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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Wednesday, July 2, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

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

We thank Thee, O God, that the freedom we celebrate in coming days is not an attainment, but an obtainment—that it is Thy precious gift to man as part of his createdness. We thank Thee for the daring of our forefathers in reclaiming their "ancient rights." We thank Thee, too, for the heroes' valor, the patriots' devotion, the prophets' vision, and for all the blood and sweat and toil by which our freedom was purchased. As we commemorate our national independence accept again the declaration of our everlasting dependence upon Thee. In all our joy and thanksgiving enable us to remain a nation "under God," and give us grace and goodness to minister to mankind in His name. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 1, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT, APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 30, 1969, the President had approved and signed the joint resolution (S.J. Res. 122) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

EXECUTIVE MESSAGES REFERRED

As in executive session, the 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.)

PUBLICATION OF EULOGIES TO DWIGHT DAVID EISENHOWER

Mr. JORDAN of North Carolina. Mr. President, the Joint Committee on Printing currently is receiving many calls in connection with the publication of congressional eulogies in tribute to former President Eisenhower. The joint committee now has set Friday, July 11, as the closing date for final acceptance of any further insertions in the CONGRESSIONAL RECORD. It must be noted that ample time has been extended to all Members who wished to express their sentiments. It is the joint committee's intention that these tributes be published and distributed later this year. For that reason, all copy must be submitted on or before the above-mentioned date.

MESSAGE FROM THE HOUSE

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

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1698. An act for the relief of Joeck Kuncek;

H.R. 1707. An act for the relief of Miss Jalileh Farah Salameh El Ahwal;

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock; and

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate.

H. Con. Res. 66. Concurrent resolution providing for the printing as a House document of certain maps and indicia relating to Vietnam and the Asian Continent;

H. Con. Res. 208. Concurrent resolution authorizing the printing of additional copies of parts 1, 2, and 3 of the publication entitled "Subversive Influences in Riots, Looting, and Burning";

H. Con. Res. 209. Concurrent resolution authorizing the printing of additional copies of the committee print "The Analysis and Evaluation of Public Expenditures: The PPB System";

H. Con. Res. 291. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon; and

H. Con. Res. 294. Concurrent resolution authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1698. An act for the relief of Joeck Kuncek;

H.R. 1707. An act for the relief of Miss Jalileh Farah Salameh El Ahwal;

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock; and

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 66. Concurrent resolution providing for the printing as a House document of certain maps and indicia relating to Vietnam and the Asian Continent;

H. Con. Res. 208. Concurrent resolution authorizing the printing of additional copies of parts 1, 2, and 3 of the publication entitled "Subversive Influences in Riots, Looting, and Burning";

H. Con. Res. 209. Concurrent resolution authorizing the printing of additional copies of the committee print "The Analysis and Evaluation of Public Expenditures: The PPB System";

H. Con. Res. 291. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon; and

H. Con. Res. 294. Concurrent resolution authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Chair is advised that under the order entered yesterday, the Senator from Mississippi (Mr. STENNIS) is to be recognized for 1 hour at this time.

Mr. STENNIS. Mr. President, I should like to have the privilege to yield, if I may, without losing my right to the floor, to any Senator who has a matter which would customarily be taken up in the morning hour. However, of necessity, I shall have to ask that such matters be fairly brief. I understand that the Senator from Massachusetts has a statement that will not take long. How much time will the Senator require?

Mr. KENNEDY. About 4 minutes.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield 4 minutes to the Senator from Massachusetts without losing my right to the floor and without that time being charged to my allotment of 1 hour.

The PRESIDENT pro tempore. The Senator from Mississippi asks unani-

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mous consent that he may yield to the Senator from Massachusetts for 4 minutes, without that time being charged to the 1 hour allocated to him and without affecting his right to the floor. Is there objection?

Mr. GORE. Mr. President, reserving the right to object, I ask unanimous consent to have a statement printed at this point in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee?

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

DEPLOYMENT OF ANTI-BALLISTIC MISSILE

Mr. GORE. Mr. President, the principal reason advanced by President Nixