UNDER WHAT FLAG?

(By Sylvia Porter)

Even when scheduling a trip overseas, you can help close our huge tourist gap, I wrote in a recent column, merely by trying to "go on a U.S. airline or steamship and trying to make your reservation through a U.S. agent." It was a simple, single sentence—only one of several suggestions, but it inspired an extraordinary volume of letters.

Among them was one letter from Gordon Gilmore, vice president of Trans World Airlines, and another from S. Ralph Cohen, assistant to the president of Scandinavian Airlines System. Both men are friends of mine and also of each other.

Said TWA's Gilmore, after paying my column a heady compliment: "You hit the nail squarely on the head."

Said SAS's Cohen, after a "more in sorrow than in anger" introduction: "In point of fact, the European airlines bring almost twice as much money into this country as they take out. In 1966 alone, their expenditures in this country were $416 million, as against sales of $213 million. Your plea to Americans not to travel on foreign-flag airlines can only penalize American aircraft workers. American travel agents, American banks and investors, and even American newspapers and magazines."

Since I obviously do not want to penalize any of these groups, I must pursue the question: which of these is correct? Since you, the American tourist, would obviously be making the choice all on your own, the question you also must pursue is: Would you be helping or hurting your country's balance of payments in this emergency by favoring U.S. carriers?

To start with, a fundamental generalization is essential. Because it holds the key to the whole debate. Specifically, the red ink in our international accounts soared to crisis totals toward the end of 1967. A continuation of this level of deficits would be intolerable, for it would invite qualified foreign holders of dollars to turn them in for our gold to protect themselves against a cheapening of the U.S. dollar in terms of gold. It would signal the undermining, if not the destruction, of the international monetary system which has fueled the free world's post-World War 2 expansion.

We must dry up that red ink and as long as Asia is such a drain, we must seek to plug other leaks. One enormous leak lies in the $2 billion more that U.S. tourists spend abroad than foreign tourists spend here. A quick way to help plug this leak is by paying our dollars to U.S. firms when we do travel abroad. This is the fundamental. Now to continue:

The implication of Cohen's statistics is that every $1 you spend with a foreign flagship somehow creates an immediate net inflow of almost $2 to the U.S. This is clearly absurb on the face of it.

What Cohen actually is dramatizing is the benefit the U.S. gets from purchases of U.S. aircraft by foreign airlines. This, though, is a long-range payments benefit, and we are faced with an immediate payments crisis. Gilmore brings up the additional point that "a substantial proportion, TWA estimates over half, of the aircraft purchased by European carriers are for service over routes remote from the U.S. and among whose passengers U.S. citizens are very limited."

In short, U.S. planes are purchased for these routes because the planes are superior to competitive types and for no other reason. Thus, the requirements for the U.S. planes would be only marginally reduced by a shift of some U.S. citizens from foreign to U.S. carriers during the current emergency.

A more reasonable perspective on the immediate impact of choice of flags comes from a 1965 Civil Aeronautics Board survey. According to the CAB's figures, when a U.S. resident buys a $300 round trip ticket to London on a foreign flag carrier, about $100 remains in the U.S. to cover port expenses (fuel, station costs, advertising, landing fees, payrolls, etc.) The net deficit to the U.S. is 200. When he flies on a U.S. carrier, about $200 stays here. The net deficit is cut in half to $100.

Any permanent preference for U.S. flagships would be a retreat to economic isolationism which Gilmore finds abhorrent as I or any trade liberal would.

Even now, during the payments emergency, you can choose the flag you wish, without fear of censure. Nearly 60 per cent of

transatlantic travel is via foreign flag carriers, incidentally.

But I submit that the safeguarding of the U.S. dollar is the basic goal now. We should hardly be condemned for trying to help temporarily favoring the U.S. flag.

DEAR MR. SECRETARY: Thank you for your letter of January 1, 1968, concerning the President's statement of that day outlining a program designed to enhance our balance of payments position.

Although I shall carefully scrutinize the various provisions of the program and look forward to subsequently discussing each of them with you, there is one aspect which came to me immediately upon a reading of the President's statement—that is the great importance of utilizing American flag ocean and air transportation facilities. With an ever-expanding trade horizon, the potential balance of payments advantages to be realized by utilization of American flag carriers becomes increasingly clear. As you know, our American Merchant Marine is now carrying only 7% of our foreign water-borne trade, and surely there is a pressing need for substantial improvements in this area. However, as President Johnson has stated previously with respect to the American Merchant Marine: "Even at its present level, it earns or conserves almost $1 billion of foreign exchange every year, making it a major factor in our balance of payments position."

While not all within or without government have always viewed the importance of utilizing American flag transportation facilities with the same degree of conviction that I hold on this matter, I believe that the present circumstances clarify the appropriatness of such a policy. Surely the government as the largest user of transportation facilities can do much to encourage use of American flag air and ocean carriers, particularly through appropriate action by the Department of Defense, Department of Agriculture, Agency For International Development, and the Maritime Administration of the Department of Commerce.

I shall be in communication with you further about the various aspects of the President's program, but I did want to call this one matter to your attention at the outset.

Best regards.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

INDUSTRIAL UNION DEPARTMENT OF AFL–CIO SUPPORTS U.S. RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, a great deal of concern exists over the longtime failure of the Senate to act in the important area of human rights.

As I speak again today to urge the ratification of the Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, and Political Rights of Women, I refer to a statement by Jacob Clayman, administrative director of the AFL–CIO Industrial Union Department. It was made at the Dodd subcommittee hearings last spring and is worthy of recall. He said:

There's a concern among workers that our nation assume its rightful role as a world moral leader. There is a deep commitment in the American labor movement to the thesis expressed by the late President John F. Kennedy who profoundly observed that the United States: "Cannot afford to be materially rich and spiritually poor."

Mr. Clayman also declared:

15 years, 16 years, is a long time to wait for the ratification of any agreement or convention. The long lapse of time, has, I am afraid, blurred our memories and obscured the issue and dulled our conscience. There have been times in our history when the Government has needed prodding or intervention from citizens and citizens' organizations.

There is an almost Alice in Wonderland unreality to the Senate's magnificent speedy approval of the United Nations Charter and the Senate's snail-like pace on the United Nations Human Rights Conventions.

He made mention of the Senate taking only 33 days to approve the U.N. Charter and remaining immobile on the matter of genocide for almost 18 years.

Mr. Clayman's statement was an accurate gage of events and ironic inaction.

We are still immobile, despite the fact that five American Presidents have pointed out the fundamental interrelation between this country's national interests and human rights.

I feel that our adherence to these Human Rights Conventions can make a very real contribution to the basic national interest of the United States.

NEGRO OFFICIAL HITS ALL RACIAL BIGOTRY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Richard Homan, entitled "Negro Official Hits All Racial Bigotry," the article having appeared in the Washington Post of February 9, 1968.

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

CRIME CURBS DEFENDED: NEGRO OFFICIAL HITS ALL RACIAL BIGOTRY

(By Richard Homan)

ANNAPOLIS, February 8.—A Negro state senator active in civil rights movements, sharply disputed today a charge by another Baltimore Negro leader that campaigns against crime in the streets are "war on the black community."

Sen. Clarence M. Mitchell III (D-Baltimore) described such charges as "hatred and bigotry" by Negroes, coming from the "voices of irresponsibility."

"I happen to be a part of that black community and I do not see efforts to curb crime as war on it," Mitchell told the Maryland Senate.

He also accused news media of accepting upstart dissidents as community leaders.

Mitchell is one of two Negroes in the Maryland Senate, which still numbers several arch conservatives among its members.

COMPLIMENTED BY JAMES

The grumbles customarily reserved for civil rights speeches, especially those by Negroes, greeted his opening remarks, but when senators caught the drift of his talk, there were murmurs of approval.

"The senator's remarks were well taken," Senate President William S. James commented when Mitchell ended.

Mitchell, 28-year-old scion of a family active in civil rights organizations for decades, said he was referring to an article in Baltimore papers today.

It quoted Robert B. Moore, described as head of the first Baltimore office of the Student Nonviolent Coordinating Committee, as saying that crime wars announced by President Johnson and Mayor Thomas D'Alesandro mean "war on the black community."

Moore was quoted as adding: "The police are the enemy of the black community. Talk of more policemen is not going to ease tension in the black community."

"The time comes for responsible voices to answer the voices of irresponsibility," Mitchell said. "To remain silent is to become a party to what they do.

"We must condemn the voices of bigotry and hatred, no matter what the color of the skin. These voices of irresponsibility preach the same kind of bigotry and hatred that we have fought on the other side for so long."

STRANGER TO MITCHELL

Mitchell said that the press "has a responsibility not to give play to these voices of irresponsibility, who in fact have no following in our community. I had never heard of Robert Moore until I read the paper today.

"I and the other members of the Negro community would like to reserve the right to determine our own leadership.

"This kind of thing is what has given impetus to the Rap Browns and the Stokely Carmichaels. They are not the voice of the total community. They are the voices of the disgruntled."

Mitchell said that his community "can work with the police department. We know it has faults but by and large it is a good department."

MEMORIAL AT SPRINGFIELD, OREG., TO HONOR AMERICAN DEAD OF VIETNAM WAR

Mr. HATFIELD. Mr. President, one of the Nation's first memorials to the men of our Armed Forces who died in the Vietnam war was dedicated recently in Springfield, Oreg. This war memorial was created in large part through the efforts of Mr. Don LeBeau, a member of the Springfield Post No. 40 of the American Legion. I desire to take time today to commend Mr. LeBeau for his work to honor the American dead of the Vietnam war. I pray that this memorial—and others like it in other parts of our land—will remind all Americans of the conflict and of the men who gave their lives; and that it will help to bring to an end all wars.

I ask unanimous consent that an Oregon Legionnaire story about Mr. LeBeau and the memorial be printed in the RECORD.

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

SPRINGFIELD LEGION VETERAN'S DREAM IS NEARING FULFILLMENT

Springfield is looking forward to dedication of a unique memorial to Viet Nam veterans of the area. It will be the first in Oregon.

Conceived, promoted and largely constructed by the determined efforts of one concerned Korean war veteran and Legion member (Springfield Post No. 40), the new structure awaits the finishing touches of volunteers, a formal dedication date and invitations to state dignitaries, including Gov. Tom McCall.

Located in the northeast corner of Willamalane Park, near the intersection of Mohawk Boulevard and I Street, the memorial is a vision of Don LeBeau, a Springfield barber whose almost single-handed efforts have borne fruit.

BOYS NOT FORGOTTEN

"It seemed to me that we needed something like this to let the boys know we haven't forgotten them," the Korean veteran stated. "The memorial neither endorses nor condemns American policy in Southeast Asia. It is only an attempt to let our servicemen know we are behind them whether we favor the war or not," LeBeau said.

Adjutant Jack Larson of Post No. 40 is acting as liaison officer with LeBeau in all projection for the memorial. Larson stated that LeBeau has been "most active" in Portland No. 40. "In fact, he single handedly created the float for the Portland Rose Parade two years ago and won first prize for Springfield with his float, known as "The Donkey Serenade."

POST DONATES FOUNTAIN

Larson also reported that Post No. 40 Auxiliary donated $150 for a drinking fountain at the memorial. Total cost of the project will be about $500 with much of the labor and materials donated.

The project includes an etched, angular concrete base, flagpole surrounded by a raised flower bed, five-foot rock wall along the back edge of the memorial, with three sections containing plaques listing Viet Nam veterans and a marble slab containing Springfield those who have died.

"I'd be very happy if we never have to engrave another name in the marble slab," LeBeau asserted.

VETERANS AIDED

LeBeau presented his plans and received approval of officials on Sept. 26. Mayor John McCulley broke ground for the project on Oct. 18. Negotiation to obtain two old cannons to be placed on each side of the flag pole from the U.S. Arsenal, Rockland, Ill. was a factor delaying dedication of the memorial. Upon learning that the cannons were not immediately available, LeBeau has decided to go ahead with dedicatory ceremonies as soon as possible.

HAIPHONG—KEY POINT IN VIETNAMESE CRISIS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Haiphong—Key Point in Vietnamese Crisis," published in the Richmond, Va., Times-Dispatch of February 11, 1968.

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

HAIPHONG: KEY POINT IN VIETNAMESE CRISIS

Pessimism concerning the prospects for achieving the objectives of the United States in South Vietnam is being encountered on nearly every hand. Events of the past two weeks have shocked the nation. In particular, Americans are wondering whether the South Vietnamese themselves will make the effort necessary to win the conflict that has been raging in their country for years.

Nearly all U.S. correspondents in South Vietnam appear to feel that the massive Viet Cong attacks on dozens of cities throughout the land could never have been so successful without the passive or active assistance of many thousands of South Vietnamese.

Peter Arnett, the veteran Associated Press correspondent whose dispatches have been unusually reliable over the years, wrote in this newspaper on Feb. 7 from Saigon:

"Observers foresee a major reassessment of tactics forced upon the U.S. military high command in Vietnam, particularly in view of the now proven vulnerability of major population centers and administrative capitals."

Arnett quoted the unfortunate appraisal issued by General Westmoreland in late December concerning "the improved attitude of the people," and his statement that "everywhere I go I note a feeling of optimism."

This is grim reading, in view of what has happened—a hole blasted in the wall of the U.S. Embassy in Saigon, the embassy almost successfully seized, and devastating attacks launched by the Viet Cong in all parts of the country.

Apparently the only important commentator (excepting only BARRY GOLDWATER) who sees something encouraging in all this is Joseph Alsop. Paradoxically, Alsop has been extremely bullish on Vietnam for years, while hanging crepe all over the map in nearly every other area of the globe. He seems to think that General Giap and the Viet Cong suffered a great reverse in their massive assault on cities and towns, and says:

"In any war, when one side hazards a high proportion of long-hoarded near-irreplaceable resources, and suffers fearful losses as the main reward, the result must be accounted a serious defeat."

Maybe so, maybe so. But while Giap's forces did sustain large casualties, it is greatly to be feared that they launched the offensive knowing that heavy losses were inevitable, while reasoning that the total disruption of the enemy's (our) pacification timetable would be worth it.

One of those who sees no ground for cheer is Sen. Harry F. Byrd Jr., who told the Senate on Thursday:

"The series of coordinated Viet Cong attacks against American bases throughout Vietnam, the overrunning of a U.S. Special Forces camp by a North Vietnamese tank company, the massing of a North Vietnamese division south of Da Nang, and the menacing buildup of North Vietnamese forces around Khe Sanh bring new urgency to the question of shutting off supplies going to the enemy through the . . . port of Haiphong."

Senator Byrd points out that the joint chiefs have been urging the President for months to shut off the shipments of gasoline, shells and antiaircraft missiles from Russia that have been pouring through that port.

The Times-Dispatch recommended last summer that several old ships loaded with cement be sunk in the channel leading to Haiphong. But all such proposals have been ignored, and nothing effective has been done to stop the deadly flow of supplies to our enemies.

U.S. forces in Vietnam are now heavily on the defensive, and it is necessary that something be done at once to change the picture drastically. Senator Byrd is right. Let's stop the lethal traffic into Haiphong.

DEATH OF REV. DANIEL A. POLING

Mr. HATFIELD. Mr. President, Dan Poling, a native son of Oregon who became one of our country's foremost spiritual leaders, died last week at Philadelphia at the venerable age of 83. He was most highly esteemed and greatly beloved by countless numbers of citizens; his life was long and good. I know him well and enjoyed a long friendship with him. His letters were wonderful; his visits a joy. We all greatly mourn his passing, but we will remember his fine face and his labors to bring kindness and goodness and peace to every man. We will remember Dan Poling's preaching and we will remember that he put into practice what he preached.

He was active. He was gallant. He fought the good fight as he saw it and tried his best to bring together those of different religious convictions. Little more than a week ago he spoke at the Interfaith Chapel of the Four Chaplains. Dan Poling has died, yes, but his spirit and his good works will be with us for generations to come.

Mr. President, I should like to review some of the highlights of the life of the Reverend Daniel A. Poling, a fellow Oregonian by birth, who served more than 50 years as a leader of the American Protestant movement. These words would have been uttered in the Chamber last Friday, but I have postponed my remarks until today, since the Senate was in adjournment during the past 5 days, and the RECORD, therefore, was not published.

Dan Poling was born in Portland, Oregon, on November 30, 1884. He was the son of Charles C. Poling, a minister of the Dutch Reformed Church, and Savilla Ann, one of the first women evangelists in the American West. He was graduated at the head of his class from Dallas College—now defunct—Dallas, Oreg. He then moved on to Lafayette Seminary, in Oregon, and then to Ohio State University, where he finished his theological training. Dan worked as a lumberjack, a newspaper reporter, and a farmer before he began preaching in his first parish, in Canton, Ohio. He was pastor at Marble Collegiate Church in New York from 1923 to 1929 and then served abroad with the International Society of Christian Endeavor.

He was a leader of the prohibition movement and, in fact, ran as a prohibitionist in 1912 in Ohio as a candidate for governor. He served as the temporary chairman of the Prohibition National Convention in 1916. When World War I began, Dr. Poling served in France with the American Expeditionary Forces. He was gassed in battle. When the war ended, he remained in Europe to aid families hurt by the war.

The Rev. Dr. Poling was in and out of politics but always drew a sharp line between political and church activities. He believed in separation of church and state. He practiced separation of church and state.

He believed, too, in hard work and followed a schedule which would have left many men behind him. He wrote sermons, he wrote letters, he wrote books, he wrote essays, he wrote novels; and he served for more than a quarter of a century as editor of the Christian Herald. He believed in physical fitness and kept himself in excellent condition throughout his life.

He believed that the mission of the Protestant church was "not to change society, but to change men and women who will then do the changing of society." I should like to quote another famous expression of Dr. Poling's. Dan Poling believed that the whole story of the life of Jesus Christ could be summed up in these words:

He went about doing good.

Dr. Poling advocated our participation in World War II and said we must win the war before we could win the peace.

It was during World War II, in 1943, when his son, Clark, a chaplain, joined three other chaplains who gave their life jackets to men who had none and then went down with their ship. Dan Poling later wrote of this tragedy and said that the four chaplains gave all of us who survived the war another fighting chance to turn victory into permanent peace.

Dan Poling had strong views on world events. He expressed his views clearly and cogently and consistently; and he listened to those who did not share his views.

The Rev. Dr. Daniel A. Poling, native of Portland, Oreg., was a man who did the very best that he was able to do.

God bless you, Dan Poling.

We will miss you; but your works and your spirit will endure. Rest in peace.

ESCOBEDO IS CONVICTED AGAIN

Mr. BYRD of West Virginia. Mr. President, the Huntington, W. Va., Herald-Dispatch recently published a most pointed editorial concerning Danny Escobedo, the criminal whose name is now enshrined in our legal records because the U.S. Supreme Court recently decided to void his murder conviction on the ground that he had not been permitted to consult his attorney prior to making a confession to police.

Subsequently, Escobedo was arrested again, this time by the FBI on the charge of selling narcotics.

According to the Herald-Dispatch:

Presumably Escobedo was carefully informed . . . that he could have a dozen lawyers if he wanted them. They couldn't shake the evidence carefully gathered by the FBI.

The editorial further pointed out:

We don't know how many drug addicts Escobedo served or enslaved in the years when he should have been in prison, but it is likely that some of these unfortunate victims would be free of the habit today if Danny Escobedo had been where he belonged.

I fully concur in the Herald-Dispatch's sentiments and ask unanimous consent that the editorial, entitled "Escobedo Is Convicted Again," be printed in the RECORD.

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

ESCOBEDO IS CONVICTED AGAIN

An infamous name flipped back into the nation's crime news this week when Danny Escobedo was found guilty in a federal court in Chicago on four counts of possessing and selling heroin.

Escobedo made legal history in 1964 when he appealed to the United States Supreme court from a murder conviction on the ground that he was not permitted to consult an attorney before stating that he had killed his brother-in-law.

The court overturned the conviction and Escobedo was turned loose—to become a suspect in several other crimes before finally getting caught on dope-peddling charges last year.

Escobedo and Daniel Aguirre, who was also convicted on charges of trafficking in narcotics, were accused of selling dope to an FBI agent. The government produced tape recordings of conversations between the agent and the alleged "pushers."

Presumably Escobedo was carefully informed this time that he could have a dozen lawyers if he wanted them. They couldn't shake the evidence carefully gathered by the FBI.

This doesn't prove anything much except that the Escobedo rule, like the Mallory Rule discussed here yesterday, has made police work infinitely more difficult. Restrictions on police, caused by the necessity of obtaining a lawyer for a suspect at any hour of the day or night, delay investigations of crimes and the interrogation of suspects. Sometimes these delays permit other suspects to get away and important evidence to be destroyed.

We don't know how many drug addicts Escobedo served or enslaved in the years when he should have been in prison. But it is likely that some of these unfortunate victims would be free of the habit today if Danny Escobedo had been where he belonged.

INVESTIGATION OF THE "PUEBLO" INCIDENT

Mr. THURMOND. Mr. President, in the interest of permitting the President to conduct his negotiations for the release of the *Pueblo* with the greatest freedom of action, I have purposely delayed any prior request to investigate the circumstances surrounding the ship's seizure.

However, in the weeks that have elapsed since the ship was taken, it has become apparent to me that any initiative that the Senate might take regarding the actual incident would not adversely affect the measured steps now being pursued by the President.

Accordingly, I believe that it is a duty to my constituents and to the general public, who have repeatedly asked me for explanations of certain aspects of the *Pueblo*'s seizure, to formally request a thorough investigation of the *Pueblo*'s seizure. I have therefore sent a letter to the Senator from Mississippi [Mr. STENNIS], chairman of the Preparedness Investigating Subcommittee.

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

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
February 13, 1968.

Senator JOHN STENNIS,
Chairman, Senate Preparedness Investigating Subcommittee, Washington, D.C.

DEAR MR. CHAIRMAN: In the weeks since the seizure of the USS Pueblo by North Korea, several aspects of the affair appear questionable, and warrant investigation to uncover certain shortcomings in our defense policies. These are separate considerations from the current effort by the Executive branch to obtain release of this ship and crew. In my opinion the following military points are pertinent:

1. The fighting man's code of conduct. Article II of this code is as follows:

"I will never surrender of my own free will. If in command I will never surrender my men while they still have the means to resist."

Some doubt has arisen as to the instructions given the commanding officer of the Pueblo, and whether these instructions conflict with the code of conduct mentioned above.

2. The absence of air power, Naval escort, or even the simplest form of emergency plan for military support of the Pueblo.

3. The failure of the entire chain of command to send help or instructions to the Pueblo during the crisis.

4. The apparent requirement for military commanders to obtain clearance from the Executive branch at the seat of the government before making a military response in an emergency.

5. The inability of our Armed Forces to react quickly with force in the Sea of Japan at the time of the incident. This reflects an unhealthy military condition of readiness and indicates an apparent world-wide drawdown of men and equipment in order to conduct the Vietnam War.

In my opinion it is well within the responsibilities of the Preparedness Investigating Subcommittee to look into these aspects of the case. Further, I believe that this investigation can be conducted without adversely affecting any negotiations being conducted by the President.

I trust that you will deem it advisable and in the best interests of the nation to undertake a complete investigation of the Pueblo incident with specific reference to the points that I have raised above.

With kind regards and best wishes,

Sincerely,

STROM THURMOND.

THE LONDON ECONOMIST VIEWS SITUATION IN VIETNAM

Mr. McGEE. Mr. President, sometimes it does us good to look at our situation as others see it. In its February 3 issue, the excellent British journal, the Economist, looks at the big battle shaping up in Vietnam, including the recent Vietcong attacks upon the cities and towns of the south.

General Giap has set it rolling, observes the article in the Economist. His purpose, it concludes "is to force a settlement before it is too late." Too late, that is, for the North Vietnamese and their Vietcong allies.

The confrontation now taking place could well be decisive—

Says the Economist—

because President Ho and General Giap know the score.

So the Economist infers that the very possibly decisive battle at Khe Sanh could decide not only which side will have the upper hand militarily, but in peace talks as well, for it remains obvious to the Economist that the war in Vietnam will ultimately have to end in a political settlement. General Giap's big push is intended to hustle America into a settlement favorable to North Vietnam's goals.

I think this article, entitled "This Is It," gives us real insight, indeed. I would observe only that it makes the point that America must not be hustled into such a settlement. Our resolve must hold firm. I ask unanimous consent that the article from the Economist be printed in the RECORD.

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

THIS IS IT

General Giap has set it rolling. This is the big battle, at last. Beautifully synchronized, and timed for the middle of the truce, the action he opened this week should settle the Vietnam war one way or the other. General Giap is one of the best tactical commanders of our generation. He seizes the local initiative by moving his troops faster than anyone has a right to expect given the other side's control of the air. And he is a master of the surprise diversion. This week's attacks by the Vietcong on eleven South Vietnamese cities unmistakably bear his stamp: though the Vietcong is nominally an independent army, its last known commander was a North Vietnamese general and it does not plunge in like this unless General Giap gives the word. In all these things—and in the way he cannot stop himself jumping in to take tactical control at the key moment in the fight—General Giap is remarkably like another great tactical commander: Erwin Rommel.

But he may resemble Rommel in another way too. Rommel in north-west Europe in 1944 was a master-tactician trying to cope with what he knew was in the long run a strategically hopeless situation. The more one looks at the offensive General Giap has

been planning since the autumn, and which led to the attacks on the towns this week, the more it looks as if its real aim is not a military one at all. Its aim is political: if possible, to shake American public opinion into electing a peace-making president in November; failing that, to get negotiations going on relatively favourable terms before the Americans' firepower eats deeper and deeper into the communists' hold of the back-country. General Giap might have preferred to hold his hand until closer to November, but he is obliged to strike now because the weather will turn against him in the spring. It is an attempt, conducted with brilliant tactical dash, to force a settlement before it is too late.

Three years ago, before the Americans sent their army in, these attacks on South Vietnam's cities would have been the last stage of the guerrillas' war: having mastered the countryside, they would have been mopping up the towns according to Mao's schedule. Unless everybody has been wrong about Vietnam, they are not capable of this now. The Americans have been made to look foolish by losing control of part of their own embassy in Saigon. They will be in serious trouble if they and their allies cannot root the Vietcong squads out of all the cities attacked this week. But it is very difficult for little bands of men with small arms to hold out in street-fighting against a determined regular army. The last people who tried holding a city against armoured troops were the Hungarians in 1956, and remember what happened to them. And if the allies do regain control, this week's attacks will look in retrospect like a pretty desperate adventure. The casualty count—it was 5,000 Vietcong against 530 allied dead by Thursday, though the figures may conceal a lot of civilian casualties—was bound to go against the attackers: that is what happens when you throw yourselves at the enemy's strongpoints. The probability is that it will also end up as a propaganda defeat for the Vietcong. Certainly the Vietcong could not be stopped from getting into the cities. That will impress the nervous. But in doing so the suicide squads have caused a lot of civilian deaths. This time it is the Vietcong's victims in the horror-picture: that should help to restore the balance of emotion about this war.

For a time, at mid-week, a lot of people thought that this was the big attack and that the communist build-up around Khe Sanh in the north-west corner of the country was a diversion to pull American troops away. It is almost certainly the other way round. It is at Khe Sanh that General Giap is looking for a victory that will achieve his political purpose: the raids on the cities are a diversion to draw the Americans' attention away from the testing place.

The campaign that General Giap launched at the end of last summer has followed a perfectly clear pattern. First he made an artillery attack on the marines' base at Con Thien, near the demilitarized zone in the far north. The Americans duly sent reinforcements scurrying up from farther south. He then launched his North Vietnamese and Vietcong infantry, from jumping-off points in Cambodia and Laos, into a series of attacks starting in the south and moving steadily northward; at Loc Ninh, Dak To and now Khe Sanh. The fact that each new attack has taken place to the north of the previous one is a tribute to the effect of the Americans' bombing of his supply lines. It takes him about eight weeks, under this hammering from the air to assemble a force big enough for a major fight. If President Johnson had called off the bombing, General Giap could have put in more attacks, at quicker intervals, and he could have darted from point to point much more nimbly. At Khe Sanh he is now at the stump-end of his supply lines. The battle that is presumably going to take place at Khe Sanh this month may be his last chance of taking the offensive before the monsoon clears away from this part of Vietnam in April; and when the monsoon goes the sky will be wide open to the Americans' airpower.

This was the setting for this week's attacks on the cities. The decision to set the whole campaign under way was presumably taken in the middle of last summer, when the American public opinion polls began to show a sharp decline in the Americans' popular support for the war. The communist attacks at Loc Ninh and Dak To were bloody failures, and in December the polls seemed to show that the Americans were recovering their self-confidence. It is all the more important for North Vietnam that the Khe Sanh attack should succeed. This must be why President Ho Chi Minh took the enormous risk of giving the Vietcong the order to go for the cities. It is something he never dared to do before, even in the chaotic months of 1965 and early 1966 when the Saigon government was rocking on its feet and the Americans had just started coming ashore to help it out. If he is taking the risk now, it is because he feels he must.

The confrontation now taking place could well be decisive. President Ho and General Giap know the score. So far this winter they have lost the big-unit battles. The communists have taken far heavier casualties than the Americans have; American opinion at home has hardened in support of the war. Nor has the decision to draw the Americans into a series of big battles stopped the allies from slowly whittling down the area the Vietcong controls. The statistics are moving against the communists where it matters: in the number of people under each side's governance; in the miles of roads relatively secure from attack; in the casualty ratios. They are moving slowly, but they are moving. And North Vietnam's leaders know that after the presidential election there will be very little they can do to recapture the advantage.

The next President, if he is still committed to the war, will have three years in which he can ram the allies' military superiority home virtually at will. The Russians and the Chinese have made their position pretty plain. One or both of them might intervene if North Vietnam were invaded, though even that is far from certain. But short of that they are leaving it to the North Vietnamese. If the Vietnamese communists accept the failure of their attempt to put their sort of government into power in Saigon, Russia and China will accept it too.

So unless General Giap's regulars and the Vietcong irregulars do something about it now, they will be on a long, unstoppable slide downhill. And "now" means by April, when the planes will once more have an uninterrupted view through the clouds in the northern part of the country, which is the part General Giap can still get at. It has always been obvious that this war will have to end in a political settlement. Neither side wants, or has the power, to kill or capture the entire enemy army. The question is whether it will be a settlement that makes South Vietnam into a communist-run country or leaves it to develop under a pluralist system. It is a decision that will send its effects rippling through the rest of southern Asia. The big push that has now begun—General Giap's righthook at Khe Sanh, coupled with the Vietcong's demonstration in the towns—is intended to hustle Mr. Johnson into accepting the sort of negotiations that will eventually leave South Vietnam to the communists; or, if Mr. Johnson won't, to frighten the Americans into electing someone else who will. It is up to the soldiers. If the allies cannot reassert their control over Saigon and the other big towns, the Americans will have to negotiate their way on to the troopships. But if they hold the towns, and stop Giap at Khe Sanh, they will have won the upper hand in the war, and in the peace talks.

REVEREND KING STIRS MORE TROUBLE

Mr. BYRD of West Virginia. Mr. President, the Wheeling News-Register of February 12, 1968, presented an editorial by Mr. Harry Hamm entitled "Reverend King Stirs More Trouble." The editor poses this question:

How much longer can the Rev. Martin Luther King get away with this masquerade in which he seeks to portray himself as the leader of "nonviolent" protest in this country?

The editor comments on his own question by saying:

Even a schoolboy can judge by reading the continuous stream of inflammatory statements and threats uttered by Mr. King that rather than discourage disorder he is only inciting more violence and more trouble for our cities.

Mr. Hamm goes on to state a very pertinent point, which is as follows:

The politicians and government leaders had better stop pampering Mr. King and others like him and begin speaking out against those who would bring more violence and lawlessness to our country.

I ask unanimous consent to insert the editorial in the RECORD.

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

REVEREND KING STIRS MORE TROUBLE

How much longer can the Rev. Martin Luther King get away with this masquerade in which he seeks to portray himself as the leader of "nonviolent" protest in this country?

Even a schoolboy can judge by reading the continuous stream of inflammatory statements and threats uttered by Mr. King that rather than discourage disorder he is only inciting more violence and more trouble for our cities.

Last week Mr. King was at it again. It was the same old story. "Our summers of riots are caused by our winters of delay," said Mr. King declaring that Congress must adopt a $10 billion-a-year program providing jobs or income for the urban poor.

To save their cities as well as their souls "from going up in flames" he said the white majority in this country must persuade Congress to act now.

"White Americans cannot see the cities die because that is where they make their money," Mr. King declared. "They may live in the suburbs, but as a matter of self interest we believe they will not allow the cities to go up in flames." He repeatedly predicted violence in the cities "unless there is a massive lifting of hope" among the poor that would "save America's soul."

Then the Negro minister told of plans to stage massive demonstrations timed to begin in Washington during the first or second week of April, the height of that city's tourist season. He said it would begin on a relatively small scale with perhaps 2,000 persons "camped in" in tents or poor shanties "imported for their educational value." He hinted that the number of demonstrators would reach as high as 300,000. There is a possibility, Mr. King admitted, that the demonstrators would disrupt Washington traffic.

The summer-long siege may be lifted momentarily for sorties of demonstrators to the Democratic and Republican National conventions, to be held in Chicago and Miami Beach, respectively in August, according to the Negro minister.

By election day next November, Mr. King said, "We will have Negroes so fired up that I believe they will withhold their support

from candidates who do not respond to their demands."

So it is clear that the agitation by Mr. King hardly can be expected to produce nonviolent protest. He talks about cities "going up in flames" and "firing up the Negroes" and this means serious trouble. Bringing together 3,000 or 300,000 demonstrators from all parts of the country into Washington, D.C., can only lead to disorder and Mr. King knows it.

The politicians and government leaders had better stop pampering Mr. King and others like him and begin speaking out against those who would bring more violence and lawlessness to our country. It is time for President Johnson to take a hard, tough line with these rabble-rousers who advocate anarchy.

Former President Harry Truman stated it well some time ago when someone admonished him for criticizing the Rev. Martin Luther King. Mr. Truman was reminded that Mr. King had been the recipient of the Nobel Peace Prize. Mr. Truman responded, "Well I didn't give it to him."

FACTORY WORKERS LOSE GROUND IN FIGHT FOR HIGHER WAGES

Mr. CURTIS. Mr. President, the AFL–CIO News for February 3 contains some interesting comparisons showing how factory workers across the United States are losing ground in their fight for higher wages to offset the increasing taxes and cost of living.

The labor publication reported that in December last year the single production worker's take-home pay—his gross earnings less social security and Federal income taxes—averaged $84.45 a week while the worker with a wife and two children averaged $91.99 a week.

It then reduced these to "real spendable earnings," measured in 1957–59 constant dollars, and came up with take-home pay of $71.45 for the worker with no dependents and $77.83 for the worker with three dependents with inflation squeezed out of the figures.

The AFL–CIO newspaper noted the latter figures represented a drop of 19 and 27 cents respectively in real earnings since December of 1966.

Next, the publication turned its attention solely to the worker with three dependents and carried its comparison back 1 additional year, to 1965, and cited average take-home earnings for the year rather than the month.

It reported these average annual earnings climbed in actual dollars from $86.30 a week in 1965 to $88.55 in 1966 and $90.98 in 1967, but dropped in constant 1957–59 dollars from $78.53 a week in 1965 to $78.29 in 1966 and $78.23 in 1967.

I have no quarrel with the AFL–CIO News comparisons, but I decided to carry the comparisons a few years farther back into history, and I found the figures even more interesting.

I contacted the Bureau of Labor Statistics and obtained comparable weekly pay amounts for the year 1959. These show the following startling facts:

The worker with three dependents who took home an average of $77.83, in 1957–59 dollars, in December last year actually took home more spendable earnings—$78.23 a week—throughout 1959.

The average take-home pay of the worker with three dependents for all of 1967 was exactly the same as the average for the same type of worker in 1959 in "real spendable earnings," the amount being $78.23 a week.

The single worker is slightly better off today than he was in 1959, but hardly enough to cheer about. He averaged $70.83 a week in 1959, compared with $71.45 in December of 1967 and $71.80 in all of 1967.

The Bureau of Labor Statistics is still making slight refinements in its 1967 figures, but the figures I have used are those which appear on the Bureau's records as of today for workers in all the private trades. I checked with the Bureau and established that they cover the same categories of workers as the AFL–CIO News figures.

The facts are, Mr. President, that the average family workingman in the United States today is worse off economically today than he was in the last year of the Eisenhower administration, in 1959, and the average single working man has gained less than a dollar a week in true earning power during the same period.

I should point out that the figures which the AFL–CIO News and I have quoted do not even include State and local taxes, which we all know have risen also since 1959.

Despite all the ballyhoo about rising employment, more and better jobs, annual increases in the gross national product and rising incomes for all types of workers, the average worker with a family today is pinched tighter financially than he was 8 years ago.

And while the average workman is deeper in the hole than he was in the last year of the Eisenhower administration, Mr. President, those of us from agricultural States know that the farmer because of his cost-price squeeze has skidded even deeper into the hole.

The fact is that Government-inspired inflation, fed by more taxing and spending with bigger and bigger annual deficits, is taking a cruel toll. It is setting Americans back while they are being told they are moving ahead. The creators and promoters of the policies which have fostered this condition are trying to perpetrate a hoax on the American people. I have confidence that the people will hold the administration in power responsible for it.

THE MOOD OF VIRGINIANS

Mr. BYRD of Virginia. Mr. President, during the past 5 days I have been in Richmond, Virginia's capital; in Norfolk, Virginia's largest city and one of the Nation's greatest sea ports; in Smyth County, in the mountains of southwest Virginia; and in Winchester and Berryville, in the Shenandoah Valley.

Wherever I went—public meetings, private homes, along the streets, in bowling alleys—I found deepening concern and increased dissatisfaction with the way the Vietnam war is being conducted.

The Virginia people are patriotic; they support the American troops who have been sent to Vietnam to fight; they support our Government in time of crisis; but increasingly they question the wisdom and judgment of our leaders.

If I sense accurately the mood of my fellow-Virginians, the national leadership has lost to a considerable degree the confidence of the public in its handling of the Vietnam war.

The massive buildup of U.S. manpower in Vietnam began almost 3 years ago. In April of 1965, we had 29,000 men in Vietnam. Today, nearly 3 years later, we have 500,000 there—with 10,500 additional on the way.

During the past 2 years, which is to say the calendar years 1966 and 1967, the United States suffered an average of 1,000 casualties a week. During the first 5 weeks of 1968, U.S. casualties averaged 2,000 a week.

Is not now the time for a reappraisal of our policies and objectives in Southeast Asia—and, more important, the methods and procedures for obtaining these objectives?

Recent events should cause us to realize that our Nation's farflung commitments make us vulnerable to attack at many points. The seizure of the U.S.S. *Pueblo* showed this, as did South Korea's reported demand yesterday that the United States repudiate the Korean armistice agreement if North Korea persists in hostile thrusts against the south.

We are vulnerable in the potentially explosive Middle East, too, where there has been a sharp buildup of Soviet influence and Soviet military presence following the Israeli-Arab war last June.

All of these events, I feel, dramatize the need for the administration to develop a sense of urgency in bringing the Vietnam war to an honorable and early conclusion, which is not likely to be accomplished without a change in policies and procedures.

WHY DE GAULLE HATES US

Mr. BYRD of West Virginia. Mr. President, the Washington Sunday Star of February 4, 1968, carried an article in This Week magazine entitled "Why De Gaulle Hates Us." The article is by Seymour Freidin, and I commend it to the attention of Senators.

I ask unanimous consent to insert the article in the RECORD.

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

WHY DE GAULLE HATES US

(By Seymour Freidin)

PARIS, FRANCE.—Viewed from any commonsense point of view, France's towering President, Charles de Gaulle, has been making little sense lately. He seems, in fact, to be going out of his way to hurt his friends, please his enemies and undermine his own country.

However, if you look at him with one simple thought in mind, his otherwise erratic behavior suddenly becomes logical.

The thought is that he hates the United States.

Consider some major Gaullist decisions of last year alone:

Get out of Vietnam, he told us and went so far as to talk to Ho Chi Minh's men when he visited Cambodia. Why, when he himself did everything possible to keep France in control of Vietnam after World War II? Because he does not want to see us win where he lost.

Move, was his imperious order to NATO headquarters outside Paris. There was no choice. NATO allies, at great cost, dismantled

and set up shop in Belgium. Although his military units are still formally under Alliance direction, this year our top commands fully expect de Gaulle to give us notice that he will leave NATO entirely.

Meanwhile, he extends the hand of friendship to the Soviet Union, going so far as to include Russian paratroops in a French exercise in France.

HE GAVE THE RUSSIANS A KEY TO NATO

This startling invitation came during his trip to the U.S.S.R. the previous summer. Then an ostensible pillar of NATO, de Gaulle spoke of ancient Franco-Russian ties and recommended renewal. It is part of his oft-proclaimed program of alliance from the Atlantic to the Urals. Thus, the Russians were able to achieve a breakthrough that years of vast expense and menace never had attained—that of coming in the back way into NATO.

Then came the blow-up in the Middle East between Israel and the Arab states. De Gaulle was furious that the Israelis had acted and won so spectacular a victory in the Six Days' war. After all, as some high officials in Israel told me, de Gaulle had said nothing would happen. He prompty sided with the Arabs—and with the Soviet position supporting them. What's more, he let it be known, the Americans were behind Israel's compulsion to fight. Now it was up to him, de Gaulle, to redress the balance of power.

At the glittering spectacle that passes for a de Gaulle semi-annual press conference in Paris, the French President slammed the door a second time on faltering Britain's attempt to enter Europe's Common Market—a move that backfired as other countries increased their criticism of such high-handed tactics.

With Britain forced into a humiliating currency devaluation, de Gaulle went after the U.S. He deliberately attacked us on the world money markets. His tactics were simple—and shocking to his own bankers and the majority of France's economists. His backlog of dollars, made possible through years of American generosity and aid, was redeemable in gold, and he demanded that we give him the gold.

The plan was to shake confidence in the Yankee dollar. Big-time speculators followed the Gaullist lead. In a few weeks about half-a-billion dollars worth of gold was redeemed, but it didn't begin to upset our economists, businesses and friends. De Gaulle still wants to return to the classical gold standard. That would increase the price of gold, devalue the dollar and bring a huge profit to the two major gold-mining governments, Russia and South Africa.

At the same memorable press conference, de Gaulle spoke scathingly of Israel. The Jews, he said, were "at all times an elite people, sure of itself and domineering." The Arabs hailed his pronouncement, and he obtained a predominant position to explore for oil in Iraq. The fields had been developed by Britain and, more recently, by the U.S.

Next, de Gaulle turned his attention to the French part of Canada, which, he declared, was capable of acting as a sovereign state.

HE STUCK HIS BIG NOSE INTO CANADA

It was direct interference in the affairs of another nation and one that is still his ally. It was a repeat of his call to secession, when he shouted "Vive Québec Libre," in Montreal last summer.

His conclusions, he explained to his puppet Cabinet, were based on U.S. economic penetration of Canada. Only an independent French-speaking Canadian state would be able to fend off any further American encroachment.

The fact that France, through investment and all other contributory forms, has provided French-speaking Canada with a pittance for the last century never bothered de Gaulle. In any given week of 1967, American investment and expenditure in Canada has exceeded the French total for 100 years.

Most de Gaulle-watchers trace his anti-Americanism back to World War II, when, in his opinion, he was treated shabbily by Roosevelt and Churchill. Actually, its roots go much deeper than that.

De Gaulle emerged a hero from World War I. He had been wounded and taken prisoner. Upon return to active duty, he scoffed at the U.S. role and our doughboys. France and only France, he insisted, had won the war. When he drafted his manual on armored warfare, which ironically the Germans adapted, de Gaulle also found few takers among American strategists. After all, we had our own specialists, such as the late Gen. George S. Patton, Jr.

In the '30s, de Gaulle began to speak of domineering Americans. It was the same term he used recently in speaking of Jews. Moreover, he fiercely resented the rather easy good fellowship between U.S. and British officers he encountered.

"It is more useful for all assembled here to speak French," he told an astonished class of foreign officers gathered to hear him lecture in the equivalent of our War College.

One of the officers present, now retired, remembers how *le grand* Charles then imperiously dismissed the interpreter. It was at that time, too, that de Gaulle mentioned the U.S. as a "cowboy country." Nobody, including visiting Americans, took him seriously. Even then, before 1939, de Gaulle spoke disparagingly of American technical skill. On the cultural level, he dripped contempt—we were barely removed, he told friends, from the primitive Red Indian stage.

The tragic collapse of France in 1940 gave him his change, as he saw it, to remold and lead his nation back on the path of power and grandeur. Churchill sent de Gaulle out to head a Free French movement in those dark days. And the trouble began.

As de Gaulle proclaimed in a broadcast, France had not lost the war; just a battle. Flaunting his emblem, the Cross of Lorraine, he demanded more arms and equipment from slender British stocks.

"The Cross of Lorraine was the heaviest cross I have ever had to bear," groaned Churchill.

Nor did de Gaulle endear himself to us when his Free French forces sought to seize the tiny islands of St. Pierre and Miquelon, just off Canada.

After we entered the war, personal relations between our higher-ups and de Gaulle became even more neuralgic. Pres. Roosevelt frankly disliked him, and vice-versa. We tried to place another French general beside him after the invasion of North Africa. "Impertinent and unacceptable," snapped de Gaulle. "Only the Americans in their ignorance of history would try this."

De Gaulle was furious that he was told about the invasion of Normandy only at the very last moment. He saddled the blame on the Americans, to a lesser extent on Churchill. He never thanked us for helping him to return to Paris in triumph—he won the war, he later said, "despite the Americans."

COMMUNISM, HE SAID, DIDN'T SCARE HIM

The U.S., de Gaulle contended at the time, was deliberately shouldering France out of all negotiations for post-war Europe. It was a calculated, personal affront, he told some of us—when America snubbed de Gaulle, we snubbed France.

That was the theme of his constant complaint. Yet the French-at-large challenged him, too. In high dudgeon, he abandoned the office of Provisional Premier for his country estate at Colombey-les-Deux Eglises, emerging on rare occasions to sneer at the Communists as "separatists." But the Russians, in his view, were essentially friends of France. One day, he predicted, he would bring them back into the European fold—in spite of us.

When governments tumbled in France and the war with Algerian nationalists followed defeat in Indo-China, a call surged for a strong hand. Charles de Gaulle had been waiting for the call 12 years. In tumultuous days of late spring in 1958, France rang with cries of "De Gaulle to power" and "Algerie Francaise," or Algeria is French. All opposition—right, left, center—was on the defensive.

Into the No. 1 spot of France came de Gaulle. His paunch showing beneath a double-breasted jacket, he promised France a settlement (on which he was deliberately vague) of the issue in Algeria.

His supporters promptly began a whispering campaign that the Americans had tried, with money and blocking tactics, to prevent de Gaulle's return. Then, de Gaulle demanded a three-way directorate to rule NATO. He put France first, of course, following by "Les Anglo-Saxons," Americans and British. When our other allies refused, de Gaulle set his sights on wrecking our position.

First, he entered into a deal with the Algerian nationalists, causing many supporters, who had helped restore him to power, to charge him with betrayal. Some fled. They were accused of being American tools. In Europe, de Gaulle turned to reconciliation with West Germany. The late Chancellor, Konrad Adenauer, was eager for an arrangement, but he balked, as did his successor, at a Gaullist ultimatum—abandon the U.S. and rely only on France.

HE BLAMED THE CIA FOR THE REVOLT

De Gaulle then proclaimed that the loss of Germany's Eastern provinces to Russia and Poland should be accepted. Britain and the United States long had agreed it had been a Soviet grab.

De Gaulle coldly turned his back on an allied position of vast strategic importance with this rebuff. The Germans, hoping that de Gaulle might yet help with reunification, stayed mostly mum.

But a group of generals rebelled against de Gaulle, accusing him of betraying French interests in Algeria. France teetered on the brink of civil war. De Gaulle blamed the U.S. for the rebellion.

De Gaulle's propaganda apparatus put out that our CIA had organized the plot. There wasn't a word of truth in it. The generals' conspiracy fizzled because of factionalism and no real plan.

The anti-Americanism boomeranged. A vast reservoir of goodwill, dating back to the American Revolution and two world wars, couldn't be shrugged off. De Gaulle came close to losing a Presidential election.

Without batting an eye, he told his country that the Americans had poured money into his opponent's campaign coffers. If worst came to worst, he suggested strongly, he could always rule by decree.

Unvarnished anti-Americanism took absolute priority. The huge volume of post-war private and government aid we poured into France he ignored—likewise the unselfishness of the Marshall Plan. We were investing in Europe, he sneered, to take it over. The British, he contends, are simply front-runners for us.

He has turned to contriving a made-in-Paris brand of accommodation with the Soviet Union. French government programs on foreign affairs are endorsed in a matter of days by *Pravda*, the Soviet party mouthpiece. On Vietnam, he is increasingly virulent against our role. His public and private denunciations often outstrip those of the U.S.S.R.

De Gaulle is by no means a Communist. But he firmly believes, despite the tragic record of those who have tried, that he can cooperate with the Russians and even the Red Chinese, and that France can be made the control center of the world—if the Americans would only get out of his way.

"Right now the American Embassy, for example, operates in France as it would in an unfriendly or occupied country." That is the considered opinion of a foremost man of

state in our government and it has an admirable counterpart in a statement attributed to the French diplomat, Paul Claudel, many years ago: "Most statesmen have long noses, which is very lucky because most of them cannot see further than the length of them."

POLICIES AND STRATEGIES IN VIETNAM

Mr. McGEE. Mr. President, in the wake of recent events in Vietnam, particularly the Vietcong raids against the cities of that country, there has been much handwringing. There has been some soul-searching. There have been attacks launched here at home against those, particularly the President, responsible for American policies and strategies.

What need to be considered before we can seriously reassess the situation in Vietnam are the reason behind the enemy attacks on the cities, the success of the impending battle in the DMZ, and such other vital factors as the integrity of the South Vietnamese Government following the onrushing events which appear, indeed, to be heading toward a climax.

Do the American people have the resolve to stay the course, or at least withhold their judgment and pressure until the decisive battles are finished? That is a question asked by Richard Wilson, writing in the Evening Star of February 12. His question and his counsel are echoed by other writers, including William Randolph Hearst, Jr., who observed, in a recent column about events in Vietnam and Korea, that—

Americans generally would do well to keep their shirts on in this period of uncertainty.

Mr. President, other writers have taken a deep look at these recent events, and have given us more insight into their meaning. Among them are columnists William S. White, and Orr Kelly, of the Evening Star. I ask unanimous consent that columns by Mr. Hearst, Mr. Wilson, and Mr. White and an interpretive report by Mr. Kelly be printed in the RECORD.

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

[From the Washington Star, Feb. 12, 1968]

RED ATTACKS CLEARLY AIMED FOR VIET TAKEOVER

(By Richard Wilson)

Hatred of the war twists a man's judgment of conditions in Vietnam out of all proportion to the reality of what has been happening there. Sen. Robert F. Kennedy's recent outburst against President Johnson is the most outstanding example of how opponents of the war can be carried away by any series of events they think proves that the President has been willfully deluding the American people.

But now that the prophets of disaster and the counselors of dispair have echoed Cassandra's laments down the halls of current history a little clearer light is thrown upon what has been happening in Vietnam.

Now we know that the attacks on provincial capitals and center of government control were not by any means merely a psychological warfare demonstration. They were a coordinated series of attacks planned since last summer, committing the full strength of the main force Viet Cong units to wresting administrative control of the entire country from the Thieu-Ky government.

The attacks were intended to render South Vietnam leaderless, and with whole divisions of the Army of the Republic of Vietnam joining a newly invented organization called the "Revolutionary Armed Forces." Civilians and others could join the "Alliance of National and Peaceful Forces."

Plans for administrative control of many provincial capitals were in the hands of the attackers. They were told to expect a popular uprising, and, after the new administrative revolutionary system had been set up in the cities and capitals, there would come a "second round" of attacks, a coup de grace from Viet Cong and North Vietnam army groups of divisional strength positioned outside Saigon, Dak To and Da Nang.

The first phase of this grandiose plan failed. It was not conducted by wandering guerrillas for its shock value and to prove that neither the Americans nor the South Vietnamese could control South Vietnam. It was a takeover operation on a big scale using the full strength of the National Liberation Front, and it did not succeed.

Hanoi has been trying to tell itself and the world ever since that it did succeed and that the Americans were left hanging on the ropes, but this is more likely to delude the war objectors in Washington than it is to convince the Defense Ministry in Moscow.

It would be the pinnacle of imprudence to conclude that the expected "second round" would not spread havoc in Vietnam. This attack may have come or be in its early stages by the time this column is published. But if it comes, and whatever its results, it must now be concluded that the first round had merely a greater impact on American and world opinion than upon the actual administrative control of South Vietnam.

Yet there were many who were eager to cry havoc, unwilling to wait until the conclusive battles were finished before arousing anew American opposition to the President. It was as if they were counseling no defense in the critical engagement at Khe Sanh, and saying in effect, "let it all go. We can't win. Why lose any more men?"

This, of course, is what the men in Hanoi would like. The problem as it now exists is fourfold. First, will the second-round come and what will be its effects? Second, can we handle the attack at Khe Sanh? Third, is the government of South Vietnam sufficiently resilient to keep control of the country under these critical circumstances?

And, fourth, do the American people have the resolve to stay the course, or at least withhold their judgment and pressure until the decisive battles are finished?

Perhaps that last point is academic. Events are running very fast on a course that cannot be altered. There are likely to be other casualties that the Marines at Khe Sanh if matters go badly. It is hard to believe Gen. William C. Westmoreland could survive a military disaster.

It is hard to believe also that Johnson's policy would not have to undergo drastic revision.

RED GAINS IN VIET CITIES LIKE LAST NAZI SPASM AT THE BULGE

(By William S. White)

In the Vietnam war the position now may be summed up in a somber sentence. The phase of agony—for those who must fight it, for those in authority here and in Saigon who must conduct it, and for those private men who in duty and in conscience must support it—has ended. Opening now is the phase of anguish, and conceivably also of the last real crisis.

For whatever may be said of the enemy spasms of recent weeks, and however debated may be which side won and which lost, one stark reality now towers above all else. The Communist assailants are farther away than ever before from any intention to listen to any honest overture and are accordingly putting all their chips into the pot, to win all or to lose all.

To grope as best as one can through the miasma of Washington today—a miasma surely not exampled since Lincoln's ordeals of the Civil War a century and more ago—the weight of all the evidence suggests certain other clear realities.

The Communists—the Vietcong Fifth Column and the now heavily committed regular troops of North Vietnam—scored undeniable propaganda and morale successes in their suicide guerrilla assaults upon the cities and civilians of South Vietnam. They did, however, suffer enormously wasteful casualties; and in naked objectivity their operation, apart from propaganda terms, is likely in the end to turn out to have been self-defeating—with one immense and poignant qualification.

It will ultimately be seen as a poor investment if the authority and integrity of our South Vietnam Government Ally—the real and central target of these guerrilla attacks—remains sustained in the afterlight. This is the great and fateful kernel; and this is why it is so infinitely harmful to the common cause for American politicians now to join the assault, as some are doing, upon that authority and that integrity.

The elementary decency of the Soviet Union was most dubious in the 40s; but the Allied leaders knew enough never to cooperate with the Nazis in assailing it, lest the Nazis win on the morale front what they sought to win on the battleline. Granted some tolerance for the undoubted weaknesses—and some compassion for the ghastly burdens—of the Saigon regime, this brutal eruption will at last sink into the category of an ugly episode rather than as a victory.

For the real name of the game militarily is still the major battle shaping up at Khesanh, an action capable of dwarfing in meaning and violence all that has gone before. The highest American military authorities—and there is really no reason, except among peaceniks lost in rage and terror, to suppose that those devoted professionals are liars or fools—believe that we can take the enemy's measure here and possibly fatally blunt his main cutting edge.

One of the ablest military heroes known to this columnist, a man totally unconcerned with hissing political argumentation, sees this climactic test at arms as holding a potential parallel to the Battle of the Bulge of the Second World War. There the Germans undertook a suicide spasm of their own. There the Germans won a giant propaganda windfall. But in the harsh ultimate logic of warfare they lost there. For the commitment was in truth a commitment not of wisdom but of desperation and could only have paid off given a disruption of Allied morale that never came.

This is not to say that any man should refrain from "dissent" or critcism for a moment. But rational dissent and criticism do not mean pillorying a general in the field like Westmoreland; do not mean attempts by a tiny Senate minority to destroy a Secretary of State for remaining faithful to an American commitment of honor; do not mean trying to expose the last details of American intelligence operations before hostile eyes. And they do not mean conscious and determined defeatism.

[From the Washington Star, Feb. 9, 1968]

REASSESSMENT ON VIETNAM IS NEEDED

(By Orr Kelly)

A serious reassessment of the situation in Vietnam will have to be made as a result of the Viet Cong attacks of the past week and a half, in the view of military leaders in Washington.

But they feel it is far too early to make that reassessment or to jump to any conclusions—pessimistic or optimistic—on the basis of information now available.

So far these leaders, who declined to be quoted by name, have seen no reason to believe that the situation calls for any abrupt increase in the U.S. troop level in Vietnam, which has just passed the level off at 525,000 by midyear.

Nor have they seen any reason so far to contemplate any drastic change in the basic U.S. strategy, although the way the strategy is carried out will almost certainly be modified in some ways as a result of the eventual assessment of the enemy offensive.

INTENSITY SURPRISES

Although military leaders were expecting an offensive before or after—but not during—the Buddhist holiday of Tet, they acknowledged that they were surprised at both its intensity and its coordination.

But they feel that it will be weeks or perhaps months before they are in a position to tell with any certainty what the enemy intentions were, how well they succeeded and what this means for U.S. planning for the future conduct of the war.

As these leaders here view it, the enemy push against the cities in South Vietnam can probably be interpreted in two ways.

One theory—the one they would like to believe—is that the enemy leaders saw their strength gradually dwindling away and decided that, if they were to retain any hope of winning the war, they would have to strike now with all their force.

The other interpretation is that the enemy chose this as the opportune moment for an attempt to topple the South Vietnamese government and that the attack was not, as in the first interpretation, an act verging on desperation.

They are inclined to believe, even on the basis of the raw and incomplete information now available, that the enemy hoped to do more than hit and run—that they were seriously counting on a general uprising against the government.

NUMBERS CITED

That belief is based on two factors:

1. The way in which virtually the whole Viet Cong military structure was thrown into the effort, not only using up precious manpower and resources but also exposing hidden units.

Even though thousands of suspected Viet Cong soldiers have been captured, no evidence has yet been turned up that they had escape plans. Almost invariably in the past, the V.C. have planned their retreat after an attack as carefully as they have planned the attack itself.

One indicator of the meaning of the fighting that is being watched here with special care is the estimate of enemy dead. Figures made available in Saigon show that well over a third of the estimated 60,000 men involved in the assaults lost their lives.

While this estimate is so high as to cast doubt on its validity, reports reaching here of the number of weapons captured during the battles is described as tending to bear out the estimate of enemy dead. This is based on a rule of thumb which says an estimate of enemy casualties generally can be believed if the number claimed to have been killed is not more than three or four times the number of weapons captured. The figures coming from Vietnam seem to fall within these boundaries.

If the enemy commanders threw everything they have into the recent attacks and if their losses were as heavy as they appeared to have been, this would have one meaning for U.S. strategists.

But if they were not risking everything on this widespread surge of attacks and if they were not too badly hurt, then this will have to be taken into account in future U.S. plans.

Even though they were surprised at the intensity of the attacks, military leaders here felt that, in one sense, they demonstrated the effectiveness of the strategy that has been followed over the last 2½ years.

If it had not been for the search and destroy missions that have pushed enemy main force units back along the borders, they said, these units would have been massed outside the cities, waiting to reinforce the smaller units infiltrated into the cities.

[From the Hearst Newspapers, Feb. 4, 1968]

OUR ILL-ADVISED ADVISERS

(By William Randolph Hearst, Jr.)

This week of Communist hell raising in the Far East has certainly been a great time for our Monday morning quarterbacks, of which we have an obviously inexhaustible supply.

As far as I can recall, I have never heard such an outpouring of half-baked, irresponsible second guessing as has been going on simultaneously about our troubles in Vietnam and North Korea.

Never have so many said so much with such little knowledge of what they were talking about.

It is only natural that the bad news would provide a field day for our barroom generals and admirals, whether they are members of Congress, television pundits or Just Plain Joe and Josephine Doakes.

North Korea's piratical seizure of the Pueblo was an outrage. The Vietcong suicide raids in South Vietnam, and particularly the attack on our embassy in Saigon, were real eyebrow-raisers.

For Americans—any Americans—not to want to discuss sensational acts which the enemy considers to be triumphs would be less than human. Yet to err is human, too, and that's what most of our barroom strategists have been doing.

Probably the commonest mistake they have been making is an assumption I have heard from many quarters—that this nation was caught unaware by both North Korea and the Vietcong. It is an assumption not based on fact.

Both Communist actions succeeded simply because there is no way to guard against totally irrational acts. Every possible reasonable defense precautions, you may be sure, have been and are being taken in both trouble areas.

Thus, in South Korea, we have 50,000 men who have been guarding that country from Communist aggression ever since the Reds signed an armistice 15 years ago with their fingers crossed. Our troops, however, have never been able to halt enemy terror raids any more than the helpless Pueblo could resist piracy.

So far as the raids in South Vietnam are concerned, here again there was no possible effective safeguard. No amount of police and military checkups in the teeming, open city of Saigon ever did or ever could halt the infiltration of Vietcong arms and members.

The fact is that Gen. William Westmoreland knew that terror raids were imminent as part of an all-out enemy offensive now under way. Captured Vietcong orders had spelled out all but the details. Yet nothing could be done except to wait for the attacks and then kill the terrorists.

You can't stop men from doing sensational things in a war if they are willing to accept sure death to do them. And you can't stop a country from seizing a virtually-unarmed ship when that country is willing to act in defiance of international law.

So, I submit, anybody who says we have been caught with our pants down is simply in error. We have our pants on tight and it is the ammunition in our belt which eventually will win the Communist showdowns, not temporary propaganda victories by the enemy.

All this, of course, is ignored in the flood of wild talk filling the halls of Congress, our airwaves, and even drowning out the juke boxes in barrooms. Over here there is a guy who says we ought to start dropping H-bombs. Over there is one who says we have made inexcusable mistakes. Behind the bar, likely as not some joker saying Washington isn't telling us the whole truth.

Well, the fact of the matter is that the whole truth hasn't been told and it simply can't be told for reasons of national security. Our country is trying in many delicate ways to achieve peace talks in Vietnam, just as it is maneuvering in every diplomatic way possible to get the safe release of the Pueblo's crew.

The responsible, hard-headed, fully-informed men at the helm of our government and armed forces have no need of advice from irresponsible, hot-headed and ill-informed outsiders. Even the most sensible of our laymen are unable to pass judgment on much that has happened because the full facts are unavailable.

Take the case of the Pueblo. Lots of people have been blaming the captain for losing his ship. He somehow should have managed to prevent a vessel loaded with highly secret equipment from being seized by the Reds. Why didn't he get help from our planes? Why didn't he blow the ship up? And so on.

It simply hasn't been made clear what really happened in the seizure. At the same time it can be reasonably assumed the captain took all prudent measures at his disposal to protect his crew and his secret intelligence-gathering equipment.

He certainly couldn't have blown up his whole ship without blowing up himself and his crew. On the other hand there is no basis for assuming that the Communists got his ship intact. In fact there is every reason to assume that the Reds did not get any of the Pueblo's vital equipment intact.

All naval vessels on such precarious missions as the Pueblo have standing operational orders to meet any foreseeable emergency. Unquestionably there was such a plan by which the really secret apparatus aboard would be destroyed or rendered inoperable if it was in imminent danger of enemy capture.

Still, even here, we don't really know. Perhaps something went wrong with the destructive mechanism. If so the ship actually may have been taken intact. Such a thing happened when the Russians captured our U–2 spy plane.

All I have been trying to say here is that Americans generally would do well to keep their shirts on in this period of uncertainty. It is very tempting for irresponsible citizens to criticize the actions of responsible officials in Washington.

Let's give our side and our leaders a break with less wild talk and more patience.

It will all come out in the wash.

Who knows? Maybe we wanted the Communists to capture the Pueblo. Maybe it was loaded with a lot of outmoded equipment and a lot of planted false information.

If this sounds crazy to you, it's still no crazier than a lot of talk that's been going around this week.

"THE ENEMY IS ON THE RUN"—UPDATING GENERAL CUSTER

Mr. HARTKE. Mr. President, the gift of satire is not only rare, but for a master of its employment it is also social commentary. It is Washington's good fortune to have among us a man who can, and does, puncture pomposity and leave in the wake of his humor some of the most telling barbs to be found on current follies.

We have been treated recently to the official pronouncements on the events in Vietnam, in which a coordinated attack has quite disrupted Saigon, Hue, and a host of provincial capitals. Yet if one were to rely wholly on the officials accounts, rather than on reading also the

accounts of reporters on the spot, the conclusion would be that we—the United States and South Vietnam—have actually wrung a victory from these attacks.

Art Buchwald turned his satirical tongue-in-cheek humor to the grim facts of our Vietnam victory in a most devastating way the other day. Writing with an imaginary date line of June 27, 1876, from Little Big Horn, Dakota, he produces an interview with the same kind of optimism about General Custer's "victory" as that optimism which claims recent events in Vietnam a victory.

Mr. President, I ask unanimous consent that the article, published in the Washington Post of February 6, 1968, be printed in the RECORD.

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

"WE HAVE ENEMY ON THE RUN," SAYS GENERAL CUSTER AT BIG HORN

(By Art Buchwald)

LITTLE BIG HORN, DAKOTA, June 27, 1876.—Gen. George Armstrong Custer said today in an exclusive interview with this correspondent that the battle of Little Big Horn had just turned the corner and he could now see the light at the end of the tunnel.

"We have the Sioux on the run," Gen. Custer told me. "Of course, we still have some cleaning up to do, but the Redskins are hurting badly and it will only be a matter of time before they give in."

"That's good news, General. Of course, there are people who are skeptical about the military briefings on this war and they question if we're getting the entire truth as to what is really happening here."

"I just would like to refer you to these latest body counts. The Sioux lost 5000 men to our 100. They can't hope to keep up this attrition much longer. We know for a fact Sioux morale is low, and they are ready to throw in the towel."

"Well, if they're hurting so badly, Gen. Custer, how do you explain this massive attack?"

"It a desperation move on the part of Sitting Bull and his last death rattle. I have here captured documents which show that this is Phase II of Sitting Bull's plan to wrest the Black Hills from the Americans. All he's going for is a psychological victory, but the truth is that we expected this all the time and we're not surprised by it."

"What about the fact that 19 Indians managed to penetrate your headquarters? doesn't that look bad?"

"We knew all along they planned to penetrate my headquarters at the Indian lunar new year. The fact that we repulsed them after they held on for only six hours is another example of how badly the Sioux are fighting. Besides, they never did get into the sleeping quarters of my tent, so I don't really think they should be credited with penetrating my headquarters."

"You seem to be surrounded at the moment, General."

"Obviously the enemy plans have gone afoul," Gen. Custer said. "The Sioux are hoping to win a big victory so they'll be able to have something to talk about at the conference table. Look at this latest body count. We've just killed 3000 more Indians and lost 50 of our men."

"Then, according to my figuring, General, you have only 50 men left."

"Exactly. They can't keep up this pressure much longer. The truth of the matter is that their hit-and-run guerrilla tactics haven't worked, so they're now resorting to mass attacks against our positions. Thanks to our interdiction of their supply lines, they are not only short of bows and arrows, but gunpowder as well."

An aide came in and handed Gen. Custer a sheet of paper. "I knew it," the General said. "The latest body count shows they've lost 2000 more injuns in the last hour. They should be suing for peace at any time."

"How many did we lose, General?"

"Our losses were light. We only lost 45 men."

"But general, that means you have only five men left, including yourself."

"Look, we have to lose some men, but we're taking all precautions to keep our losses to a minimum. Besides, we can always count on the friendly Indians in these hills to turn against the Sioux for starting hostilities during the Indian lunar new year."

The aide staggered back in, an arrow in his chest. He handed Gen. Custer the slip of paper and then dropped at his feet.

"Well, they just lost 500 more. And we only lost four. It looks as if they've had it."

"But, General, that means you're the only one left."

"Boy," said the General, "would I hate to be in Sioux shoes right now."

PIOUS U.N. ATTITUDE ON SOUTH-WEST AFRICA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a column by James J. Kilpatrick, which appeared in the Washington Sunday Star on February 11, 1968, the column being entitled "Pious U.N. Attitude on South-West Africa."

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

PIOUS U.N. ATTITUDE ON SOUTH-WEST AFRICA

(By James J. Kilpatrick)

For a textbook example of what ails the United Nations and lends the weight of moonbeams to its awesome resolutions, it is instructive to consider the U.N.'s record in regard to South-West Africa. It is a record of futility, hypocrisy, and blatant disregard for law.

The General Assembly's most recent resolution, adopted on January 27, is fully consistent with all that has gone before. Watching the Assembly in action, one is compelled to remark that these solemn fellows apparently take themselves seriously. But who else does?

The January resolution begins by taking note of an earlier resolution by which the General Assembly "terminated South Africa's mandate over South-West Africa." This was in October of 1966, nearly 16 months ago. It was a unilateral action on the Assembly's part, but on paper, at least, it appeared to be a formal order to South Africa: Get out.

Now, organizations that would be taken seriously ought not to issue orders they are incapable of enforcing. As events proved, the U.N. was utterly incapable of enforcing this one. In June of 1967, the Assemblymen denominated an 11-member council to administer the affairs of South-West Africa and appointed a gentleman named Constantin Stavropoulos as Governor General, in effect, of the country.

That was the last anyone has heard of the council or of Mr. Stavropoulos either. South Africa has not recognized the existence of these impotent dignitaries by so much as a flutter of Prime Minister Vorster's eyelid. The U.N. to this day has as much authority over South-West Africa as a den of Cub Scouts over the public affairs of South Chicago.

Nevertheless, the Assembly's January resolution maintains the fiction. The resolution is concerned primarily with condemning "the illegal arrest, deportation and trial at Pretoria of 37 South-West Africans, as a flagrant violation of their rights." The Assembly demands that the defendants be set free.

What about all this? The 35 persons (not 37) who were put on trial in Pretoria were arrested last summer under South Africa's newly enacted Terrorism Bill. It is not denied that they were members and leaders of the South-West Africa People's Organization (SWAPO). Neither is it denied that SWAPO's purpose is to take over the government of South-West Africa by whatever means are handy.

The defendants were charged in a 41-page indictment with specific acts of terrorism and conspiracy. They were brought to Pretoria where they were arraigned in August before Mr. Justice Joseph Francis Ludorf in the Transvaal Supreme Court. In this land of apartheid, four of South Africa's most distinguished attorneys were appointed as counsel for the defense. To judge from the record available here and in Washington, they fought for their clients every inch of the way. The trial proceedings were open to the public; they were freely reported in the press.

Evidence against the defendants was overwhelming. The prosecution produced what the court described as a "breath-taking number" of machine guns, pistols, ammunition, and other weapons that had been seized in the defendants' hands. It was shown that the defendants had been trained in techniques of terrorism in Algeria, Ghana, Tanzania, and Zambia, under the tutelage of Chinese and Russian Communists.

Documentary evidence was introduced, linking the defendants to a "war plan" of May 10, 1966. The terrorists intended to "blow up the power station at Windhoek." They plotted to attack police stations at other localities, to kill white settlers, and to destroy bridges. Other evidence of violent conspiracy was drawn from the SWAPO newsletter.

No country on earth would regard such activities as lawful. In most of Africa, terrorists caught in revolutionary conspiracy would be shot on sight. The example of the Congo comes readily to mind. But South Africa proceeded openly, under terms of its own law. In the end, 30 of the defendants were found guilty on the principal charge; three were convicted on a lesser charge; one was acquitted; one remains in a hospital.

Has the General Assembly condemned trial practices in the Soviet Union? In the Congo? In Algeria? No, indeed. Here the rule is observed that the United Nations has no authority to intervene in the internal affairs of any state. Where Africa is concerned, the winds of piety blow only to the south. South Africa will survive, but the U.N., if it persists in idle bluster, in time will blow itself to impotent bits.

HISTORY'S VERDICT ON U.S. ACTION IN VIETNAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a column by Howard K. Smith, entitled "History's Verdict on U.S. Action in Vietnam," which appeared in the Washington Sunday Star on February 11, 1968.

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

HISTORY'S VERDICT ON U.S. ACTION IN VIETNAM

(By Howard K. Smith)

History—Kosygin said in Life Magazine the other day—will never forgive the Americans what they are doing in Vietnam. That simple thought is a mighty one. To many Americans the thought of eternal damnation in the conscience of posterity is not merely a thought; it is the guiding thought that cancels reason and erodes the will in dealing with our imperfect little world. So, it deserves a moment's consideration.

Experience suggests that moral condemnation is a kind of paper tiger. History, on examination, appears to have a conscience

about as well developed as that of the lower porifera. One wishes it otherwise, but in fact about the only thing history refuses to forgive is failure.

When in 1956 the Russians moved into rebellious Hungary and obliterated the Hungarian freedom fighters in a generous blood-letting, one periodical after another said that history would never forgive the Russians or the native puppets who urged them to come back in.

Recently I finished fine-tooth combing all the news of the past year in seven periodicals, American and foreign. There was, eleven years after the event not one mention of the Hungarian bloodbath. The most prominent mention of Hungary was the news that the U.S. had elevated that nation's legation in Washington to the status of an embassy. And all the Western nations were making elaborate efforts to improve relations with the partners of the crime—the Communist rulers of both Hungary and Russia.

In 1961, public figures were effusive with prophecies that history would never forgive the Russians and Ulbricht for isolating West Berlin with a hideous prison wall. The news of 1967 records that Ulbricht, largely due to his wall, was enjoying prosperity, and he was attaining a certain respectability as West Germans for the first time sought to improve contacts.

Americans are paralyzed with worry about something that does not really exist. We are like Thomas Hardy's Jude, who suffered tortures of conscience each time he stepped on an insect. He was thus condemned to a life of pain that ended in awful death for himself and for those he loved and sought to protect.

The outsized American conscience is taking its most awful beating in Vietnam. The reasons are clear. The enemy has perfected a form of warfare which in fact amounts to hiding behind the civilian population. Each day at cocktail time, we are treated on television to a one-eyed view of what goes on: Americans shooting, killing and occasionally burning down a village. Occasionally, but very rarely, some overwrought American soldier will actually commit an atrocity, and there is a complete pictorial record of it in the next day's world press.

That vision of the war is in fact a huge lie. There is only an occasional perfunctory word and no pictorial record whatever of the essential truth: that the enemy's war is a vast, carefully planned, thoroughly intended atrocity.

The American effort is in fact amazingly humane in the circumstances. Why do the Viet Cong regularly raid U.S.-held areas of Vietnam, but avoid those held by the South Koreans? The answer is that the South Koreans meet the Viet Cong with a certain rough reciprocity. The areas long held by the South Koreans, in Binh Dinh province, have the best pacification record in the country.

Harrison Salisbury's loaded reporting from Hanoi last year revealed things he may not have intended. Among other things he conveyed the Communist allegation that in 100 raids on the important town of Nam Dinh our bombs killed 89 civilians. To give meaning to those figures one must recall that in World War Two in a single raid in Hamburg, bombers killed 20,000 civilians. Obviously our attacks on the vital node of Nam Dinh were carried out with a care unprecedented in warfare.

The conscience-stricken need to recall that in the long cold war, the U.S. has never once taken the initiative in a conflict. We have defended in Greece, Turkey, Berlin, Cuba and Korea, as we are doing in Vietnam. In each case, we were ready to stop defending whenever the enemy would stop aggressing.

It is clear where guilt has consistently lodged. Given our good moral record, history has a simple imperative for President Johnson: Don't lose.

HANOI'S TRUMP CARD

Mr. BYRD of West Virginia. Mr. President, I call attention to a very interesting and informative article by Richard Critchfield, which appeared in the Washington Sunday Star of February 11, 1968. Mr. Critchfield has recently returned to Washington after spending 3½ years in Vietnam for the Washington Star. The article is entitled "Hanoi's Trump Card: Fomenting Internal Strife."

I commend Mr. Critchfield's article to my colleagues, and I ask unanimous consent that the article be inserted in the RECORD.

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

HANOI'S TRUMP CARD: FOMENTING INTERNAL STRIFE

(By Richard Critchfield)

Much more light has been shed the past two weeks on what the men in Hanoi have described since 1966 as their most "clever tactic" against the United States.

This has been the skillful application for the last five years of the Leninist principle of "exploiting internal contradictions in the enemy camp." It is the key to Hanoi's current strategy of terrorist commando raids in the cities, massive military pressure at Khe Sanh and the DMZ and an intense worldwide Communist peace offensive. The aim is to end the war on terms allowing the legal existence of a Communist-led popular front movement in South Vietnam while preventing the South Vietnamese non-Communist majority from creating an organized political base themselves to rival the Communist one.

Without such a base, it is naturally impossible for the many in South Vietnam, even when supported by the United States and other allies, to achieve a final political victory over the few.

The United States might conceivably win a temporary military victory. But without an indigenous non-Communist political base this would leave almost every single internal problem unsolved, most important (1) inequitable land distribution, (2) the breakdown of rule of law and (3) the collapse of an effective rural administration. Unremedied grievances would in turn allow a new popular front to come to power ostensibly through legal and political means, supported by covert Communist direction, intimidation and skillful manipulation of individual ambition.

DEFINED IN 1966

The Hanoi leadership first publicly defined and described this tactic in mid-1966 in a defense of its policies from Communist Chinese criticism.

At that time a growing number of Western scholars on Southeast Asia were reaching the conclusion that Vietnam was not, after all, a testbed for "People's Revolutionary War" on the classic Mao Tse-tung model. Douglas Pike concluded in his book, "Viet Cong," that the Hanoi leaders were a cynical "alliance" rather than fanatic "philosophical" Communists. Sir Robert Thompson, the British expert, wrote in "Defeating Communist Insurgency," that Hanoi had not been waging a "People's War" but instead, used this "revolutionary form of warfare" to "enable a very small ruthless minority to gain control over the people."

Retired U.S. Marine Brig. Gen. Samuel B. Griffith, like Thompson, one of the sharpest critics of U.S. policy in Vietnam, noted in mid-1966, that "Peking has for several years insisted that the struggle in Vietnam is a 'People's War' and that the outcome (which she sees as assured) will validate Lin Piao's thesis." This thesis was the expression of China's strategic doctrine of September, 1965, in which Lin predicted the industrialized West would be inevitably isolated and captured by the Asian, African and Latin American revolutionary forces.

During this same period Prof. Donald Zagoria of Columbia University noted, "The single most important element in the advance of communism in Vietnam, as in China itself, was that a local Communist party captured a nationalist movement during and after World War II in the course of a national struggle against a foreign invader." Second, said Zagoria, was that the nationalist opposition in Vietnam was "divided" and "without effective organization at the rice-roots level."

GUERRILLA TACTICS

Although Western scholarship denied Vietnam was a classic Maoist "People's War," Peking continued to insist it was; in 1966 and early 1967, Mao's theories on revolution and guerrilla war become sacred writ in China during the struggle between Maoists and "revisionists" in the Great Proletarian Cultural Revolution.

In Maoist warfare, the soldiers are drawn from the supporting masses of the peasants around them, so that they may move flexibly and secretly in their own familiar element, as a fish swims in water. The revolution must come from the people, and the revolutionary must therefore be self-reliant, not heavily dependent on foreign help. Moreover, since a people's war must usually be fought by lightly-armed guerrillas against regular army units with modern weapons and air support, their creed must be that man in the mass beats the machinegun.

From 1959, the year the armed Viet Cong insurgency began in the Mekong Delta, until late 1964, when regiment-sized Viet Cong units began defeating the South Vietnamese army piecemeal, the North Vietnamese appeared to be earnest subscribers to these tenets. According to the famous 26-page letter from Le Duan, North Vietnam's party first secretary, which was captured in early 1967, Peking wanted Hanoi to bog down the enemy for many years, possibly seven, until China was strong enough to launch an armed offensive action in its support.

Hanoi's first visible departure from Maoist principles occurred in early 1965 when there were fewer than 20,000 Americans in a nearly-defeated South Vietnam. Hanoi threw regular North Vietnamese units into the battle both in expectation of a quick killing and to ensure Hanoi's control over the southern Viet Cong at the moment of victory in Saigon.

HANOI'S PRINCIPLE

Peking bitterly disapproved. Only a classical, long-drawn-out guerrilla campaign would produce a vindication of Mao's thesis. The bigger and more conventional war led to the commitment of American forces and Hanoi's growing dependence on the Soviet Union for modern scientific weapons.

The Communist leaders in Hanoi appeared to calculate quite incorrectly that President Johnson would never commit American troops for fear of international and American opinion.

In answer to Peking, Le Duan—who had the functions of a Rusk, McNamara and CIA Director all rolled into one—declared in Hanoi in July, 1966, that while man in the mass was important so was technology. Besides, said Le Duan, in their struggle against the Americans, the North Vietnamese had "evolved unique tacitcal methods" which enabled a small force to attack a big one.

Le Duan spelled this out in the September, 1966, issue of Hoc Tap, North Vietnam's most authoritative party journal, in which he declared Hanoi's ideological independence from both Peking and Moscow. "While (Soviet) revisionism is the principal danger," he wrote, "with (Chinese) dogmatism, the revolution will fail."

FOLLOWED LENIN

Instead, said Le Duan, North Vietnam had worked out its own "clever tactic." drawn directly by the teachings of Lenin. He cited Ho Chi Minh's policy of founding a popular front with the anti-French nationalists from 1936 to 1939. He also listed the Viet Minh Front during the Indochina war, the Lien Viet—or Fatherland—Front that today rules the north, and the National Liberation Front, as the Viet Cong's political arm in the south, especially the NLF's "policy of upholding the mottoes of independence, democracy, peace and neutrality and so forth" as "typical examples of the clever application" of Lenin's principle.

He then quoted the relevant passage from Lenin's works: "It is possible to defeat a stronger enemy only through . . . taking advantage very minutely, very attentively, very carefully and very cleverly to any rift, even the smallest, among the enemy; any contradiction, even the smallest one, among . . . the interests of various bourgeois groups and factions in each country."

Le Duan boasted:

"It united with anyone who could be united, won over anyone who could be won over, neutralized anyone who could be neutralized, completely isolated the imperialists and their most dangerous lackeys and concentrated the spearheads of the attacks on them to overthrow them."

Le Duan intended this as a rebuttal to Chinese criticism. Peking's reply came back dogmatically, "Acting contrary to Mao's theory will only lead to defeat."

Le Duan had revealed the principle that provided the North Vietnamese Communist leadership with its blueprint for victory in South Vietnam: to explicit internal contraditions in the enemy camp to keep him weak, divided, and unable to form a rival political base.

The greatest contradiction in South Vietnam was the deeply ingrained regionalism that already divided its society.

In all its history, Vietnam had been united under a single national government for less than 60 years, under the Emperor Gia Long in the early 19th century. From 111 B.C. until the 9th century, Vietnam was a colony of China. In 1630, the Nguyen dynasty of the south built two huge walls across the plains of Quang Tri just a few miles north of the present DMZ to keep out the northern feudal Trinh warlords for 150 years. The French in 1884 divided Vietnam into the colony of Cochin China (Saigon and the Mekong Delta), the semi-autonomous kingdom of Annam with its capital at Hue, and the self-governing protectorate of Tonkin (Hanoi and the Red River Delta.) Each had a different constitution and the growth of Vietnamese nationalism thus differed between the conspiracy, anarchy and revolutionary fervor of Tonkin and the growth of religious sects and conventional Western-style politics in Cochin China.

CLAIMED COCHIN CHINA

At the end of World War II in 1945, Ho Chi Minh, then an unknown agitator, seized Hanoi with a small band of fellow Communists and declared the Democratic Republic of Vietnam. The French were willing to recognize Ho's government as an autonomous republic within a French union of all five former Indochinese states.

Ho insisted on laying claim to rice-rich Cochin China, regardless of the wishes of the Cochin-chinese. Talks broke down in 1947 and the 21-year-war began.

When Vietnam was partitioned in half by the 1954 Geneva accords, its population was divided into the native Cochinchinese majority, the Annamite inhabitants of the southern half of the old kingdom and around 800,000 mostly Catholic Tonkinese who had fled the north as refugees. Aside from this regional contradiction, there was a religious one: Ngo Dien Diem, the first president, was a Roman Catholic while most of the South Vietnamese were Confucian ancestor worshipers, although there were large minorities of Catholics, Buddhists, Montagnard tribal animists, Protestants, Muslems and the regionally-strong Cao Dai and Hoa Hao feudal sects.

Hanoi first applied Lenin's principle of exploiting internal contradictions in early 1963, after years of patient preparation. Its main instrument was a Buddhist from the northern half of divided Annam, Tri Quang. As a boy he was schooled in Hue under the tutelage of a Marxist monk who today runs Hanoi's puppet church, trained in Marxist-Leninist agit-prop techniques in Hanoi in 1946 and 1947, spent several years in the countryside with Viet Minh guerrilla forces, made periodic trips north until 1959 and then established himself as a Buddhist leader in Hue. He was joined there by two fellow ex-Viet Minh he had known in the late 1940s Nguyen Dang, who by 1963 was the local province chief and Hoang Trong Ba, who had become a close personal advisor of Diem's brother, Can, the governor of Hue.

On May 8, 1963, these three carefully orchestrated an incident in which it appeared Diem's troops had fired into a Buddhist demonstration protesting alleged "religious persecution."

Desipte emphatic denials of any evidence of religious persecution from Ambassador Frederick Nolting, CIA Chief John Richardson and Diem's British advisor, Sir Robert Thompson, all of them veteran observers in Vietnam, Tri Quang's propaganda apparatus, especially after seven Buddhist "self-immolations," managed to convince the world audience.

KENNEDY'S COMMENT

In September, 1963, President Kennedy told a CBS television interviewer he felt the "repression" of Buddhists by Diem was "very unwise." Kennedy said he felt the South Vietnamese government could only win popular support if there were "changes in policy and perhaps with personnel." Although from May to September, perhaps as many as 95 percent of the South Vietnamese people had no inkling what was happening at the political center. Kennedy's words were like a green light to the commanders of the big American-created Vietnamese army, which increasingly held effective power.

In response to the start of the Viet Cong insurgency in the Mekong Delta in 1959, Diem had launched a strategic hamlet program which he realized could build up in the peasantry a base of political support to counterbalance the large army. Both the program and this effort to create a political base by rooting the Saigon government in the peasant and the land, collapsed with the Diem regime.

Diem had lasted nine years. Now Gen. Duong Van Minh fell in three months; Harvard-trained banker Nguyen Xuan Oanh, six days; Gen. Nguyen Khanh, eight months; Tran Van Huong, the only Cochinchinese civilian of the lot, three months, then Khanh again for 30 days; Dr. Phan Huy Quat for five months and finally Nguyen Cao Ky for 27 months.

LEADERSHIP CHANGED

During most of this turbulence, the major contradiction was the conflict between the popular desire for an indigenous civil government and the realization that only the Vietnamese army had effective power.

In February, 1965, for the first time in Cochin China's history, power in Saigon fell into the hands of a small group of Tonkinese, first under Quat, then Ky and Thieu.

In a short time, a dozen young Tonkinese military officers, most of them Nguyen Cao Ky's high school classmates from North Vietnam's Son Tay Province near Hanoi and fellow alumni of the first Vietnamese Army reserve officers' class in 1952, held all the key levers of power in Saigon.

But their monopoly of power in Saigon created an ultimate internal contradiction; while the United States' stated aim of fighting in Vietnam was to allow the South Vietnamese, the vast majority of whom were Cochinchinese, the right to choose their own government, this government had in fact come to be dominated by the Tonkinese they had fought hundreds of years to resist.

Moreover, the continuation of this Tonkinese political domination—embodied as it was in a small militaristic faction of soldiers who controlled the army—was highly dependent on a continuation of the big military war, including the air war against North Vietnam. Success in pacification and social reform, which, as Diem realized, would create a rival power base among the peasantry, would put the Tonkinese out of business.

BUNKER'S MANEUVER

This contradiction could have been eliminated in the September, 1967, presidential and parliamentary election. The Tonkinese were aware of their vulnerability and Marshal Ky stepped out of the race in favor of the junta chairman, Gen. Nguyen Van Thieu, a native South Vietnamese from the southernmost tip of Annam.

Ambassador Ellsworth Bunker recognized that while the northern-dominated military leadership held effective power, and would probably win the election, it was essential that a genuinely popular Cochinchinese, in this case, former Premier Tran Van Huong, be brought into a government of national coalition, to break the Tonkinese power monopoly.

At first, newly-elected President Thieu allied himself with Bunker, but Thieu later capitulated to the Tonkinese, who still retained the key levers of power and were allowed to choose an obscure, pliable southerner as their premier.

Fortunately, President Thieu has the constitutional power to remedy this situation and force the Tonkinese to share power with the Cochinchinese on a proportional basis. This week both the United States and Cochinchinese leaders are bringing intense pressure on Thieu to do so. All that is required is a reshuffle of the cabinet and military command, not a change of government. Two of the eight most powerful Tonkinese soldiers have already resigned their posts in recent weeks.

It is obvious that a predominately Cochinchinese government in Saigon willing to undertake dramatic social reform could alter the nature of the war almost overnight. As the late Cochinchinese leader, Tran Van Van told me just two weeks before he was shot to death in Saigon in December 1966: "Without a southern civil government Saigon can never rally the vast population of the Mekong Delta to the anti-Communist side. In the present situation, calls for national unity are but an echo in the desert and we are driving the southern masses into the arms of the Viet Cong."

Gen. William C. Westmoreland, the U.S. commander in Vietnam, is also acutely conscious of this regional contradiction. "North Vietnamese are not welcomed by the Viet Cong in the Mekong Delta," he told a press briefing a few months ago. "It's the same situation as in our country during the Civil War; Yankees were not welcomed in Alabama and Georgia."

Hanoi's main present strategy centers on exploiting this contradiction and its appeals are now primarily directed to the politically alienated and disinherited Cochinchinese and Tonkinese Catholics—especially the educated middle class.

Last September, Hanoi announced a new liberalized NLF program, "upholding," as Le Duan put it in his 1966 apologia, "the mottoes of independence, democracy, peace and neutrality and so forth."

This was an apparent failure. On January

31 at the height of Hanoi's call for a "general uprising" the Viet Cong's clandestine Liberation Radio announced the formation of a new and fifth popular front movement called the "Alliance of National and Peace Forces." It too appears aimed primarily at the Catholic and Cochinchinese middle class and claims its members include "many intellectual figures, industrialists and representatives of many political parties and religions." (Whether or not Hanoi really went all out this time for a "popular uprising" remains in doubt, since it chose not to surface its large political underground in Saigon.)

While this new front would seem to have no more chance of succeeding than the NLF, there is one difference.

MARTIAL LAW LIMITED

Under the new April 1, 1967, Constitution, President Thieu can declare martial law for only 12 days, when it is then subject to parliamentary review.

Moreover, the constitution makes the House of Representatives the ultimate repository of South Vietnamese sovereignty. The Senate and House and not the President are constitutionally given power to "decide about holding peace talks." While the Senate is heavily Catholic and conservative (although its 60 members include at least six known Communist sympathizers) it can veto legislation initiated in the House but the House can override it by a two-thirds vote, giving it, legally, the final say on making peace.

At least 25 of the 137 House members were leaders in the 1966 Buddhist-led civil insurrection and have been loyal to Tri Quang in the past. Tri Quang, since he has been accused of using his pagoda as a Viet Cong military command center last week, seems sufficiently discredited, but like Sherlock Holmes' Prof. Moriarity, he has always been able to make a comeback.

But the key figure in the House is Prof. Ho Huu Tuong, a veteran Marxist with the reputation as a Trotskyite. Last winter, just after the Red Guards stormed the Russian Embassy in Peking and it looked like a final Sino-Soviet break was imminent, Prof. Tuong called me to his house.

HANOI'S TERMS

He described what he claimed were Hanoi's peace terms. As a bargaining point, he said, Hanoi would demand a coalition government, cabinet posts for NLF leaders and a military guarantee of safety from the United States.

What Hanoi really wanted, he went on, was to get President Johnson to agree to the establishment of a legal covertly Communist-led popular front movement in exchange for a neutralist, non-Communist South Vietnam. He said the fighting would cease, the South Vietnamese Communist party be disbanded and the NLF dissolved. This new front would be called "The Alliance of National Force," which could also be translated as "The United Nation Alliance of the People." Prof. Tuong was elected to the House last October by the second highest plurality in Saigon, and has been its most dominant figure.

I took Hanoi's terms to Edward Lansdale, the American counter-insurgency veteran in Saigon, who exploded: "Nobody understands this problem. Washington doesn't. Diem didn't. You don't. Land reform is a gimmick. The military side is a gimmick. It's fundamentally a question of forming a military base. Now these boys come driving right down the avenue. They know all right."

A few weeks later China and Russia stepped back from a break and all mention of the "Alliance" was dropped. The question just ahead is whether La Duan can pull off in the South Vietnamese parliament what he has failed to do with the South Vietnamese people and what the United States and President Thieu can do to restore to the people the right to choose their own government.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

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

INTERFERENCE WITH CIVIL RIGHTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 705, H.R. 2516.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 705 (H.R. 2516), a bill to prescribe penalties for certain acts of violence or intimidation and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its further consideration.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PROXMIRE. What is the amendment now pending before the Senate?

The ACTING PRESIDENT pro tempore. The pending amendment is the amendment of the Senator from Minnesota [Mr. MONDALE], which deals with housing.

Mr. PROXMIRE. Mr. President, it is my understanding that the pending amendment would provide for an opportunity for all Americans throughout this country to buy or rent housing without discrimination. I intend to speak in favor of that amendment. I earnestly hope the amendment will be adopted. I believe it should be.

Mr. President, last year we saw violence and rioting in the streets of our major cities—in New York, in Detroit, in Milwaukee, and elsewhere. The crisis in our central city ghettos is the No. 1 domestic problem facing our country today. Big city ghettos such as Watts and Harlem are near the boiling point. By jamming millions of Negro Americans into the narrow confines of the ghetto, we have created a tinder box of social unrest and discontent.

The whites have escaped their responsibility by fleeing to the suburbs, taking with them the central city's tax base and source of civic leadership. In the process of moving to the suburbs, the whites have been careful to exclude Negroes. The so-called suburban white noose exerts a strangle hold around our large central cities, and the noose is slowly choking those cities to death. If present trends continue, many of our large cities will soon be predominantly Negro, surrounded by an increasingly hostile white suburban ring.

Today, almost 13 million nonwhites are jammed into our central cities, and one-third of them are living below the poverty level. Moreover, the evidence suggests that Negro poverty in the ghetto is getting worse, not better. A recent census in the Watts area of Los Angeles showed that Negro median family income dropped 8 percent from 1959 to 1965. That was a period when the country as a whole enjoyed remarkable prosperity, tremendous expansion, and a great increase in incomes generally; but the average family income of Negroes living in this ghetto section of Los Angeles fell 8 percent during that period of time.

A similar survey in the Hough section of Cleveland showed median income falling by 16 percent. However, during the same period national incomes rose by 24 percent. While the suburban middle class was getting richer, Negro families in the ghetto were getting poorer.

Mr. President, it would be a mistake to look at the vast migration to the suburbs solely in racial terms. The movement of population and jobs to the suburbs has primarily been the result of basic economic forces. Industry has located in the fringes of our cities because it is more efficient. The development of modern plant technology, the growing importance of truck transportation, and the rising cost of land in the central city have all contributed to the dispersion of industry. One prominent urban economist, John Kain of Harvard, has concluded that—

> Yearly percentage increases in suburban population, while considerable, are only about half as large as the increases in suburban employment. Jobs were moving to the suburbs at a faster rate than people.

For example, from 1954 to 1958, suburban population grew at the rate of 6.4 percent a year, however, employment in services grew at 17 percent, in retailing at 13.5 percent, in wholesaling at 16.6 percent, and in manufacturing at 7.4 percent. More recent data suggest this disparity in the growth of jobs and population has continued.

While employment is booming in the suburbs, it has been declining in the central city. The economic functions of central cities have been gradually changing from manufacturing centers to centers for finance, marketing, and corporate management. The skill requirements have correspondingly shifted from unskilled and semiskilled to highly skilled in the technical, managerial, and professional class. Not many from the ghetto can qualify in the changing job market of the central city. Manufacturing, wholesaling, and retailing employment, the traditional users of semiskilled and low skilled labor, has been declining in the central cities. The decline is sharpest in the ghetto. A study of Chicago employment, for example, showed that between 1958 and 1963, jobs in the ghetto declined at a yearly rate of 3.2 percent.

The evidence seems clear that there is a basic economic imbalance in the distribution of jobs and population in our metropolitan areas. Jobs, and particularly semiskilled and low skilled jobs, are moving to the suburbs and the outlying

portions of our central cities. And yet a considerable fraction of the potential supply of labor to fill these jobs has been left behind in the central city ghettos. Moreover, our urban mass transit programs, which subsidize the affluent suburban commuter, do little for the ghetto resident. One of the conclusions of the McCone Commission, following the Watts riot, was that there was a severe lack of public transportation from the ghetto to sources of employment. According to Charles M. Haar, Assistant Secretary of Housing and Urban Development for Metropolitan Development:

> The high cost of transportation—in both time and money—prevented residents of Watts from achieving access to other parts of Los Angeles and exaggerated the isolation of the community.

When looked at in cold economic terms, the obvious solution to the problem of the ghetto is a policy of open housing. If there is an imbalance between people and jobs, then move the people to the jobs. This simple solution is frustrated by discrimination—but at a high economic cost. There is a loss to our national economy through the underutilization of our labor supply. And there is an ultimate social cost of discrimination which culminates in sharply increased expenditures for welfare, crime prevention, and municipal services. One study has shown that public expenditures in the slums are nine times greater than tax revenues. I wonder how long General Motors would tolerate one of its divisions running 900 percent in the red? Unfortunately, we as a nation do not keep our books as efficiently as General Motors.

There are three basic approaches to the problem of the central city ghetto.

One is to continue our present policy, which is basically a no-win policy. The existing programs of HUD and OEO and other agencies might be marginally expanded, but it seems clear the magnitude of the problem far exceeds the resources the Federal Government is presently willing to commit. For example, 18 years of public housing has made but a small dent in the stated goal of providing a decent, safe, and sanitary home for every American family. The consequences of our no-win urban policy are likely to be found in more crime and violence and a perpetuation of the cycle of poverty from one generation to the next.

A second policy has already been called a Marshall plan for the ghettos. There is no doubt that if we are willing to pour $30 billion or more a year into the ghettos, they can be made a tolerable place in which to live. But unlike the Marshall plan aid to Western Europe, such massive expenditures in the ghettos are likely to be continuing subsidies rather than one time investments. With more and more industry moving to the suburbs, massive investment in the ghetto is likely to be a failure in the long run. It is simply out of tune with economic reality. This is not to say that increased expenditures may not be needed in the short run.

Aside from economics, there are serious social questions involved in a policy which is basically aimed at bribing a generation of Negro militants into docility. Suburban Americans can purchase tranquillity while still preserving the ghetto, if they are willing to pay the price—but it is likely to be exorbitant, both in economic and social terms.

A third approach might be termed a policy of dispersal through open housing. This approach would look to the eventual dissolution of the ghetto and the construction of low and moderate income housing in the suburbs and outlying portions of central cities. It would be aimed at providing ghetto residents with access to better housing, to improved job opportunities, to better education, and to a sounder environment in the suburbs. Such a policy would be in harmony with basic economic trends and would clearly be the cheapest of the three alternatives. But it does imply an end to the practice of racial discrimination, which has heretofore kept our suburbs virtually 100-percent white.

The benefits of an open housing policy are numerous. For example, it is doubtful that Negro education can ever be brought on a par with white education when Negroes are concentrated in all black central city schools. Thus, continued residential segregation will perpetuate the transmission of frustration and despair from one generation to the next. This vicious cycle can be broken by giving the Negro child the same educational opportunity which white children receive.

Second, a policy of dispersion will move Negro residents closer to job opportunities and reduce Negro unemployment with a constant reduction in welfare and unemployment compensation payments.

Third, by dispersing Negro residential opportunities throughout a metropolitan area, the social unrest and violence in the ghetto is diminished. A famous historian from the University of Wisconsin, Frederic Jackson Turner, observed that the existence of a western frontier served as a safety valve to alleviate social upheaval in our cities during the 19th century. A man and his family could always move West. Today, there is no comparable safety valve for the resident of the Negro ghetto. He is locked in. In the long run, I believe America must move toward dissolving the ghetto simply because no other solution will work. The only question is when. I believe the time is now.

Mr. President, the fair housing bill now before the Senate is a modest attempt to insure that every American family can buy or rent a home free from racial discrimination. But more importantly, it commits this country to a basic moral conviction that racial discrimination in housing is wrong.

Those who are anxious to secure the rights of fair housing for all Americans have sometimes been critical of landlords, real estate developers, rental agents and the like. I think much of this criticism misses the point. It is true that there are a few unscrupulous real estate agents who engage in "block busting" tactics. But the vast majority of those in the real estate industry want to do the right thing. I have talked to a number of dedicated and conscientious real estate developers who privately would have no compunctions about selling to Negroes. The unmistakable fact is, however, that any developer or landlord who elects not to discriminate runs the risk of losing business to those who continue to discriminate. It is easy to talk reform. However, in real life it is quite costly—in dollars and cents—to be a reformer.

It is a simple matter to solve the dilemma. No single developer or landlord can afford to undertake reform alone. To be effective and fair, everyone must stop discrimination. It is not fair to say that some may discriminate but some must not.

I am glad to see that the fair housing measure before the Senate would eventually apply to the entire rental and housing market. Such a law would take the beleaguered landlord off the hook. Under the present situation, it is possible for a small but vociferous minority to intimidate and harass any landlord who plans to integrate an apartment project. I am convinced that the vast majority of Americans have no deepseated objections to open housing. It is the prejudiced minority that is able to call the tune. Thus, a Federal fair housing law would take thousands of landlords off the hook. It would give the conscientious landlord and developer an effective answer against the vocal bigots who would attempt to impose their prejudices upon the community at large.

In order to understand fully the need for a national policy against discrimination in housing and the enactment of a comprehensive Federal fair housing law, it is well to look into the results of housing discrimination.

For more than a quarter of a century, Negroes living in rural areas have in large numbers moved into the cities. Much of this migration was out of the South and into the North and West. Within the South, too, Negroes have been drawn out of rural areas into the cities.

In 1960, nearly 10 million of the 19 million Negroes in the United States lived in the central cities of metropolitan areas. This is more than double the number prior to the outbreak of World War II. In the Nation's 25 largest cities, which include six in the South, only in Memphis did the population of nonwhites in the total population fail to rise between 1950 and 1960.

During this decade, in Los Angeles, the nonwhite population nearly doubled, while the white population rose only 17 percent. Chicago saw a 64-percent gain in its nonwhite population while facing a 13-percent loss in whites. New York experienced a 47-percent gain in nonwhites; Detroit 60 percent; Cleveland 69 percent; Baltimore 45 percent; Milwaukee—in my own State—189 percent; and Buffalo 95 percent.

Millions of the Negroes who migrated from rural areas to central cities in recent decades are trapped in racial ghettos from which they cannot escape because housing is not freely available on equal terms to all Americans

The housing of nonwhite families is consistently of poorer quality than that of white households in the same income levels. This is due in large part, to the fact that the nonwhite families do not

have freedom of choice in selection of their homes.

In 1960, 44 percent of all nonwhites lived in substandard housing as compared with 13 percent of all white families. Think of that Mr. President. Nearly half of all the nonwhite population in our country lived in slum housing. Sixty-two percent of the nonwhite households rented as compared to 36 percent of the white households. Forty-eight percent of the nonwhite renters lived in substandard units as against 19 percent of the whites. Three times as large a proportion of nonwhite families, 28 percent, lived in overcrowded homes, as did white households, 10 percent; and this overcrowding was prevalent in all income classes.

For example, of nonwhite families with incomes of $6,000 or more, 25 percent lived in overcrowded conditions. This compares with only 9 percent for whites in the same income classes.

Mr. President, the crises in our cities demands responsible action by Congress. To ignore the rising tension is folly.

Just over the weekend, President Johnson said that he anticipated, unfortunately, that, whereas we are likely to have a hot summer, indeed, in our big cities because of racial tension, we could expect many more hot summers in the future before our problems are solved. I am sure the President shares my conviction that the violence and the tragedy that can develop in our cities will be far, far worse in the absence of fair housing legislation.

To adopt overly repressive police state methods to repress unrest would be a national tragedy. To talk big and do little can only add to the disillusionment and despair prevalent in the ghetto.

Congress can and should act. A program of fair housing can offer a significant improvement in our urban problems:

Fair housing is morally right.

It is economically sound.

It is socially responsive.

It is legally and constitutionally correct.

In short, a fair housing law is a commitment to uphold American ideals. It permits millions of Americans to participate in the mainstream of American life. It removes the depressing and degrading experience of racial discrimination which can wound for life man's inner dignity. Who among us can say such practices should continue unchallenged?

Mr. President, I was presiding in the Senate last week when the distinguished Senator from Maryland [Mr. TYDINGS] was speaking in support of the pending amendment. In the course of his address, he and the distinguished Senator from North Carolina [Mr. ERVIN] engaged in a colloquy. Senator ERVIN made the point that if open housing can reduce the likelihood of riots in the big city ghetto, why is the problem so acute, why the riots last year since 80 percent of our people now live in jurisdictions which have some type of open housing law? Why do we still have the problem? I should like to answer that question. I could not do so, unfortunately, last week, because I was presiding.

I should like to answer that question with reference to Milwaukee, because in Milwaukee we have a situation in which the city is theoretically covered by a fair housing law. Wisconsin has passed legislation which provides for fair housing, or open housing. The trouble is that it is the same type of law which applies in most of the States that now have such legislation—that is, the exemptions are so big that only a minority of housing units are covered and the very great majority of homes are not covered. This means that most homes are closed, they are not open, they are not available to the minority family, the Negro family, that wants to make a purchase.

This is especially clear in the city of Milwaukee, because every day since last summer there have been marches in this city. There have been protest marches by minority groups, protesting one issue, and one issue only—not the absence of jobs, nor educational opportunity, but the failure of the city council to enact a far-reaching open housing ordinance.

It is true that if we should enact this proposed amendment into law, it would not solve the problem overnight. Many other things have to be done. But I believe we overlook the decisive psychological impact of saying to minority groups that they are free to buy a home anywhere in America where the home is offered publicly for sale. That is what the Mondale-Brooke amendment would do. After all, can we do less? We should have done this long, long ago.

As I have said, the economic reasons for doing this are clear and emphatic. The moral reasons are undeniable. I do hope the Senate agrees to the pending amendment.

I yield the floor.

Mr. BROOKE. Mr. President, I wish to commend the distinguished Senator from Wisconsin for his very enlightening and persuasive remarks to the Senate on this occasion. He has truly been a leader and a champion of open housing legislation. I think it is highly significant that this statement was made by the Senator from the great State of Wisconsin, where, as he has said, day after day there have been marches, not so much for jobs, not so much for education, but for open occupancy in housing.

I believe that it augurs well for the importance of open housing legislation, because education, job opportunities, and other equal opportunities will generally flow if a man is given the opportunity to live where he chooses, and if he believes he can, as other immigrant groups have done in the past, leave the ghettos and move into areas where he can get a better education, better jobs, and a better way of life.

Therefore, I wish to take this occasion to congratulate the distinguished senior Senator from Wisconsin for he has certainly given us a great address this afternoon, and he has put his finger on the heart of the situation as applies to a minority group in this country.

I hope the Senate will heed his sage advice and sage counsel for certainly we can do no less than adopt this amendment which will give hope to millions of Americans who desire a better way of life with the right to live in decent housing in this country.

Mr. President, even the occasional visitor to our shores appreciates the necessity for fair housing in America.

During my recent visit to Africa, I was privileged to meet and talk with an eminent Kenyan journalist, Mr. Narain Singh, feature writer for the Nairobi Sunday Post. Mr. Singh had just completed his first visit to the United States in October and November of 1967. Upon his return to Kenya he wrote a series of articles in the Sunday Post on a subject of great interest to his readers—race relations in the United States.

His comments were for the most part encouraging. The Negro in America had made great strides, and by his own efforts was winning acceptance in a number of fields. But then, he had this to say:

> During my conversation with many white Americans I learnt, however, that when it comes to housing, desegregation automatically becomes for them, a severe, an almost insurmountable problem. For example, if a Negro buys a house in a hitherto purely white locality, even if his neighbors are willing to accept him, the real estate agents and others with vested interests will create the scare of property values falling as the result.

He then went on to comment on the likely causes of such a phenomenon in a relatively free and open society:

> The big phenomenon affecting the Negro problem during the past couple of decades has been the flow of many persons of that race from the south to the north and from the countryside to the cities. The pressure on housing and all other amenities of modern life has therefore increased very rapidly.
>
> Many white Americans have escaped to the suburbs which have mushroomed all over the States, leaving the Negroes in what have become, in effect, ghettoes. Ghetto here indicates a locality to which a people of a particular race are restricted and who, because of their own economic backwardness and lack of political influence, suffer, and often suffer terribly, as the result.

Mr. President, that is the view of an African of the gretto situation in the United States. I believe that Americans must agree that Mr. Singh's observations are accurate. The question before this body is what we can do to relieve the difficulties to which he has referred.

Mr. President, the findings of modern social science leave no doubt of the devastating effects of discrimination in housing. Studies abound to demonstrate these effects, but action to relieve them has yet to be taken.

I call to the attention of the Senate the cogent and perceptive work of Eunice and George Grier. In a recent study published in Daedalus, the Journal of the American Academy of Arts and Sciences, they make the following observations regarding the social costs of segregation:

> THE COSTS OF SEGREGATION
>
> Today's wide-scale patterns of segregation, and the prospect of their further expansion, have several extremely important consequences for the nation as a whole. One of the most dramatic of the current ramifications is the fact that the problems long associated with the Negro ghetto because of generations of discrimination—educational deficiencies, high rates of illness and social disorders, low employment rates, and predominantly low incomes even among those who are employed—all press with increasing force upon the cities as the ghettos continue to grow. At the same time, the financial and leadership resources of the cities have been severely depleted by the middle-class white

movement to the suburbs. As a separate political entity, the city has, with growing force, been deprived by the expanding rings of suburbia of the resources it needs to set its house in order.

The newly emergent residential patterns have thus transformed segregation from a parochial concern largely confined to the South (though posing a moral dilemma for the entire nation) into the hardest kind of practical economic problem affecting all the urban centers of America.

But the problem no longer stops at the city line. Today, segregation increasingly threatens the rational planning and development of entire metropolitan areas—a consequence of profound significance in light of continued population growth and the scarcity of urban land, which make it essential that future generations be housed in a less haphazard fashion.

In recent years choice land on the periphery of the larger cities has been devoured at a ferocious rate. In metropolitan Philadelphia, for example, while the population of the "urbanized" or heavily built up area grew by 24 percent during the 1950's, its geographic spread doubled. This reckless consumption of land cannot continue much longer. Municipalities are already grappling in various ways with the challenge of making more efficient use of the land which is still within feasible commuting distance. The aim of their plans is to keep the metropolitan areas fit places in which to live, with a satisfactory balance of the various elements that together constitute an adequate human environment: homes, commercial and cultural centers, adequate transit facilities, industries, parks, and other necessities and amenities.

In metropolitan Washington regional planning agencies recently devised a "Plan for the Year 2000." This plan is essentially a general set of principles for meeting the needs of a population that is expected to grow to more than twice its present size before the end of the century. The plan suggests that the future growth be channeled along six radial "corridors" extending outward in star fashion from the central city. Highways and transit lines would run alongside the corridors; centers of commerce and various service areas would be located at appropriate intervals. To preserve as much as possible of the green countryside, parks and open recreation areas would be placed between the corridors.

The plan, however, fails to take into account one vital consideration: the effect of race. If the movement of the city's population continues in its present directions, three of the planned corridors will be heavily Negro. They will have their central origins in neighborhoods which currently are Negro and which already are expanding outward in the directions proposed by the plan. The other three corridors will be almost exclusively white, since they originate in the only white residential areas that remain within the city. Thus segregation will be extended for an indefinite period into the new suburbs. If, on the other hand, Negro expansion is cut off along the three corridors which are presently "open," the future population growth will be forced back into the city, thereby intensifying dangerous pressures which already exist.

Still another instance of the way racial segregation thwarts planning can be found in the emerging new towns which, in some parts of the country, at least, may soon begin to offer an alternative to the previous norm of suburban sprawl. These new communities—of which Reston, Virginia, and Columbia, Maryland, both already underway, are two important examples—will be planned and built from the outset as complete urban complexes, with a full panoply of shopping, employment, and recreational facilities. The most comprehensive of the new towns will also contain a wide selection of housing, ranging from bachelor apartments to large single houses, so that the residents will be able to satisfy their changing needs without moving from the community. Over-all population densities in these new communities will be considerably higher than in the dormitory suburbs of the recent past. Yet, through imaginative planning, they can offer their residents an even greater sense of spaciousness and privacy.

Already popular in Europe and Great Britain, the new town concept offers important advantages over the formlessness that characterizes America's postwar suburban development—advantages that accrue not merely to the residents of the towns but to the entire nation. The new towns offer a way of comfortably accommodating population growth while conserving irreplaceable green space. The proliferation of multi-million-dollar superhighways can be slowed down. Pollution of the air by exhaust fumes will be reduced. Speedy, economical mass transit systems, now virtually unfeasible in many areas because of the low density and wide geographic spread of suburban growth, will become practical once more. There will even be substantial savings in taxes for municipal services, as well as in utility and commuting costs.

But the new towns, despite the hopeful prospect they represent, also confront the ever-present specter of race. To be successful in realizing their diversified goals, the towns will require a large number of service workers—including manual laborers, domestics, custodians, and sales people, to mention only a few categories. Today, the only significant reservoir of labor available for many of these occupations is the Negro population. Furthermore, civil rights laws now require equal access by all citizens to employment opportunities. Yet, in most instances, the new towns will be located too far from the central cities for easy and economical commuting. Thus, in all likelihood, the workers will have to be housed in the towns themselves.

But on what basis? Will the new towns contain, from the outset, pre-planned ghettos? If not, how is integration to be accomplished, given the differential income levels of the people involved and the many problems connected with providing low-cost housing under private auspices? Even if this last obstacle is overcome—as might be possible if Congress implements new and imaginative forms of governmental aid and subsidy—will white Americans long conditioned with the encouragement of their own government to rigid spatial separation, not only of races but of economic groups, accept any other arrangement?

If, on the other hand, the new towns do not offer accommodations to families of low income, what will happen as they draw away more and more of the cities' remaining affluent residents, while providing no comparable outlet for their growing low-income populations? Will vast new towns then be planned especially for the low income populations, thus extending patterns of racial segregation upon a scale even now unknown? Or will the cities merely be expected to absorb the population increase indefinitely?

Within some cities, the low income housing needs are already reaching crisis proportions. In Washington, D.C., for example, public attention has recently been focused on the problem through widespread civic protests. With virtually no vacant land remaining, and with a population which has grown since 1960 both in total numbers and in the proportion of low-income Negroes, Washington now faces a perplexing dilemma indeed. Virtually every improvement of any magnitude in its physical structure, whether publicly or privately sponsored, further reduces an already inadequate low income housing supply.

Development of expressways to relieve traffic congestion has been threatened as a result. Even code enforcement aimed at improving housing conditions is endangered because it often results in evicting poor families with no place else to live. Yet private construction, stimulated by Washington's booming economy and unhampered by considerations that often affect public action, is proceeding apace. Almost all centrally located homes which are privately renewed for occupancy by middle class families, and many of the sumptuous new apartment houses and office buildings as well, gain their valuable land by removing additional units from the low income housing supply. Some Washington observers are wondering how much longer this process can continue without triggering racial outbreaks similar to those which have already disfigured other major cities.

The complex issues which surround land development, both present and future, constitute only one of the concerns made increasingly problematical by the city-suburban racial split. Paradoxically, it presents obstacles also to current major attempts to aid minority groups in escaping from poverty and deprivation.

A good case in point is the multiple efforts to upgrade Northern public schools in a state of *de facto* segregation. For the most part, these schools are desegregated in principle, but because of surrounding residential patterns have become segregated in practice. A considerable amount of this segregation, it should be realized, occurred during the fifties as a direct result of population shifts. At the time of the Supreme Court decision barring school segregation, Washington, D.C., which is located among the border states, had a completely segregated educational system. Once the decision was announced, the city immediately desegregated. Yet only a decade later, because of intervening population shifts, the school system once again is almost entirely segregated. "Resegregation" is the term some concerned local citizens have coined for this disturbing phenomenon.

De facto segregation tends to create poor, inadequately serviced schools. The concentration of culturally disadvantaged Negro children makes it difficult to provide the intensive programs they need to reach an equal footing with their white contemporaries. In racially mixed schools, their deficiencies are leavened through contact with children more fortunate in background and home environment. One attempted solution has been to bus Negro children to better schools which are underutilized and for the most part are predominantly white. But this approach has met with strenuous resistance from many of the parents (including some Negroes) whose children attend the better schools. Some officials fear that continued busing in the face of such protests would cause even more middle-class whites to leave the cities and thus make the situation even worse in the long run.

The whole problem is exacerbated by the fact that most heavily Negro schools are located in the older and more depressed neighborhoods of the city. Both the schools and their surroundings are often in physical and social decay. Thus, in addition to everything else, it becomes difficult to attract or keep good teachers.

But the nation quite rightly, although belatedly, has committed itself to providing equal educational opportunities for all its citizens. In the face of *de facto* segregation, it is now trying to meet that commitment by a huge complex of experimental programs costing millions of dollars. If the programs are successful, their extension to all those who need them will ultimately mean the spending of many more billions. But aside from the question of money, the nation currently confronts the much more difficult question of whether the programs can in fact work, given the complex of environmental obstacles which exist.

Most of the dilemmas and problems posed

by residential segregation in the United States are brought into focus by the current war against poverty. Can poverty among Negroes ever be eliminated while rigid segregation increases within the metropolitan centers? On the other hand, can the metropolitan areas ever be desegregated as long as the majority of Negroes remain poor? As segregation continues to grow and Negroes reach numerical predominance in more and more urban centers, will not the cities which house the majority of the nation's industrial and commercial life find themselves less and less able to cope with their problems, financially and in every other way? What then will be the answer for the metropolitan complexes where two-thirds of America's population currently reside and where as much as 85 per cent of the nation may live by the year 2000?

Aside from these large and basic questions of public policy and social change, residential segregation causes havoc on a more personal and individual level. And the personal damage is not to Negroes alone. Many of the neighborhoods newly entered by Negroes since World War II have been occupied by middle-aged and retired white families who often look upon their current homes as being their last—and whose emotional attachment to both house and neighborhood is based upon ties of familiarity and friendship built up over many years. These occupants feel deeply threatened by the entrance of a Negro family. The result often is mental stress, misery, and loneliness, as well as a sense of overwhelming personal loss at being "forced" to leave a home and neighborhood one had grown to love.

The effects of precipitate change are particularly sad in ethnic neighborhoods where much of the community's life has centered around a house of worship and where neighbors often include kinfolk as well as friends. In such cases, the change is harmful not only to individual families but to institutions and social organizations that can rarely survive transfer to another location. Constant change is normal, of course, and neighborhood institutions should adapt constructively to it and help their members to adjust. Nevertheless, many institutions are unprepared, and the rapidity of racial change often gives them little opportunity to catch up with their responsibilities.

In all these ways, then, residential segregation is or has become central to major domestic problems of the nation. There is no way to determine the ultimate sum of its costs. It ranges into so many areas that it may accurately be designated the key question of our national life in the 1960's.

Mr. President, this is a problem we have only begun to recognize in the very recent past. For although the rights of Negro citizens have been abridged for decades, other forces, wider and newer than racial discrimination, have compounded the situation. Let me again refer to the notable research of Eunice and George Grier:

The background to all that has happened lies in certain facts concerning the rapid urbanization of America's people—facts racially neutral in themselves, but having profound racial effects. As the nation has grown more populous, its inhabitants have located increasingly within metropolitan centers. A century ago Americans numbered 31 million, about one-fifth of whom lived in urban areas. By 1920 the total population had risen to 106 million, and the urban proportion had grown to one-half—a ninefold jump in absolute numbers (from about 6 million to 54 million) in only sixty years.

After World War II, population growth accelerated sharply. The largest ten-year increase in the nation's history took place between 1950 and 1960. During that decade 28 million new citizens were added, a total nearly equal to the entire population of a century ago. About 85 per cent of this increase occurred within 212 metropolitan areas, making about two-thirds of the nation's people urban today.

In addition to increase through births and immigration during these fruitful years, the cities gained also from large-scale population movements from the center of the country toward its boundaries (especially to the seacoasts and Great Lakes region) and from the South to the North. These streams of people, most experts agree, were both "pulled" toward the cities by job opportunities and other urban attractions (especially in the coastal areas) and "pushed" out of the rural areas by shrinking labor needs, especially in the depressed portions of the agricultural South. Negroes and whites shared in the migration—Negroes to a somewhat, but not drastically, greater degree in proportion to their share of the total population.

Migration to the cities helps explain why, after World War II, the nation turned to its suburbs in order to satisfy housing needs which had been accumulating during almost two decades of economic depression and world conflict. The previous growth of the cities had used up most of the land suitable for development within their boundaries. Yet the people had to be housed somewhere, and swiftly. The easiest place, requiring no costly and time-consuming demolition of existing buildings, was the suburbs.

How should the suburbs be developed? In answering this question certain key public policy decisions—involving racial implications which were probably neither foreseen nor intended—joined with private actions to help produce the present situation. Primary among these was the critical decision to allow the private-enterprise system to meet the housing shortage on its own terms. Most of the government mechanisms mobilized to aid in the task, especially the mortgage guarantee provisions of the Federal Housing Administration and the Veterans Administration, served to support and encourage the efforts of private enterprise.

Such a decision was completely in accord with America's social philosophy and economic structure. And, in light of the inherent dynamism of the private-enterprise system, it is not surprising that the home-building industry was able to provide usable physical shelter. Indeed, this success can be counted as one of the major achievements of a nation which has never been satisfied with small accomplishments. Almost every year following World War II more than one million dwelling units were constructed and occupied, a figure which is double the rate at which new families were formed. And, despite rapid population growth during the fifties, the 1960 Census showed that Americans were far better housed than ever before. Overcrowding and "doubling up" (two or more families in one dwelling) had been considerably reduced. So had dilapidated and otherwise substandard housing. To a greater or lesser degree, the entire population benefited from this widespread improvement—even Negroes, though they continued to be less adequately housed than whites.

Nonetheless, the decision to let private enterprise satisfy the housing need carried with it unfortunate consequences for future residential patterns. It meant that the great majority of the new postwar suburban housing was built for those who could afford to pay the full economic price. Thus the basic mechanisms of the private enterprise system, successful as they were in meeting overall housing needs, selectively operated to reinforce existing trends which concentrated low-income families in the cities. At the same time, they encouraged the centrifugal movement of those who were more wealthy to the outskirts of the cities.

Most Negro families were among those with low incomes, the result of generations of discrimination in employment and education. Quite apart from direct racial discrimination, in which the private housing industry also indulged whenever it felt necessary, economics posed a giant barrier to the free dispersal of the growing Negro populations. The findings of a market analysis conducted by Chester Rapkin and others at the University of Pennsylvania's Institute for Urban Studies at the peak of the postward housing boom in the mid-1950's were quite typical. At that time, only 0.5 per cent of all dwellings costing $12,000 or more in Philadelphia had been purchased by Negroes—a fact which the authors laid mainly to economic incapacity. This was about the minimum cost of a modest new house in Philadelphia's suburbs.

But this is only part of the story. Federal policies and practices in housing reinforced and increased the separation between the "Negro" cities and the white suburbs. In part, this was intentional. From 1935 to 1950—a period in which about 15 million new dwellings were constructed—the power of the national government was explicitly used to prevent integrated housing. Federal policies were based upon the premise that economic and social stability could best be achieved through keeping neighborhood populations as homogeneous as possible. Thus, the Underwriting Manual of the Federal Housing Administration (oldest and largest of the federal housing agencies, established by the Housing Act of 1934) warned that "if a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial group." It advised appraisers to lower their valuation of properties in mixed neighborhoods, "often to the point of rejection." FHA actually drove out of business some developers who insisted upon open policies.

More recently, a number of studies by competent real-estate economists have thrown serious doubt upon the thesis that Negro entry lowers property values. Laurenti, in his thorough analysis entitled Property Values and Race, found that prices rose in 44 per cent of those areas which Negroes entered, were unchanged in another 41 per cent, and declined in only 15 per cent. These were long-term trends, and they were measured relative to trends in carefully-matched neighborhoods which remained all white—thus obviating any possibly misleading effects of generally rising prices.

Surveying the literature, Laurenti noted similar results from other studies in various cities extending back as far as 1930. But erroneous though the allegation of nonwhite destruction of property values may have been, it nonetheless provided "justification" for widespread discriminatory practices, as well as active encouragement of private discrimination, by agencies of the federal government during a period of critical importance in determining present residential patterns.

However, discrimination per se was only a small factor in the impact of federal policies and practices upon radical patterns during this crucial period. Much more important were more basic aspects of the structure and functioning of federal housing programs. Three major progams have dominated the field. The largest and most significant has been the Federal Housing Administration's mortgage insurance program, with its post-World War II counterpart for veterans, the Veterans Administration's loan guarantee program. Both granted their benefits chiefly to the "modal" family recently embarked upon married life, with children already born or on the way, and willing to commit itself to the responsibilities of home ownership with a mortgage. For such families, down-payment requirements were minimal, repayment periods lengthy, and credit restrictions lenient. A certain minimum of present earnings and good prospects for future income were paramount, as well as some evidence of faithful repayment of past obligations. Households which did not fit these criteria—

smaller families, older couples, single persons, people with low or precarious earnings, families who sought dwellings for rent rather than for sale, even families dependent upon the wife's employment for an adequate income—all were required to satisfy their needs chiefly through the older housing left vacant by people moving to new homes in the suburbs.

Prominent among those left behind, of course, were Negroes. The federal programs permitted them to "inherit" the cities, along with an assortment of whites who did not meet the conditions for access to the new suburbs: the old, the poor, the physically and mentally handicapped, the single and divorced, together with some persons of wealth and influence who preferred the convenience of living in the central city. The significance of the housing programs for residential patterns, however, lay also in their tendency to pull young and upwardly mobile white families away from the cities and out toward the suburbs.

It may be that a large number of these families, given free choice, would have preferred to remain within the cities, close to work and to older relatives. But the FHA and VA programs generally did not provide nearly so liberal terms on the mortgages of older homes in the cities. Down payments were usually larger; repayment periods shorter; monthly payments higher. For most young families, therefore, the suburbs were the only practical areas in which to solve their housing needs. In this way, the FHA and VA programs, essentially independent of any direct racial bias in their decisions on applications, enhanced the tendency toward white dominance in the suburbs.

The second of the federal government's major housing programs is subsidized low-income public housing, administered by the Public Housing Administration through local housing authorities. Its criteria for admission are based upon maximum rather than minimum income levels. Under these conditions relatively small numbers of whites can qualify because their earnings exceed the required standard. In many areas, even where conscious efforts are made to attract an interracial clientele, the great majority of residents are Negro. In further contrast to the FHA and VA programs, most public housing projects have been constructed in the central cities rather than in the suburbs—since one of their objectives is to reduce the incidence of blighted housing.

The differences between the two programs thus reinforce each other in their effects upon patterns of residence. While the FHA and VA have helped promote white dominance in the suburbs, public housing has helped enhance Negro dominance in the cities.

The third of the major federal housing programs is urban renewal. Established by the Housing Act of 1949, its chief goal is to combat physical decay in the central cities. In a sense, urban renewal has worked against FHA and VA programs, since, among other things, it attempts to draw back to the cities the more prosperous of the families who have left it. Until recently, the renewal program has usually cleared off blighted sections and replaced them with housing units priced in the middle- to upper-income brackets. Most often, as might be expected, the occupants of the site before renewal have been low-income members of a racial minority. They have been displaced by housing which, for economic reasons alone, was available mainly to whites and to very few Negroes. Some civil rights groups therefore have dubbed urban renewal "Negro removal."

Renewal agencies are required by law to relocate displaced families into "decent, safe and sanitary" housing. Relocation procedures have recently received a great deal of criticism throughout the nation. Whether or not all of it is valid, it is an undeniable fact that most relocatees move only a short distance from their former homes. One study found, for example, that two-thirds of them relocated within a radius of twelve city blocks. As a result, displaced low-income minorities ring the renewal site.

Sometimes this movement appears to set off a chain reaction. Whites in the neighborhoods to which the displacees move take up residence elsewhere—as do some of the more secure Negroes. The ultimate effect too often is to touch off spreading waves of racial change, which in the end only produce a broader extension of segregated living patterns. Thus, if the FHA, VA, and public housing programs have helped produce metropolitan areas which increasingly resemble black bullseyes with white outer rings, urban renewal has too often created small white or largely white areas in the center of the bullseyes—simultaneously causing the black ghettos to expand outward even further.

Combined with rapid population growth in the metropolitan areas, the interacting effects of federal policies and practices in the postwar era did much to produce the present segregated patterns. But they were not the only factors. Clear discrimination by private individuals and groups—including the mortgage, real-estate, and home-building industries—has also played its part. The activities of the "blockbuster" provide a good focus for examining the way this works.

The modus operandi of the blockbuster is to turn over whole blocks of homes from white to Negro occupancy—the quicker the better for his own profits, if not for neighborhood stability. Once one Negro family has entered a block, the speculator preys on the racial fears and prejudices of the whites in order to purchase their homes at prices as low as possible—often considerably below fair market value. He then plays upon the pent-up housing needs of Negroes and resells the same houses at prices often well above their value in a free market situation. Often he makes a profit of several thousand dollars within a period of a few days. Studies have indicated that skillful blockbusters frequently double their investments in a brief interval. They can do this only because tight residential restrictions have "dammed up" the Negro need for housing to such a point that its sudden release can change the racial composition of a neighborhood within a matter of weeks or months. Apart from the damage done to both sellers and buyers and to the structure of the neighborhoods themselves, blockbusters have a far wider negative impact. By funneling Negro housing demand into limited sections of the city (usually around the edges of the Negro slums, since these neighborhoods are easier to throw into panic), the blockbusters relieve much of the pressure which might otherwise have encouraged the dispersion of Negroes throughout the metropolitan areas.

Technically speaking, blockbusters represent an unscrupulous minority of the real estate industry—"outlaws" in a moral if not a legal sense. However, their activities would not prove profitable if racial restrictions on place of residence were not accepted and enforced by the large majority of builders, brokers, and lenders, backed by the supporting opinion of large segments of the white public.

By restraining the Negro market and permitting its housing needs to be satisfied only on a waiting-list basis, "reputable" members of the banking and housing industries have helped perpetuate the conditions under which their less-scrupulous colleagues can flourish. For reasons they consider entirely justifiable, they guard assiduously against the entry of Negroes into white areas. In recent testimony before the Commissioners of the District of Columbia, the President of the Mortgage Bankers Association of Metropolitan Washington stated bluntly that "applications from minority groups are not generally considered in areas that are not recognized as being racially mixed." A study by the Chicago Commission on Human Relations found that such a policy was pursued by almost all lending sources in that city. Voluminous evidence from both social research surveys and testimony before legislative and executive bodies indicates that the same is true of most real-estate boards in cities throughout the country.

Supporting this activity is the subjective equivalent of the ostensibly objective economic argument that underlay federal housing policy for years: the belief in neighborhood homogeneity—that is, neighborhood exclusiveness. The general attitude of much of the public (or the most vocal) has been that neighborhoods were better off when the people within them all belonged to the same broad socioeconomic groups and had the same ethnic or racial origins. In practice, of course, this commitment to neighborhood homogeneity has tended to exclude individuals who fell below a certain status level, not those who were above it. The latter, however, usually have "excluded" themselves in neighborhoods restricted to occupants of their own status.

After 1948, when the Supreme Court ruled that racial and religious covenants were unenforceable in the courts, minority groups began to find it somewhat less difficult to obtain access to neighborhoods on the basis of financial status and preference. Still, neighborhood exclusiveness remained a commonly accepted value, widely enforced by the real-estate, home-building, and lending industries. It served as the final factor in the constellation which created the nation's new patterns of residential segregation.

(At this point, Mr. MONDALE took the chair as Presiding Officer.)

Mr. BROOKE. Mr. President, fortunately, we have a number of reasons to be optimistic as we approach the problem of housing all our people in an equitable manner. I was very much pleased to hear the distinguished Senator from Oregon state that among Oregon's pioneering legislation was an open occupancy housing law—a fair housing law to enable the 2 million citizens of that great State to live in decent housing and to live where they choose to live. Nothing augurs so well for a happy solution to these issues than the upsurge of citizen concern with them.

Reading further from Eunice and George Grier:

Over the past decade and a half, as the situation has worsened, the significance of residential segregation has steadily been pushing itself into the forefront of the national consciousness. As public comprehension has grown, one response has been a groundswell of concern and action on both public and private levels. This development cannot be overvalued. It is a change of almost revolutionary proportions, a change that has been accomplished not through violence or political disorder but through the constitutional mechanisms of the government and through the exercise of individual freedoms that form the basis of American society. Yet, this counteraction, despite its importance, is in itself presently insufficient for the task at hand. The best way to indicate both the limitations of the current activity and the general direction in which the country must now move is to outline the various ways in which mounting public concern has expressed itself.

Between 1950 and today, the federal government has completely reversed its racial policy, moving from official sanction of segregation to a Presidential order that prohibits discrimination in any housing receiving federal assistance. The first official impetus for this change came in 1948, when the Supreme Court ruled that restrictive racial covenants were legally unenforceable. At first the Federal Housing Administration declared that

the decision was inapplicable to its operation. Finally, late in 1949, it removed the model covenant and all references to neighborhood homogeneity from its manual and declared that after February 1950 it no longer would insure mortgages having restrictive covenants. The Veterans' Administration and the Urban Renewal Administration both issued similar statements.

Further changes ensued. By 1960, they included the following: both the FHA and VA had ruled that the insured property they acquired (usually under foreclosure proceedings) would be made available to all buyers or renters, regardless of race, creed, or color; the administrative head of the FHA had instructed local offices to take "active steps to encourage the development of demonstrations in open occupancy projects in suitably located key areas"; both the FHA and VA had signed a series of formal agreements of cooperation with state and local agencies responsible for enforcing laws and ordinances against housing discrimination; the government had dropped a system of racial quotas in housing built for persons displaced by urban renewal; and it also had banned discrimination in a special loan program to assist the elderly in their housing needs.

These regulations and directives clearly represent a large stride forward from the directly discriminatory policies pursued before 1950. Yet their practical effect on the rigid patterns of segregation that had developed over the years was very small. In 1962, federal reports revealed that nearly 80 per cent of all public housing projects receiving a federal subsidy were occupied by only one race. Segregated projects were located as far North as Scranton, Pennsylvania, and Plattsburgh, New York—and, as might be expected, in practically every locality in the South. The vast majority of new suburban housing backed by FHA and VA mortgage guarantees was occupied exclusively by white families. A scattering of developments built on urban renewal sites were made available to both Negroes and whites; but they were limited mainly to the largest cities of the North and West and generally priced at or close to luxury levels. Where integration existed, it was largely the result of state and local laws rather than national directives. Only seldom, however, were these laws adequately enforced.

Nonetheless, by 1962, partly because of the ineffectiveness of previous changes, it had become clear that the broad problems of discrimination and segregation were too interwoven to be solved with piecemeal changes in federal policy. The first step toward a more comprehensive approach came on November 20, 1962, when the late President Kennedy issued an Executive Order barring discrimination in all housing receiving federal aid after that date. At the end of April 1964, it was estimated that 932,000 units of housing had come under the directives of the Order. In June 1964, it was estimated that between 12 and 20 per cent of all new residential construction was covered.

But the segregation that had developed in previous years still remained. Charles Abrams summed up both the limitations and the value of the Executive Order shortly after it was issued in the following way:

"The Executive Order will . . . touch only a small fraction of the housing market. If any real gains are to be made, its coverage must be widened or more individual state laws laboriously sought. The President's Order is no more than a small first federal step toward breaking the bottleneck in housing discrimination.

"Nevertheless, its importance cannot be discounted. First steps in civil rights legislation have often led to second steps when the will to move ahead has been present."

The federal government has also made special, though limited, efforts to mitigate the unintended racial effects of its housing programs. Housing legislation gave the FHA, in cooperation with the Federal National Mortgage Association, the right to issue insured loans from government funds at below-market interest rates for housing to be occupied by families with incomes too low to acquire new homes in the private market. This indirect form of subsidy was intended in part to reach a larger number of Negro families. Urban renewal programs have begun to pay more attention to relocation procedures and to stress rehabilitation of existing dwellings rather than total clearance. In some cities, Community Renewal Programs aided with federal funds are attempting to develop comprehensive plans for housing all groups in the population. In the public housing program, where Negroes predominate, federal action has paradoxically been least decisive. Still, many local authorities have tried to promote racial balance in their projects, and some have been experimenting with various types of nonproject housing scattered throughout the community.

But the fundamental orientations of the federal programs remain today—as do the deeply entrenched consequences of their operation throughout the peak years of the post-World War II housing boom. It will take more than piecemeal efforts to shatter such a solid foundation for the continued growth of segregated living patterns.

While the federal government was moving toward its policy of nondiscrimination in housing, many states and municipalities were moving in the same direction—and, in recent years, at a more rapid pace. Prior to 1954, only a few of the states in the North and Midwest had legislation which barred discrimination in any segment of their housing supply. The laws usually covered only low-rent public housing and, occasionally, units receiving such special forms of assistance as tax exemptions or write-downs on land costs.

As of mid-1965, however, sixteen states and the District of Columbia had barred discrimination in a substantial portion of their private housing supply. At the 1960 census these states together contained about eighty million people, or 44 percent of the total population. Thus nearly half the citizens of the United States are now living in communities whose public policy is clearly opposed to deliberate segregation on the basis of race—even in housing built under private auspices. President Kennedy's Executive Order of 1962 therefore was basically an extension on the federal level of a principle already gaining widespread acceptance in states and localities across the nation.

However, mere nondiscrimination cannot by itself overcome the problem of segregation. It will take vigorous positive efforts on the part of government and private citizens to halt, let alone reverse, trends now so firmly entrenched.

CONTRIBUTORS TO CHANGE

Changes in public policy can usually be attributed to the determined efforts of a small minority of citizens who recognize a need and work tirelessly to bring it to public attention. In no case has this been more true than with residential segregation. Led by the National Committee Against Discrimination in Housing—a small and meagerly financed organization which grew out of the first successful campaigns for housing laws in New York—religious, civic and labor groups in many parts of the country have spearheaded similar campaigns in their own states and cities. The resulting laws have provided a foundation upon which other types of private effort could build.

A second important variety of private effort toward housing desegregation is the intentional development of new housing on an open-occupancy basis. Beginning in 1937 with a small Quaker-sponsored project in southwestern Pennsylvania, the spontaneous development of nondiscriminatory housing by private groups got underway in earnest following World War II. Despite concerted opposition by the federal government, many local governments, and most segments of the real estate industry, a 1956 survey found that some fifty new interracial communities had been produced by private efforts up to that time. Some of them had been inspired by civic and social service organizations to foster racial equality, but a number had been constructed by businessmen for profit. Today, such developments are estimated to number in the high hundreds or even the thousands.

In a third approach, "grass-roots" organizations in many cities across the country have sought to stabilize the occupancy of their own neighborhoods following the entry of Negroes. In numerous instances they have accomplished what many once thought impossible—quelling panic, avoiding possible violence, maintaining sound neighborhood conditions, even bringing new white residents into areas where formerly the prognosis had been for complete transition to all-Negro occupancy.

Finally, in the suburbs of a number of cities, concerned white residents have banded together to help open their own neighborhoods to Negro families able to pay the price. The first of these "fair housing committees," established in Syracuse, New York, in the mid-1950's, was sponsored by the local Quaker Meeting. Religious influence of various denominations remains strong in many of the later organizations, now estimated to number more than one thousand.

These private efforts represent one of the most encouraging examples of the inherent strength of American democracy and its capacity for change. They have helped shatter many racial myths, have opened new housing opportunities for Negroes in areas not previously open to them, and have done much through practical demonstration to alter the attitudes of the white majority toward the prospect of Negro neighbors.

But in the face of population forces, they can have little effect in destroying racial segregation. The point was passed some years ago where either legal bars against discrimination or the best-intentioned of meagerly financed "grass roots" endeavors could accomplish the task. If Americans wish not only to create truly equal opportunity for all, but also to solve the many domestic problems which stem from inequality and artificial separation of the races, they must now be prepared to move beyond mere nondiscrimination and good will—in a sense, beyond equality—into an area of positive and aggressive efforts to undo the damage already done. It will require a massive national effort, calling upon the full resources of both the public and private sectors.

That the country possesses the fundamental resources it needs to solve the problem is fortunately clear. What is required is less the creation of new mechanisms than the effective harnessing and, where necessary, the reorientation, of those which already exist. Otherwise it will be impossible to meet the goal of rendering segregated housing patterns ineffective as an obstacle to the objectives of the "Great Society."

This aim, it must be stressed, need not be sought through methods which run counter to the basic tenets of American democracy. For example, it needs not be attempted through forced redistribution of population. Force is not only intolerable, but unnecessary. The normal mobility of the American people is so great (about half of all households moved during the latter half of the 1950s alone) that redistribution can be achieved through the operation of free choice—if sufficient resources are applied to make socially desirable patterns of residence as attractive to the public as socially undesirable ones have been in the past.

Nor is it necessary to attempt a rigidly planned dispersal of Negro households. The

aim, rather, should be to achieve complete freedom of choice in place of residence without respect to racial barriers. Within this framework of unconstrained choice, some substantial concentrations of Negro families would doubtless persist, just as Jews have remained in certain neighborhoods even after obstacles to their residing elsewhere have largely been eliminated. But the present monolithic character of the Negro ghettos, their inexorable growth, and the social evils they encourage would be broken.

The following are some specific measures which would help achieve the goal. The list is not all-inclusive; doubtless many readers will think of others which would be of value:

A central federal agency possessing the competence to plan comprehensively for all phases of urban development and the authority to translate plans into effective action. This agency must have the power to draw together federal operations in such diverse areas as housing, urban renewal, highways, transportation, and community facilities and to guide them toward a set of common objectives. The newly created Department of Housing and Urban Development can be such an instrument—if it can overcome the handicap of its origin in the Housing and Home Finance Agency, a loosely knit combination of essentially independent agencies, and achieve better coordination of individually powerful organizations than has the similarly amalgamated Department of Health, Education, and Welfare. This will not be easy.

A total strategy for desegregation. The segregation problem is too complex to be solved without a total approach which recognized all the manifold forces which brought it to its present magnitude and threaten to enlarge it further. This approach must take maximum strategic advantage of all available resources and knowledge. It must be adaptable to varying local conditions and flexible enough to permit changes as "feedback" from early applications dictates. But it must be directed always to a clear and unwavering set of goals.

Broadened federal incentives for effective action by local governments and private entrepreneurs. Incentive programs have proved one of the most acceptable means of applying governmental leverage in a democratic system, for they do not involve compulsion and do not infringe upon freedom of choice. In housing, for example, incentives have promoted urban renewal (through grants to local authorities to clear slum land for redevelopment) and the construction of specific types of housing (through liberal mortgage insurance). Incentives must now be used to encourage comprehensive planning and action toward social goals. For example, suitable incentives can encourage private builders to construct balanced communities serving all population groups, can attract and assist low-income minority families to move to such communities, can stimulate existing neighborhoods to self-renewal and racial stabilization, can encourage local governments to attack segregation in the comprehensive manner it requires by cooperation throughout the metropolitan areas.

Imaginative new forms of subsidy for low-income families. Traditionally, housing subsidies have been available almost exclusively for units built by local nonprofit authorities— chiefly in the form of multi-unit public "projects," which stood apart from their surroundings and amassed the social ills associated with poverty in much the same fashion as did older and less solidly constructed ghettos. More recently, various localities have experimented with methods for widening the range of choice and location in subsidized housing. The Housing Act of 1965 contains provisions which can make subsidies a much more valuable tool in combatting segregation. But their operation toward this end cannot be left to chance; it will require vigorous and imaginative guidance.

Comprehensive measures to increase minority incomes: Any measure which increases the purchasing power of racial minorities will bring a corresponding reduction in the critically important economic barriers to desegregation. Minimum wage floors must be raised; present ones are actually below the level defined by the federal government as "poverty." Federal resources must be directed toward expanding the number of jobs available, particularly for those of limited education. The most important need of the minority poor is for decent jobs at decent pay. Economic measures can and should be tied to housing. For example, low-income minority persons should be trained for the specific kinds of jobs which will be made available in the new, comprehensively planned communities on the outskirts of metropolitan areas. Housing should be planned for them close to these new job opportunities. Similarly, relocation from urban renewal areas should be coupled with a range of services, including training and assistance in finding employment, to help assure that displaced families improve not only their housing conditions but their economic situation as well.

Intensive efforts to improve the attractiveness of central cities: To date, urban renewal, in its efforts to draw middle- and upper-income families back to the urban cores, has focused mainly upon the physical aspects of decay. It is increasingly obvious that social renewal is required also—that many of the economically more capable families, Negro as well as white and especially those with children, will not be persuaded to return to the central areas until they are assured of protection from the social pathology of the ghetto. City schools, for example, must be drastically improved; yet there is growing evidence that this will require not merely replacement of individual buildings and teaching staffs but also comprehensive restructuring of entire school systems. Crime and violence are among the greatest deterrents to affluent families who prefer to live in central areas, and the cities will be at a disadvantage until they prove that they can control both the chronically lawless and those driven to crime by frustration and economic need.

Vigorous enforcement of anti-discrimination laws and affirmative measures to promote equal opportunity: As noted earlier, anti-discrimination laws in themselves are unable to solve a problem which stems from much broader causes. But, if vigorously enforced, they can prove a most important weapon in the arsenal of measures against segregation. Further, as many of the more effective law-enforcement agencies already recognize, it is not sufficient merely to remain passive and wait for a minority conditioned by generations of segregation to recognize and claim its newly guaranteed rights. Affirmative measures are necessary to promote awareness of the law both among those it protects and those who offend against it.

Expanded support for "grass-roots" citizen efforts. While the efforts of spontaneous, citizen-led groups have had impressive success in helping change attitudes, practices, and laws across the nation, these groups have been severely handicapped by their meager resources. A few have been fortunate enough to receive substantial support, usually from local foundations. Where funds have permitted hiring full-time staff, the increase in effectiveness has often been dramatic. Compared to the many millions spent annually by philanthropic organizations on problems of comparable or even lesser importance, the few thousands devoted to housing segregation have been infinitesimal. This is still another way in which available resources must be redirected if the problem is to be solved.

A national educational campaign: For the first time in American history, the majority of the white public appears aware that discrimination and segregation defeat the goals of democracy. But it is a long step forward from this recognition to a vigorous and affirmative effort equal to the need. This will require a type and degree of comprehension and commitment, by majority and minority peoples alike, which are still far from achievement.

National consensus is most readily achieved through full information about the problem and stimulation of public debate on the means of solution. A full-scale campaign to arouse and inform the American people must begin immediately if public understanding and support are to reach the necessary levels before segregation grows so much larger that it appears insoluble to many. The turning point may well come with the 1970 Census. If some tangible progress has not been made—or at least a plan of action proposed—before its statistics appear, discouragement may rule.

The core of organized citizen support necessary to mount such a campaign already exists—in such national organizations as the American Friends Service Committee, the Anti-Defamation League of B'nai B'rith, and the National Committee Against Discrimination in Housing and in the hundreds of citizen fair housing groups across the country. But their efforts must be focused, coordinated, and, above all, adequately financed. And they must be brought into the context of related activities such as urban planning and the war on poverty.

The task of eliminating segregation rests ultimately with the American people as a whole—led, as in every major struggle in their history, by a small group of devoted citizens. If they do not succeed, the result will almost certainly be the continued spread of Negro ghettos; large-scale physical blight generated by population pressures and exploitation; economic loss to many citizens of both races; persistent social disorder; and spreading racial tensions which strike at the very foundations of a free and democratic society. The choice is not merely between segregation and desegregation, but between wholesale destruction of property and human values and the continued growth and security of American society itself.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JORDAN of North Carolina in the chair). Without objection, it is so ordered.

Mr. MONDALE. Mr. President, the fair housing bill now before us would establish, once and for all, the principle that in housing all Americans are equal. For white Americans, that principle is older than the Nation itself. What we can do by enacting H.R. 2516, as amended, is to make the principle closer to a practical reality by placing behind it the force of law.

I think that most real estate brokers, tract developers, and owners and operators of apartment houses have no strong personal prejudice. Today the great majority of them feel compelled by business pressures to maintain the existing patterns of race and color in housing, no matter what they may personally believe. They think—in my opinion, wrongly—that to break the pattern would be to risk financial loss or ruin.

By requiring all who are in the business of housing not to discriminate, however, this legislation would relieve the pressure on each. When every businessman must by law treat his customers equally, there will be little or no risk of loss for those who do. In the course of the 1966 hearings on a similar fair housing bill before the House Committee on the Judiciary, prominent builders testified that before the States in which they operated enacted open housing laws, they never sold homes in their developments to Negroes, but that when open housing laws were enacted, they stopped discriminating and have continued an open housing policy ever since. They testified that they now have Negroes and members of other minority groups in all their developments and have experienced no friction or economic loss of any kind. Furthermore—as though to emphasize the contrast between States with open housing legislation and those without—these same builders testified that when operating in different States, even at the same time and with otherwise identical developments, they would discriminate where there were no laws to stop them and not discriminate where there were such laws.

Mr. President, I believe that one of the most compelling single elements developed in hearings on the proposed fair housing amendment was that presented by members of the real estate industry which represented experienced and substantial realtors with wide experience in communities with a biracial makeup.

They testified that they now have Negroes and members of other minority groups in all their developments and that they experience no friction or economic loss of any kind.

Furthermore, they emphasize the contrast between States with open housing legislation and those States without open housing legislation. The same builders testified that when operating in different States, even at the same time, and with otherwise identical developments, they would discriminate where there were no laws to stop them and they would not discriminate where there were laws to stop them.

In short, open housing laws have proved beyond doubt their effectiveness as applied to professional housing developers.

Persons engaged in the real estate business came before the Housing Subcommittee of the Senate Banking and Currency Committee to express their strong support for a Federal open housing law. Indeed, I think that the strongest testimony we received, and the most urgent pleas we heard for a law which would be comprehensive and strong, came from the representatives of the real estate industry. I regretted that their national association took a different view. But I believe now that the old view, that realtors were opposed to fair housing proposals, has been shattered. We now know that many, substantially experienced realtors are fully committed to the adoption of fair housing proposals.

One view expressed by the members of the real estate profession who supported the legislation was that the concept of the importance of a seller's right to select the purchaser was an illusion.

One of these witnesses stated:

> An experienced real estate broker knows that up until the time the race question entered the picture not one seller in a hundred cared about who was going to buy his house so long as the buyer had the money and met the seller's terms.

In other words, the sale of a home is a commercial transaction. The test applied is purely a financial one, except where the factor of race, religion, or national origin is involved.

Similarly, the concept that the movement of a Negro into a previously all-white neighborhood depresses property values in that area is also an illusion. One witness, a man with 14 years of experience in appraising residential property values, stated:

> Value is determined by the law of supply and demand. If a lot of similar housing is on the market at the same time and there are no buyers to absorb them, prices will go down. Similarly, if there is a great demand in a neighborhood, because of the popularity of a certain school or some other factor, and there are not many houses being offered for sale, the prices are going to rise, regardless of the color of the neighbor's skin.

Because of the economic factors involved, the passage of fair housing legislation will not cause a deluge of Negroes into white neighborhoods and create new ghettos. The District of Columbia has a fair housing ordinance which allows Negroes to move into previously all-white areas of the city. There are Negroes in Chevy Chase, Cleveland Park, where the present speaker lives—and American University Park, but their numbers are regulated strictly by their ability to pay.

I am proud that in the block in which I live resides a magnificent Negro family.

Mr. President, I should like to emphasize one point. The Real Estate Association persists in talking about the precious right of the seller not to sell. Several of the subcommittee's witnesses agreed that in their experience as real estate brokers—and their experience has been substantial—they had not been parties to nor had heard of any transaction in which someone, exercising the "right not to sell," had refused to sell for any reason whatsoever when the buyer was ready, willing, and able to purchase.

Mr. President, the hearings on the Fair Housing Act of 1967 before the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency heard from a distinguished panel of realtors. That testimony begins on page 396 of the hearings.

We heard from Mr. Ferd Kramer, Chicago, Ill.; W. Evans Buchanan, Rockville, Md.; Elliott N. Couden, Seattle, Wash.; Edward Durchslag, Chicago, Ill.; Tighe E. Woods, Washington, D.C.; and Kennon V. Rothchild, St. Paul, Minn.

If there were ever any doubts that fair housing was a practical and workable concept, that it would receive the cooperation of responsible real estate industry, those doubts are exploded and set to rest forever. I would commend to my colleagues, and to the country, if they have any doubts about the proposition before us, that they read the testimony of the realtors to which I have just made reference.

Mr. President, there are many reasons why I hope the Senate will support the bill now pending before it. It is legislation of this kind—intended to meet and to master one of the Nation's most critical domestic problems—that is particularly deserving of such support. It is not difficult, Mr. President, to cite examples of expressions of support for such legislation from leaders of both parties.

I am proud that the coauthor of the pending amendment, the distinguished Senator from Massachusetts [Mr. BROOKE], is a member of the Republican Party. Well, that should be, because the Republican platform in 1960, in speaking of equality under the law, included the following statement:

> [Equality] becomes a reality only when all persons have equal opportunity, without distinction of race, religion, color or national origin, to acquire the essentials of life—housing, education and employment.

In education and employment, Mr. President, we have accomplished a great deal. Much remains to be done, as we all must surely recognize—but we have made significant beginnings and we are continuing to work toward solutions in these areas.

But in the field of housing, equality under the law has not even begun to be a reality of American life.

The arguments against fair housing legislation, Mr. President, often take the form of positive, self-righteous assertions about the "right to deal with whom you choose" or the "right to sell property without interference," despite the fact that, as the realtor witnesses testified, never once in their real estate experience had they known a seller to question the right of any eligible and able buyers to purchase except on the basis of race.

Aside from the fact that these assertions ignore the possibility that a parallel "right to purchase" may exist, the argument denies decades of history as well. Property rights have been regulated by government since the beginning of the concepts of "property" and "government."

Theodore Roosevelt, in 1910, expressed this same idea when he said:

> Every man holds his property subject to the general rights of the community to regulate its use to whatever degree the public welfare may require it.

In 1949, Congress set for itself and for the Nation the goal of "a decent home and a suitable living environment for every American family." I submit, Mr. President, that 19 years later, we are still a long, long way from that goal. There is no question that the goal set out in the Housing Act of 1949 has not been reached; the only question is, are we nearer, or farther away, from that goal than we were 19 years ago? The increasing urbanization of our population has made substandard housing a greater problem than it has ever been. The image of the tumbledown slatboard shack in the rural South has been replaced by what is to my mind an even more regrettable, more terrible alternative—the filthy, freezing urban slum tenement. Added to the monumental

problem of poverty in the cities is the totally-related problem of segregated housing. These two monstrous national disgraces are really only one, Mr. President. I quote from an article by Loren Miller, entitled "Government Responsibility for Residential Segregation":

The total population growth for 1960's ten largest cities from 1930 to 1960 was 3,480,295; the Negro increase was 3,222,347. Central city growth *was* Negro growth. The standard metropolitan area for those same ten cities had a total population gain from 1930 to 1960 of 4,174,537 and a Negro gain of 146,540. Whites outgained Negroes in the suburbs by some thirty to one.

The statistics confirm what the eye can observe: residential segregation has been on the aggresive increase in the centers of our cities in the past three decades with a concomitant exclusion of Negroes from outlying suburban areas. Statistics confirm what the eye can observe—

The author states, and the eye can so observe within 5 minutes walking distance of this Chamber. Our cities do not merely contain ghettos, Mr. President; they are fast becoming ghettos. We stand in the center of a prime example of that process in action.

But, opponents of this legislation may say—the District of Columbia has a fair housing ordinance—why does that not operate to cure the problem of segregated housing? The answer is obvious. There is scant opportunity for Negro citizens of the District of Columbia to join their white coworkers in the suburbs. There has been great effort on the part of progressive citizens in all the areas surrounding this city to end segregation in the suburbs, but to date the victories in that effort have been minor ones, and the virtually all-white suburban communities surround the declining central city as they have since this problem began to emerge many decades ago.

To refer to the statement I made some days ago, at the beginning of this debate, there is growing evidence, encouraging evidence, that more and more American Negroes have licked their own economic problems, and they now enjoy middle and upper incomes from their employment; but thousands upon thousands of them, despite that fact, are nevertheless pinned in the ghetto because they cannot exercise the right of all other American citizens to buy housing of their choice in some other location.

We had the testimony of a Navy lieutenant, who was assigned by the U.S. Navy to a post not more than 30 miles from where we are, who went to 39 different places, seeking to buy a home, and was turned down in every instance—a handsome, able young man, who had served this country for 8 years, who is good enough to defend this Nation, but is not good enough to live near us.

Washington is not unique. "Typical," would be closer to the truth of the matter. We must decide, Mr. President, whether to take appropriate action to relieve some of the mounting pressures of the ghettos, or to stand by and observe the destruction of our urban centers by loss of jobs and business to the suburbs, a declining tax base, and the ruin brought on by absentee ownership of property.

The reasons for this legislation may be summed up by quoting from former Attorney General Katzenbach's testimony before the House Judiciary Subcommittee in 1966:

By now it should be plain that a patchwork of State and local laws is not enough. The work of private volunteer groups is not enough. Court decisions are not enough. The limited authority of the executive branch is not enough. . . . Durable remedies for so endemic and deep-seated a condition as housing segregation should be based on the prescription and sanction of Congress. This is all the more so as the issue is national in scope and as it penetrates into so many other sectors of public policy such as the rebuilding and physical improvement of our cities.

This legislation, Mr. President, will not bring an end to the ghetto. Only a concentrated, well-directed program of education, public housing, and job development will accomplish that huge task, and then only at the expense of many years of hard and dedicated effort.

But this legislation will help. It will offer hope for the many persons who have shown themselves and their neighbors that they can make it as worthwhile citizens—but who cannot convince the suburban landlord. It will offer an immediate improvement in living conditions for middle class Negroes who already can afford better housing—but cannot find it in the ghetto.

The side effects of this legislation would also be beneficial, Mr. President. It would, for example, restore honesty to the suburban apartment manager who now misleads, avoids, or even lies to the Negro father who comes to him seeking a home for his family. It would help to restore as well the pride that many citizens have had to swallow in the face of such mindless rejections.

We have waited long enough to enact this legislation. The need is clear beyond any possible dispute. It is time for action.

Mr. President, we have heard repeatedly about the problems of the exploding American cities, and well we should, because it is as profound an issue as this Nation faces or has ever faced. It is, at bottom, an issue of fairness, of employment, of training, of education, of housing, of environment, which challenges everything that this Nation possesses in terms of material goods and spiritual commitment.

Indispensable to the solution of the problems of the exploding American city is the alienation and the separation of the races. The psychology of rejection which is found everywhere in the black cores of the rotting centers of American cities is fundamentally the rage and the frustration and the despair which we see expressed everywhere, and, tragically, even in the form of violence.

We tend to make our arguments on the basis of material problems, whether it be housing, employment, education, or environment, and well we should; but we had many witnesses before the Banking and Currency Committee testify to the psychological effects of segregation as being a fundamental basis for the rage with which we are clearly confronted. I am inclined to think that this is a factor that is widely underrated. We are saying to the ghetto dweller today, "Solve your problems, have confidence in yourself, find a job, take the training available to you, apply yourself and gain an education, try to elevate your capacity to earn."

But, on the other hand, we are saying, "Even if you solve all your problems, despite how capable you prove yourself in achieving these objectives, we are not going to permit you to have the right that every other American has to buy any house which you are able to purchase. There is something about you, regardless of every other characteristic that you might have, based on your color, that will prevent you from living with us."

This is an outrage from any standpoint. I do not think this country can solve its urban problems, the problems which we face in the American cities, until we take the simple step of agreeing that we are going to live together, and not separately.

It is a simple fact, and yet it is a profound concept that lies at the core and the heart of this serious social problem which we face together as Americans.

I suppose there is no more humiliating experience for a father, the head of a household, the symbol of authority in his family, than to go up to a house that is for sale, one which he can afford, one which his endeavors over the years have suited him to live in, and be told that house is not available to him.

Perhaps he is a professional man. Two of our witnesses, Negroes who could not buy suitable housing, were typical. One was a Navy lieutenant with 8 years of experience, a handsome, impressive, young man. The other was a distinguished professor of literature, earning more than $11,000 a year in Philadelphia. Both of them had spent months going to homes which had "For Sale" signs out in front, to homes which were listed in the newspapers, with their families, with their children, only to be rejected—not because they could not afford the property, but because they were not intellectually and in every other way suited to live in the neighborhoods, but simply because of their color.

I do not, I repeat, believe that this outrage can continue, and that at the same time we can solve the problems of our exploding American ghettos. The insult is too great, too profound, too indefensible. It is an outrage to our concepts and beliefs of freedom, and an outrage to anyone's belief in God. I hope that Congress will not underestimate the seriousness of the issue we face here; for I fear that time is running out. I believe the decades of neglect have run their course, and that it is now too late to extend to the ghetto dwellers only more empty promises.

The credibility of moderate civil rights leaders is being undermined. As Whitney Young—surely one of our great Americans—put it in testimony recently, after he had been complimented for his role in trying to cool down our American cities:

I enjoy the compliment, but it isn't transferrable. We need action. I must have something in my hands when I talk to my ghetto-dweller neighbors.

One of the things that I am sure must be had in hand is the removal of this

outrageous course of segregated residential living, so that those who can afford and wish to do so may, like all other Americans, buy any house they can afford to purchase, and those who live in the ghetto but cannot afford to buy housing outside it will know it is their failure to solve their economic problems, and not their color, which pins them in the ghetto.

Mr. President, we have now discussed this fair housing proposal for more than a week. Many Senators have risen and given remarkable speeches, setting forth in detail the new knowledge we have about fair housing. The old scare stories of the real estate industry have now been exploded by the experience of several States and many other communities that now have fair housing laws and ordinances which in the main are operating effectively and, in an impressive way, helping to bring about a solution to this heartbreaking problem.

I believe the U.S. Congress is trailing behind the States and the local communities on this issue. That is certainly true in my State, for we have, if not the strongest, one of the strongest fair housing laws in the country. It was passed with bipartisan support. I would say one would have to look hard, in our State, to find a single living Minnesota politician who is opposed to fair housing. All the scare stories have been forgotten; many of the realtors who opposed these proposals now support them; and, where once there was almost solid opposition, there is now almost solid support.

The experience we have had in Minnesota can be duplicated in many other States. Therefore, for every practical reason and for every moral reason, the time has come for Congress to rendezvous with its conscience and adopt an effective fair housing amendment.

AMENDMENTS NOS. 507, 508, AND 513

Mr. STENNIS. Mr. President, I hold in my hand three amendments, Nos. 507, 508, and 513, which the Senator from Georgia [Mr. TALMADGE] expects to propose to the pending bill. On his behalf, I ask unanimous consent that these amendments now be considered as having been read so as to meet all of the requirements of rule XXII.

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

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.

TRANSPORTATION OF MEN AND EQUIPMENT TO THE WAR ZONE BY AIR NATIONAL GUARD AND AIR RESERVE

Mr. STENNIS. Mr. President, the recent announcement that more combat troops would be sent immediately to Vietnam emphasizes the seriousness of the situation there. The decision to send additional men is now well known and widely publicized. I am confident that these combat men will perform in the highest traditions of our military services. They are, of course, part of the active forces.

There is one operation associated with this rapid buildup in Vietnam that has not been widely publicized but which the public should know more about. That is the part the Air National Guard and Air Reserve will have in transporting men and equipment to the war zone. Simultaneously with the decision to send additional men to Vietnam, the Air National Guard was asked to provide 230 missions to and from Vietnam within the next 14 days. Within the first hour after the request was made the Air National Guard transport units throughout the United States had firmly committed 82 of the missions and five airplanes were available for take off within that hour.

In less than 24 hours the Air National Guard has committed the full 230 missions. Although many of the Air Reserve units have been called to active duty those remaining will fly 50 additional missions.

I emphasize that these air transport units are not on active duty. They are manned by men who are regularly employed in civilian life. They are asked to perform this additional duty on a voluntary basis, making it unnecessary to order them to active duty. Many of these men will be away from their jobs, others will take vacation time, but the significant point is these missions needed urgently to support the war effort in Vietnam will be flown.

Mr. President, this is not only a personal sacrifice to the men who are involved but it is also a considerable sacrifice to their employers. I believe we should remember that also.

This points out the very valuable contributions these air transport units as well as all other Reserve and National Guard units are making to our national defense effort. It is further evidence that they are needed and must not only be continued but strengthened with the equipment, manpower, and training necessary to make them a first line force.

Under the present plans of the Defense Department, four of the units that will be making these emergency flights to Vietnam are scheduled to be deactivated later this year. The fact that they are now called upon and are likely to be called upon in the future for just such emergencies is conclusive evidence to me that these units scheduled to be deactivated should be retained.

Certainly, there are Guard units that Congress has kept alive for 2 successive years because of mandated language in the appropriation bill, units otherwise scheduled to be deactivated. These matters clearly illustrate the need for these units. The need is clearly illustrated where there is involved transporting over 10,000 men and equipment half way around the world, and all of the missions are in the hands of the Air National Guard and the Air Reserve.

I am especially pleased that one of the units that responded immediately and with its full resources is located in Mississippi. The 172d Air Transport Group in Jackson, Miss., immediately volunteered to fly five of the missions which is the maximum number they can fly with the equipment and manpower they have available. In addition, the 118th Air Transport Wing of which the Jackson group is a member has volunteered to fly 11 additional missions, five to be flown by the Air National Guard Group in Memphis and six by the Air National Guard Group in Nashville.

The officers and men of all these air transport units are to be commended for their quick response to this call. This was a voluntary response.

I also want to pay special tribute to those Air Reservists both Air Force and Navy who were called to active duty early this year and are now undergoing intensive training. These men answered the call of their country in the typical spirit that reservists have shown throughout the years. Many of them are now serving on active duty at some financial sacrifice, others have had their schooling interrupted, some have been called away from their jobs and professions at a very critical time. The overwhelming attitude, however, has been one of willingness to fulfill their responsibilities which they accepted in joining the Reserve program. The Nation is indebted to them for their dedication, and for their desire to serve their country.

Mr. President, these units, which can be operated at about one-fifth the cost of a regular unit, and in which these men are kept in condition and ready to go on the shortest notice, prove the wisdom of our Reserve system. In paying compliments to these men, we must not forget the men who serve through the Selective Service System, and those who serve as professional soldiers. They continue to render fine military service in Vietnam. We have never been represented by finer American fighting men than we are in this unfortunate war.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from North Carolina.

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

Mr. JORDAN of North Carolina. Mr. President, the distinguished Senator from Mississippi has brought to my attention and to the attention of the public a valuable contribution which is being made to the war effort. I know something about these units and the sacrifice these men are making, as well as the dedication they have.

There is also demonstrated the wisdom of keeping these two units in force at a time when the Department of Defense was insisting on taking them out.

I, too, hope that not only these units, but also the other units will be retained because the additional 10,500 troops being sent to Vietnam will have to be serviced. We do not know what supplies will have to be flown there, and sometimes it takes time to get there. These men have shown a readiness that is remarkable.

I hope the Department of Defense will not deactivate a single one of these units. They have done a great job.

Mr. STENNIS. I thank the Senator from North Carolina. I share his views.

THE 109TH BIRTHDAY OF THE STATE OF OREGON

Mr. HATFIELD. Mr. President, today we celebrate the 109th birthday of the State of Oregon and I would like to take this occasion to snap on a light in the Oregon archives and pull some books and other documents off the shelves to bring to this Chamber once again some of the contributions which the men and women of my native State have made to the Nation. I might mention at the outset that although Oregon was granted statehood by the Congress on February 14, 1859, the word did not in fact arrive at Salem, Oreg., until 1 month later. The word moved slowly in those days. In any event, Oregonians had gone ahead the year before in 1858 and elected State officers.

Be that as it may, since Oregon's birthday falls just 2 days after Abraham Lincoln's birthday I would like to take this opportunity also to discuss Lincoln's relationship to Oregon. It happens that Lincoln had been offered the governorship of the Oregon Territory in 1848 and that he had given the matter serious consideration. Had he not declined the governorship he might have watched the timber fall in the Douglas-fir and Ponderosa pine forests rather than guide the Nation during the Civil War when our soldiers fell at Antietem and Gettysburg. One of the men who fell early in the war was Col. Edward Dickinson Baker of Oregon who was believed to be the first Member of Congress killed in the Civil War.

Baker was a close friend of Lincoln. Lincoln named his son Edward Baker Lincoln for his friend Baker. Baker was London-born and came to the United States with his parents. He lived in Indiana, Illinois, and California. He served as U.S. Senator from Oregon from October 2, 1860 to October 21, 1861, when he was dropped by eight bullets at the Battle of Ball's Bluff, a place on the Virginia shore of the Potomac River about 25 miles from where I stand and speak today. Baker had become friends with Lincoln in Illinois. He was a lawyer, statesman and warrior. He had led a regiment of volunteers in the Mexican-American war. His statue stands today in white marble on a red marble pedestal in the southeast portion of the rotunda in the Capitol between Washington and Jefferson, a justly honored place and not too many steps from where we are gathered at this very moment. The statue seems a heroic stance with Senator Edward Dickinson Baker holding a scroll of some sort in one hand and gesturing with his other hand. Beside him on the ground rests a hat, book and sabre. Well, we are all indebted to Senator Baker for his courage in battle and for his service in politics. He was a State representative and State senator in Illinois, and was elected as a Whig from Illinois to serve in the Congress. He had moved west in 1852 to California to practice law and to engage in public speeches. Republicans and Douglas Democrats invited him to Oregon to become a Senator from my State. He did so and served nobly. In a way one might stretch things a bit and say that Edward Dickinson Baker was one of Oregon's gifts to the Nation. Yes, he was a native of England; he resided in the midwest and California; he fought in Mexico; but nevertheless as an Oregon representative in the U.S. Senate for less than a year and as a battlefield commander we like to claim him for our own. Today Edward Dickinson Baker—like all of his comrades of the great conflict—belongs to all Americans.

Remember the cry, too, of "Fifty-four forty or fight"?

The yell and the slogan referred to a boundary line which was then in the far north of the far corner of the Pacific Northwest. It is, in fact, about midway in what is today British Columbia. The American-Canadian boundary is at the 49th parallel. "Fifty-four forty or fight" occurred during the administration of James Knox Polk, 1845–49. It was a day when the call was for more room, for salt from both oceans, for spreading our national limits to the frozen seas. One orator declaimed:

> Withered be the hand that dismembers Oregon, and palsied the tongue that consents to an act so treasonable, foul and unnatural. Let Freedom's holy banner be planted on the farthest ice-bound cliff.

So much for splendiferous prose.

Senators and Representatives and other officials of Government will be especially interested in Oregon's contributions to the political life of our great national commonwealth; for Oregon has indeed been in the forefront of political activity and political reform. Oregon resides in the far corner of the country; but it sometimes performs center stage in politics.

Of particular interest at this time in our political life is the Oregon presidential preference primary election—a primary election where all candidates generally advocated or recognized as candidates for President are placed on the ballot. One may withdraw if one is not a candidate. Those who remain offer the Oregon voters a fair test of potential nominees for President in our two great political parties.

The initiative petition, referendum vote, and the recall power all helped to set a pattern for other States to follow. The initiative and referendum were approved in 1902 and the recall power was created by Oregon voters in 1908. In point of fact Oregon voters have used the initiative petition for statewide measures more than 200 times. Referendums—or should I say "referenda"—have been used almost 50 times. The recall measure has been employed sparingly because of the high quality of statesmanship generally demonstrated by those who practice the political arts in the Beaver Commonwealth.

In recent years Oregon has continued to rank as one of our country's leaders in progressive legislation to serve the best interests of her people—to promote "life, liberty, and the pursuit of happiness" for all people—through the enactment of unemployment compensation laws, workmen's compensation, a State fair employment practices commission, an open housing ordinance to give people a fair chance to buy the home of their choice, and laws to clean up the pollution of our air and water.

Oregon moves forward; her people move forward with her and sometimes push her forward; she does not move backward; she stumbles at times, no doubt about it; but Oregon keeps going in a way to do the best she is able to do. Among the first to move into Oregon and tell of her prospects were Lewis and Clark.

President Thomas Jefferson dispatched Meriwether Lewis and William Clark across the continent in 1804 to open a new route to the West and to open new territory for a growing country. Their path became the famous Lewis and Clark Trail. Names that spring to mind along with Lewis and Clark at other times in Oregon's history include John Jacob Astor and his fur company, Dr. John McLoughlin, Jason Lee, Nathaniel Wyeth, Marcus Whitman, Henry Spaulding, Hall Jackson Kelley, Jedediah Smith, Elijah White, Samuel Barlow, Levi Scott, Jesse and Lindsay Applegate, Donald McKay, Joe Meek, Chief Joseph, and Ben Holladay. One could fill scores of pages with names just as famous, just as significant in the history of the Oregon country. All of their roles have been amply recorded in books and I have mentioned a few of them here simply to bring to mind some of those who went before us and who helped to make our land what it is today.

What Oregon was then—in 18th- and 19th-century America—was largely a wilderness which turned toward farming and mining and fishing and logging and early manufacture to turn a profit. Banks, merchants, steamship lines and builders of one stripe or another helped to construct this new State and to transform it from a primitive territory to a modern and comfortable industrial State. What Oregon remains today is a State rich with resources—rich with material, spiritual and cultural resources.

Oregon boundaries enclose a land which includes the high country of the Cascade Mountains and the central plateau of the State, the desert country in southeastern Oregon where antelopes still roam, the coast range and the Pacific Ocean shore, and the fertile meadows and well-sprinkled green lands of the salubrious Willamette Valley.

Hunting, fishing, camping, outdoor sports a-plenty; all are there for citizens to enjoy.

Although Oregon, a State with a population which now totals 2 million souls, has not been in the forefront of the arts, sciences, and humanities it need not turn its head aside when asked of its culture, its schools, its society in general, if you will. The State has many institutions of higher learning which are a credit to the Nation, and also several fine musical ensembles, art galleries, theaters, literary groups, historical associations, and various private institutions of learning and entertainment. Oregon has a fine record of business and economic development, responsible trade union organization, and attention to the proper maintenance of public facilities—roads, bridges, parks, playgrounds, and campsites.

Oregon yields to no State in the military service of her sons.

So there is a brief birthday statement about Oregon, a State whose motto is "The Union." It is the home of the Oregon holly grape, the western meadowlark, the Chinook salmon, the Douglas-fir tree, the thunderegg State rock, and the beaver on a flag of blue and gold.

Oregon, 33d State to join the Union.

On this 109th anniversary of statehood I would like to invite all of my colleagues here in the Senate and all others who might hear or read these words to take time to visit Oregon. You will have a good time. Your journey will be something to remember, something of value.

Mr. BROOKE. Mr. President, I take this occasion to commend my colleague, the distinguished Senator from Oregon [Mr. HATFIELD], and the great State of Oregon, for giving to the Senate the benefit of his thoughts about the great State that he represents.

I congratulate the great State of Oregon on its 109th birthday anniversary and wish its people a happy birthday.

Let me say to the Senator from Oregon that we are proud to have this information in our records concerning the 33rd State—the State of Oregon.

I commend the people of Oregon for their wisdom in sending to the Senate, among other great leaders sent here over the years, the distinguished junior Senator from Oregon [Mr. HATFIELD] who has given us this excellent presentation this afternoon.

Mr. HATFIELD. I thank the Senator from Massachusetts.

A THREAT TO NATO FROM THE NORTH

Mr. BYRD of West Virginia. Mr. President, the future of the North Atlantic Treaty Organization is far from secure.

Not only has it been beseiged by French President Charles de Gaulle, as well as weakened by the continued feuding of member states Greece and Turkey, but, if a report in the Washington Star, February 12, is correct, danger lies in the northern tier of member states as well.

The Star's article points out that—

Pro-Soviet political elements are moving in a serious bid to shake the Western Alliance.

If true, this fact is one which should be viewed with grave concern by our Government. We must not let our preoccupation with the situation in Vietnam blind us to other dangers which may be equally serious. Such a course of action would be most dangerous for the United States as well as for all of Western Europe.

I ask unanimous consent that the article, entitled "Pro-Soviet Elements Map Anti-NATO Drive in Scandinavia," be printed in the RECORD.

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

PRO-SOVIET ELEMENTS MAP ANTI-NATO DRIVE IN SCANDINAVIA

(By Smith Hempstone)

COPENHAGEN.—Coups and counter-coups in Greece, the Arab-Israeli conflict, the near-war between Greece and Turkey over Cyprus, and Russian naval maneuvers in the Mediterranean have served to focus the attention of western strategists on NATO's shaky southern flank.

It is here, however, at the opposite end of the geographical spectrum, in NATO's extreme northern tier, that pro-Soviet political elements are moving in a serious bid to shake the Western Alliance.

The crash Jan. 21 of an American B52 nuclear bomber on the ice of North Star Bay near the U.S. Air Force base at Thule, Greenland (a Danish province), unquestionably will be used to dramatize the issue.

Norway and Denmark are NATO nations ruled by center-right coalition governments. Sweden, which has had Social Democratic governments for 35 years, follows a nonaligned foreign policy.

Finland, which shares a long land frontier with the Soviet Union and has Communists in its coalition government, is forced to walk a neutralist tightrope which is slightly pro-Soviet.

REDS HOPE FOR SPLIT

Although their military might is inconsequential, Moscow would dearly like to see Norway and Denmark withdraw from NATO when the treaty's initial 20-year period expires next year.

Like Turkey to the south, Norway and Denmark sit astride one of Russia's three outlets to the Atlantic, and on the flank of a second.

Nuclear submarines assigned to Russia's Mediterranean squadron seldom use the Turkish-controlled Dardanelles, where by treaty they must give eight days notice of all fleet movements.

Instead, according to western intelligence sources, such U-boats either follow the Arctic route from Murmansk down the Norwegian coast or sail from their Baltic bases through the Kattegat and Skagerrak.

It would be naive to think that Danish-based U.S. observation teams do not monitor such ship movements. It would be equally implausible to believe that the Russians would not like to see such operations cease.

LEADERS OF OPPOSITION

Word of the Thule crash, which was delayed by some 18 hours, came too late to have much discernible effect on the Danish elections Jan. 23, which toppled Prime Minister Jens Otto Krag's Social Democratic government.

Opposition to Danish membership in NATO is led within the new Folketing (parliament) by the four spokesmen of the left-wing Socialist party. The left-wing Socialists, who broke away last year from the Socialist People's party, describe themselves as "more progressive" than the Communists.

The parent Socialist People's party, which has 11 members in the new Folketing, has been described by writer Donald Connery, an objective observe, as "a fascinating mixture of warmed over Communists, far-left neutralists, pacificists, ban-the-bombers, anti-Americans and assorted malcontents." It can be expected to support the four left wing Socialists in their anti-NATO crusade.

More serious is the fact that the Radical Liberals, who hold five of 17 cabinet posts including the premiership in the new coalition government, are officially opposed to participation in NATO, although they have supported Danish defense policy since 1960.

Radical Liberal Premier Hilmar Baunsgaard belongs to his party's moderate wing and is unlikely to support any such maneuver as the much-talked-of Danish "NATO plebiscite." His coalition partners, the Moderate Liberals and the Conservatives, favor NATO ties for Denmark, although all accept that this country's present shaky economic situation calls for cuts in defense expenditure.

The Danish Communists, who polled 255,236 votes and won 18 Folketing seats in 1945, largely on the strength of their anti-Nazi resistance record, have not been able to win a parliamentary seat since 1960. They can be expected to spearhead the anti-NATO drive outside parliament among students and intellectuals.

Although Norway joined NATO in 1949 by a vote of 130–13 (11 Communists and two Labor MPs voting against), the country, perhaps because it and Turkey are the only member-states sharing land frontiers with Russia, always has been a bit nervous about its NATO ties.

Just as Denmark will not allow nuclear armed U.S. bombers to fly over its territory, Norway does not allow foreign troops to be stationed on its soil.

Like Denmark, Norway has a center-right coalition government which, at the moment, is committed to NATO. But there is general political agreement that the question of continued mmebership after 1969 (when any country can withdraw after giving one year's notice) is so important that it must be the subject of public and parliamentary debate.

The two Marxist representatives of the Socialist People's party, supported by left wing Labor MPs, can be expected to lead the attack within the Storting (parliament). The Norwegian Communist party, like its Danish counterpart, has not been represented in the Storting since the euphoric post-war elections.

But the tactics of the Communists and their fellow-travelers seems to be to seek cross-party support for their move to get Norway out of NATO.

An organized campaign to that effect was launched in Oslo on Jan. 28. The group's action committee is headed by Olav Rytter, a former United Nations information officer, and includes a young Labor politician, Rune Gerhardsen, son of former Labor Premier Einar Gerhardsen, who was swept from office in 1963.

In neither Norway nor Denmark are leftist elements likely to be able to generate enough political steam to force NATO's two Scandinavian members to leave the alliance.

But the Scandinavian politico-military scene, in view of the Thule incident, Soviet reconnaissance flights along the Norwegian coast, and the passage of Russian nuclear submarines through the Baltic straits, will bear watching in coming months.

CROWDED COURTS COULD CAUSE CRISIS

Mr. BYRD of West Virginia. Mr. President, the problem of overburdened criminal court judges and crowded court dockets is not one that is unique to the District of Columbia.

The District's problems are only symptomatic of a much larger nationwide problem that affects every metropolis and to a lesser degree, every smaller city and town in our country as well.

New York City has been acutely struck by this problem.

According to a news story in the New York Times, February 12:

There are 78 (judges) in the Criminal Court system (in Manhattan) to cope with a caseload that has doubled in a decade. No judges were added in that time.

I think that it is high time this problem be given the careful study that it deserves.

If some of our courts are verging on chaos today from overcrowded dockets, I shudder to think what may happen 20 years from now if positive steps are not taken to increase the number of judges, and courtrooms as well as to modernize administrative procedures.

American justice must never be debased by bargain basement practices. Every defendant deserves a studied and fair trial, not the "instant justice" which

one noted jurist says aptly describes present conditions.

I ask unanimous consent that the article entitled "City Courts Facing a Growing Crisis" be printed in the RECORD.

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

CITY COURTS FACING A GROWING CRISIS

(By Edward C. Burks)

Every few minutes the assembly-line in the city's awesomely overloaded Criminal Court System lurches forward to produce a new defendant in an atmosphere of thinly masked impatience.

He is like a factory product—"like a can of peas being processed," says an important criminal lawyer—to be labeled, handled briefly, then moved on, and often forgotten.

The heavy volume forces such rapid handling—a dismissal, a guilty plea or an adjournment for a later hearing that everyone is under pressure to get out of the way for the next case.

The courtroom is noisy and has an abrasive air of confusion.

Lawyers and defendants of one case stand around talking while the next one is being heard over their voices. In a seat in the spectators section a narcotics addict falls forward in a drugged stupor. Pimps in red, yellow or green trousers swagger in the hallways, waiting to put up bail for their prostitutes. A woozy, unshaven Bowery bum staggers out of a courtroom, newly freed, and pauses to pick up a half-smoked cigarette near a cuspidor. A self-styled minister, drunk, roams the corridors, ranting and cursing.

This is the scene in the towering Manhattan Criminal Court building at 100 Center Street, where 235 defendants are arraigned every day. Each arraignment takes less than three minutes on the average. In Brooklyn and The Bronx the scene and situation are roughly parallel to Manhattan, except the buildings are older. Queens and Richmond fare somewhat better.

Lester C. Goodchild, administrator of the system of 64 courtrooms, says that the pressure for quick decisions brings about a bargaining situation that is unfair to defendant and the people alike.

Although the defendant may get a circus-barker style announcement of his case and his legal rights, many judges and prosecutors believe that the process favors him.

There is pressure to dismiss cases where the guilt is not immediately obvious because there is not time to develop the evidence. Even an obviously guilty man, for the sake of time, may be permitted to plead guilty to a lesser charge under which he will receive a greatly reduced sentence.

GUILTY PLEAS URGED

On the other hand, there is pressure on the defendant to make a guilty plea to avoid a possible stay in jail before a trial can be held—usually a delay of at least 8 to 14 days.

"The system causes judges to abdicate some of their responsibilities," according to Mr. Goodchild, "and the case is taken over by the defense lawyer and prosecutor who work out a disposition."

At arraignments, lawyers on either side have only a few minutes to prepare their cases. As for judges, there are 78 in the Criminal Court system to cope with a caseload that has doubled in a decade. No judges were added in that time. The great majority of them get their $25,000-a-year jobs on recommendation by district political leaders. The job, in short, is a political plum. The Mayor appoints them for 10 years.

In the last 10 years, felony cases (the most serious crimes, such as murder, robbery, and grand larceny) have more than doubled. Last year, there were 58,000 felony arraignments—more than 1,000 a week, a 10 per cent gain over 1966. That meant an average of 740 felonies for each of the judges, who rotate through the system.

Misdemeanor cases (not including traffic) rose by 14 per cent in the 10-year period, to 105,000, an average of 1,500 a judge last year. Traffic cases, which reached a total of more than four million in 1967, were up by 134 per cent in 10 years. And the traffic court system, part of the over-all Criminal Court apparatus, falls ever further behind because less than one half of the cases are settled each year. The average load of traffic cases a judge has now exceeded 50,000 a year.

The only category of cases to show a drop in the past decade—a modest 7 per cent—was "violations" or "summary offenses" other than traffic—offenses such as drunkenness, gambling and prostitution, which are less than misdemeanors. The reason was simple: The police were ordered to stop bringing in so many of the drunks and derelicts who used to jam the courts regularly.

Even so, there is a formidable workload. According to the most recent figures available, the system had a backlog of 33,000 cases, not including a four-month backup in traffic cases.

The Legislature, which has the power to create new judgeships has failed to do so in recent years because of squabbles over how the judgeships should be divided politically. This session there is strong evidence of bipartisan support for more judgeships, and the citywide Association of the Bar is backing such efforts, but only if the judgeships are not to be allocated on the basis of political parties.

Meanwhile, the city system remains so crowded that the 10-minute trial is the general rule. But most of the time things do not reach a trial stage. If they did, there would be chaos, according to judges and court administrators.

Concerning the heavy percentage of guilty pleas, Jerome Kidder, a bureau chief in the Manhattan District Attorney's office, says: "A guilty plea is almost always a plea to something less than the original charge. Although he is not given a specific promise (of leniency) the defendant knows that if we let him plead to a lesser offense, he has a good chance of getting a reduced sentence on that charge, too."

A prominent criminal lawyer, surveying the carnival atmosphere of many Criminal Court rooms, declares: "The whole place looks like a block party on 110th Street."

"Maybe," says Mr. Goodchild, "somebody—the public, that is—ought to walk into court someday and shout, 'Stop! What are you doing here?' This thing is running on rather uncontrollably. Sure, they're moving the cases into and out of court. But because of the speed it's all sort of blurred. Nobody seems to be in control."

Harris B. Steinberg, a Broad Street lawyer specializing in "white collar" criminal cases, says: "The tremendous volume makes for a lack of feeling that there's any serious deliberative process going on."

"Instant justice" is the way Justice Bernard Botein, Presiding Judge of the Appellate Division for Manhattan and the Bronx, describes the Criminal Court process. "We're holding it together with Scotch tape and wire because of lack of manpower—lack of judges and court personnel," he explains.

At a time when the public is clamoring for greater police protection, Judge Botein explains why overloaded court personnel groan at the thought of more arrests. Most programs to combat "steadily rising crime rates" have a simple "cops and robbers" approach, he says—more policemen to catch more criminals with no thought of bolstering the sagging court system. He is urging 15 more Criminal Court judgeships.

Here is the present situation in the Criminal Court system:

One case in five (not counting traffic cases) is dismissed within a few seconds of a defendant's first-appearance before a judge, at the time of his arraignment. The reason: not enough evidence or not enough time to develop the evidence.

Roughly another 10 per cent of all cases, except those dealing with traffic, end at arraignment because of a guilty plea.

More than one half of the defendants who move beyond the arraignment procedure to hearings or trials plead guilty later in the process, often to a reduced charge.

Only a quarter of all defendants arrested on felony charges are actually indicted and tried for felonies. Half of them have the charges reduced to misdemeanors. The remaining 25 per cent are dismissed at the outset.

The Criminal Court, with its many parts, is the court of original jurisdiction. It has no juries. Defendants charged with felonies cannot be tried in that court unless the charge is "knocked down" to a misdemeanor. Otherwise, a defendant is held for the grand jury; if indicted, he is arraigned in the criminal branch of Supreme Court. But only 5 per cent of those indicted actually go through a complete trial.

Justice Edward R. Dudley, administrative judge of Criminal Court, has been trying to keep pace with the massive caseload by keeping marginal cases out of court and by streamlining the mass of paperwork.

"This court will break a man," he says of the caseload on his judges, half of whom are more than 60 years old.

In Manhattan and in Brooklyn, the district attorney is now in charge of the "complaint rooms," where the actual charge is drawn up. Formerly the policeman and a court clerk drew up the complaint. Now, when the assistant district attorney in the complaint room feels that evidence is too flimsy he recommends immediate dismissal as soon as the defendant goes before the judge.

The "universal summons," a simplified, multicopy snap-out form, replacing several different forms, went into effect Jan. 1, saving policemen much paperwork and copying. This new form also permits traffic defendants for the first time to plead not guilty by mail. They fill in the proper space and get a trial date by return mail.

MICROFILMING SAVES SPACE

An ambitious microfilming operation has been introduced to overcome a massive accumulation of paper traffic summonses. Because of the huge backlog in unsettled traffic cases, it takes 1,430 filing cases to hold just the Manhattan cases—and the filing cases side by side would extend the length of 13 football fields. In the future, the paper will not be kept for long. A total of 20 million summonses can be stored on microfilm in a filing case only two feet wide.

Another shortcut is a lock-box arrangement with the Chemical Bank, under which fine payments are mailed to the bank—and not the court for—processing.

Bewildered defendants—and complainants—still have to contend with an enigmatic nomenclature in the court system. Various sections of the system have such names as these in Manhattan: Part 1A1 (for daytime arraignments), 1A2 (night court), 2A2 (misdemeanor trials), 2B3 (misdemeanor cases before three judges), 3 (youth court), and 1D (felony hearings).

The busiest courtrooms have 150 felony hearings or 200 misdemeanor hearings on the calendar for a single judge in one day—an obviously impossible load. As a result, the court process in these parts becomes an exercise in clearing the calendar through quick dispositions or repeated adjournments to new dates.

Prisoners in the city's detention houses—where the census is 150 per cent of original capacity—are called first in these crowded parts. The detention homes have added to capacity by installing two bunks a cell.

"Give me a date," a judge often mutters with resignation, and a case is put off again, perhaps for the fifth or sixth time.

Repeated adjournments are a commonplace. "They are a great boon to the guilty man," especially under today's system of low bail or parole for many defendants, according to Justice Saul S. Streit, administrative judge of the First Judicial District (Manhattan and the Bronx).

The injured party in a mugging has to come back again and again, for example, before a hearing takes place, and if he loses patience, or cannot afford the time off from his job, the defendant goes free. Conversely, defendants, especially those who cannot make bail, are more likely to plead guilty to a lesser offense to put an end to the repeated postponements.

QUALITY OF JUDGES

Many of the judges—men like Daniel S. Weiss and Reuben Levy—who must contend with the staggering workload are admired by the lawyers who appear before them. But there is a widespread feeling among such lawyers that many other judges are at best mediocre.

"Maybe 50 per cent of the judges are qualified," says a prominent lawyer closely associated with the Criminal Court for a quarter of a century. "Half of them just don't belong. They slow things down by just trying to clear the calendar because that means adjourning cases to new dates and no disposition. They just compound the confusion. Many of them don't know the law."

"The horrible fact," adds a prosecutor who used to be a defense lawyer, "is that a man's fate in these courts depends on the luck of the draw in judges. Many judges do not know the law, even though there are also some excellent ones. There are certain cases, for instance, that I could put before any of some 10 judges and be sure to get a conviction, and before one of 10 others there would surely be an acquittal."

Another lawyer notes that each judge is equipped with an array of rubber stamps bearing elaborate language on the disposition of cases. "If they took those stamps away," he says, "the judges would be helpless."

Paul DeWitt, executive secretary of the Association of the Bar, which has 8,500 members, says he doubts that crooked judges are a serious problem. "I don't think venality is the problem," he says. "The vice is mediocrity and that can be more serious, affecting more people."

TIME CRISIS CITED

The opposing lawyers in Criminal Court—an assistant district attorney and usually a young defense lawyer provided free of charge by the Legal Aid Society—may have 5 to 10 minutes to study a case before arraignment.

"Five minutes is more like it," says a Manhattan prosecutor.

"Fifteen minutes to prepare a case would be a luxury," according to a Bronx assistant district attorney.

Because of the pressures on both lawyers and the judge, there are usually some prehearing negotiations between the opposing counsel. The lawyers don't like to use the term "deal," but that is what these conferences amount to.

"A busy criminal lawyer is just like we are," says Assistant District Attorney Kidder. "He can't try all his cases either. Usually the initiative for a reduced charge comes from the defense and there's a little bargaining."

The outcome, in which the defandant pleads guilty to a reduced charge, is known as "an offer to walk him."

About 75 per cent of all Criminal Court defendants in Manhattan, and a large proportion in the other boroughs, are represented by lawyers provided by the Legal Aid Society, which helps defendants unable to pay for their own lawyers.

Assistant district attorneys who work closely with the Legal Aid lawyers say they are "frequently better than retained counsel." But some court administrators and lawyers see the Legal Aid Society as just another cog in the Criminal Court apparatus and they contend the Legal Aid lawyers join in the general effort to get through the calendar as quickly as possible, regardless of whether justice is being done.

"These Legal Aid people walk around with their clipboards, interview a client when he is practically before the judge and handle scores of arraignments on a single shift," says one high official of the Criminal Court system. "A whole new spirit is needed in their operations."

Such an appraisal is resented by Anthony F. Marra, a bustling veteran of courthouse battles who heads the criminal justice branch of the Legal Aid Society, which receives $1.2 million from the city and $800,000 from foundations and individuals to support a staff of 134 lawyers who get from $7,500 to about $10,000 a year.

"We are an independent agency," he says, "and we don't have to look to judges or politicians for our jobs. We don't have to submit to pressure from any agency."

Those cases that are not handled by Legal Aid lawyers are often taken by the "Baxter Street irregulars," whose names comes originally from the street behind Manhattan's Criminal Court building.

The philosophy of these lawyers, according to one of Manhattan's top prosecutors, is simple: "Whatever the defendant can scrape up, that's the fee, and from then on all the lawyer is interested in is disposition of the case as fast as possible."

Despite efforts to keep defendants moving in and out of the courtroom, the inmate population of the city's detention houses has risen sharply, from a daily average of 3,370 in 1957 to 4,975 in 1967.

Most do not spend long terms awaiting disposition of their cases. According to the best available figures, nearly two-thirds of all adult prisoners awaiting disposition of Criminal Court cases spent less than 10 days in detention. Ninety-two per cent were incarcerated for fewer than 30 days.

In the case of indicted prisoners waiting for trial on more serious charges in Supreme Courts, a third were in detention fewer than 30 days, almost three-quarters were held fewer than four months and only about 1 in 200 were held more than a year.

These figures are for 1965, but officials say that the time in detention today is about the same.

After all of the sifting in Criminal Court, only a small percentage of cases—one quarter of the felony arraignments—reach the stage of a grand jury indictment requiring disposition in the criminal branch of Supreme Court. There the overload problem is of a far different nature.

Only about 5 per cent of these Supreme Court cases go through a trial to completion. Justice Botein says: "If that percentage were ever increased much we'd have to close down completely."

About 80 per cent of the Supreme Court cases end with a plea of guilty, often to a reduced charge. Justice Streit says: "If such a big percentage didn't plead guilty justice would be at a standstill."

The judge gives the reason: Trials last two to three times as long as they did only a few years ago because of United States Supreme Court decisions protecting the defendant's rights. In addition, there are protracted pretrial and posttrial hearings having to do with motions to suppress evidence on the ground of illegal search or to nullify confessions on the ground of coercion or failure to notify the defendant of his rights.

Judge Streit fully indorses these extra protective devices, but notes that in the Bronx and Manhattan Supreme Courts there has been no increase in judgeships since 1923.

In summary, Judge Botein laments: "It is a pity that so many programs to combat crime are frustrated and so much public money dissipated by the inability of the courts, through sheer lack of manpower and facilities, to handle their workload adequately with justice to the prosecution and defense."

OEO "GUIDE" IS BLASTED ON THREE FRONTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "OEO Guide Is Blasted on Three Fronts," written by Eve Edstrom, and published in a recent issue of the Washington Post.

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

OEO GUIDE IS BLASTED ON THREE FRONTS

(By Eve Edstrom)

The Nation's mayors and county officials yesterday criticized the new Federal antipoverty community action program guidelines as circumventing Congressional intent.

Their official spokesmen said the guidelines, made public Friday, encourage continued domination of community action programs by private nonprofit groups.

This is "not in the spirit" of the Green amendment to the 1967 antipoverty law, they said. That amendment, they explained emphasizes that local governments should be given a clear option to assume leadership of community action programs. At present about 80 per cent of the more than 1000 local community action programs are run by private nonprofit groups.

GREEN ARTICLE CIRCULATED

The criticism, in separate statements, came from John J. Gunther, executive director of the U.S. Conference of Mayors, and Bernard F. Hillenbrand, executive director of the National Association of Counties.

In addition, Hillenbrand circulated an article that the author of the controversial amendment, Rep. Edith Green (D.-Ore.), wrote for the Association's magazine prior to the issuance of the guidelines.

In it, she states that critics of her amendment usually cry "keep the state or local politicians out" of community action efforts.

"This does not keep the politicians who have been rejected by the voters out of it," she writes. "This does not keep the selfstarting politician, who dreams of empire building, out of it. My answer is to bring the local elected politicians into it."

Mrs. Green insists that the 1967 law, which "makes community action agencies a state or political subdivision of a state," clarifies the intent of the original war on poverty bill.

SHOULD BE ACCOUNTABLE

That intent, she says, was never to "legislate a revolution in American politics" by creating autonomous groups to displace decisions of state, county or local governments or to fund with Federal dollars groups bent on reversing decisions of local officials.

Instead, she maintains, locally elected officials should be accountable for the spending of public antipoverty money and for the successes or failures of the programs.

The guidelines issued by the Office of Economic Opportunity detail how local officials can assume control of the programs. But they also require that the local governments have contractual powers that may be barred by local statutes and, therefore, could disqualify the local public bodies.

DRAFTING PROTEST

Hillenbrand said he was drafting a protest to OEO, as well as an informational bulletin

to county officials so they can aggressively seek the objectives contained in the Green amendment.

It is understood that Mrs. Green is preparing an attack on the guidelines because of their "business as usual" tone. She is vacationing in the Virgin Islands and could not be reached for comment.

CARMICHAEL RAZZED AT HIGH SCHOOL TALK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Carmichael Razzed at High School Talk," written by Paul W. Valentine, and published in today's Washington Post.

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

CARMICHAEL RAZZED AT HIGH SCHOOL TALK—CATECHISM ON BLACK POWER DRAWS THE WRONG ANSWERS

(By Paul W. Valentine)

Stokely Carmichael got off to a rough start yesterday when he mispronounced Roosevelt High School as *Rooze-velt* and the students in the auditorium at 13th and Upshur Streets nw. razzed him pretty hard about it.

He took it good naturedly and tried to continue his discussion of the Negro's problems.

The students, some 600 in all, though the number dwindled during his hour-long session, murmured busily among themselves and laughed or cheered sporadically when some attempted to engage Carmichael in debate.

"Who needs help—black people or white people?" Carmichael asked the overwhelmingly Negro crowd.

"Both," came the answer from a dozen different voices.

"Do you think white people know in the slightest way that they are doing us wrong?" he asked.

A scattering of "yeses" and "noes" answered. Most said nothing. Some were pulling on their coats and leaving.

"Does the white student or the black student get the better education in Washington?" Carmichael tried again.

"You get the education you want to get," snapped a youth.

Other students vied among themselves to ask Carmichael questions. The murmur of voices rose to a steady drone. A small group of pro-Carmichael students cheered piercing when Carmichael said, "Be black, be beautiful." Other students giggled. Carmichael's voice was drowned in the clatter.

He raised his hands beseeching. "We have got to be serious," he said, "because our people are at stake. We have got to be serious because our lives are at stake."

The students moved restlessly in the auditorium seats. The murmuring resumed.

Carmichael, invited by the Roosevelt student council to address the school as part of its regular Tuesday afternoon seminar program, jotted down a lot of words on a chalk board: poverty, segregation, unemployment, drugs, police (cheers from the auditorium), bad housing, crime.

"These are the problems black people face," he said. "Does *Rooze-velt* High School prepare you to cope with them?"

A thin scattering of yeas and nays was mixed with hisses and laughter at his pronunciation of Roosevelt. "Okay," he said, "*Rosevelt*. Okay?" Slight applause.

At the end of the session, Carmichael mentioned the plan announced Monday by the Student Nonviolent Coordinating Committee here to create a "shadow" school board of persons to increase Negro influence in local education.

"This system is 93 per cent black," Carmichael said. "We intend by any means necessary to take over the system so that it will respond to black people's needs."

As he spoke, a school bell rang. The students rose from their seats. Few reacted to his last statement. Most streamed out of the building, while some clambered onto the stage to get a closer look at Stokely Carmichael.

"This was a bad session," he said. "Too many voices trying to get the floor at the same time. But I didn't want to lecture to you. I wanted to talk with you."

KING'S "CAMP-IN"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD three letters to the editor printed in the Washington Evening Star of Wednesday, February 14, under the caption "King's 'Camp-in.'"

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

KING'S CAMP-IN

SIR: If the administration allows Martin Luther King to go through with his proposed "camp-in" in April all its talk about crime prevention will be so much empty babbling. The biggest crime in recent years is the complete abandon with which riots, strikes and civil disobedience have been allowed to flourish. It is beyond the wildest dream to imagine that this "camp-in" could take place without disturbance.

As I get the picture Dr. King thinks the complete cure for this is to abolish poverty. Even though he does mention jobs, you will notice that he avoids use of the word wages—wages being payment received for doing a job—but asks for a guaranteed annual income. This would allow the able-bodied welfare recipient to continue resting idly at home.

I submit that all the money in the world is not the cure for crime. "The devil finds work for idle hands" was never more true than today. One of the best ways to stem the tide of crime is to get all these able-bodied "guests" of the Welfare State up off their lazy verandas and make them go to work.

Instead of Dr. King "educating" the people of Washington and other cities to the "handout" let him and his disciples be educated to the concept of work and acceptance of the already available jobs. Let them also be educated to the fact that it's not customary to start out at the top, but to begin at the bottom and work up. Let them be educated to the idea that pride is something that comes with earning not taking. Let Martin Luther King himself be educated to using the time, energy and money directly on the poverty stricken rather than on a wasteful disturbance.

In the beginning days of this country there was a rule, for every able-bodied citizen, of "no work, no eat." It's still a good idea!

VIRGINIA PHILLIPS.

SILVER SPRING, MD.

SIR: As many of us recall with shame and remorse the summer march on The Pentagon, we read of Martin Luther King's projected spring civil disobedience campaign with the question upon our lips, "Does this have to happen in the Capital City of a nation which finds it increasing difficult to maintain law and order?" Or any other place in our nation?

In a Washington motel three notorious troublemakers, King, Carmichael and Rap Brown, met upon the vicious premise, "We seek to say to the nation . . . that if you don't straighten up, then you're writing your own obituary. When we come here (in the spring campaign) we will come not to beg, but to demand that the nation grant us what is truly ours."

Will a nation committed to providing for common defense and insuring domestic tranquility abide or ignore such a threat to its security and the safety of its people? Will our nation through its leaders be intimidated to grant a threatening and disobedient mob what the mob determines as its rightful inheritance? Why not a federal injunction to keep these troublemakers, and other of like mind, out of the Nation's Capital and restrain their promotion of such campaigns anywhere within the bounds of the United States of America? If the injunction should fail, why not try iron bars, without bail.

If reason, fair play and a sincere desire for the good of all cannot combine forces in legislation, social and economic development to secure the blessing of life, liberty and the pursuit of happiness for all of our people, there seems to be scant hope for lawlessness and violence to do so.

THOMAS W. SUNDERLAND,
Pastor, Epworth Methodist Church.

SIR: First, I must say that this country is the greatest place on earth and I don't belive we should sit around and let just a few destroy all the things we stand for.

I am referring to those few who would destroy this country in the name of civil rights, and simply because they don't want to face the true facts of life. There are too many of my race that feel that the country owes them a reward just because they are Negroes. Too many want something without working for it. And because of our many, many freedoms, too many just take advantage of them.

What I am trying to say is that we have many strong laws but for some reason they are not used. This is a new day, and I feel that some of these so-called freedoms are outdated. I believe that all people must be made to respect the law of the land. We have the President, the Supreme Court and many agencies that make the law; and I do believe the President has the power to control marches on Washington like that planned by the Rev. Martin Luther King.

I am sure that nothing good can ever come out of such as this. Also, being a Negro myself, I would like to know just what these so-called civil righters want. We have come a long way. What good will it do now to have to start all over again?

My only hope now is that we all will wake up and come to our God-given senses before it is too late.

GEORGE W. STEWMAN.

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.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 4 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Thursday, February 15, 1968, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 14, 1968:

TREASURY DEPARTMENT

Joseph M. Bowman, Jr., of Georgia, to be an Assistant Secretary of the Treasury, vice W. True Davis, Jr., resigned.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from class 7 to class 6:

Edward E. Archer, of California.
John A. Barcas, of New Jersey.
Alan H. Bergstrom, of North Dakota.
David L. Boerigter, of Michigan.
Charles H. Brayshaw, of Colorado.
Edward S. Dubel, of New Jersey.
George S. Durgan, of Connecticut.
Alan R. Flanigan, of Tennessee.
Frederick H. Gerlach, of the District of Columbia.
Arthur Houghton, of the District of Columbia.
David K. Hutchinson, of Kansas.
Larry Craig Johnstone, of Washington.
Wendell H. Jones, of Minnesota.
Allen J. Kampel, of New York.
Duane L. King, of Washington.
Sheldon I. Krebs, of New York.
Ernest H. Latham, Jr., of Massachusetts.
Lewis R. Luchs, of Virginia.
Miss Clara Sigrid Maitrejean, of California.
James N. May, of North Carolina.
James P. Nach, of New York.
Thomas R. Reynders, of Massachusetts.
James L. Robb, of Nevada.
William Frederick Rope, of New York.
Harlan R. Rosacker, of Nebraska.
Robert S. Simpson, of California.
Robert H. Stern, of New York.
W. Kenneth Thompson, of the District of Columbia.
James C. Todd, of California.
Edward A. Torre, of Maryland.
Edmund van Gilder, of Pennsylvania.
Miss Sandra L. Vogelgesang, of Ohio.
John H. Will, of Texas.

For promotion from Foreign Service officers of class 7 to class 6 and to be also consular officers of the United States of America:

Leo F. Cecchini, of Maryland.
George H. Haines III, of New York.

For promotion from Foreign Service officers of class 8 to class 7:

Richard L. Bagnell, of Washington.
Victor H. Borcherdt III, of Colorado.
J. Grant Burke, of Massachusetts.
Thomas H. Carter, of Florida.
Martin W. Cooper, of Virginia.
Miss Mary Teresita Currie, of New York.
David B. Dawson, or the District of Columbia.
James P. Dodd, of Kentucky.
James A. Edris, of Pennsylvania.
Robert P. Gallegher, of Rhode Island.
Daniel V. Grant, of North Carolina.
Peter R. Jones, of California.
Delmar Karlen, Jr., of New York.
Chris Kunz, of Missouri.
John G. H. Muehlke, Jr., of New Hampshire.
Miss Marilyn L. Muench, of Idaho.
Miss Marguerite M. Orr, of Virginia.
Raymond J. Pardon, of New York.
B. Donovan Picard, of Alabama.
George E. Richardson, of Massachusetts.
Miss Elizabeth Molin Roueché, of Maryland.
Miss Barbara L. Schell, of Pennsylvania.
Lange Schermerhorn, of New Jersey.
Kirby L. Smith, of Florida.
Miss Marsha D. Smith, of Maryland.
Luis G. Stelzner, of California.
David M. Walker, of California.
Christopher G. Ward, of New York.
Miss Melinda A. Wendell, of California.

For promotion from a Foreign Service Officer of class 8 to class 7 and to be also a consular officer of the United States of America:

Thomas P. Doubleday, Jr., of New York.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Miss Mary J. Anderson, of Iowa.
Robert W. Beales, of Virginia.
David Russell Beall, of Michigan.
John P. Bell, of Virginia.
Barry L. Bem, of Colorado.
Robert Brenton Betts, of California.
Charles G. Billo, of New York.
Miss Dorothy Jean Black, of California.
Miss Janina Bonczek, of California.
William G. Crisp, of Virginia.
Sherwood H. Demitz, of Michigan.
William Robert Falkner, of Virginia.
Leon S. Fuerth, of New York.
Robert Barry Fulton, of Pennsylvania.
Patrick D. Gallagher, of California.
Robert A. Gehring, of Connecticut.
Ronald D. Godard, of Texas.
Victor S. Gray, Jr., of New York.
Christopher M. Henze, of California.
Paul W. Hilburn, Jr., of Texas.
James H. Holmes, of New York.
Thomas R. Hutson, of Nebraska.
Seth Robert Isman, of New York.
Thomas F. Johnson, of New York.
Stan W. Jorgenson, of Illinois.
John J. Kadilis, of Maryland.
Philip S. Kaplan, of California.
William A. Kirby, Jr., of New Jersey.
Arthur L. Kobler, of New Jersey.
David K. Krecke, of Michigan.
George D. Langham, of Arizona.
Miss Judith E. Lee, of Louisiana.
Alexander T. Liebowitz, of New York.
Sherwin W. Liff, of Illinois.
Jeffrey H. Lite, of Illinois.
Richard A. Macken, of Illinois.
John F. Maisto, of Pennsylvania.
Jim D. Mark, of Georgia.
Larry L. Marshall, of California.
Donald J. McConnell, of Ohio.
Miss Marilyn Ann Meyers, of Minnesota.
Thomas Parker, Jr., of North Carolina.
Paul E. Paryski, of New York.
Lee M. Peters, of Pennsylvania.
Joseph Edward Quinn, of Massachusetts.
Douglas S. Rose, of Oregon.
Elliot Rothenberg, of Minnesota.
Leonard H. Rushfield, of New York.
Robert G. Schmidt, of Pennsylvania.
Terry B. Shroeder, of California.
Jeffrey E. Silver, of New York.
David H. Stebbing, of the District of Columbia.
Robert K. Thomas, of New Mexico.
Miss Maria P. Tschampel, of Arizona.
William J. Weinhold, of Wisconsin.
Peter D. Whitney, of Tennessee.
John G. Wilcox, of Michigan.
Lacy A. Wright, Jr., of Illinois.
Vincent J. Farley, of New York.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Miss Victoria P. Blickman, of New York.
Charles R. Bowers, of California.
Ralph M. Buck, of Florida.
Miss Elizabeth A. Cain, of Pennsylvania.
Miss Suzanne C. Campbell, of Pennsylvania.
Miss Frances D. Cook, of Florida.
Miss Jane E. Donley, of Ohio.
Miss Cynthia J. Fraser, of Texas.
John Christopher Grigassy, of Texas.
L. Michael Haller, of Illinois.
Miss Anita Jeanne Heger, of Pennsylvania.
E. Stewart Johnston, of California.
Richard Dale Kauzlarich, of Illinois.
George C. Kinzer, of California.
Miss Katherine Kline, of Ohio.
John R. Malott, of Illinois.
William H. Maurer, Jr., of Pennsylvania.
George E. Moose, of Colorado.
John J. Morgan, of Indiana.
Eric David Newsom, of California.
James C. Pollock, of Pennsylvania.
Miss Joanne A. Rinehart, of Pennsylvania.
Miss Judith Rodes, of Texas.
Andrew D. Schlessinger, of New York.
Miss Ernestine H. Sherman, of Oregon.
James A. Smith, of Ohio.
James E. Smith, of Ohio.
Robert E. Snyder, of Massachusetts.
Frank J. Spillman, of Hawaii.
Randolph A. Swart, of California.
Garry V. Wenske, of Idaho.

Foreign Service Reserve officers to be consular officers of the United States of America:

Clarence E. Cornes, Jr., of Pennsylvania.
Edgar R. Nickle, Sr., of Florida.
George T. Walsh, of Massachusetts.
William H. Weathersby, of California.
Ralph R. Westfall, of Virginia.

Foreign Service Reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

O. Rudolph Aggrey, of the District of Columbia.
James L. Atwater, of North Carolina.
Joseph C. Bernard, of Michigan.
Marion L. Bohanan, of Virginia.
Donald E. Boyd, of Missouri.
Bruce B. Cheever, of Maryland.
James L. Culpepper, of Washington.
Jerome Fox, of New York.
Raymond L. Garthoff, of the District of Columbia.
Donald Y. Gilmore, of Maryland.
Arthur S. Giuliano, of New Jersey.
Gerry F. Gossens, of Texas.
Thomas J. Hazlett, of Massachusetts.
Allan L. Hollis, of New Mexico.
Philippe G. Jacques, of Maryland.
John L. Kelly, Jr., of California.
John J. McCavitt, of Massachusetts.
Gary M. Miller, of Maryland.
Roderick G. Murchison, Jr., of North Carolina.
Morton M. Palmer III, of Virginia.
John F. Ritchotte, of Pennsylvania.

Foreign Service Reserve officer to be a secretary in the diplomatic service of the United States of America:

Manuel Martinez, of New Jersey.

Foreign Service staff officers to be consular officers of the United States of America:

Albert F. Barbieri, of Montana.
Ted H. Barlow, of Tennessee.
Robert J. Bel, of California.
Paul F. Bigelow, of Virginia.
Miss Gwen L. Cavanagh, of Maryland.
Joseph P. Cheevers, of Kansas.
John M. Cooper, of California.
Miss Diane Dillard, of Texas.
Miss Deborah Duda, of Ohio.
Jon G. Edensword, of the District of Columbia.
William F. Finnegan, Jr., of Massachusetts.
Miss Janice F. Friesen, of California.
Manuel R. Guerra, of Texas.
Jack H. Hansel, of Missouri.
Harold A. Herbert, of Michigan.
Miss Sharon L. Hill, of California.
Thomas R. Kresse, of Ohio.
Duane T. Linville, of Indiana.
Robert H. Lupton, of New York.
Miss Tommye Lynn Mallory, of the District of Columbia.
Miss Judith M. McHale, of Maryland.
James M. Murray, of Illinois.
Henry J. Paoli, of California.
Clarence E. Pierce, Jr., of North Carolina.
Miss Jerrilynn Pudschun, of California.
Thomas H. Raymond, of Washington.
Michael S. Royle, of Utah.
Carl N. Schmidt, of Oregon.
Miss Judith Ann Schmidt, of Illinois.
Donald R. Schoeb, of Maryland.
Norman A. Singer, of Wisconsin.
Miss Noreen Snyderman, of New Jersey.
Donald M. Welch, of Missouri.
Miss L. Louise Wolf, of the District of Columbia.
Miss Mabel F. Woodcock, of Massachusetts.
Miss Evelyn A. Wythe, of California.

IN THE AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the

provisions of chapter 839, title 10 of the United States Code:

To be major generals

Brig. Gen. Archie A. Hoffman, FR19222, Regular Air Force, Medical.
Brig. Gen. John M. McNabb, FR5037, Regular Air Force.
Brig. Gen. John I. Martin, Jr., FR7556, Regular Air Force.
Brig. Gen. Ralph G. Taylor, Jr., FR8660, Regular Air Force.
Brig. Gen. Lee V. Cossick, FR8679, Regular Air Force.
Brig. Gen. Lee M. Lightner, FR18923, Regular Air Force, Dental.
Brig. Gen. William W. Berg, FR9961, Regular Air Force.
Brig. Gen. Richard F. Shaefer, FR10096, Regular Air Force.
Brig. Gen. Daniel E. Riley, FR3768, Regular Air Force.
Brig. Gen. George E. Brown, FR4425, Regular Air Force.
Brig. Gen. Roland A. Campbell, FR4535, Regular Air Force.
Brig. Gen. Joseph J. Kruzel, FR4640, Regular Air Force.
Brig. Gen. Edward M. Nichols, Jr., FR7805, Regular Air Force.
Brig. Gen. Henry B. Kucheman, Jr., FR8353, Regular Air Force.
Brig. Gen. John E. Morrison, Jr., FR8459, Regular Air Force.
Brig. Gen. Edward B. Giller, FR8696, Regular Air Force.
Brig. Gen. John R. Murphy, FR8944, Regular Air Force.
Brig. Gen. Frederick E. Morris, Jr., FR9166, Regular Air Force.
Brig. Gen. Louis T. Seith, FR9756, Regular Air Force.
Brig. Gen. Sherman F. Martin, FR9963, Regular Air Force.
Brig. Gen. Edmund F. O'Connor, FR10200, Regular Air Force.
Brig. Gen. Burl W. McLaughlin, FR10624, Regular Air Force.
Brig. Gen. Jammie M. Philpott, FR13694, Regular Air Force.
Brig. Gen. Archie M. Burke, FR4642 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. Gilbert L. Curtis, FR7448 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. Pete C. Sianis, FR7945 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. Gerald W. Johnson, FR8671 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. Courtney L. Faught, FR8781 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. Lester F. Miller, FR9004 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. Edward A. McGough III, FR9819 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. James F. Hackler, Jr., FR9839 (colonel, Regular Air Force) U.S. Air Force.
Brig. Gen. Winton W. Marshall, FR9999 (colonel, Regular Air Force) U.S. Air Force.

To be brigadier generals

Col. James B. Nuttall, FR19239, Regular Air Force, Medical.
Col. Charles H. Snider, FR19009, Regular Air Force, Veterinary.
Col. Louis G. Griffin, FR4403, Regular Air Force.
Col. Richard G. Bulgin, FR4902, Regular Air Force.
Col. Robert L. Cardenas, FR5056, Regular Air Force.
Col. John French, FR5210, Regular Air Force.
Col. Maurice A. Cristadoro, FR7920, Regular Air Force.
Col. George P. Cole, FR8093, Regular Air Force.
Col. Alex W. Talmant, FR9082, Regular Air Force.
Col. Spencer S. Hunn, FR9442, Regular Air Force.
Col. Fred W. Vetter, Jr., FR9719, Regular Air Force.
Col. Rexford H. Dettre, Jr., FR9768, Regular Air Force.
Col. Edmund B. Edwards, FR9787, Regular Air Force.
Col. Chester J. Butcher, FR9846, Regular Air Force.
Col. Robert J. Holbury, FR9893, Regular Air Force.
Col. Arthur W. Holderness, Jr., FR10095, Regular Air Force.
Col. Robin Olds, FR10128, Regular Air Force.
Col. William G. King, Jr., FRT8356, Regular Air Force.
Col. George W. McLaughlin, FR8796, Regular Air Force.
Col. Henry J. Stehling, FR9197, Regular Air Force.
Col. Cleo M. Bishop, FR9777, Regular Air Force.
Col. Roger K. Rhodarmer, FR9921, Regular Air Force.
Col. Edwin L. Little, FR9977, Regular Air Force.
Col. Jonas L. Blank, FR10119, Regular Air Force.
Col. Clare T. Ireland, Jr., FR10123, Regular Air Force.
Col. Harvey W. Eddy, FR10912, Regular Air Force.
Col. Eugene A. Stalzer, FR11347, Regular Air Force.
Col. Edwin S. Wittbrodt, FR33201, Regular Air Force.
Col. Richard N. Cordell, FR33228, Regular Air Force.
Col. David L. Carter, FR12035, Regular Air Force.
Col. James G. Silliman, FR22644, Regular Air Force.
Col. John W. Baska, FR33311, Regular Air Force.
Col. Harry C. Bayne, FR12289, Regular Air Force.
Col. Thomas B. Kennedy, FR12723, Regular Air Force.
Col. Robert V. Spencer, FR13230, Regular Air Force.
Col. Richard M. Hoban, FR23658, Regular Air Force.
Col. Theodore S. Coberly, FR33954, Regular Air Force.
Col. John O. Moench, FR14318, Regular Air Force.
Col. Sanford K. Moats, FR14948, Regular Air Force.
Col. James A. Bailey, FR49199, Regular Air Force.
Col. Maurice R. Reilly, FR15624, Regular Air Force.
Col. George H. McKee, FR15663, Regular Air Force.
Col. Robert E. Hails, FR15775, Regular Air Force.
Col. Alan C. Edmunds, FR15875, Regular Air Force.
Col. Donald E. Stout, FR16198, Regular Air Force.
Col. Harold R. Johnson, FR16208, Regular Air Force.
Col. Alfred L. Esposito, FR16278, Regular Air Force.
Col. John C. Giraudo, FR16296, Regular Air Force.
Col. Donald H. Ross, FR16313, Regular Air Force.
Col. James A. Hill FR24324 Regular Air Force.
Col. Jimmy J. Jumper FR35078, Regular Air Force.
Col. Robert W. Maloy, FR16580 (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Alton D. Slay, FR17201 (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Jonah Lebell, FR19786 (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Abraham J. Dreiseszun, FR36902 (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Warner E. Newby, FR37082 (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Ralph T. Holland, FR37362 (major, Regular Air Force) U.S. Air Force.
Col. Lee M. Paschall, FR38002 (major, Regular Air Force) U.S. Air Force.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be major generals

Brig. Gen. Maurice Candide Fournier, 01167424.
Brig. Gen. William Percival Levine, 01055895.

To be brigadier generals

Col. Merrill Brown Evans, O545711, Infantry.
Col. Arthur Elberg Hutchinson, O1174003, Artillery.
Col. David Bernard Kelly, O1013091, Armor.
Col. Ivan Adam Reitz, O739856, Civil Affairs.
Col. Roger Emerson Whitcomb, O350552, Infantry.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3385:

To be major generals

Brig. Gen. James Taylor Hardin, O388679.
Brig. Gen. James DeWitt Scott, O381931.

To be brigadier generals

Col. Albert White Adams, O338796, Artillery.
Col. Thomas Donald Blackwell, O405117, Infantry.
Col. Oral Lee Davis, O1165277, Quartermaster Corps.
Col. Thomas Onas, Lawson, O393290, Armor.
Col. Paul Victor Meyer, O425206, Infantry.
Col. Bernard Andrew Nurre, O1318073, Infantry.
Col. Leonard Cecil Ward, O374608, Corps of Engineers.
Col. Leonard Fish Wing, Jr., O1326177, Armor.
Col. Edward Francis Wozenski, O351415, Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Joseph Gale May, O961583, Adjutant General's Corps.

IN THE MARINE CORPS

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Herman Nickerson, Jr., USMC, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of lieutenant general while so serving.

U.S. ARMY

The following-named person for appointment in the Regular Army by Transfer in the grade specified, under the provisions of 10 U.S.C. 3283, 3284, 3285, 3286, 3287, 3288, and 3290.

To be second lieutenant

Hass, Charles J., OF106317.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of 10 U.S.C. 3283 through 3294, and 3311:

To be captains

Baker, Richard D., O4032284.
Bland, Bigelow B., Jr., O4010831.
Blume, Robert M., O2274926.
Coor, Vinton K., O4074672.
Harrington, Wayne C., O5301614.

Lagas, Joseph V., O5405439.
Oram, Charles J., O4031097.
Ruskin, Margaret M., N2304660.

To be first lieutenants

Bailey, William H., Jr., O5224344.
Bartlett, James A., O5322355.
Blalock, William R., Jr., O2318376.
Brady, Thomas F., O2308627.
Curtiss, Norman L., O5418948.
Feldman, Arnold, O2313750.
Foster, Joe B., O5317787.
Ginsberg, Alvin L., O5418797.
Goff, Robert C., O5007204.
Harting, Bruce W., O5325268.
Hennies, Clyde A., O5318353.
Hunter, John G., O5406666.
Lane, Jack F., Jr., O2328157.
Lewis, James M., O5324960.
Lockner, John E., O2316503.
Lutz, Edwin C., O5533306.
Moore, William F., III, O5311644.
Mora, Edward A., O5414812.
Mullins, Cager W., Jr., O5412807.
Nix, Larry K., O2310437.
Piper, Paul K., O5412864.
Porreca, David P., O5018778.
Ross, Raymond R., II, O5317439.
Scarboro, James H., O5406365.
Turchiano, Nicholas J., O5018075.

To be second lieutenants

Boyd, Morris J., O5420124.
Chernesky, George M., Jr., O5228718.
Christiano, Michael F., O5240154.
Corcoran, James W., O5713394.
Fields, Jerry L., O2326733.
Fox, Richard W., O5420596.
Gibson, Claud L., O5975425.
Hall, Gene P., O5244599.
Kraynak, Joseph J., O5018064.
Martinelli, David F., O5536702.
Ness, Robert L., Jr., O5021172.
Nuccitelli, Robert J., O5023257.
Predmore, Keith E., O5328391.
Siler, Kenneth K., O5536451.
Summerford, Ted W., O5328188.
Tubre, Stephen R., O5243993.
Turner, Gary D., O2319059.
Umstot, Samuel G., Jr., O2327090.
Williams, Michael D., O2325249.
Yager, Charles S., Jr., O5533826.

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of 10 U.S.C. 2107, 3283, 3284, 3286, 3287, 3288, 3290:

Abney, Lincoln M.
Adamczyk, Richard D.
Albertazzi, Robert J.
Alexander, William W., Jr.
Allen, Darrel G.
Anderson, Frederick H.
Annon, Michael C.
Antonitis, John E.
Aquino, Michael A.
Avery, David L., Jr.
Baldwin, Alan R.
Barbeau, Raymond A.
Barrett, Danny P.
Barter, Donald B.
Baskin, Jerry S.
Baylor, Peter N.
Bazan, James D.
Beaudette, Edward H.
Beaulieu, Rowland R., Jr.
Becker, Richard H.
Becker, Robert J.
Bender, John F.
Bennett, Robert H.
Berdan, Robert J.
Bergh, Roger S.
Berry, Phillip C.
Billiter, Patrick E.
Bischoff, John M.
Biskey, Alan D.
Black, Frederick H.
Bodie, George A.
Bond, Richard J.
Boone, Larry G.
Boyer, Jeffrey B.
Bradley, Grover C., Jr.
Bray, Kenneth A.
Brewer, Robert S., Jr.
Brink, Gary S.
Brown, Felix M.
Brown, Robert F.
Brown, Thomas L.
Buch, Stephen H.
Buchan, William D.
Bucholz, Douglas D.
Burdick, Douglas B.
Burlingame, Russell H.
Byrd, Bronson F.
Cameron, Thomas B.
Carter, J. Floyd, III
Carter, Oscar E., III
Cecil, Robert R.
Chamberlain, Edward M., III
Chapla, John D.
Chicoine, Gary S.
Chun, Carl W.
Ciccolella, Charles S.
Clark, David R.
Clark, James F.
Clevenger, Brian L.
Clyde, Harry M.
Cohen, Michael A.
Coleman, Ronald L.
Constantine, Edward L., Jr.
Cook, Craig A.
Cooper, Walter R.
Cox, Joseph T.
Corrigan, Michael L.
Cradduck, Marcus L.
Cramer, William B.
Crane, Joe D.
Criser, Richard L.
Cross, Billy H.
Cruikshank, Kenneth
Dale, Glyndon A.
D'Andrea, Richard E.
Daniels, Richard S.
Dauphinee, Donald D.
De Guire, Michael A., II
Dickson, James M.
Dickson, Joseph D.
D'Orazio, Gene S.
Dirusso, Anthony F.
Dollar, Douglas O.
Dorfman, William I.
Doyle, John E.
Drake, Robert E., Jr.
Duff, William P.
Dukes, Dan K., III
Dunbar, Layton G.
Dunklin, Gerald W.
Edwards, George H.
Egidio, Carmine A.
Ellicott, Michael A.
Esterrich, Tomas
Estler, Gary L.
Euart, John F., Jr.
Evans, Nathaniel R., II
Faircloth, Clifford W., Jr.
Farrenkopf, Robert A.
Fernandi, Joachim S.
Flaugh, Keith O.
Flickinger, Dennis
Flynn, James F., Jr.
Foster, John P.
Fouty, Lawrence D.
Frame, Charles L.
Gaffney, John J.
Galehouse, Lawrence D.
Garbutt, Dale B.
Gargano, Ronald A.
Garten, Jeffrey E.
Gilbert, John R.
Gilbert, Michael D.
Gilbert, Richard E.
Gile, Greg L.
Gilmore, David H.
Goldsby, Boyd D.
Gong, Richard D.
Gordon, James C.
Goss, Roger W.
Gracon, Gary R.
Grealish, Denis L.
Green, Paul H.
Gresh, Gary L.
Grice, John P.
Griffin, Steven R.
Grigg, Paul B.
Grimsley, James A.
Griscom, Frank N., III
Grisdale, Ernest E., II
Guptill, Stephen A.
Hanretta, Kevin T.
Hanson, Ernest R.
Harding, Richard M.
Harker, William L.
Harnagel, Harold W.
Harpin, Paul H.
Hartrum, Thomas C.
Hawthorne, Richard C., Jr.
Hazel, Crosby E.
Hendrickson, Timothy P., Jr.
Henne, Charles A., II
Hibbard, Robert S.
Hill, Frank C.
Hill, William T., Jr.
Hilsher, Francis E.
Hinkelman, Darrel D.
Hiter, Thomas Y.
Hobbs, Stephen D.
Holder, Claude E., Jr.
Hollist, J. Penton
Hopke, John R., Jr.
Horner, Charles T., III
Hoshibata, Calvin Y.
Howard, Hugh E., II
Hruska, James M.
Hubbard, Robert W.
Huff, Robert L.
Hyland, Robert J., Jr.
Ingram, Walter C.
Irish, Richard W.
Jacobs, Randall, III
Jacobs, Riley A.
Jacobs, Rolly W.
Jasiak, Michael C.
Jeffrey, Jewell W.
Jhin, Philip.
Johnson, James E.
Johnston, Richard J.
Jones, Gary C.
Jones, Richard S.
Jones, Rudolph M., Jr.
Kasabula, Joseph J.
Keas, William O., III
Keenan, David A.
Kelly, John E.
Kelly, Lester A.
Kemp, Robert F.
Kent, Grover M.
Kershaw, Dean A.
Kevorkian, Harold H.
Kirstein, Kenneth W.
Knox, Richard L.
Kohn, Lauren D.
Koren, Philip F.
Kotula, Mitchel L.
Kresge, Robert R.
Lamneck, Philip W.
Leggio, Frank J., Jr.
Levaas, Larry N.
Lewis, Thomas.
Lewis, William P.
Lichty, Donald T.
Lindsey, Richard H.
Long, Dennis H.
Lucas, James E.
Lucas, Michael D.
Lunghofer, Terence J.
Lupus, Lawrence G.
Lutz, John P.
Lyko, Richard A.
Lynch, Peter M.
Mackey, Bobby C.
Maloney, William M.
Mann, David A.
Margary, Agustin.
Marohn, Edward J.
Matus, Kenneth J.
May, James J., III
Mazzeno, Laurence W., III
Mazzie, Richard R.
McAtee, William E.
McCance, William D.
McCormick, Rodney I.
McDonnell, Carbra J.
McGaw, Douglas B.
McGrann, Thomas J., Jr.
McMillin, Charles D.
McMullen, William H.
McNiel, David E.
Mealus, Peter M.
Meeks, William M., III
Meisel, Dale A.
Menzel, Roger A.
Meriwether, Thomas N
Millan, William W.
Millar, William K., Jr.
Miller, Gregory S.
Miller, Steven C.
Mims, Samuel E.
Mitchell, Michael T.
Mitchell, Robert R., Jr.
Mitchell, Stanley M.
Mitchell, William G.
Molino, Thomas M.
Monacelli, Paul R.
Montgomery, Dennis L.
Moore, Edward G.
Moore, Lewis W.
Morgan, John W.
Morton, John M.
Mosteller, James H.
Munro, Mark F.
Murphy, Lamar H.
Myers, Randall R.
Myers, Thomas C.
Naldi, Lawrence J.
Nesmith, William C.
Nestor, Douglas D.
Nishimoto, James K.
Norman, John L.
Norris, William F.
Noyes, Albert L., Jr.
O'Connor, David G.
O'Donnell, Brian J.
O'Harra, Michael B.
Omer, Roger W.
Osborne, Alfred E.
Osborne, Zebulon L.
Osgood, Arthur H., Jr.
Ourso, Nicholas C., Jr.
Pangburn, Kenneth D.
Parker, Gary A.
Patterson, James A.
Patterson, John H.
Peterson, Calvin L.
Petrucci, Michael J.
Phillips, David K.
Phillips, Robert L.
Pierce, Kenneth R.
Pierce, Steven O
Polk, Artie L.
Popwell, William L.
Powanda, John R.
Powers, Arthur G.
Puzey, Paul B.
Quitiquit, Sylvester V.
Ragans, Charles C., Jr.
Raho, Steven A., Jr.
Rainwater, Ross A.
Rapski, Neil J.
Ray, Fredrick L.
Ray, Martin H.
Read, Richard D.
Rector, John M., Jr.
Reese, Ronald L.
Reigle, Daniel H.
Reilly, John M.
Rice, James H.
Ricks, Ned B.
Rigby, Randall L., Jr.
Robbins, Frank H., Jr.
Robinette, Stephen H.
Robinson, Michael I.
Rollins, Henry M.
Romito, Joseph A.
Rose, Robert R.
Roth, Lester C.
Rothwell, Daniel M.
Rudd, Jimmie G.
Rundle, Michael T.
Ruppert, Raymond C.
Russell, Victor J.
Rust, Charles S.
Ryan, Lawrence M.
Ryan, Sylvester A., Jr.
Ryan, William W., Jr.
St. Laurent, Paul J.
Sammon, William L.
Sams, Michael D.
Sarnowski, Donald A.
Scheftel, Paul A.
Scherer, William F.
Schlanser, Lawrence E., Jr.
Schowalter, Dennis F.
Schultz, Douglas P.
Scott, John L.
Scotto, David W.
Seals, James L.
Seidel, Alfred W., II
Senerote, Leonard A., Jr.
Sheridan, Philip A.
Shields, Michael R.
Shipp, Michael D.
Shrigley, Ralph E.
Shugart, Wayne R.
Siemon, Kurt K., Jr.
Sinclair, Robert G.
Slocum, Robert W.
Smith, Chester R., Jr.
Smith, Donald H., Jr.
Smith, John S.
Smithee, Ronald G.
Sorenson, John D.
Sorenson, Timothy W.
Sowell, James M.
Spining, William P.
Spraggins, Gerald E.
Stalzer, Thomas E.
Stanfield, Thomas D.
States, Alan E.
Steck, Earl N.
Steindam, Russell A.
Stevely, David R.
Stevens, Charles G.
Stewart, David E.
Stull, Lynn B.
Sullivan, Michael V.
Sullivan, Neil L.
Surface, Richard L.
Susmarski, Kenneth J.
Suyama, Robert M.
Tait, Robert R.
Tanksley, Elmer L., Jr.
Thiessen, Gerald R.
Thomas, Harry O.
Thurnbeck, Robert J.
Tilley, Gary
Tipping, Eldon G., Jr.
Toland, Ray B.
Tomes, Jonathan P.
Tomlinson, William G.
Tracey, Lawrence D.
Trudo, Robert F.
Tulloch, Walter S., II
Utley, William E.
Valentine, James I., Jr.
Valle, Roberto, Jr.
Varga, S. Gary
Vaughn, Jack A.
Venator, Rex M.
Viehweg, Peter A.
Vigent, James G.
Von Loewenfeldt, Carl G.
Wagner, Edward J., Jr.
Wagner, Harold W.
Walko, Dennis P.
Wardega, Francis J.
Watts, Dennis R.
Welch, James M.
Weller, A. John
Wemlinger, John V.
Westlake, Leighton D., Jr.
White, David R.
White, Eugene J., Jr.
Wiess, James E., Jr.
Wilkinson, James A.
Wilson, Robert C., Jr.
Wintrich, Frederick M., Jr.
Wolf, Jerome R.
Wollenberg, Richard F., Jr.
Woodhouse, Robert F., Jr.
Woodyard, Leon W.
Wright, Sumner C.
Yeatman, Gentry W.
Young, David A.
Zehrer, David G.
Ziomek, Robert L.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions 10 U.S.C. 2106 through 3288, and 3290:

ROTC cadets

Acoach, Arvel L., Jr.
Adams, Samuel B.
Ahlgren, Keith H.
Alba, Emilio S.
Alberici, John S.
Alexanderson, Ernst F. W.
Allen, Richard G.
Allen, Robert C.
Allred, Larry W.
Ammons, James D.
Anderson, Charles E., Jr.
Anderson, David J.
Anderson, Edward M.
Anderson, James H.
Anderson, Robert D.
Andzik, Albert L., Jr.
Angel, James W.
Antoon, John, II
Argentieri, Joseph P., Jr.
Armour, Wayne T.
Arnold, James J.
Artale, Vincent C., Jr.
Atkison, George V., III
Atkinson, James D., III
Bamford, David K.
Bancroft, Ronald K.
Barker, John R.
Barrett, Michael B.
Barry, Charles L.
Battaglia, Paul
Baumer, Richard E.
Bell, Nathan J., IV
Bernhardt, Paul G.
Bidwell, Alex L.
Billions, Gary L.
Bishop, Lawrence W.
Blackwood, William O.
Blair, James P.
Blouch, Gerald B.
Bodenhorn, Philip G.
Bogese, Michael J., Jr.
Bolen, George L., Jr.
Booth, Richard H.
Borey, Donald E.
Borowski, Paul D.
Boston, Thomas D.
Botwright, John S.
Bourdette, John R.
Bourne, Garrett, D.
Brasfield, Thomas A.
Brewer, William J., Jr.
Brockwell, Reginald H.
Brownfield, Albert R., III
Bruns, Kenneth E.
Bryan, Robert J.
Buchicchio, Robert J.
Budde, James H.
Bueno, Antonio
Bunn, Giles F., III
Burke, William T.
Burkett, Frederick J.
Busby, Lonnie L.
Butler, Young F.
Canda, Francis E.
Carr, Richard S.
Carrigan, Horace M.
Carter, Terry J.
Casassa, Edward B., Jr.
Chamberlin, Paul F.
Chambers, Edwin H., Jr.
Charland, John J.
Charpiot, Frederic H.
Chase, Edward N.
Chisam, Phillip M.
Choban, Gregory G.
Choi, Chris S. W.
Christopher, Paul E.
Chubb, James M.
Cline, James D.
Clowery, Stephen M.
Comisky, Benedict J., III
Conrad, Donald A.
Coombs, David J.
Cooper, Louis
Cooper, Robert S.
Copeland, Reuben
Corey, Jon M.
Cornelius, Donald R.
Cosumano, Joseph, Jr.
Cottrell, Jon R.
Coverstone, James M., III
Covington, Johnnie, Jr
Cox, James M.
Cox, John R.
Cox, Walter B., Jr.
Coyle, John B., Jr.
Craig, Wesley E., Jr.
Crenshaw, Robert S., Jr.
Crites, Harold F.
Cross, James B.
Crow, David M.
Crowther, Bruce H.
Culpepper, David A.
Cunningham, James E., Jr.
Daniels, John A.
Dattoli, Joseph P.
Daugherty, Darrell W.
Davenport, Charles D.
Davidson, Millard M.
Davis, John J.
Davis, Roger L., Jr.
Dawson, Scott D.
Decker, Thomas A.
Deet, Thomas J.
De Francisco, Gerald M.
De Long, Frank W., III
Denler, Douglas P.
Denny, Edward F.
Devos, Robert S.
Dillon, Gerald F.
Dolak, James J.
Dorn, Russell W.
Doston, Glenn A.
Dowd, James P.
Downey, Terry L.
Dragavon, John A.
Drewry, Guy H., III
Du Moulin, Todd T.
Dye, Craig W.
Dykes, Roy K., Jr.
Eargle, Francis L., Jr.
Early, Michael J.
Eastman, Thomas G.
Eber, Arthur G.
Eckhardt, George S., Jr.
Eckmann, William R.
Ellenberger, Barry R.
Ellermann, Donald R.
Ellis, James C.
Elston, Kenneth D.
Erickson, Raymond G.
Ericson, Dean A.
Estabrook, Robert H.
Evans, Robert J., Jr.
Evans, William L.
Fairman, Roy M., Jr.
Falcone, William D.
Farmer, Edgar T., Jr.
Farmer, James R.
Faulkenberry, Victor D.
Faulkner, Ronald W.
Fellows, David C.
Fennell, Anthony G.
Ference, Thomas J.
Ferguson, Maurice B.
Ferguson, William G.
Fithian, Michael J.
Flavin, William J.
Flowers, Chipman L.
Ford, Don C.
Ford, Grover M.
Forrest, Christopher P
Forsythe, George M.
Foster, Russell J.
Fowler, Leonard T.
Fowler, Winfield S.
Francis, James T.
Frey, Roger B.
Fronckowiak, Michael J.
Fullenkamp, Leonard J.
Fuller, Clark W.
Fuller, Harold W.
Fuller, Wayne R., Jr.
Funderburk, Charles C., Jr.
Gallageer, Peter J.
Garges, Frederick C.
Garlock, Warren D.
Garrett, Douglas W.
Gates, Roland C.
Gesele, Eugene C., III
Gibbens, Charles A., Jr.
Gilbert, Bartow B., Jr.
Gilhooly, William P., Jr.
Gillaspy, Thomas D.
Gillham, John P.
Ginn, William T., Jr.
Godfrey, James D.
Gonzalez, Cipriano A.
Goodin, Albert C., Jr.
Gore, Jimmie R.
Gormly, James L.
Goyetche, Steven L.
Graf, Norman D.
Grant, George R.
Green, Thomas R.
Greer, Dan B., Jr.
Griffin, Derek L.
Grigsby, James R.
Grist, Wing A.
Gross, Donald E., II
Gruhn, Arthur W.
Guppy, Christopher M.
Haag, David E.
Hagerman, David S.
Halcomb, Cecil M.
Halcomb, Darrell
Hall, Robert W.
Halle, Peter E.
Halley, Wilson F.
Hamje, Neil C.
Hancock, Larry T.
Harper, Thomas L.
Harris, Richard
Hartwig, William F.
Hawkins, Eric W.
Hebert, Paul V.
Hedleston, Carl A.
Henglein, William G.
Henry, James E., Jr.
Herman, Martin W.
Hickenlooper, Andrew
Higgins, Michael J.
Hightower, Steven C.
Hildebrand, William E., III
Hill, Reginald A.
Hiroshige, James Y., Jr
Hitchcock, Robert L.
Hoag, John R.
Hobin, Gary R.
Hoeft, Julius A., Jr.
Hoffman, Roy R.
Hoffman, William G.
Hogan, Terry M.
Hoisington, Donald W.
Holder, Larry G.
Hollo, Ernest
Holloway, Perry B., Jr.
Holman, Donald W.
Hopkins, John G.
Hopping, Kenneth H.
Hopson, Lloyd D.
Horky, David L.
Horn, Stephen A.
Howe, Gaylon L., Jr.
Hudgens, James M., Jr.
Huffman, Kirby W., III
Hughes, Patrick M.
Hughs, Lawrence M.
Huhtanen, Dale E.
Huling, William W., Jr.
Hull, Jonathan C.
Hunt, Thomas R.
Hutchinson, Charles W.
Hutchison, Robert L.
Imai, Eugene S.
Inderbitzen, Robert E.
Irby, Charles C., Jr.
Isaacs, James L.
Jackson, Ronnie D.
Jarrett, Donald R.
Jensen, Carl E.
Jensen, Carl L.
Jerome, David L.
Johnson, Allan M.
Johnson, Richard P.
Johnson, Robert J.
Jonas, Clyde L.
Jones, Anthony L.
Jones, Daniel R.
Jones, Lewis S.
Jones, Overton J.
Jones, William C.
Jones, William W.
Jordan, Edwin F.
Judge, John F., Jr.
Jurchenko, Andrew J.
Kaminski, Walter J.
Kamper, Timothy J.
Karas, Donald S.
Keck, Richard F.
Keeney, Norbert S., II
Keller, Joseph F.
Kelley, Ivan F., III
Kemper, John E.
Kessler, Craig M.
King, Alan F.
Knafl, Terrence D.
Kolbay, Michael L.
Koll, Robert A.
Korenek, Stephen D.
Kot, Wendell D.
Krebs, William D., IV
Kreis, Kenneth H.
Kunzweiler, Paul
Kurano, Theodore T., Jr.
Lafevor, James R.
Lambert, David A.
Lambert, James H.
Lamster, Richard D.
Landmesser, John F.
Lane, James R., Jr.
Lang, Edward H., III
Langer, William H.
Langowski, John F., Jr.
Lanier, Phillip L.
Lanning, Michael L.
Lapin, Kenneth W.
La Porte, Leon J.
Larson, Lawrence P.
Lawrence, Donald T.
Lazzeroni, Barry D.
Lea, Tracy S.
Leake, Paul F.
Leimbach, William F.
Lemoyne, John M.
Leo, Theodore J.
Lepore, Michael W.
Liebgott, Edward J., Jr.
Loftis, Larry G.
Long, James R.
Lowe, Gregory A.
Luckeroth, Joseph P.
Ludgate, Theodore A.
Lukacs, Michael, Jr.
Lyon, David A.
Lyons, Alton O.
MacDonald, Harry J.
Maguire, Patrick J.
Maloney, Peter R.
Mantle, Gregory E.
Marbach, Jerome C.
Marbutt, Hoyt D.
Marhevsky, Andrew M.
Marlar, Gary J.
Marsh, Jeffrey B.
Martin, Daniel T.
Martin, David L.
Martinez, Lorenzo J.
Maseda, Gerald L.
Mason, William R.
Matsuno, Richard T.
Mattingly, Paul K.
Mattison, Kenneth M.
Maurice, Steven C.
Mauser, Richard A.
Mayberry, David T.
McBride, Grady E., III
McCall, James A., Jr.
McCarthy, Paul E.
McClatchey, Michael D.
McConville, David
McDowell, William E., Jr.
McFall, Ben P., Jr.
McGraw, Dennis F.
McKenna, Milton F.
McLeod, Hugh S., III
McMahon, Thomas J.
McManus, Albert T.
McMullan, Ernest E.
McNeal, Jeffie, Jr.
McPherson, Larry P.
Medley, Neil A., Jr.
Meiwerth, Barry R.
Meriwether, Hunter M.
Merrill, George B.
Merritt, Wayne M.
Meshover, Stephen
Migliori, Albert
Miller, Paul D.
Millman, Michael L.
Mills, James M., Jr.
Miscally, Arthur E., Jr.
Mischenko ,Walter
Mitchell, James B.
Mitchell, James E.
Mitchell, Walter L., Jr.
Mitura, Stephen T., Jr.
Monte, Lawrence J.
Moore, Thomas C., II
Moran, James R.
Morehead, Arthur E., III
Morgan, William R.
Morin, Powell J.
Morris, William A., II
Morrison, James G.
Muehlser, Edwin S.
Mullins, Ralph
Murphy, Porter C., Jr.
Murray, Robert E., III
Music, Walter C.
Myers, Marley D.
Nakahara, Frederick A.
Nance, Frank W.
Nelson, Franklin K.
Nery, Gerald B., Jr.
Nettrour, Bryton F., Jr.
Nickell, William C.
Novotny, Edward J., Jr.
Nowik, William J.
Nygaard, Nathan A.
O'Connell, Thomas W.
O'Connor, Peter R.
Oelschlaeger, Edward R.
Okumura, Gordon A.
Olmstead, Cecil J., III
Olson, Robert E.
Orr, Larry L.
Ota, David H.
Owen, William D.
Papadeas, Elias G.
Pardee, James E.
Parker, Michael D.
Peirce, Chadwin H.
Pelone, Peter F.
Perryman, Perry R.
Philipps, John M.
Pickering, Michael H.
Pieper, Ronald A.
Piergallini, Alfred A.
Pinchuk, Nicholas T.
Pinkett, Larry C.
Pinson, Jerry W.
Piper, Robert E., Jr.
Plum, Larry R.
Plymesser, Kenneth
Poggi, John J., Jr.
Pollitt, James L.
Pope, Theodore
Porter, Judson C.
Potter, Marcus B., Jr.
Price, Robert E., III
Proctor, Hawthorne L.
Przbyla, Ernest F.
Putnam, James B.
Quisenberry, George W.
Rachel, James N.
Rankin, Richard K.
Rautio, Wayne M.
Ray, Ronald C.
Raymond, Dennis L.
Reahl, Eugene R.
Reece, Landis D.
Reid, Anthony T., Jr.
Reid, John H.
Rhodes, Eugene G.
Richardson, Archer L., III
Richardson, Earle C.
Ricketts, Thomas A.
Riddle, Terry L.
Rinehart, Charles R.
Rios, Hector M.
Robbins, Fred L.
Robertson, Darrell G., II
Rolewick, David F.
Root, Morris J.
Rose, John P.
Rosenberger, Carl M.
Ross, Paul H.
Roth, Dale H.
Rowe, Frederick M.
Roy, Joseph H., Jr.
Ruppert, Dennis J.
Sander, Robert D.
Sarisky, Michael G.
Sasser, Carl M.
Sawyer, Robert A.
Schaefer, James A.
Schnelle, James F., Jr.
Schoper, Gregory C.
Schultze, Richard W.
Scott, Richard A.
Scott, Robert V.
Seay, Stephen M.
Serio, Dennis F.
Shannon, William P., III
Shaw, Robert W.
Shearer, James F., Jr.
Sheehan, Michael J.
Sheffield, Allen W.
Shepard, Carey M.
Shepherd, John D.
Sherwood, Edward L., Jr.
Shugg, Wilbur C.
Shumate, David M.
Shupp, Howard M.
Siegel, John R.
Skidmore, Keith L.
Skillicorn, Thomas D.
Skipper, David J.
Slader, Bruce L.
Smith, Alvin B.
Smith, Andrew D., III
Smith, Henry G., Jr.
Smith, Joe O.
Smith, John H.
Smoak, William R.
Sneed, Joel W.
Snoddy, William H.
Sorrell, Shawn T.
Sowders, Steven A.
Spiers, James V.
Stamm, Richard P.
Steel, Talbot A., Jr.
Steinhauer, Stephen C.
Sterling, Elliot, Jr.
Stewart, Jerry M.
Stewart, Richard O., Jr.
Stinnett, George H.
Stirling, James H.
Stovall, Willard M.
Stranburg, Lee A.

Street, Marquis D.
Strother, Lane H.
Sunderland, Gerard P.
Szymendera, Francis L.
Taffs, Thomas P.
Tangney, William P.
Tarantelli, Frederick
Tarter, Donald W.
Taylor, Donald W.
Taylor, Donald R.
Taylor, James L.
Tharp, Jerry L.
Thayer, Michael J.
Thomas, Charles F. IV
Thomasson, Duncan A.
Thompson, Edward H., III
Thompson, Gayden E.
Tillman, Larry E.
Timmons, John B.
Tinervin, Richard R.
Tobey, Curt R.
Tobin, John W.
Tomko, Jerome
Trapp, Gary L.
Trautman, John W.
Treadwell, Bobby D.
Trevino, Manuel G.
Tsakopulos, William H.
Tufts, Frederick L.
Tupa, James E.
Tyler, John, Jr.
Upton, Paul D.
Upton, Robert L.
Vann, Robert M., Jr.
Vick, William R.
Vince, Steven W.
Wakeman, Robert I., III
Wall, William T.
Wallach, Richard S.
Walsh, Michael C.
Ward, Michael C.
Ward, Talmadge O.
Warren, Viron G.
Weihs, Edward J., Jr.
Wells, Elgia
Wheeler, Paul D.
Whidby, Paul M.
White, Gregory K.
White, Stephen
Whitley, Milton A., Jr.
Whitmore, Harry L.
Wieland, William K.
Wignall, Robert A.
Williams, Gregory
Williams, James O., Jr.
Williams, Robert H.
Wilson, Errol D.
Wilson, Stephen E.
Wilson, Thomas G.
Wilt, David W.
Windebank, Donald
Winford, Benny F.
Wojsko, William S.
Wolfe, John E.
Wood, Charles L., III
Woteki, Thomas H.
Wright, Fred J.
Wright, Fredrick W.
Wright, Less P.
Wright, Thomas R.
Yacka, John D.
Young, Nathaniel L., Jr.
Yount, Everett R., Jr.
Zakrzewski, Stephen C.
Zelski, Robert F.
Zepko, William F.
Zepp, Frederick K.
Zimmerman, Loren D.
Zinser, Roy F., Jr.
Zureich, Herbert H., Jr.

The following-named cadets, graduating class of 1968, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of 10 U.S.C. 3284 and 4353:

Ackerman, Arthur W., Jr.
Adam, George F., Jr.
Adams, Daniel E.
Adams, James R.
Adams, Maurice D.
Adams, Robert A.
Adams, Ronald K.
Ader, Steven W.
Adkins, Charles P.
Aker, Alan B.
Alexander, David L.
Alexander, Robert M.
Allen, Andrew B., Jr.
Allen, Rand L.
Allgood, John C.
Altemose, James L.
Alward, Henry W., II
Ambrose, Anthony
Anderson, Andrew R.
Anderson, James F.
Anderson, John L.
Anderson, Jon C.
Anderson, Monte R.
Andrews, Donald L., Jr.
Armstrong, John H.
Audrain, Erin F., Jr.
Austin, Gene P.
Babitz, Gregory M.
Bachman, William A.
Baerman, Vincent P.
Baird, James T.
Baker, Larry C.
Baker, Robert M.
Baker, Russell J., II
Balliett, Timothy D.
Balog, Robert J.
Banks, Floyd T., Jr.
Barnes, Thomas A., Jr.
Barnett, Mark L.
Barton, Wallace W., Jr.
Bayer, John P., Jr.
Beahm, Robert H.
Becker, Dean B., III
Beckley, Stewart D., Jr.
Beckwith, Charles E., Jr.
Beierschmitt, Thomas A.
Belasco, Marvin S.
Benefield, Michael E.
Bennett, Harry S.
Benson, John O.
Besanceney, Charles F.
Bevans, Jum M., III
Billingsley, Michael L.
Black, James A.
Blevins, John M.
Bodenhamer, James D.
Bonasso, Russell P., Jr.
Bowers, Richard E.
Bowland, Warren F.
Bowling, Martin L., Jr.
Bowman, Stephen L.
Brace, Robert A., II
Brennan, Michael J.
Bressler, Michael A.
Broderick, Charles R., Jr.
Brooke, Richard A.
Brooks, Bruce S.
Brooks, Charles R.
Brown, Bruce H.
Brown, Robert M., II
Brown, Timothy W.
Brown, William M.
Broyhill, Ted K.
Bruce, Michael E.
Buckley, Jerry L.
Buckley, John A., III
Bunnell, Danny R.
Burdette, Frederick E., II
Burke, Geoffrey K. W.
Burns, Robert A.
Burrell, Clarence A., II
Burrell, Dennis M.
Burwell, Stanley A.
Bussa, John J.
Calabro, John A., Jr.
Caldwell, Steven J.
Camp, Gregory C.
Campbell, William N.
Canella, Charles J., Jr.
Carl, David L.
Carleton, Ardenne S.
Carlson, Richard G.
Carman, James W.
Carpenter, Timothy L.
Carraway, David W.
Carroll, Daniel F.
Carson, Craig S.
Casey, Robert F.
Catron, Alan D.
Cerne, Antone C.
Cerrone, Michael J., III
Chapuran, Frank J., Jr.
Childers, Stephen D.
Christensen, George L.
Cima, James P.
Cinquino, Joseph M., III
Clappier, David J.
Clark, John J., Jr.
Clark, William R., Jr.
Clarke, Robert B.
Clemm, David H.
Cliff, Richard G.
Cobb, Jerald M.
Cobey, Elwood A.
Cochran, John H., Jr.
Cohn, Douglas A.
Colglazier, Donald R.
Connor, Peter M.
Conway, Barry T.
Cooch, Francis A., IV
Coogler, Arthur C., Jr.
Copley, John B.
Corcoran, Andrew W.
Cowperthwaite, Neil F.
Craig, James D.
Craven, William J., Jr.
Crawford, Gerald E.
Crecelius, Allan M.
Creeden, Joseph V., Jr.
Creighton, Francis M., Jr.
Crenshaw, John C.
Crist, Paul H.
Croft, Hugo W.
Crowe, Myles J.
Cruden, John C.
Crupper, Gordon, Jr.
Cullen, John F.
Cummings, Douglas M.
Cummings, Kenneth T.
Cunningham, David F.
Curl, Walton W.
Curran, Patrick M.
Curran, William M.
Cutting, Edward B., Jr.
D'Alessandro, Ralph
Dallen, John A., Jr.
Darling, John E., Jr.
Darmody, Donald J.
Dauth, Michael A.
Davis, Donald C.
Davis, Louis S.
Day, Kenneth M.
De Blaquiere, Joseph A., Jr.
De Coursey, Paul A.
Decker, James G.
Delia, Francis S.
Des Jardien, Richard F.
Di Benedetto, Michael A. J.
Dickerson, William J. E.
Dienes, Nicholas S.
Dodson, John A.
Dodson, Jonathan B.
Donahue, Daniel J., III
Donohue, Stephen P.
Dooley, Joseph M.
Drummond, David I.
Dull, Andrew L.
Durham, Orlin A., Jr.
Durkan, Joseph D.
Dyer, William B., Jr.
Easton, William G., Jr.
Echols, Robert M., Jr.
Edelman, Mark A.
Einbinder, Michael P.
Ericson, William F., II
Erion, Bruce F.
Eustice, Abe L.
Everett, Surry P.
Fabrey, Robert H., II
Farrugia, Victor R.
Fay, Michael J.
Feher, Ronald D.
Fellows, Michael H.
Fetterman, Richard E.
Finley, Joseph C.
Finney, John R., III
Firehock, Robert A.
Fisher, Michael J.
Fisher, Timothy A.
Flanigan, Richard C.
Florance, Jared E.
Flowers, Earl W.
Flowers, Ernest, II
Flynn, Richard J.
Font, Louis P.
Ford, David P.
Fourqurean, James E.
Fowler, Joseph C., Jr.
Fraley, Ralph R.
Francis, James H., III
Fravel, George H.
Frinak, John C.
Frushour, Stephen J.
Fryer, George E., Jr.
Fuhrman, Russell L.
Fulton, Larry S.
Furr, James R.
Gaddis, Walter D., Jr.
Gaiser, James A.
Galak, Robert C.
Garcia, Victor
Gardepe, William M.
Gardes, George A., Jr.
Gardner, Jon S.
Garrison, James E., III
Gatlin, Jesse C., III
Gerard, David W.
Gerke, Jack E.
Germann, George E.
Giasson, Charles B.
Gilhuly, Michael J.
Gilliard, Richard P.
Gonzalez, John J.
Goodell, Richard R.
Gooding, Daniel E.
Gora, Robert R.
Gorecki, Michael E.
Grabowski, William S., Jr.
Grant, Gary E.
Greeby, Gordan T., Jr.
Greenberg, James L.
Gregor, Henry F.
Griffin, Leon R., II
Grygiel, Michael L.
Guignon, Joseph G.
Guinn, John W., III
Gustafson, Karl J.
Hall, Donald G.
Halstead, Gary W.
Hammond, Edward D.
Hansen, Dale W.
Hansen, Louis J.
Hansen, Mark F.
Hanson, Peter B.
Hargis, James V.
Harmeling, John T., Jr.
Harper, Howard F.
Harper, Stephen J.
Harrelson, Keith B.
Hart, Lawrence T.
Hart, Michael R.
Harter, James M.
Hatcher, David M.
Hathaway, John G.
Hauck, Kenneth W.
Haven, Kendall F.
Havey, Michael E.
Hawkins, Charles F.
Hawley, Richard A., Jr.
Hayes, Harry E.
Hayes, Robert L.
Heckman, George J., Jr.
Hedley, John C.
Heil, Benjamin F., Jr.
Heisel, John E.
Heller, Edward J.
Henderson, Robert H.
Henningsen, Kim J.
Henry, Joseph R.
Hensler, Robert M.
Hergenrether, Dennis J.
Herman, Stephen M.
Hewitt, Glen M.
Hiatt, Victor E.
Higgins, William J., III
Hill, Charles R.
Hittner, Barry G.
Hobbs, Edmund R.
Hoblit, Frederic H.
Holderness, Jerome W.
Holland, Terence C.
Horn, John B.
Horton, James D.
Hostler, Dorsey D.
Houck, Russell J.
House, Jeffrey L.
Howard, James T.
Hughes, Neil D.
Hunt, Robert D.
Iaconis, Christopher S.
Irvin, William R.
Jack, Harrison U.
Jacobs, Gilbert A.
James, Charles R., Jr.
Javorski, Joseph J., Jr.
Jeffries, William C., Jr.
Jennings, James J.
Jetland, Robert T.
Jewell, Thomas K.
Johnson, Claude A.
Johnson, Denny L.
Johnson, Donald A.
Johnson, Fred B.
Johnson, Gregory B.
Johnson, Jay D.
Johnson, Oliver R.
Johnston, John C.
Jonas, Arthur P.
Jones, Charles W.
Jones, David S.
Jones, Don W.
Jones, John A.
Jordan, Larry R.
Joseph, Paul F.
Kaufman, Daniel J.
Keane, John J., Jr.
Kecki, Thomas M.
Keller, Richard F.
Keller, Robert L.
Kelley, James F.
Kelly, James D.
Kelly, Robert C., Jr.
Kendall, Ronald R.
Kennedy, Terence J.
Kent, Richard R., Jr.
Kimball, Alvion R.
Kimball, James F.
Klein, Charles F., Jr.
Knecht, David A.
Knitt, Kenneth P.
Kohler, James D.
Korda, Bruce M.
Kremenak, Kenneth J.
Krieger, Paul T.
Krohnfeldt, Leslie D.
Krueger, Philip J.
Kruger, John D.
Kulikowski, Bogdan M.
Kulpa, Norman D.
Kunz, Eric R.
Kunzman, William A.
Kuriiko, Nicholas M.
Kurkjian, Thomas G.
Kympton, Howard W., III
Kyzer, William R.
Laing, Michael P.
Lambert, Virgil F., Jr.
Lane, Ronnie J.
Lark, William N.
Larson, Edward D.
Laswell, George R.
Laughlin, Terence K.
Laughton, Nelson E.
Lawton, James F.
Leatham, Karl J.
Lee, Dwight E.
Lieb, Charles R.
Limbaugh, Daniel B.
Little, William F., III
Llewellyn, Jim O.
Locher, James R., III
Lopes, Peter A.
Lorbeer, Robert C.
Lorentzen, Edward J.
Lovett, Paul D., III
Lower, Robert S.
Lowry, Samuel O.
Ludwikoski, John H.
Lynch, Frank J., Jr.
Lynch, William R., III
Lynes, Claude D.
Lyons, Steven G.
MacDonald, Ray W.
MacLaren, Michael G.
MacVittie, Dennis K.
MacFarlane, Douglas E.
MacKall, Charles L., Jr.
Maddux, David T.
Madora, Albert J.
Magathan, Wallace C., III
Mahan, Charles S., Jr.
Main, Larry B.
Mance, Joseph F.
Mangino, Joseph N.
Mann, Michael J.
Manning, Larry A.
Manske, Dennis W.
Marcuccilli, Stephen J.
Margrave, Thomas E.
Markley, Marvin E.
Marriott, William T., III
Martin, David
Martin, John T.
Martin, John T., III
Mase, Roy W.
Mason, Richard M.
Mathews, Toney A.
Matlach, William J.
Mayer, John D., Jr.
McAdams, William J., Jr.
McCaffrey, Joseph S.
McCauley, William T.
McClain, James E.
McClary, Michael V.
McClelland, Richard E.
McConnell, Thomas C.
McCrone, Willard P.
McDonald, John W.
McDonald, Robert G.
McElroy, Howard C.
McKenna, Brian J.
McKenna, Charles D.

McLane, Donald J.
McLean, Neil A., III
McLellan, Barton J.
McNaugher, Thomas L.
Mears, Harvey M.
Medici, Antonio W., II
Meinshausen, Walter D.
Mendoza, Edward M.
Mente, Alvin L., III
Merriam, John C.
Merritt, Keith F.
Merritt, Robert L.
Messel, Robert B.
Milinski, Edward L.
Miller, Charles P., III
Miller, Charles R.
Miller, John F.
Miller, Johnnie
Miller, Norman E.
Miller, Roy D.
Miller, William S.
Mills, Robert L.
Millson, Edwin H., Jr.
Moe, Patrick J.
Moore, Thomas M.
Moran, Kenneth J.
Morand, Leon F., III
Morris, John W.
Mulvey, William L.
Munson, John H.
Murphy, Maurice E., II
Murphy, Steven L.
Murray, Malcolm M.
Myers, Charles R., Jr.
Nader, Frank R.
Nagy, Ross L.
Nahorniak, Nicholas
Nash, William L., Jr.
Neill, George V., Jr.
Nelson, Dale R.
Nelson, Edward L.
Nerdahl, John H.
Neswiacheny, Bohdan
Nettesheim, Daniel D.
Newsome, Earl E.
Neyses, David A.
Nicholson, Kenneth R.
Nickols, Jess R., Jr.
Nippell, George D.
Nolan, Jon B.
Nolan, Thomas J.
Noonan, Michael A.
Norton, Leo E. Jr.
Nyquist, Stephen J.
O'Connell, Michael J.
O'Connor, Craig E.
O'Connor, Joseph P., Jr.
O'Keefe, Patrick J.
O'Meara, Norman T., II
O'Neil, Michael A.
O'Reilly, Lee J.
O'Toole, Lawrence G.
Ohle, David H.
Ohlinger, Christopher R.
Olivier, Roland E.
Olmsted, David W.
Olsen, Russell A.
Olson, Roger T.
Olvis, Charles T.
Onasch, Thomas D.
Oneal, John R.
Orahood, James A.
Osborn, Stephen L.
Outlaw, Le Roy B.
Oventile, John C.
Palke, Richard L.
Palone, Michael F.
Parker, Allen S.
Parker, Fred C., IV
Parry Bruce E.
Parsons, Tyler B.
Patrow, Michael L.
Paulson, Peter G.
Pedrotti, Paul B.
Peduto, John C.
Peirce, Thomas H.
Pence, Thomas E.
Peplinski, William J.
Perry, Floyd L.
Petcu, Larry J.
Peters, Michael P.
Petruska, Charles W.
Pierce, Louis L.
Pigott, Joel E.
Pinzuti, Robert A.
Piraneo, Charles J.
Pirnie, Lyle E.
Popov, Dan
Post, Francis W.
Potter, Michael W.
Powell, Daniel R.
Powell, Richard D.
Poynter, Hayden C., Jr.
Price, Wilbur F., Jr.
Prosnik, George J.
Ptasnik, Paul E.
Puckett, Frank M., Jr.
Puffer, Raymond H., Jr.
Quinney, George K.
Rader, Steven R.
Raines, William B., Jr.
Rapisarda, Lawrence A.
Ratcliffe, Lamar C., Jr.
Rebovich, George, Jr.
Reed, John T.
Reffett, William M.
Reichert, William F.
Reid, Jack J.
Reilly Gilbert J., Jr.
Reynolds, Frederick D.
Rhoades, Richard T.
Rhodes, Lyle R., Jr.
Rider, Fred I., Jr.
Riek, Jeffry R.
Riser, Henry L., Jr.
Roberson, Gary F.
Roberts, Donald L.
Robertson, Lewis H.
Robinson, Benny L., Jr.
Robinson, Daniel F.
Robinson, Frank T., Jr.
Robinson, Franklin P., III
Robinson, William E.
Robinson, William L.
Rodgers, Stephen J.
Rogers, Jeffrey C.
Rolfes, Jude R.
Romash, Michael M.
Rorie Wilson L., Jr.
Rosenberry, Dennis L.
Ruiz, Miguel O.
Russell, Richard T., Jr.
Ryan, Daniel A.
Ryneska, John J.
Sackett, David L.
Samuel, Philip J.
Sands, Arthur C.
Sayre, Gordon E., Jr.
Scaglione, Richard J.
Schaeffer, Lee M.
Schappaugh, Garry L.
Schlipper, Louis W.
Schulte, David A.
Schutsky, William R.
Schweitzer, George W.
Seebart, Daniel B.
Selvitelle, Michael D.
Shaffer, Hugh A.
Shaffer, William D., III
Shahid, Fred J., Jr.
Sharples, Dale S., II
Shaw, Robert C.
Shaw, Steven A.
Sheaffer, Michael K.
Sherman, Robert L., Jr.
Shields, Buren R., III
Shimp, Robert E.
Shipley, Richard D.
Shoener, George B.
Silverthorn, Andrew C.
Simmons, Thomas H.
Simonich, Michael L.
Sieder, Albert, Jr.
Smith, Alan J.
Smith, David A.
Soeder, Arnold H., Jr.
Soice, Michael R.
Sorrow, Jerry W.
Sowa, Peter T., Jr.
Speer, Louis E.
Speidel, Louis J.
Spelman, Mark G.
Spencer, James P.
Spengler, Henry M., III
Spengler, John D.
Sperber, Horst G. R.
Sprinkles, Randolph S.
Stallings, Jon K.
Stanley, James M., Jr.
Steel, Charles L., IV
Stefan, James M.
Steiner, Richard W.
Stettler, James J.
Stevenson, Douglas F.
Stevenson, Larry L.
Stewart, Duncan F., Jr.
Stites, Thomas E.
Stolp, Werner J.
Strand, John A., III
Stratton, Andrew B.
Stroble, Charles R.
Strong, Marvin P.
Stroud, Robert A.
Swan, Peter A.
Swaney, Jack W.
Swedock, Robert D.
Sweeney, Robert C.
Sweeny, Bruce D.
Sweet, Ross B.
Swinney, James R.
Szigethy, Robert E.
Tallman, James A.
Tangen, Neil M.
Tanski, James M.
Taylor, Daniel R., Jr.
Taylor, David L.
Thal, Edmund A.
Thomas, Eric E.
Thomassy, John E.
Thome, James J.
Throckmorton, John L., Jr.
Thuss, Michael F.
Thygerson, William R.
Tijerina, Gilbert
Tildon, Ralph B., Jr.
Tillery, George G., Jr.
Timboe, Harold L.
Toczylowski, Henry M., Jr.
Toffler, Patrick A.
Toole, Michael T.
Toraason, John D.
Torres, Arthur F.
Trauner, Theodore J., Jr.
Trexler, Kent M.
Trollinger, Michael L.
Tuccillo, Ralph R.
Tucker, Frederic L., Jr.
Uhler, Robert B.
Unangst, Gregory J.
Utermahlen, Charles B.
Van Cook, Donald F., Jr.
Van Horn, Larry J.
Vehlow, Charles A.
Veidt, Robert T.
Vennum, Michael D.
Vickers, Wilford S., II
Vinton, Raymond S.
Vitters, Alan G.
Volk, Karl W., III
Vollrath, Thomas L.
Wallace, Peter P.
Wallin, Leonard A., II
Walsh, James F.
Walsh, John P., Jr.
Wantuck, Donald F.
Wantuck, Thomas A.
Warncke, Ronald M.
Weeks, Gerald B.
Wells, Michael C.
Westerlund, John S.
Wheless, Douglass T.
Wiedenbeck, Richard J.
Wilcox, John T.
Wildrick, John T.
Wilhite, Harold L., Jr.
Williams, Charles D.
Williams, Gary S.
Williams, George K.
Williams, John N., Jr.
Williams, John R.
Williams, William E., III
Wing, John B.
Winsor, Stephen A.
Winter, Daniel J.
Witherspoon, Richard H.
Witschonke, Carl F., III
Witwer, Randall K.
Woessner, Carl F., Jr.
Wohlers, Everett T.
Wong, Terrence K. H.
Wooten, Marvin, Jr.
Workman, Donald R.
Worthen, James K.
Wright, Leslie R.
Wright, Richard K.
Wyman, Samuel D., III
Yager, Harold E.
Yasukawa, Ronald N. H.
Yoshitani, Tay
Yoshizumi, Gary R.
Younts, James O., III
Ziots, George J.
Zophy, F. Gordon, II

The following-named person for appointment in the Regular Army, by transfer in the grade specified, under the provisions of 10 U.S.C. 3283 through 3294:

To be captain

Scanlan, William H., O88914.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of 10 U.S.C. 3283 through 3294, and 3311:

To be lieutenant colonel

Thomas, Merle D., O468692.

To be majors

Coultrip, Raymond L., Jr., O5540645.
Lent, Peter S., O4014548.
Mcmaster, Stanley C., O2271286.

To be captains

Alexander, Byron B., O2309352.
Alexander, George W., II, O5204318.
Barrington, Tillman E., MN2300377.
Barry, Michael J., O5232897.
Baskin, Alan R., O5024643.
Beard, Graham E., O5232309.
Beckers, Robert G., O2289623.
Bernier, William E. B., O5525182.
Blubaugh, Edward C., O5438403.
Bonham, Terrence J., O2315823.
Buck, Harper, J., O2314090.
Colley, Martin D., O2313002.
Cresci, Anthony B., O5000645.
Cruzen, Oran G., MN805837.
Doyle, William F., O5015301.
Dunn, Bruce E., O5013345.
Heilman, John P., Jr., O5211900.
Hohe, Paul T., O5525899.
Johnson, James E., MR5701656.
Jones, William W., Jr., O5307358.
Kato, Ronald H., O3066696.
Kucera, James, O2292634.
La Beau, Russell F., Jr., O5540294.
Laurence, Charles H., MN902159.
McCann, David T., O5540932.
Rausch, Francis M., MN2296706.
Ricotta, Salvatore A., O5232696.
Sa'adah, David M., O5227846.
Santaella-Latimer, Luis R., O5826833.
Shaw, James E., O1876670.
Stables, Frederick M., O5304382.
Sullivan, William G., O5518702.
Swim, Vernon G., O2307789.
Thomason, Phillip R., O5319970.
Tuller, Jerome D., O2306012.
Venn, Raymond D., O4023572.

To be first lieutenants

Ayers, James E., O2332423.
Barrie, Jeffrey E., O5320600.
Belisle, Paul A., O5232865.
Bell, Jerry L., O5413369.
Bergstrom, Jon F., O2321160.
Berry, Larry G., O5222477.
Billick, Bernard M., O5222306.
Brisendine, Esther A., N5520057.
Brown, Clarence D., MM221441.
Burke, Lucien F., O2325450.
Calhoun, William I., O2325412.
Carr, Joel S., O5239158.
Craft, Phil D., O2320683.
Cranford, James S., O5216493.
Crawford, Robert C., Jr., O5712917.
Crawford, William C., O2331787.
Crumpton, Alfred T., Jr., O5414242.
Cunningham, David E., O2325032.
Czyhold, Michael W., O2325410.
Dalzell, Daniel P.
Davis, Benjamin S., MR231370.
Dockal, Harvey J., MN2305793.
Dommer, Paul P., O5005643.
Drake, Frank R., Jr., O2325509.
Fedde, Charles W., O2325419.
Fesler, Ken W., O5423635.
Flanagan, Clyde M., Jr., O2320954.
Foley, Patrick J., O2333358.
Goddard, Richard J., O5517228.
Gushwa, Robert L., O2316671.
Haines, Joe O., O2325506.
Harrison, Holmes C., III, O2328120.
Hicks, John L., O5540191.
Hutson, Richard M., O2325857.
Idzik, Martin F., O5016029.
Jagels, Arlen E., O5712231.
Jones, David D., O2310643.
Keeports, Richard L., O2325508.
Landes, Richard D., O5223843.
Lenaham, John C., O5011617.
Marshall, James S., O5017230.
Morgan, Don W., O5413380.
Neal, Gary L., O2320736.
Olszewski, Clarence A., O2317960.
Ong, Harry M., MM2307999.
Patterson, Michael B., O5321695.
Phillips, James E., O5330637.
Rathert, Roger A., O5531359.
Redmond, Hight S., O5313915.
Rosheim, Waldron A., O5501669.
Sakson, Donald A., MM2310319.
Sandell, Lawrence J., O2331462.
Sanders, Harold L., O5519741.
Shaffer, Edward L., Jr., O2320800.
Sheffield, William M., O5331014.
Shoup, Kenneth J., O2311415.

Silverman, George S., O5014386.
Stroud, Richard M., O5406792.
Szilvasy, John A., O2322160.
Taylor, Byron H., MN2319250.
Taylor, Warren H., O5415116.
Teaford, Alan K., O2325593.
Torgerson, Leslie A., 02321162.
Wagner, Stanley C., O2325353.
Wilson, Sherley A., R5411616.
Xenakis, William A., O5008226.

To be second lieutenants

Bowen, Marshall J., MN5024857.
Chappell, George B., O5299548.
Dance, Robert L.
Dell'omo, John L., Jr., O5237730.
Frier, Ronald C., Jr., O2324024.
Herrick, Christopher Q., O5228733.
Israelson, David H., 03171453.
Johnson, Ralph E., O5228737.
Marquette, Ralph L., Jr., O5234259.
McElwee, Thomas P., Jr., MN2323824.
Sierra, Albert J., Jr., O2322144.

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of 10 U.S.C. 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Bush, James E.
Brumfield, James E.
Cloman, James F.
Fejfar, Richard A.
Hara, Glenn S.
Hixon, Harry J., Jr.
Medina, Refugio O.
Stevens, John H.
Stohner, George A.
Watkins, Deems C.

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Peter A. Acly
William S. Alexander
Joe E. Allen
Robert L. Alvarez
Lester E. Amick III
Timothy J. Anderson
James L. Anderson
Clarence T. Anthony, Jr.
John W. Anuszewski, Jr.
Rodney A. Arena
Rufus A. Artmann, Jr.
Richard G. Averitt III
Paul C. Bacon
Marion R. Baggs
Ronnie J. Bailey
David L. Baker
Raymond F. Baker
Robert E. Ballinger
John J. Banning
John C. Barber
Arry E. Bare
Robert C. Barnes, Jr.
Sheldon J. Bathurst
David C. Beaty
James H. Beaver
Lawrence C. Begun
James E. Bell
John L. Bilodeau
Richard A. Bircher
Walter R. Bishop
Bert Black
William R. Black, Jr.
Patrick C. Blackman
Frank R. Blakemore
David W. Blizzard
James R. Bohlig
David A. Boillot
John A. Boivin
Michael A. Bonacci
Jay F. Boswell
Ervin J. Boudreaux
Jack B. Bounds
Thomas A. Braaten
Bernard F. Bradstreet
Clifford A. Brahmstadt
Robert Bright III
James A. Brinson, Jr.
Steven P. Broderick
Richard C. Brookes
David T. Brown
David L. Brown
Michael B. Brown
Richard M. Brown
Robin L. Brown
Kenneth H. Bruner
James F. Buchli
Paul D. Budd
Robert J. Buechler
John L. Burgoyne
Phillip G. Burke
John D. Burrill
Ronald L. Burton
Milburn C. Butler, Jr.
Donald J. Buzney
Mark A. Byrd
John H. Carson
Edgar M. Carson
Howard C. Carver III
Richard J. Carver
Roy J. Castell
Michael R. Cathey
Mario E. Cecchetti
Merritt N. Chafey IV
Charles R. Champe
Roger G. Charles
Bruce B. Cheever II
Robert E. Chiesa
Leslie A. Christian
Kenneth L. Christy, Jr.
Raymond J. Clatworthy III
William E. Clawson
John J. Cochenour
Clelland D. Collins
Charles A. Collins
Peter L. Colt
Michael C. Connor
Blair P. Conway
William A. Cook
C. R. Cooper, Jr.
Albert J. Cormier
Ronald J. Cornetta
John P. Cress
Randolph E. Crew
Herbert T. Cross
Joseph T. Crowe
Stephen Cucchiara
William L. Culver
Angelo J. Cuttaia
Paul R. Daigle
William E. Dakin, Jr.
Crane Davis
Dean R. Davis
Carson R. Day
Andrew P. Decker
Alan C. Decraene
Terence T. Deggendorf
Jack E. Deichman
Robert C. Delones
Michael P. Delong
Samel T. Delong, Jr.
Marion F. Demming
Michael J. Dineen
Dennis T. Dinota
Joe Dominguez
William R. Donnelly, Jr.
Robert C. Dopher, Jr.
Stuart A. Dorow
Daniel C. Douglas
Kevin M. Doyle
Wayne C. Doyle
John W. Dumas
Joseph G. Dunacusky, Jr.
James V. Dunlap
Charles C. Dunn
Charles W. Durie
Richard F. Dworsky
Darryl F. Dziedzic
Robert L. Earl
Max B. Eaton
William M. Eaton
David J. Eckenrode
James S. Ehmer
Charles R. Eisenbach II
Dalton R. Ellis, Jr.
Michael B. Elizey
William P. Etter II
William C. Evans
James J. Ewing, Jr.
Jonathan P. Feltner
Charles J. Ferg
Michael J. Ferguson
Patrick J. Finneran, Jr.
Patrick D. Finton
Thomas E. Fitzpatrick, Jr.
John R. Fogg
George S. Ford
James L. Foresman
Richard R. Foulkes
Stephen P. Freiherr
Claude R. Fridley
William P. Friese
Douglas B. Frisbie
Harold E. Frye, Jr.
Leonard R. Fuchs, Jr.
James R. Fuller
William J. Ganter, Jr
Algimantas V. Garsys
John R. Gazdayka
David M. Gee
George F. Getgood
James A. Gettman
Carl R. Gibson
Robert E. Gleisberg
Daniel M. Glynn
Neil W. Goddard
James A. Goebel
William G. Goodwin
Adrian J. Gordon
Donald E. Gordon
Robert L. Graler
Randall W. Gravenor
Terrence C. Graves
Philip Greco
Alfred Grieshaber, Jr.
Francis L. Gualandri
Grant P. Gustafson
Steven P. Hadar
John R. Hagan
David W. Hammel
Robert W. Hansen
Norman F. Hapke
Patrick J. Harrington
John T. Hart
Edward Hatton III
David W. Haughey
Eidwin D. Heely
Klaus-Peter Heinemeyer
Floyd P. Henry
Edward J. Hepp, Jr.
William R. Higgins
Harold D. Hockaday
James C. Hodges
Harold C. Holden
Robert J. Holihan, Jr.
John N. Holladay
Gary E. Holtzclaw
Richard G. Hoopes
Raymond A. Hord
Patrick G. Howard
John M. Hudock, Jr.
Richard B. Hudson
James R. Hughes
Frederick L. Huntington III
Robert H. Hutchison
Robert P. Isbell
William P. Isbell
Albert E. James, Jr.
Richard M. Jessie, Jr.
George H. Johnson, Jr.
Ronald P. Johnson
Russell L. Johnson
Russell H. Johnson, Jr.
James F. Jones
Stuart C. Jones, Jr.
Alexander P. Jukoski
John E. Juneau
Harold D. Kadolph
Frank J. Kaiser
William B. Kalish
Michael R. Kanne
John F. Karch
Thomas A. Keene
Jack H. Kemeny, Jr.
Edward R. Kenney
Cecil D. Henninger
Alan A. Kettner
Gerald L. Keys
Grady L. Hicks
John A. Kieffer, Jr.
Gary J. Kiel
Charles W. King
Dennis D. King
William J. Kirkpatrick
John J. Kispert, Jr.
Manfred A. Koebig
Fred W. Koehler
Donald E. Koppenhaver
Frederick T. Krabbe
Earl A. Kruger
Richard H. Kunkel, Jr.
Richard C. Kurth
Gregory S. Kuzniewski
Albert S. Kyle
Richard O. Laing
Carl E. Lambert
John A. Lancaster
Michael D. Langston
John P. Larrison
Robert E. Lavender
John B. Lawson
Luther L. Lawson III
Kenneth J. Leahy
Edward G. Lewis
William R. Leisher
Francis E. Lewis
Fred M. Lewis
James T. Lewis
Frederick A. Libby
Richard F. Liebler
Ralph Lippe
Dennis L. Lister
Robert M. Lloyd
Robert E. Logan, Jr.
Lawrence Lookenbill
Francis B. Lovely, Jr.
Paul J. Lowery
John F. MacKnis
Robert J. MacNamara
James G. Magee
John C. Malinowski
John H. Masters, Jr.
Anton J. Matics
Donald J. Matocha
Phillip R. Mattox
John F. Matus
Bernard J. Maxik
Dennis M. McCarver
Michael E. McClung
Paul R. McConnell
James F. McCool III
Orval W. McCormack
Patrick J. McDonald, Jr.
Thomas M. McEntire
George L. McGaughey, Jr.
Harold S. McGinnis, Jr.
John J. McGinty
Donald E. McGuire
Robert N. McGuire
Donald S. McKee
James H. McKelligon
Richard S. McLaughlin
Daniel D. McMurray
James R. McNeece
Walter S. Meads, Jr.
William R. Melton
Max C. Meltzer
Thomas H. Meurer
Richard Metli
John C. Millen
Edward H. Mills
Wallace W. Mills
David L. Mix
Robert E. Moe
John W. Monk, Jr.
Thomas M. Moorman
Freddie M. Morgan
Michael D. Morgan
Michael K. Morrison
Michael K. Morrow
Cyril V. Moyher
Garrell S. Mullaney
William H. Munyoa
Edward J. Murphy
Bruce C. Murray
James E. Murray
John K. Narney
Richard O. Neal
Rafael Negron
James H. Nelson
Jan H. Nelson
Robert B. Newlin
Raymond J. Norton
Frank A. O'Brien III
James M. O'Brien, Jr.
John J. O'Brien, Jr.
Spencer F. Olsen
Robert J. O'Rourke
Edward M. O'Shaughnessy, Jr.
Dallas W. Owens
James E. Owens
Eugene M. Ozment
Jerry G. Paccassi, Jr.
Peter Pace
Robert A. Packard
Ernest B. Palmer, Jr.
Matt Parker III
Paul D. Parker II
David B. Peake
Thomas R. Pearson, Jr.
Anthony J. Pesavento
Arthur R. Peter, Jr.
David W. Peters
George M. Pfeiffer, Jr.
Lloyd O. Phelps
George Philip III
James B. Phipps
Bernard T. Polentz
John C. Powers
Ronald E. Pruiett
Kenneth R. Ptack
Harry Q. Radcliffe
James T. Ranstead
Charles D. Raper
Leonard D. Raub
David D. Ray
Richard E. Rebmann
Nathaniel H. Reed
William R. Reese
Thomas L. Reilly
Andrew D. Reistetter
Joseph F. Renaghan
John C. Rhoderick
James S. Richardson
Orin J. Riddell
Durwood W. Ringo, Jr.
Robert K. Ripperger
Larry E. Roberson
Joseph A. Robitaille, Jr.
Craig S. Roepke
Joe G. Rogers
Raymond A. Roll
William G. Ross
Michael G. Roth
James E. Roy
George N. Samaras
Jack L. Sammons, Jr.
James C. Sanborn
Michael B. Sandberg
Johnie A. Sanfratello
Edward A. Saunders
John A. Sawyer, Jr.
Anthony F. Scarangello
Donald A. Scheer
Philip M. Scherer
Charles W. Schillinger, Jr.
John A. Schmid
Robert E. Schmidt
Charles J. Schneider, Jr.
Karl R. Schroeder
Richard S. Scivicque
James F. Seagraves
Jules B. Selden
William C. Sellmer IV
Richard A. Sergo
Jimmy J. Sevic
Kenneth L. Shackelford, Jr.
Dennis R. Shaw
William J. Sheahan III
Robert A. Shearer
Michael K. Sheeley
Michael F. Shields
Robert F. Short, Jr.
James O. Singer
Thomas D. Sizemore
Gregory G. Sloan
John J. Slough
Ronald F. Smee
Authur G. Smith
Clinton A. Smith
Leo I. Smith
Michael D. Smith
Phillip R. Smith
Ray L. Smith
Frederick G. Snocker
Kenneth A. Solum
Michael F. Sommers
William E. Southerland
Johnny L. Sparks
John G. Spindler
Richard D. Spitz
Anthony D. Stabile
Norman S. Stahl
Christopher C. Staley
Charles Steele
Edward R. Stepien
Norman R. Stocker
Raymond R. Stohschein
Ronald M. Stoll
Worth A. Styles
John J. Sullivan, Jr.
Stephen I. Szabolos
Bayard V. Taylor
Benjamin L. Tebault
William J. Tehan III
Samuel M. Tharp III
John W. Theisen
Robert W. Thomas
Robert F. Thompson
Robert W. Thompson
William G. Thrash, Jr.
Richard J. Tipton
Warren S. Titcomb
Charles J. Toeniskoetter
Alan S. Toppelberg

John B. Tritsch
Thomas R. Trompeter
Benjamin H. Trout II
Alan J. Tucci
Courtney L. Tucker
Robert E. Tuttle
Colin B. Tweddell
Carl W. Ulrich
Douglas C. Vassy
Richard W. Vaughn
David A. Vetter
Sidney S. Wade, Jr.
Paul H. Wallace
Robert W. Waller
Charles F. Warford, Jr.
Roger N. Warr
Clifford B. Warren III
Brian L. Webber
Tony A. Weda
Robert O. Weddle
David E. Weir
Thomas J. Weiss
Marshall R. Wells
Joseph R. Welsh, Jr.
Victor D. Westphall
Edward J. Wietecha, Jr.
David E. Wilbur
Thomas L. Wilkerson
Charles D. Williams
Michael J. Williams
James G. Williams
John T. Williamson
Bruce B. Wilson
Frederick W. Wilson
James Wolfe, Jr.
Johnny M. Wood
Larry A. Wood
Philip E. Worley
Henry A. Wright
John W. Wuethrich III
James F. Wzorek, Jr.
Jessie B. Young
Kenneth W. Young
Walter R. Young
George A. Zahn, Jr.
Jeffrey M. Zimmerman

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Michael C. Abajian
Charles K. Ables
Walter Acuff III
John F. Adinolfi
John H. Admire
Bernard A. Allen, Jr.
Granville R. Amos
George A. Ampagoomian
George D. Andersen
William G. Andersen
Gerard Anderson
Lee H. Anderson
Terrence E. Anderson
William R. Andrews, Jr.
James H. Armstrong
Steven C. Argabright
Edmund V. Armento
Gregory G. Armstrong
John W. Arnn, Jr.
John P. Arthur III
James P. Asher
David D. Auld
Frederick S. Avery III
John P. Aymond, Jr.
David J. Baccitich
Richard A. Bagby
James R. Bailey, Jr.
Jay R. Bailey
John W. Bailey
Leslie W. Bailey, Jr.
Richard H. Bailey
Robert G. Bailey
Ross E. Bailey
Thomas A. Bailey
Bradley R. Baird
James W. Baker
Theodore G. Balderree
William I. Barba
Andrew R. Barkovich
Gerald L. Barlow
John W. Barnes
Judybeth D. Barnett
George B. Barney
James V. Barrios
Oliver K. Batte, Jr.
Lewis C. Beard
James S. Becker
Carl E. Beimfohr
Michael C. Bell
David J. Bena
Jon R. Bergquist
Rudy W. Bernard
Leonard G. Bethards
Spencer G. Bihler
John E. Bishop
Frank S. Blair III
George M. Blakely III
Richard J. Blanchfield
William A. Blatter
Joseph H. Blichfeldt III
Leslie P. Blobaum
Edward L. Bloxom
Peter M. Blum
Robert U. Bokelman
Donald E. Bonsper
Jon R. Boston
John W. Bottoms, Jr.
Peter G. Bouker
Charles G. Bowen
John W. Breiten
Randolph H. Brinkley
Robert K. Brooks
Daniel J. Brown
Donald P. Brown
Fred A. Brown
James C. Brown
Robert M. Brown
William F. Brown
Paul C. Browne
David N. Buckner
Robert M. Buelow
Stephen G. Bulkley
Robert F. Bunch
Rodney E. Burdette
Charles E. Burge
John J. Burke
John G. Burns
Raymond M. Burns
Edward B. Burrow, Jr.
Carl D. Burtner
James H. Butler
Robert R. Butterfield
Robert L. Byrnes
George E. Cadman III
William C. Caile
William J. Caldwell
Bert V. Calhoun
Michael J. Campbell
Paul D. Campbell
Wallace L. Campbell
Wallace R. Campbell
William B. Campbell
William S. Campbell
Ray G. Canada
Michael D. Carey
Kenneth T. Carlisle
Carl J. Carlson
James R. Carpenter
John L. Carroll
Thomas A. Carter
John J. Caskey
Paul E. Caswell
Albert L. Catallo
James P. Cawley
Douglas W. Chamberlain
John T. Chapman
Johnny D. Chapman
Rodney R. Chastant
Lee A. Chilcote, Jr.
Marvin E. Christians
Kenneth P. Clarendon
Frank S. Clark
Jack L. Clark
Lawrence D. Clark
Paul G. Clark
David C. Cleveland
Charles P. Cochran
John B. Colaprete
Forest L. Cole
Benjamin F. Collins III
Geoffrey M. Collins
Joseph P. Colly, Jr.
John I. Condon, Jr.
Leslie R. Conklin
Robert F. Conley
Dennis A. Conroy
Martin E. Conway II
Kenneth E. Cook
Charles D. Cooksey
John A. Cooper
Arnold B. Corbett
Ronald W. Corner
Richard K. Couch
Thomas N. Cox
Thomas P. Craig, Jr.
Kenneth D. Cranston
Arthur O. Cravets
Stephen M. Creal
James K. Croney
Gary E. Crowell
Henry L. Cullen, Jr.
Jack W. Cunningham
John T. Cusack
Thomas L. Czechowski
Benjamin R. Dadd, Jr.
Lewis I. Dale
Richard W. Dambrosio
Michael Danchak, Jr.
Michael G. Dane
Walden L. Daniel
Walter E. Daniell
John P. Dapolito
John J. David
William A. Davidson III
Alan F. Davis
Herbert J. Davis
James C. Davis
Henry D. Davis
Stephen M. Day
Dominic J. Dean
Leo R. Deangelis
Walter S. Deforest
William C. DeFries
Christopher F. Delafleur
Arthur J. Delahoussaye
Earl G. Delarue
Conrad A. Delateur, Jr.
James R. Denton, Jr.
John E. Depenbrock, Jr.
Gerald L. Dereberry
Edward C. Desaussure
Kenneth W. Dewey
William W. Deyle, Jr.
William J. Dibello
Daniel A. Doberstein
Robert A. Dobies
Gary D. Dockendorff
John B. Doherty
Harry C. Dolan
Gustavus L. Donnelly
William H. Dotterer
Thomas C. Downs
Stanley L. Dowson
James J. Doyle, Jr.
Robert F. Drake
Donald D. Drobny
Reginald W. Dryzga
Mark M. Duffy
James W. Dugger
Thomas J. Duhig
Dennis M. Dunagan
Albert R. Eastman, Jr.
Thomas H. Eagen, Jr.
Russell D. Eaton
Ronald E. Edwards
Ronald E. Edwards
Karl J. Ege
William E. Egen
Edwin Eggen
Barry A. Eklund
Della J. Elden
Lawrence G. Elder
Edward H. Engle, Jr.
Stephen J. Erickson
Delano R. Esguerra
William W. Eskridge
Michael J. Esposito
John C. Eudy, Jr.
Gerald C. Fagersten
Lynn W. Farmer
John P. Farrell
Paul E. Fearon
Earl W. Ferguson
Michael S. Ferneau
Thomas M. Fine III
Dennis M. Finnance
Charles W. Fish
Charles J. Fitzgerald
James E. Flanagan
Charles E. Fleming, Jr.
Joseph E. Fluet, Jr.
Joseph J. Flynn, Jr.
Walter H. Flynn, Jr.
Henry R. Folgate
Charles J. Fonzone
John W. Foos
Douglas O. Ford
William R. Ford
John D. Forter
William N. Foust
John O. Fox, Jr.
Charles J. Franklin, Jr.
Joseph S. Franzia
Robert A. Fraser
Richard H. Freeman
John B. Fretwell
Frederick T. Frey
Robert S. Friedrick
Laurence V. Friese
Gary A. Fry
Dennis B. Fryrear
Jimmy H. Furlow
Kenneth R. Furr
David T. Gaar
Donald S. Gallaspy, Jr.
Neil C. Galloway
Gerald T. Galvin
Eugene R. Gannon
Henry W. Gardner
Malcolm C. Garland
Jerald B. Gartman
Robert L. Gartner
Neil A. Gaughan
Jeffrey A. Gaugush
Frederick L. Gause
Thomas G. Gavin
John R. Geisel, Jr.
Jerry R. German
Terry G. German
Wayne M. Gibbons
Walter M. Gibbs
Stephen A. Gilkerson
David D. Gillespie
Woody F. Gilliland
Stephen H. Gimber, Jr.
John T Gipson
John S. Gleason III
Gary L. Glisan
Richard Gnazzo
Walter H. Goedeke
Frank J. Gollatz, Jr.
Paul J. Goodine
Frank Grace, Jr.
David P. Graham
John H. Grant
Courtland P. Gray III
Roy L. Griffin, Jr.
Thomas H. Griffith, Jr.
Gary M. Griggs
Peter R. Grimm
Frederick A. Grimshaw, Jr.
Gunnap Gudjonsson
Frederick X. Guldi
Stanley R. Gustafson
James J. Guzzio
Gustav E. Gyllenhoff
David I. Habermacher, Jr.
Harry A. Hadd, Jr.
Patrick C. Hagans
Gunnar K. Hagen
Donald J. Hager
Peter D. Haines
Calvin T. Hair
James C. Hallman II
Frederick R. Hamil, Jr.
Joseph Hancharick, Jr.
Harold D. Hansen, Jr.
Michael F. Hanson
Robert L. Harding
Ronald I. Harkless
James G. Hart
Stephen M. Hartnett
Jerry M. Haugh
Jack E. Hawley
David H. Hayes
William E. Healy
Harvey A. Heikel
Edward C. Hein, Jr.
Phillip R. Hemming
Charles M. Hendricks
Michael C. Henry
James E. Henshaw
James S. Herak
Leslie B. Herman
Ronald G. Herms
James D. Herrin
Richard D. Hess
Milton J. Hester
Larry T. Higbee
David A. Higley
Alan S. Hill
Steven M. Hinds
Marl L. Hodder
T. D. Hoffner
Richard E. Holbein, Jr.
Thorvald P. E. Holm
Robert A. Holt
Harold L. Honbarrier, Jr.
Allen W. Hoof
Harry L. Hooper III
Marvin T. Hopgood, Jr.
Ronald J. Hornberger
Robert P. Horne, Jr.
David G. Horsey
John T. Horvatich
Mary J. Houlahan
Albert A. Hubbard
George L. Hubler
Merlin R. Huckemeyer
John C. Hudock, Jr.
Stanley P. Huey, Jr.
Therlon E. Hughes
John R. Hulo
Thomas W. Hummel
David R. Hunter
Richard O. Hunter
Gerald D. Huntoon
Derald D. Hurlbert
William L. Hydrick
Michael J. Hyland
Terence G. Hynes
Thomas H. Idema
Carlos J. Indest III
Charles H. Ingram, Jr.
William H. Iredale
Thomas R. Irvine
William L. Jackson
William T. Jackson
Bradford Jealous, Jr.
John M. Jeffries
William G. Johannsen
Elsie M. Johnson
Richard M. Johnson
Robert E. Johnson
John L. Jones
Joseph W. Jones III
Phillip D. Jones
Robert A. Jones
Louis S. Jumbercotta, Jr.
Thomas A. Kahl
Patrick J. Kahler
Larry G. Kaprich
Thomas W. Kaugher, Jr.
Arthur J. C. Keener
Elvin W. Keith III
Dixon W. Kelley III
Nilton G. Kelsey
Calvin M. Kempf
William G. Kemple
Laurence J. Kennedy
Rodney C. Kicklighter
Lynn J. Kimball
Kenneth M. King
Raymond C. Kinkhead
Christopher F. Kinney
Edward V. Kirkland
Timothy R. Kirkman
Roy C. Kline
Joseph J. Klocek
Francis M. Klunk
Gerald S. Knapp
Robert W. Knight
David E. Knop
James H. Knox
Kenneth A. Koellin
Joseph J. Kollar
Bruce F. Kostad
David M. Kowalski
Thomas R. Kray
Melvin P. Krone
Alan E. Krusinger
Peter E. Kump
Carl S. Kusky, Jr.
Scott R. Laidig
Lawrence C. Lalick
Alexander E. Lancaster, Jr.
Malcolm V. Lane, Jr.
James L. Laney
Robert L. Larkin
Raymond R. Lau
Peter E. Laux
William F. Lawlor III
Stephen P. Lawrence
Steven R. Leach
Harry E. Lee III
Robert L. Leroy
Robert L. Lester
George S. Libey
Robert B. Liesegang
Douglas P. Light
Stephen E. Lindblom
Allen A. Lindeman
Hans W. Lindholm
Jimmy L. Lindsey
Robert M. Linvill
Junior D. Littlejohn
James L. M. Littlef III
John C. Livingston
Thomas R. Llewellyn
Willard F. Lochridge IV
George M. Lohnes, Jr.
Michael G. Loughman, Jr.
Gary F. Loveridge
John R. Lucas
Gary K. Lulfs
Joel J. Lynn
Christopher T. Mabley
Walter S. Mack, Jr.
John S. Mackay
Gary W. MacLeod
Terry L. Machamer
James M. Magot
Lawrence E. Malby
Michael G. Malone
John C. Maloney II
John M. Maloney
Joseph F. Markanthony

John H. Marks
Jon A. Marshall
David P. Martin
Thomas J. Marziaz
Frederick H. Matthys, Jr.
Robert E. Mattingly
John C. Maynard
Robert W. Maynard
Patrick J. McCann
Daniel P. McCart
James E. McClenahan, Jr.
Alexander McClinchie
Daryl S. McClung, Jr.
William E. McCollum
Ronald D. McDaniel
John R. McDermott
Thomas C. McDonald
Patrick J. McDonnell
Gary W. McDowell
Walter O. McDowell, Jr.
Jeffery E. McElroy
James R. McEvoy
James E. McGowan
Michael E. McIntosh
David L. McInturff
Thomas J. McKay
John H. McLaughlin
Robert S. McLellan IV
Frederick C. McQuigg
Matthew G. McTiernan
Thomas J. Meehan
Thomas H. Meeker
Ronald R. Meints
Robert B. Meissner
David L. Mellon
John C. Minahan, Jr.
Herbert T. Minnis
Frank D. Mitchell, Jr.
John J. Mondry, Jr.
Alan V. Monette
Michael T. Montgomery
Jack M. Moore
John R. Moore
Thomas W. Moore
Bucklyn M. Morgan
Charles H. Morrison III
John R. Morrison
Michael J. Moss
Meredith R. Moyer
Richard A. Mueller
John J. Mulholland
Richard H. Mullen
Richard W. Mullen
Robert L. Mumper, Jr.
James W. Murphy
Joseph G. Murphy, Jr.
Joseph I. Murphy
William F. Murphy
William M. Murphy
James B. Murray
John D. Murray
James M. Mutter
Lonnie M. Myers
Melba J. Myers
Richard A. Nagle
Gary J. Nash
Thomas H. Nash
Richard L. Neal
Richard L. Needham
Thomas A. Neidhart, Jr.
James C. Nelles
David W. Nelson
John J. Nelson, Jr.
John W. Neubauer
Ronald S. Neubauer
William H. Neuss
James C. Newman
Richard C. Norris, Jr.
Craig W. Norton
Rhodes B. Nunley
Robert G. Nunnally
Ronald C. Oates
Clarence E. O'Brien
David E. O'Brien
George W. T. Odell
Lawrence W. Oelrich
James T. Okelley, Jr.
Edward P. B. O'Neil
Wilbert E. Orem
Philip G. Ostrom
Simone J. Pace
Glen E. Packwood
Allen D. Parker
William A. Parker
Lioned Parra
Stanley J. Pasieka, Jr.
Howard C. Patterson
Jimmy A. Payne
Donald E. Pellecchia
John W. Perrine
Louis R. Peters
Frank K. Peterson
Robert L. Peterson
Richard M. Petroski
Allan D. Pettit
John B. Pevateaus, Jr.
Albert R. Pfeltz III
John D. Phillips
Jeffrey C. Pickett
Darvin D. Pierce
Richard F. Pinion
Ted R. Pittman
William E. Platz
Grant L. Polk
Michael H. Ponder
William S. Poole
Henry L. Preston
Charles L. Pritchard
Sara J. Pritchett
Val P. Prost
James M. Puckett
Roger M. Pullis
John J. Quaid
William E. Ramey
Edward C. Rathbun
Philip H. Ray
Joseph M. Reber
Robert J. Redell
Henry L. Reed
Claude W. Reinke
Calix L. Reneau
Robert R. Renier
Philip F. Reynolds
James F. Rhodes
Larry D. Richards
John G. Richardson
Dean J. Richman
David A. Rochwine
Michael A. Rigney
Charence C. Riner III
John D. Rivera
Frederick M. Rivers, Jr.
Robert S. Rix, Jr.
Reno G. Rizzo
Jerry N. Roach
William L. Roach
Jerry L. Robertson
Lawrence R. Robillard
Everett A. Robison III
Arden E. Romsos
Robert C. Rosenau
Loretta J. Ross
Peter R. Rounseville
Morris E. Ruddick, Jr.
Jack A. Ruffer
James A. Rumbley, Jr.
Bernard R. Rusthoven
Patrick F. Rutkoski
Edward M. Rynne
Richard D. Sachse
Charles A. Saldarini
Gerald H. Sampson
James J. Sanchak
William J. Sandberg
William C. Sauer
William E. Schaaf
Don F. Schafer, Jr.
Francis R. Schigg
David J. Schipper
Robert C. Schramm
Edward C. Schriber
Ernest U. Schultes
Peter A. Schwartz
John R. Schworn
Robert V. Scobie
Richard R. Scolio, Jr.
James B. Scuras
Raymond L. Seaborg
John W. Sears
William T. Sermeus, Jr.
Merlyn A. Sexton
Richard J. Sexton II
Robert L. Shara
John E. Sharkey
Robert C. Shearer
Robert C. Shepherd
Michael S. Shirley
Michael F. Shisler
Craig S. Sim
William R. Singer
John C. Singleton
Paul B. Skibsrud
Douglas L. Smith
Cary M. Smith
Gordon W. Smith, Jr.
James M. Smith
John J. Smith
Michael W. Smith
Robert D. Smith
Samuel W. Smith, Jr.
Richard E. Souza
Stephen M. Snyder
Richard H. Sokolowski
Ernest F. Spencer
William R. Spicer
Thomas J. Stack
Michael A. Stankosky
Peter Starn
Douglas L. Starr
Edward M. St. Clair
Allan H. Steel
Gregory C. Steele
Steve R. Stegich III
William B. St. John, Jr.
Louis C. Stengel III
Brian M. Stevermer
Edward W. Stillman
Robert E. Stimson
John E. Stocking
John W. Stone
Stanford I. Storey
David M. Stout
James M. Stoy
Thomas L. Strohecker
Robert J. Sullivan
John A. Summa
Lem W. Surghnor, Jr.
John E. Sutton
William R. Sutton
Howard L. Swain
Ronald E. Swantkowski
Steven F. Szabo
Edward A. Taber III
Robert M. Talent
Donald G. Taylor
Harold W. Teasdale
Jesse H. Terpstra, Jr.
Raymond A. Thomas
James M. Thompson
Leroy A. Thompson
Fredric M. Timm
Herschel M. Timmons, Jr.
Leonard E. Torres
Stanley J. Trachta
William A. Trader
Andrew F. Traynor, Jr.
Frank L. Turner
Charles S. Tutt
Herbert S. Upton
Victor R. Urbanski
Dennis R. Vandervoort
Del R. Vandiver
Gary R. Vangysel
Mitchell C. Vickers
Wylie M. Vickery
Warren C. Vining III
Frederick J. Vogel
Donald A. Vogelgesang
Richard J. Vogt
Richard H. Voigt
John M. Wagner
John F. Walker, Jr.
George H. Walls, Jr.
Lawrence J. Walsh
Matthew F. Walsh, Jr.
George F. Ward, Jr.
Jimmie A. Warfield
Richard E. Waters
Charles L. Weaver
James M. Weaver
Ronald H. Wecht
Edward B. Weick
Jerome L. Weis
Robert F. Wemheuer
Roger V. Wellbrook
Danield T. Wellman, Jr.
Andrew S. Wells
Darrel A. Wells
Earl C. Wentworth, Jr.
Gerald C. Westendorf
Wade S. White
Avera S. Williams
Dale W. Williams
Gary L. Williams
Robert S. Williams
Samuel M. Williams
Robert O. Wills
Robert T. Willis
Jeffery A. Wilson
Walter R. Wisniewski
Bruce G. Wolfe
Robert W. Wood
Lance P. Woodburn
Robert M. Woodbury
John A. Woodhead III
Howell F. Wright
James L. Wright
John W. Wroten, Jr.
Thomas P. Wyman
James T. Wynn
Lonnie V. Yanda
Thomas R. Yanger
Earl W. Young II
John F. Younger, Jr.
Norman P. Ytterdal
Charles W. Zadel, Jr.
David E. Zaenglein
Thomas Zalewski
Ronald R. Zappardino
Paul J. Zohlen

EXTENSIONS OF REMARKS

Proposed Ratification of U.N. Conventions

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 14, 1968

Mr. THURMOND. Mr. President, there are two United Nations conventions which the Senate may be asked to approve: the first deals with the political rights of women; the second is concerned with the abolition of forced labor. These conventions may appear innocuous. Both subjects have been dealt with decisively by constitutional amendments. The Committee on Foreign Relations has refused to approve these conventions, and with good reason.

Human rights, as Americans know them, are mere words in most of the world. More often than not, the concepts embodied in such humanitarian resolutions are used as weapons in international politics, and are rarely followed in the nations which anxiously seek authority for intervention in the internal affairs of other nations.

James Jackson Kilpatrick recently discussed these conventions in an excellent column which was published in the State newspaper of January 9, 1968. Mr. Kilpatrick, with his usual perception, points out the essential danger in these and similar treaties: they ought never to deal with matters of internal law.

Writing in the February issue of the American Bar Association Journal, John M. Raymond, a distinguished attorney who now lectures in international law at the University of Santa Clara School of Law, takes the position that the ratification of these two treaties would not advance these human rights in the nations which do not now grant them. This is an excellent article on an important subject that I believe should be called to the attention of Congress.

Mr. President, I ask unanimous consent that the column entitled "Is This Really One World?" written by James J. Kilpatrick, and the article entitled "Don't Ratify the Human Rights Conventions," written by John M. Raymond, be printed in the Extensions of Remarks.

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

[From the Columbia (S.C.) State, Jan. 9, 1968]

IS THIS REALLY ONE WORLD?—TREATIES SHOULDN'T AFFECT INTERNAL LAWS

(By J. J. Kilpatrick)

WASHINGTON.—Now and then a fateful little sentence comes on tiptoe through the news—softly, softly, making no rustle—and the hair on the back of your neck goes prickle-prackle. The superstition used to be that a rabbit was crossing your grave. Just such a sentence crept into President Johnson's message on the international balance of payments.

"More than ever before," said the President, "this is one world—in economic affairs as in every other way."

Probably the reference to "one world" was no more than passing rhetoric, mere bunting to dress up a speech, for the rest of the President's message was surely nationalistic. Yet one wonders. Back in the fall, Mr. Johnson asked for Senate ratification of two more of those giddy United Nations conventions, and

Wisconsin's Senator William Proxmire has said that willy-nilly he will see to it that the Senate has a chance in 1968 to vote them up or down.

One hates to sound darkly suspicious, but when the President of the United States asserts that ours is "one world in every way," it is time to hook the shutters and check the locks on the doors. Mr. Johnson's mind has a sort of beltway breadth; he travels on two or three lanes at once. When he asks approval of these UN conventions, he is asking nothing less than an annex to the Constitution, for treaties, once ratified, become part of the supreme law of the land.

It may not be amiss, therefore take a fresh look at these instruments of international law. The first of them, adopted by the UN General Assembly in 1952, is a convention intended to insure "the political rights of women." In substance, it binds the ratifying nations to agree that women shall have the right to vote and to hold office in their countries on equal terms with men.

The second, adopted by the International Labor Organization in 1957, is a pact on "the abolition of forced labor." It would bind the signatories to suppress, and not to use, forced labor as punishment for the expression of political views, for economic development, as punishment for participation in a strike, or as a means of racial or religious discrimination.

At the last count, 53 nations had ratified the convention on women's rights and 78 had ratified the convention on forced labor. On their face, the two treaties seem innocuous. Senator Proxmire, who made 175 speeches last year in favor of ratification, says they embody no more than already is embodied in the Constitution and laws of the United States. If formal Senate approval would gain us some Brownie points in international good will, why not vote the treaties into law?

The solid reasons for opposing these two conventions—and others that may come after—were spelled out in September by Eberhard P. Deutsch, of New Orleans, in a brilliant presentation to the Senate Foreign Relations Committee. Deutsch is chairman of the American Bar Association's standing committee on such instruments. What he said, in essence, is that treaties among nations should deal solely with relations among nations; they ought never to deal with matters of internal law.

The political rights of women in, say, Switzerland, Sweden or Peru simply are no business of the United States. Conditions of internal labor (we are not talking here of the slave trade) ought not to be fixed by international treaty. It is not enough to say that "women should have equal rights," or that "forced labor is terrible." Doubtless these are laudable views; they have been embedded in U.S. law for some time. But they are not the stuff of which treaties are made.

Not, that is, unless we truly are prepared for the "one world" concept, in which human rights are decreed by a World Court rather than by our own courts. Various agencies of the UN are working in precisely this direction, with persistent help from the State Department. Other UN conventions are pending that deal with marriage, holidays with pay, and pregnancy leave for working mothers.

Who ever supposed these matters were matters for world law? The UN's global thinkers, that's who. Come the millennium, they may be right. But come 1968, the U.S. Senate would do well to vote the pending conventions down.

[From the American Bar Association Journal, February 1968]

DON'T RATIFY THE HUMAN RIGHTS CONVENTIONS

(NOTE.—Replying to an article entitled "A Costly Anachronism" in last October's *Journal*, Mr. Raymond argues that failure of the United States to ratify two human rights treaties now before the Senate—those on forced labor and on the political rights of women—would not be anachronistic, but rather would be eminently sound. Our adherence to these treaties, he writes, would not advance these human rights in the nations that do not now accord them.)

(By John M. Raymond)

The article by Richard N. Gardner, "A Costly Anachronism" (October *Journal*, page 907), presents no really convincing argument for ratification by the United States of the two human rights conventions now before the Senate, those on forced labor and on the political rights of women;[1] nor does it answer satisfactorily the objections of opponents of ratification. Those objections are not to the principles the conventions enumerate but to the use of the treaty procedure to accomplish the desired end. The conventions are not a mere declaration of principles, as was the Universal Declaration of Human Rights, but they are binding international compacts creating legal rights and obligations. It is neither an anachronism nor an "embarrassing contradiction" (to use Professor Gardner's expression) to recognize that additional considerations are involved when one moves from the advocacy of principles to the making of legally binding agreements.

Treaties are, in effect, contracts between two or more states, and they should be employed as contracts are used—to gain some advantage for the contracting party. As a long-standing regulation of the Department of State puts it: "Treaties should be designed to promote United States interests by securing action by foreign governments in a way deemed advantageous to the United States."[2] These human rights treaties are designed solely for the purpose of trying to bring about the abandonment of forced labor in countries that permit this practice and the granting of political rights to women in countries where they are lacking. Since forced labor is not imposed on Americans anywhere and American women would in no event have political rights abroad, we must look elsewhere to find how United States interests will be advantageously promoted by such internal changes in foreign countries.

The position of proponents of ratification, as expounded by Professor Gardner, is understood to be that if a country which has the objectionable practices ratifies these treaties and implements them, social and economic progress will be promoted in that country, and that this in turn will create a better climate there for American business, cultural and political relations. It is also claimed that these improved conditions will forestall the possibility of certain disorders that could disturb world peace and security. Many question this thesis on the argument that such claimed advantages to the United States are much too remote and indefinite to be considered.

Be that as it may, the proponents' position is so tenuous as to be unrealistic. If a state having the objectionable practices is prepared to reform its ways, it would seem that it would take the appropriate action without any necessity of first assuming an obligation to do so under an international agreement. Even if it felt it needed the force of an international obligation in order to achieve its internal reform, it could secure this by ratifying the treaties now and becoming bound to those states that have ratified, without the necessity of ratification by the United States. If the state is not prepared to take such measures, it would hardly become a party to the treaties; and if it should by some change become a party, it follows from the hypothesis that it would not implement them.

Even granting, for the sake of argument, that the treaties might bring about the desired result in certain countries, this in no way explains why the United States should become a party to them. We have long since granted these rights to our own people. Our ratification would have no effect, legal or otherwise, which would accomplish this result in other countries. These reforms can only be brought about by domestic action of each country concerned.

Professor Gardner advances the argument that our ratification "will encourage other nations to adhere" to the conventions, and he quotes Ambassador Goldberg thus: "If we do not consider it important to sign the conventions, why should they? Or, more important, why should they implement the conventions?" But these statements are quite different from and fall far short of saying that states which today have the objectionable practices will ratify the conventions if we ratify. "More important," they certainly do not say that such states will implement the treaties by their own action provided we ratify. The conclusion that any objectionable practices would be eliminated by our ratification is a complete *non sequitur*.

All that would be accomplished by our becoming a party to either of the conventions would be that we would acquire a right to assert a legal claim against another party that was in default on its obligations under the treaty, should an erring and reluctant nation chance to become a party thereto. It is hard to believe that the United States would ever rely upon legal pressure to secure social and political reforms within a foreign country unwilling voluntarily to make the changes. This would hardly be a procedure designed to improve the climate for American interests in that country.

The practical way to attempt to secure the desired reforms would seem to be by education, persuasion and example, not by the use of a legal claim. The use of the treaty procedure for this purpose smacks of impracticality. Suppose, on the local scene, Mr. A habitually uses abusive language toward Mrs. A—a matter clearly domestic to A's household but of neighborhood concern. No one would think of trying to stop this abuse by means of a contract, designed to be signed by the men of the neighborhood and, it might be hoped, by Mr. A, under which each signatory makes a legally binding commitment to each of the others not to use abusive language toward his own wife.

Likewise a treaty is quite an inappropriate and impractical vehicle to employ for the purpose of putting an end to abuses and deficiencies which exist in another state's domestic practices.

Professor Gardner also thinks we would be in a better moral position to influence other states if we ratified; but how our moral position would be improved by the act of agreeing to do what we have already done is not apparent. It is usually thought that actions speak louder than words and that example is the hallmark of leadership.

He is quite right, however, in stating: "The positive consequences of United States adherence are hard to measure." Indeed, they are completely illusory. We should neither ratify nor encourage the drafting of such legal documents, but we should use our influence to secure common acceptance of sound principles in the field of human rights, to educate the newer countries about their value and to persuade them to eliminate objectionable practices.

Professor Gardner fails to present any convincing argument against the basic objection to ratification: that it is improper—at least for the United States—to employ a treaty to deal with problems that are exclusively between a government and its own people. The arguments in support of the objection are ably presented in the report of the American Bar Association's Standing

---

Footnotes at end of article.

Committee on Peace and Law Through United Nations.[3] In capsule form they may be stated:

"Our Constitution envisages a Congress to enact laws on matters within the federal jurisdiction, and State legislatures to enact laws on matters reserved to the States, while the treaty power is given to the Executive to deal with international affairs. Since legislatures have the power and the duty to provide the necessary laws relating to domestic matters, a treaty should not be used to deal with matters of purely internal concern. Traditionally it has not been so used.

"The effect of ratification of the proposed treaties would be to make their provisions the law of the United States, even though no change in presently-existing law would result. The provisions of the conventions which would thus become our law deal exclusively with the relations between a government and its people. Such relations are not international affairs but are matters solely of domestic concern. They are not an appropriate subject for a treaty. Indeed, at the international conference which drafted the Forced Labor Convention the Representatives of the United States announced that under the constitutional system of the United States this was not an appropriate matter for a treaty. The reasons underlying this announcement apply with equal if not greater force to the Convention on the Political Rights of Women. The conventions should not be ratified."

Professor Gardner misconstrues the argument. There is no claim that the present conventions would "alter in undesirable ways the laws of the United States", or that they would "move into the federal domain certain subjects hitherto reserved for state action". Rather the objection is that these conventions would move into the international domain subjects hitherto reserved for domestic action.

Professor Gardner quotes Charles Evans Hughes as saying treaties are to be used for matters of "international concern" and he claims that by the United Nations Charter human rights have become a matter of international concern. However, he is taking Hughes's statement out of context. What the former Chief Justice said was this: "The [treaty-making] power is to deal with foreign nations with regard to matters of international concern. . . . [It] is intended for the purpose of having treaties made relating to foreign affairs and not to make laws for the people of the United States in their internal concerns . . .".[4]

The 1916 convention with Canada for the protection of migratory birds, which was involved in *Missouri* v. *Holland*, 252 U.S. 416 (1920), was not a departure from this principle, as Professor Gardner thinks. The problem there involved was one which required international co-operation to resolve. The birds flew from one country to the other. Protection against their indiscriminate slaughter in only one of the countries would not stop their extinction as long as there was no restriction in the other. The treaty committed both countries to take parallel action to prevent this. The situation is in no way analogous to the present case.

The Slavery Convention of 1926 and the current supplementary convention were aimed, in substantial part, at the international traffic in slaves, likewise a problem extending across state borders and requiring international co-operation to resolve. None of these cases constitutes a precedent for any present departure from the sound traditional limits on the use of treaties as stated by the former Chief Justice, who was also a former Secretary of State.

It is perhaps significant that, about the time the present conventions were submitted to the Senate for its advice and consent to ratification, the regulations of the Department of State were amended by deleting a sentence which read: "Treaties are not to be used as a device for the purpose of effecting internal social changes or to try to circumvent the constitutional procedures established in relation to what are essentially matters of domestic concern."[5] Not only did the department have on hand at that time the Convention on Forced Labor and the Convention on the Political Rights of Women, but it knew that there were, in various stages of preparation, a number of so-called human rights conventions, such as the Conventions on Marriage, on the Elimination of Racial Discrimination, on Economic and Cultural Rights, on Civil and Political Rights, on the Elimination of Religious Intolerance, and on Freedom of Information.[6] All of these conventions deal with "what are essentially matters of domestic concern". To handle such matters by the treaty method is to "circumvent the constitutional procedures established" in the United States.

Professor Gardner and, indeed, most advocates of ratification somewhat emotionally take the position that human rights would be advanced around the world by our ratification of all such treaties. We are told that we must take the lead in this great movement to promote human rights, not only by advocating the granting of them and explaining their value but by becoming a party to all such conventions. The fact is that our ratification would not bring about any change in the objectionable practices. On the contrary, what it would do would be to make us a party to treaties that run directly contrary to our traditional practice and long-standing constitutional doctrine regarding the use of treaties. Our ratification would move into the international sphere matters which have always been considered to be clearly domestic. It is obvious that there are countless matters which may thus be dealt with once the trend is started.

The time to take a stand is now. The United States should decline to ratify the Convention on Forced Labor and the Convention on the Political Rights of Women.

FOOTNOTES

[1] The Supplemental Slavery Convention is of a different character. After Professor Gardner's article appeared, the Senate gave its advice and consent to this convention.

[2] Section 311, Foreign Service Manual.

[3] Significant portions of the report are reproduced in 1 Int'l Law. 600–629 (1967).

[4] American Society of International Law, 1929 Proceeding 194 (emphasis supplied).

[5] Section 2, Department of State Circular No. 175, eliminated when the regulations were transferred to Section 311, Foreign Service Manual.

[6] 1 Int'l Law. 620–623 (1967).

Preventing Conventional Arms Races

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 1968

Mr. FRASER. Mr. Speaker, an excellent conference on arms control was recently conducted by the World Affairs Center of the University of Minnesota.

The following story from the Minneapolis Star tells of the speeches by Dr. William Higinbotham, John F. Loosbrock, and Dr. Herbert Scoville.

In addition, there were speeches by Morton Halperin, Deputy Assistant Secretary of Defense, International Security Affairs, for Policy Planning and Arms Control; by Charles Van Doren, Deputy General Counsel, U.S. Arms Control and Disarmament Agency; and by John G. Palfrey, consultant to the U.S. Atomic Energy Commission. Excerpts from Mr. Van Doren's excellent address on "Preventing Conventional Arms Races" follow.

The University of Minnesota is to be congratulated for bringing another excellent program to the upper Midwest. Faculty members who participated in the conference are Dr. William C. Rogers, director of the World Affairs Center; Dr. Harry Foreman, associate dean, international programs, University of Minnesota; and Dr. Burton Sapin, director, Center for International Relations and Area Studies. Pierce Butler III, an attorney in St. Paul, also took part as a moderator.

The above-mentioned follows:

[From the Minneapolis Star, Jan. 30, 1968]

PROSPECTS FOR END OF ARMS RACE CALLED LESS

(By Peter Vaughan)

Prospects for the control of the nuclear arms race between the world's nuclear powers have lessened in the last year, three experts on arms control agreed Monday at a conference on arms control.

The speakers were participants in the conference which was held at the Thunderbird Motel, Bloomington, and sponsored by the University of Minnesota World Affairs Center in Co-operation with the U.S. Arms Control and Disarmament Agency.

Dr. Herbert Scoville, assistant director of the arms control agency, said two recent developments had set back hopes for limiting the nuclear arms race.

The development by China of nuclear capability, he said, would lessen chances of future agreements on nuclear arms control between the U.S. and the Soviet Union.

Scoville also pointed to the recent decision of both the U.S. and the Soviet Union to go ahead with limited antiballistic missile (ABM) defense systems as an escalation of the nuclear arms race.

The effect of the ABM system, he said, was to stimulate the production of more sophisticated delivery systems by both countries. The Russian suborbital delivery system and U.S. multiple warhead missiles are indications of this trend, Scoville said.

Dr. William Higinbotham, head of the instrumentation division of the Brookhaven National Laboratory, agreed that some Soviet-U.S. agreement on the limitation of the ABM systems was imperative if the nuclear arms race is not to spiral out of control.

He said that arms control has always been a second priority item in the thinking of U.S. leaders and that it must become a first priority item if the "great gamble and great uncertainty" of the arms race is to be eliminated.

He urged the 100 persons attending the conference to "use your voice" to gain public support for arms control.

John F. Loosbrock, editor of Air Force magazine, said the nuclear arms race as supported by the military is only "a means of buying time for the political leaders" to solve the world's problems.

The political figures, including presidents since Truman and Congress, have largely failed in making the use of the time that they have been given, he said.

Loosbrock, however, added a note of caution to those who feel that disarmament will necessarily bring world peace.

"Disarmament," he said, "may not be workable, for what we want is peace and stability. It is conceivable that a disarmed world could be more unstable than it is now."

All three speakers focused on the danger to world stability of the development of new weapons systems. As the situation exists today, they concurred, the deterrents of both the U.S. and Russia make a "first strike" a very unattractive move.

The new systems, multiple warheads and suborbital delivery systems, are aimed at increasing the effectiveness of the "first strike" and therefore make nuclear war more attractive as a possible policy.

The conference was financed by a grant from the Pierce Butler Foundation of St. Paul.

PREVENTING CONVENTIONAL ARMS RACES

(Address by Charles N. Van Doren, Deputy General Counsel and Chairman, Arms Transfer Advisory Council, U.S. Arms Control and Disarmament Agency, at a conference presented by the World Affairs Center, General Extension Division, University of Minnesota, Minneapolis, Minn., January 29, 1968)

INTRODUCTION

This morning we were focussing on the *strategic* arms race, and the prospects of preventing a costly, competitive escalation thereof. This problem is a relatively neat one to analyze, because (apart from the still fairly modest Chinese threat), it is essentially a race between only two super-powers. I am convinced that Secretary McNamara is right, and that intensification of this race on one side can only lead to a responsive intensification on the other, and that such escalation will add nothing to the security of either. The name of the game here is mutual deterrence, and if both parties forgo further escalation, such deterrence can be maintained at present levels at least as well as at higher levels of strategic offensive and defensive capabilities.

Whatever the level, mutual deterrence—together with a due appreciation of the incredible destructive power of nuclear weaponry—has *worked* thus far in the strategic field. No strategic weapons have been used since the first uses of nuclear weapons at the end of World War II. All the wars and military engagements that have actually occurred since then have been fought with non-nuclear, conventional arms. Thus it is time to look at the possibilities of controlling conventional arms races.

* * * * *

III

If the developing countries don't seize the initiative on this matter, the next question is whether we can make it more clearly in their interest to do so.

We have been bending every effort to persuade the Indians and Pakistanis to put a lid on their military expenditures, with some modest success in the past year. But there are vast differences between their respective views of what would constitute a stable balance, and we have had to face the contention that what they do in the interests of their national security is *their* problem, in which we should not interfere.

At least to the extent that it dissipates our economic assistance to that region, it clearly *is* our business. And the most recent session of Congress has made this abundantly clear in the Foreign Assistance Act of 1967 and related statutes.

First, it stated that in determining whether and to what extent the United States should furnish development assistance, the President must take into account the extent to which a country's governmental expenditures are allocated to key development areas, including agriculture, health and education *and not diverted for unnecessary military purposes.*

This objective was furthered by the Symington amendment which requires the President to consider the percentage of the recipient's budget which is devoted to military purposes and the degree to which it is using its foreign exchange resources to acquire military equipment, and if he finds that U.S. development assistance is being diverted to military expenditures, or that the recipient is diverting its own resources to unnecessary military expenditures to a degree which materially interferes with its development, directs him to terminate U.S. economic assistance and sales to the recipient until he is assured that such diversion will no longer take place.

The Foreign Assistance Appropriations Act went even further, and forbade the use of appropriated funds to finance the purchase or acquisition of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, by or for any developed country other than Greece, Turkey, Iran, Israel, Republic of China, the Philippines and South Korea unless the President furnishes Congress with a finding that such acquisitions are *vital to the National Security of the United States.*

It also requires the President where he cannot furnish such a finding to Congress, to withhold economic assistance to any developing country other than those just listed in an amount equivalent to the amount *spent* by such country on such sophisticated weapons systems.

Returning to the Foreign Assistance Act of 1967, it provides that U.S. military sales programs shall be administered so as to encourage regional arms control and disarmament agreements and so as to discourage arms races, and state the purpose of military sales legislation to be to authorize measures consistent with that objective to enable allied and other friendly foreign countries *having sufficient wealth to develop and maintain their defense capabilities without undue burden to their economies,* to purchase defense articles and services from us.

It terminates previous statutory authority to make and guaranty sales of military equipment on credit.

Next, it places regional limits on the aggregate amounts of U.S. military assistance and sales to Africa and Latin America, and restricts the purposes of such assistance and sales to internal security and civic action in the absence of a contrary Presidential decision reported to the Congress.

The legislation also tackles the problem of third party transfers—that is, the resale or retransfer of equipment of U.S. origin to recipients to whom we would not sell or or give such equipment directly. Essentially, it requires purchasers under the military sales program to agree to give the U.S. a veto on such retransfers. This provision bears on the disposition of the large stocks of military equipment that has been sold to our NATO allies, and are now up for replacement. Unless we can control the disposition of such materiel to developing countries, our policy with respect to the direct sale of equipment to such countries could be completely frustrated.

Not only can the U.S. use these new legislative tools, but it can also seek parallel action by international groups dealing with economic assistance, such as the various international aid consortia, the World Bank and the Inter-American Development Bank. In fact, the new legislation includes a requirement that the U.S. use its voting power in the latter organization for the purpose of disapproving any loan which might assist a recipient country to acquire sophisticated or heavy military equipment.

IV

A third approach to the problem is mutual restraint by the major suppliers of military equipment. We attempted this approach in the Middle East in the early 1950's. The United States, the United Kingdom, and France issued a tripartite declaration of their intention to restrict military shipments to the Middle East, and founded the Near East Arms Coordinating Committee to implement such restrictions. But the entry of the Soviet Union as a supplier to the area beginning in 1955 frustrated this effort. In the face of some $2 billion of Soviet supplies to the Arab states, the western suppliers felt they had no choice but to help counterbalance those shipments.

But after the blood-letting last June, there seemed to be a chance for a fresh start. On June, 1967, President Johnson said:

". . . this last conflict has demonstrated the danger of the Middle Eastern arms race of the last twelve years. Here the responsibility must rest not only on these in the area—but upon the larger states outside it. We believe that scarce resources are better used for technical and economic development. We have always opposed this arms race, and our own military shipments to the area have been severely limited.

"Now the waste and futility of the arms race are apparent to all. And now there is another moment of choice. The United States, for its part, will use every resource of diplomacy, and every counsel of reason and prudence, to find a better course.

"As a beginning, we propose that the United Nations should call upon its members to report all shipments of military arms to the area."

The same day we set forth in a draft resolution as one of the prime requisites of a stable and lasting peace in the Middle East: "the regulation and limitation of arms shipments into the area."

Here again, the results have been less than was hoped for. The Soviets mounted a resupply effort which has brought the Arabs nearly back to their pre-June level of armament. But there are some encouraging signs: First, the Soviets do not appear to have escalated the types of equipment being supplied to the Arabs (e.g., they have not introduced ground-to-ground missiles); second, generally speaking they have not yet gone further than to replace the amounts of equipment lost by the Arabs in the June hostilities; and third, in November, 1967, they publicly recognized the desirability of restraint in a draft UN resolution which called on states to "take measures to limit the useless and destructive arms race" in the area.

We are obviously watching the Soviet moves very carefully as President Johnson hinted in his communique at the close of Prime Minister Eskhol's visit to the US, which said that we would keep Israel's military defense capability under active, sympathetic examination and review in light of all relevant factors "including the shipment of military equipment by others to the area."

Let us hope the Soviets get the message.

Criticism of South African Prisons by United Nations Group

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 14, 1968

Mr. THURMOND. Mr. President, public documents and authoritative investigations in the past 20 years leave little doubt that treatment of prisoners in Communist jails ranges from intensive brainwashing to torture almost beyond imagination.

Yet, today, we have a group representing the United Nations which has called for further investigation of the penal institutions in South Africa, despite a thorough investigation into their prisons in 1964 at the invitation of the South African Government. The United Nations will never become an authoritative body in world affairs as long as it permits

groups such as this to badger a country without cause when obvious persecutions exist in many nations behind the Iron Curtain.

A succinct editorial on this subject entitled "Predictable Finger-Pointing," was published in the February 7, 1968, issue of the State newspaper, Columbia, S.C. I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

PREDICTABLE FINGER POINTING

In 1964, it appears, South Africa asked the International Committee of the Red Cross to investigate prison conditions in that country. George Hoffmann, delegate general of the International Committee, visited prisons and places of detention. His report was published and the South African government accepted his recommendations.

Now, according to William Fulton of the *Chicago Tribune*, another group, after having "wined and dined in London and elsewhere for nine months, listened to 26 witnesses, and spent $309,000, toward which American taxpayers will contribute one third," has just blasted South African prison conditions again.

The group met in London under the auspices of the United Nations. Although composed (in its own self-description) of "eminent jurists and prison officials," there wasn't a single recognized penologist among them, nor did the group ever manager to get to South Africa, much less to the prisons themselves.

Moreover, the 26 witnesses who appeared before the U.N. group had long been known for their hostility toward the South African government. Some were known saboteurs; others, on their own admission, were Communists.

Understandably, South African officials were displeased by the group's statement concerning prison conditions. Ambassador Matthys Botha declared, "Prison management in any country is patently a domestic matter and the South African government is not prepared to renounce its jurisdiction in this regard—a view no doubt shared by all states."

He had the already published Red Cross report to refer to, and that seemed quite sufficient.

Perhaps if UN junketeers would undertake to investigate prison conditions in Soviet Russia or Cuba or Algeria (where former Congolese Premier Moise Tshombe is still being detained), we might consider the resultant reports worth the money.

But as things stand, it seems the UN is never where it is needed *when* it is needed. More often than not, the UN can be counted on to stick its nose into matters which affect neither the peace of the world nor the charter of the United Nations itself.

Speech by Mrs. James T. Broyhill Relative to Reopening of Ford's Theater

HON. CARL T. CURTIS

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 14, 1968

Mr. CURTIS. Mr. President, at a time when we celebrate the birthday of Abraham Lincoln, I ask unanimous consent to have printed in the Extensions of Remarks a speech delivered by Mrs. James T. Broyhill, wife of the Representative of the Ninth Congressional District of North Carolina, dealing with the reopening of Ford's Theater and the influence the theater played in the life of the Great Emancipator.

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

This year we as Republicans have a fresh and exciting occasion to talk about the greatest of all presidents—a founder of our party. On his 159th birthday, the theater he loved so well will memorialize him. Yes, this year Ford's Theater will light up and look just as it did 103 years ago—when the performance was halted by Lincoln's assassination.

Behind this inauguration has been three years of exacting and painstaking work and almost three million dollars. An impressive modern museum, the historic theater itself, and live professional drama could make this landmark one of the three most important for visitors in Washington.

And they will not be disappointed! The many who have toured the old Lincoln Museum and said, "But where's the theater?" will be happy with the result. Even the interior decor of this perfectly restored theater is loaded with such interest that Ruth Wagner of the Post said:

"Don't be surprised if the historic restoration starts a whole new trend in interior decorating—a return to the elegant detailed style of the mid-nineteenth century." Around the balcony is a molded plaster frieze with the carved cherub look. The balcony rails are bright red velvet. Another feature is the terracotta and red fleur de leis designs painted on the ceiling. Prominent also are the many little glass gas lights which line the balcony. This detailed look is also accomplished by red runner carpeted aisles broken by warm toned floors rather than the continuous look of wall to wall floor covering. The cane seated audience chairs, less comfortable than authentically reproduced, are of two colors—light and dark. It wasn't an easy task to substantiate what went where, whether it was wall paper or paint, or if it was possible to get the original. The shock and horror on the Good Friday when Lincoln was shot resulted in such indignation over reopening the theater that it was shut tight, most of its furnishings disposed of and the clues necessary for this project scattered hither and yon. If it had not been for some photographs Matthew Brady was allowed to take right after the assassination, questions might have remained unanswered about how it all looked originally. His pictures captured in detail the royal plush appearance of the presidential box. It is wall papered with a wine pattern. Its focal point is a red Victorian sofa—the original one that Mr. Ford used to bring from his living quarters when he knew that Mr. Lincoln would be in attendance. However, when the president entered half hour late that night and the orchestra interrupted the performance with All Hail the Chief, he sat down in a walnut rocker, which is owned by a Museum in Michigan. A copy of this along with two crimson chairs have been reproduced and are also placed in the box.

The stage imparts a feeling of fantasy. It is outlined by fancy green and gold design painted on white background side scenery. The Corinthian columns by the side of the stage are also throughout the theater even in the balconies completing a uniform look in architecture.

This interior actually has a personality. You respond to it as you would to a painting—seeing far beyond paints and canvas. It was as if you were there in that 1865 audience trying to escape your enormous problems by a few hours of entertainment. Such contrasting moods as heaviness and light heartedness seem to manifest themselves the contrasting fabric decor. The lacy white feminine curtains of the VIP boxes on one eye level. The federal important look of gold brocade draperies on another. Five deep colored flags also drape and hang from the upper level at the base of the Presiden't box. One of the flags was copy of the Treasury Guard flag which John Wilkes Booth caught his foot in when after he shot Lincoln he jumped from the President's box to the stage and broke his leg. The actual flag is on exhibit in the contemporary museum below the theater. The restoration plans provided for this $60,000 museum by excavating 15 feet deeper than the first foundations. Among the 4000 pieces on display are the gun used for the assissination and Booth's diary minus the pages which were mysteriously ripped out by someone in Lincoln's Administration. The suit the President was wearing when killed and which Mrs. Lincoln gave to the doorkeeper was traced to and purchased from a needy woman in North Carolina for $25,000 and donated to the museum.

The real climax to the rebirth of Ford's Theater will be the return of live performances to this famous stage. With the advent of the play, John Brown's Body February 12, the National Repertory Theater could bring exciting promise to Theater in America. While France, Austria, Germany and others have excelled in the performing arts; theater in America has suffered. The taint and unsavory reputation that John Wilkes Booth gave to the profession, for one thing, was hard to overcome. The first plays after the assassination actually had to be introduced by preachers. It was in the 20's when acting finally began to take hold—and it met with another obstacle—the depression. Then came the war, motion picture industry and competitive television. But now in an art conscious climate, it should thrive. When the National Repertory Theater (NRT) starts its career here it brings with it an enormously successful background. The producers, Michael Duvell and Frances Doughtery have award winning plays, breaking box office records from city to city. It is the only major repertory theater to tour the country. The company shares the same dedication to a cultural education for the student that the Ford Theater founders have. In fact one third of all seats will be set aside for special student programs.

Who is responsible for Ford's rebirth. Senator Milton R. Young a Republican initiated the idea and the $200,000 needed for the study of its possible restoration.

It is rather fitting that the Lincoln's theater have such a Republican complexion. Even the resolution for the restoration was signed into law by Eisenhower. Republicans should take advantage of this in this election year and speak of this at Lincoln day dinners and other events. It is, of course, not a political speech, but it could be a political help. I think of the many times I have suddenly been asked to say a few words about my life in Washington and wish I had been better prepared. Ford Theater is new, big, terribly interesting and has a cultural impact—certainly important to this country. Not all of us talk on political issues. I for one can converse, but not controverse and show my most favorable side. Through this non political type speech ideas, subtle but effective, can be put across. Just as Mrs. Johnson talks about Beautification and Crime in the Streets to imply her hung on the right track, lets remind people that we stand for the ideals of Abraham Lincoln when we talk about Ford Theater.

Lincoln's love for humanity was nowhere better illustrated than his love for the theater. It has been recorded that he attended Ford's 45 times and assumed that he went more than that. Not only did it give him

diversion from the weighty problems which confronted him but it gave him the opportunity to be with people. Lincoln loved people with all his heart. The theater contributed not only to his personal enrichment in appreciation of the arts but it helped him to achieve both the love and understanding that made him our most human president. Drama is the art more than any other—that concerns people. Emotions, feelings, predicaments and pleasure come across in a very direct and personal way from living actor to sympathetic audience. Lincoln could identify with others and perhaps it was this trait more than any other that made him immortal.

Mary Todd Lincoln comparing him with her former suitor Stephen Douglas (Yes, Lincoln's rival in love too) said Mr. Lincoln may not be as handsome a figure, "But the people are perhaps not aware that his heart is as large as his arms are long."

Children sensed this. One little girl who had been told that the President was very homely was taken by her father to the White House to see the President. Lincoln took her upon his knee chatted with her for a moment in his merry way and she turned to her father and exclaimed "Oh Pa, he isn't ugly at all. He's just beautiful."

One little story not only illustrates Lincoln's charm and humor but his humility as well:

Lincoln had always blacked his own boots when he lived in Illinois and when he won the presidency and went to live in the White House he saw no reason to change. One day the Secretary of the Treasury caught him at this and said, "Mr. President, gentlemen don't black their own boots in Washington."

Without even looking up from his work Lincoln asked, "Well whose boots do they black?"

Certainly Lincoln was in some measure molded by all he read and by his contacts with people whether on stage or off. The development of a total Lincoln had to be laid to many factors. The significant thing was that at a time when self-government, our republic and our democracy stood its greatest trial, our Nation had such a man. It is appropriate that the theater where he was refreshed in such a critical time is his memorial. Perhaps we in this century can through this very human art bring back something of our greatest President of all times.

Busing To Integrate May Be Illegal

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 14, 1968

Mr. THURMOND. Mr. President, one of the distressing aspects of the entire civil rights controversy has been the apparent willingness of many people to subjugate all other considerations to achieve the goals of the so-called civil rights movement. We can see this in the present bill, H.R. 2516, where proponents of this legislation are willing to risk Federal disruption of local law enforcement in order to solve an alleged abuse by State law enforcement agencies. We can see this in the pending amendment on housing, where the proponents are willing to violate the rights of homeowners all over the Nation in order to satisfy this "movement."

The most disturbing aspect of this trend has been the willingness of these same people to destroy the neighborhood school by busing schoolchildren to achieve racial balance. It is indeed refreshing when an action contrary to this trend appears in a Northern State. Such an action was the recent decision of the Federal circuit court in Michigan enjoining the Lansing Board of Education from putting in effect a plan calling for the busing of students to achieve racial balance.

This decision was discussed in an editorial published in the Greenville News of February 4, 1968, with that newspaper's usual degree of insight.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

BUSING TO INTEGRATE MAY BE ILLEGAL

While the pattern in some federal courts, notably in the Fifth United States Circuit Court of Appeals in New Orleans, has shown a frightening trend toward denying freedom of choice in any form for either White or Negro children in the public schools, there are some signs of a letup.

There is evidence that the courts may tend to back off, or shy away from lower judicial decisions and federal bureaucratic policies, regulations and coercion aimed at achieving something no one has been able to define but is called "racial balance."

We hasten to interject here that the district and special three-judge courts in South Carolina, and the Fourth Circuit Court which has jurisdiction over this and several other states, have shown an admirable measure of the ancient principle of judicial restraint. None of our courts has attempted to break new legal ground, but have judged the facts and issues within the firmly established precedents.

The freedom of choice principle is in danger from other quarters. It may be stricken down by the Supreme Court itself, if and when it takes action on any appeal from the New Orleans case.

Meanwhile, however, a Northern Circuit Court has permanently forbidden (enjoined) the Lansing, Mich., Board of Education to put into effect a plan calling for transferring children and transporting them from one school to another merely to create racial balance. The plan, devised in 1966, was aimed at correcting what was called "racial imbalance."

Some aspects of the ruling are intensely interesting, and might apply to pending issues in this state, perhaps in Greenville County.

The three circuit judges said that the plan would be "discrimination in reverse"—"discrimination for instead of against" Negroes. They said that discrimination can be used for or against a person, and it should not be permitted in either direction.

This is to say that White children should not be discriminated against for the benefit of Negro children, just as the Supreme Court said many years ago that Negro children should not be discriminated against for the benefit of Whites, if such be the case.

It would be stretching the point far less than some courts already have strained it to say that denying freedom of choice, or transferring and busing Negro children to White schools could be, and most probably is, discrimination against the Negroes.

By the same token, an effort to deny Negro children their desire to stay together in their own school in order to further demolish the "dual system," or to extend integration, also is discrimination against the Negroes.

One other aspect of the ruling, however, may render it practically ineffective. The judges said the Lansing Board could change its boundaries (presumably district lines or attendance areas) and transfer students on the basis of geography. Spelled out in the baldest lay terms, this would be plain old "gerrymandering," an ugly word.

It seems rather odd that, while the federal courts have ruled against gerrymandering as a means of preventing or minimizing integration, this one now sanctions it as a means of achieving more integration.

Be that as it may, it is noteworthy that a federal court one might expect to go all out for integration has taken judicial notice of the fact that efforts to eliminate real or fancied discrimination in one direction can produce the same thing in another direction.

It is interesting also that the court rose above the clamor for massive integration regardless of individual desires and the general welfare to recognize again that individuals of both races have certain rights and interests worthy of protection.

In Memory of Mrs. Ella F. Harllee

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, February 14, 1968

Mr. YARBOROUGH. Mr. President, on January 19, a Texas lady, whose dedication to her fellow man and to her country made her famous far beyond our State, passed away. She was Mrs. Ella F. Harllee.

Mrs. Harllee was a Texan transplanted to Washington by marriage. She was the mother of Rear Adm. John Harllee, retired, Chairman of the Federal Maritime Commission, and Miss Ella F. Harllee, president of the Educational Communication Association.

Mrs. Harllee, daughter of one of Texas' well-known jurists and educators, Zachary Taylor Fulmore, ended an Austin career as a newspaper correspondent and concert soprano with her marriage to the late Marine Corps Brig. Gen. William Curry Harllee in 1909. His work brought them to Washington.

Mrs. Harllee called the Nation's Capital home for almost 60 years, and during that time served as recording secretary for the District of Columbia League of Women Voters, as chairman of the Colonial Dames' education committee, and as a president of the Armistead Chapter of the United Daughters of the Confederacy.

She was a member of the Central Presbyterian Church and belonged to many local organizations including the Army-Navy chapter of the Daughters of the American Revolution, the Chevy Chase Country Club, the Association for the Preservation of Virginia Antiquities, the First Families of Virginia, the Marine Officer's Wives Club, and the Texas State Society.

Mrs. Harllee and her family have been very dear to me. Mrs. Harllee was a great lady of the southern tradition. She loved life and beauty; and she inspired a love of history and tradition in those around her.

To this fine lady I wish to pay tribute, I ask unanimous consent that the account of her passing from the following newspapers be printed in the Extensions of Remarks: The Washington Post, January 22, 1968; the Washington Evening

Star, January 22, 1968; the San Antonio Express, January 22, 1968; and the Austin American, January 23, 1968.

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

[From the Washington (D.C.) Post, Jan. 22, 1968]

ELLA HARLLEE, MOTHER OF FMA CHAIRMAN

Ella Harllee, mother of retired Adm. John Harllee, chairman of the Federal Maritime Administration, died Friday night after a heart attack she suffered while visiting at the home of friends in Philadelphia. She was in her 80s.

A resident of Washington for 55 years, Mrs. Harllee was a member of a number of civic and historical organizations. She was former recording secretary of the D.C. League of Women Voters and had served as chairman of the educational committee of the Colonial Dames.

She was also a former president of the Armistead chapter of the United Daughters of the Confederacy and a member of the Army-Navy chapter of the Daughters of the American Revolution.

A native of Salado, Tex., Mrs. Harllee received her bachelor's degree in music from Salem College, Winston-Salem, N.C., and studied journalism for a year at Columbia University in New York City. Before her marriage, Mrs. Harllee worked as a correspondent in Austin for several Texas newspapers.

A soprano by training, she also gave a number of vocal concerts.

She was the widow of Marine Corps Brig. Gen. William Curry Harllee, who died in 1944.

Besides her son, she is survived by a daughter, Ella Harllee, of Washington, and a sister, Mrs. Imogene Harrison, of Houston, Tex.

[From the Washington (D.C.) Evening Star, Jan. 22, 1968]

MRS. WILLIAM C. HARLLEE, MOTHER OF MARITIME CHIEF

Mrs. William Curry Harllee, widow of Marine Corps Brig. Gen. William Curry Harllee, and mother of the chairman of the Federal Maritime Commission, died Friday in Philadelphia after a brief illness.

She had lived at 1753 Lamont St. NW for the past 55 years.

Born in Salado, Texas, Mrs. Harllee spent her pre-marriage years in Austin, working as a concert singer, and as a correspondent for several newspapers. She graduated from Salem College in Winston-Salem, N.C., with a bachelor's degree in music in 1903. She also attended Columbia University's graduate journalism school.

In 1909, the former Ella Florence Fulmore was married in Austin, Texas, and moved to the Washington area. Although she and her husband traveled all over the world on military assignments they were able to use their home in Washington as "home base."

Mrs. Harllee was a former recording secretary for the D.C. League of Women Voters, former chairman of the Colonial Dames' education committee, and former president of the Armistead chapter of the United Daughters of the Confederacy.

Other organizations that she belonged to were the Daughters of the American Revolution's Army-Navy chapter, the Chevy Chase Country Club, the Association for the Preservation of Virginia Antiquities, the First Families of Virginia, the Marine Officers' Wives Club, and the Texas State Society. She was a member of the Central Presbyterian Church, here.

Mrs. Harllee leaves her daughter, Miss Ella F. Harllee, of the home address: one son, retired Rear Adm. John Harllee, chairman of the Federal Maritime Commission, of 2950 Legation St. NW; a sister, Mrs. Imogene F. Harrison, of Houston, Texas, and one grandson, John Harllee Jr., of 5307 Moultrie Road, Springfield, Va.

Friends may call from 7 to 9 p.m. today and from 2 to 4 p.m. and 7 to 9 p.m. tomorrow at the S. H. Hines Funeral Home, 2901 14th St. NW.

Services will be at 11 a.m. Wednesday at the Ft. Myer Chapel, with burial in Arlington Cemetery.

[From the San Antonio (Tex.) Express, Jan. 22, 1968]

ADMIRAL'S MOTHER DIES

WASHINGTON.—Mrs. William Curry Harllee, mother of Adm. John Harllee, chairman of the Federal Maritime Commission, died of a heart attack Friday while visiting at the home of friends in Philadelphia. She was in her 80s.

A native of Salado, Texas, she was a concert singer and journalist in that state prior to her marriage to the late Brig. Gen. Harllee of the Marine Corps.

In addition to her son, she is survived by a daughter, Miss Ella Fulmore Harllee of Washington and a sister, Mrs. Imogene Fulmore Harrison of Houston, Texas.

Funeral services will be in the Ft. Meyer Chapel at 11 o'clock Tuesday morning with burial in Arlington National Cemetery.

[From the Austin (Tex.) American, Jan. 23, 1968]

ELLA P. HARLLEE DIES; RITES SET WEDNESDAY

WASHINGTON.—Mrs. Ella Fulmore Harllee, descended from prominent Texas pioneer families and the widow of a commandant of the U.S. Marine Corps, died of a heart attack in Philadelphia Friday night and will be buried at Arlington National Cemetery here Wednesday.

Mrs. Harllee is the mother of Retired Rear Admiral John Harllee, chairman of the Federal Maritime Commission. She has lived in Washington since the 1944 death of her husband, Brig. Gen. William Curry Harllee, top officer of the Marine Corps before World War II.

Born in the historic Robertson Mansion in Salado, Mrs. Harllee is the granddaughter of Maj. Sterling C. Robertson, early day Texas impresario. Her father was Judge Zachary T. Fulmore, Texas educator and jurist for whom Fulmore School in Austin was named.

Sen. Ralph Yarborough and Rep. Jake Pickle of Austin will be among the honorary pallbearers, as will former Marine Corps Commandant Gen. Wallace M. Greene.

Mrs. Harllee received a bachelor of arts degree from Salem College, Winston-Salem, N.C., and studied journalism at Columbia University, New York. In Texas, she was a concert singer and writer.

In Washington, Mrs. Harllee was a leader in a number of civic, historical and patriotic organizations. She held office in many organizations, including the celebrated First Families of Virginia.

Besides her son, she is survived by a daughter, Miss Ella Fulmore Harllee; a daughter-in-law; a grandson, John Harllee Jr.; and a sister, Mrs. Imogene Fulmore Harrison of Houston.

The "Pueblo" Crisis

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 14, 1968

Mr. THURMOND. Mr. President, the seizing of the U.S.S. *Pueblo* by the North Koreans has provoked much public discussion, including the asking of searching questions about the foreign policy of the United States. The February 6, 1968, edition of the State newspaper, Columbia, S.C., discussed the *Pueblo* seizure in both an editorial and a column by Paul Scott.

In the editorial, entitled "The Hot Potato," the highly relevant point is made that the solution to this incident must concern itself with more than repossession of the ship and its crew, as important as these objectives are. A further concern must be the reestablishment of our military position in the world. If this is not done, more incidents of this type, with graver consequences, will surely follow.

In the column entitled "*Pueblo:* One of Many 1968 Crises?" Paul Scott discusses the possibility that the *Pueblo* seizure is the first of a series of crises supported by the Communists to harass and embarrass the United States in 1968. Others would include intensive escalation of racial rioting and antiwar demonstrations. The purpose of this campaign would be to involve the administration and the military in numerous diversionary actions in an effort to hamper our Vietnam war effort.

Both of these discussions pose serious questions about our defense and foreign policies.

Mr. President, I ask unanimous consent that the editorial and article be printed in the Extensions of Remarks.

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

THE HOT POTATO

Well, The Security Council of the United Nations has postponed debate on the Pueblo crisis indefinitely. That's the "last, best hope of mankind" for you: Always on the job.

Soviet ambassador Platon D. Morozov, at one point said he found it difficult to take an interest in what U.S. ambassador Arthur Goldberg was saying. Indeed, he wrote on his face an expression of complete and utter boredom—as though to say, "You'll get your ship back when were ready to give it back, and not before."

The Associated Press reported last week that, privately, the Russians accept Americas explanation that the Pueblo was in international waters when the North Koreans seized it. But they're embarrassed. Pyongyang, it seems, didn't tell Moscow it was going to board the Pueblo.

Nevertheless, as usual in a crisis, Communists everywhere must publicly stick together. Thus, the deadlock.

Meanwhile, what has happened to America's credibility and prestige as a world power?

"The Communist world has been jointly testing the proposition that the United States is over-extended, over-committed, and underprepared to act," said Richard Nixon last week. "The Pueblo seizure has undermined our credibility. What we have to insure is that it has not been irrevocably undermined . . . The long-range need is to re-establish the credibility of American policy by reestablishing the credibility of American power."

While it is certainly true that the realities of military strength in the world today caution prudence on all sides, it is also true that the maintenance of freedom and peace absolutely depends upon superior U.S. military power.

Everyone within arm's length of a newspaper or TV set knows that spies are a fact of life in 1968. The Communists spy upon us, and we spy upon them, and both sides know most of the time about each other's spies.

So, there was no need for the Pueblo

seizure. Even if a Soviet spy ship were (accidentally) to venture within the three-mile limit near an American shore, it would be some time before we'd risk the hoopla that would ensue if we seized it.

Two weeks ago, President Johnson said that the seizure of an American ship and its crew in international waters "cannot be accepted." He said this is a dead-level tone of voice, looking point blank into the eye of a TV camera. Millions of Americans saw and heard him say it.

If it turns out now that the U.S. is indeed prepared to accept the Pueblo seizure, who then will again believe the President of the United States—or respect America?

"PUEBLO": ONE OF MANY 1968 CRISES?—REDS COORDINATE STATEGY OF HARASSMENT

(By Paul Scott)

WASHINGTON.—President Johnson is being warned that the seizure of the USS Pueblo is only the first of a series of converging crises the U.S. will face before the coming presidential election.

The President's intelligence advisers believe the Kremlin is setting the stage for a series of closely connected crises in Korea, Vietnam, Cuba, the Dominican Republic, and Berlin that will involve U.S. forces with those of other Communist nations, but not the Soviets directly.

At all of these East-West confrontation points, the Russians are supplying vast new amounts of arms, increasing their military advisers and technicians, and encouraging local Communist leaders to stir up new trouble for the U.S.

An interchange of information between the Central Intelligence Agency and the Federal Bureau of Investigation reveals that the new crises will be linked closely to the outbreak of new racial rioting and increased anti-war demonstrations in the U.S.

For example, North Vietnam's big offensive against the U.S. Marines near the demilitarized zone is being timed to coincide with the February 5–6 invasion of Washington by 3,000 to 5,000 anti-war protesters, most of whom will be clergymen.

The other coming crises, including those brewing in the Dominican Republic and Berlin, are expected to explode during the spring and summer when Dr. Martin Luther King is "disrupting" Washington with his "massive disobedience" program.

For several weeks, one government security agency has been monitoring short-wave radio exchanges between a pro-Castro black militant leader and stations in Havana and Moscow.

The black militant, now organizing Negroes in Washington for King's invasion, reported that Washington, Chicago, Philadelphia and Detroit are to be their main targets during 1968.

This information bears out FBI reports that many of the militants involved in riots in other cities in 1966 and 1967, are beginning to gather in these four cities.

Most immediate danger area outside of Vietnam and Korea now appears to be the Dominican Republic, where Havana-trained terrorists are beginning to return in large numbers.

Alexander A. Soldatov, the new Soviet ambassador to Cuba, has been given the assignment of directing the overthrow of the pro-U. S. government in that nearby Caribbean trouble spot.

Since the seizure of the USS Pueblo, the U. S. has intercepted a message Castro sent Kim Il-Sung, the Soviet-trained premier of North Korea, pledging to open a "third front" against the U. S. "at the appropriate time."

Significantly, Castro in his message praised Premier Kim "for diverting American men and ships from the Vietnam war" and "helping to increase the peace-war contradictions inside the U. S."

Premier Kim, who reached the rank of general in the Soviet Army before going to North Korea, wrote in a publication that followed the Tri-Continental conference of Communist nations in Havana early in 1967 "wars of national liberation should be started around the globe." He stressed that "nations like North Korea and Cuba should take the lead in helping North Vietnam by launching diversionary military actions."

Arrival of late model jet aircraft from Russia during the past nine months has boosted Cuba's air force to 250 planes and makes it clearly the dominant force in the Caribbean.

In the past year several crack regiments of Castro's 90,000-man army have been equipped with new Soviet arms and shifted into nearly prepared defense positions near the U. S. Naval base at Guatanamo Bay.

In East Germany the Russians several months ago began stockpiling 120-days' supply of food and military equipment, including all types of spare parts and ammunition, with the East Berlin armored divisions that now encircle West Berlin.

Since the Kremlin's policy has been to limit these forces to a week's supply, this change is considered to have major military significance.

One military intelligence group, which correctly forecast last July that the next major crisis would come in Korea this winter, warned that the supply build-up is preparation for a possible blockade of West Berlin later this year.

Their report points out that Soviet party boss Leonid Brezhnev and Secretary Mikhail. A. Suslov held a highly unusual meeting in January with all the top East German military and civilian officials in East Berlin.

It is also the opinion of this group of intelligence experts that the seizure of the USS Pueblo is part of a synchronized general Communist operation for taking pressure off of North Vietnam by involving U.S. forces in numerous diversionary actions.

HOUSE OF REPRESENTATIVES—*Thursday, February 15, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

They that seek the Lord shall not want any good thing.—Psalm 34: 10.

O Thou in whose presence our heads bow and our hearts are open, we thank Thee for our country—for her glorious past, her glowing present, and her growing future. Help us to see that the greatness of our Nation does not depend on wealth or fame or success but upon character rooted in honesty, faith, and good will between men and nations.

In this sacred moment we remember again our beloved Emancipator. May his words ring out anew in our day—"with malice toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle and for his widow and his children—to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations." Amen.

THE JOURNAL

The Journal of the proceedings of Monday, February 12, 1968, was read and approved.

MORE ABOUT THE FOUNDATION FACTORY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, the hearings of the Subcommittee on Foundations of the House Small Business Committee, which were held last October and November, proved conclusively that attempts are being made to mass produce tax-exempt foundations. Here is an interesting article from the Lansing, Mich., State Journal of January 24, 1968, which describes how it is done:

HOW TO ORGANIZE YOUR OWN FOUNDATION

(By Lawrence R. Gustin)

FLINT.—How would you like to join the company of the Fords, Rockefellers, Guggenheims and Motts and form your own nonprofit foundation?

You don't have to be a millionaire to do it, and the tax exemptions can be attractive, to say the least.

Take the R. O. Hayes Foundation in nearby Grand Blanc Township, for example. The Hayes Foundation is not the largest foundation in the country, nor is it the smallest, according to Robert O. Hayes, president and executive director.

Until recently, however, it was rather widely unknown. What made it pop into prominence was an article in a national magazine about small foundations similar in tax status, if not in size, to the Rockefeller, Ford and Mott foundations.

The R. O. Hayes Foundation is one of hundreds in the country formed under the direction of Americans Building Constitutionally, an Illinois-based outfit of which Hayes' father, Robert D. Hayes, is managing trustee.

The story uses the R. O. Hayes Foundation as an example of small foundations formed by ABC. It notes that the foundation made recent grants of $2 each to the Easter Seal campaign, the American Cancer Society and the Muscular Dystrophy Association.

"That's right, we did give these grants," says R. O. Hayes. "When somebody comes around to the door for a donation, most people will give a buck. With the foundation approach, we can do a little better."

ABC was founded to bring the foundation concept, used by the Kennedys and Johnsons and other wealthy families, to the "average well-off citizen." It recommends that a man form a foundation with a stated purpose which relates to some degree with his work. The man may then make himself and his family principal directors, assign his assets to the foundation and try to arrange for his client fees or salary to be paid to the foundation instead of to him personally.

Then he may arrange for the foundation he controls to hire him to do his regular work for the benefit of the foundation, and to pay him a relatively small salary, on which he pays income tax.

There are many advantages. The founda-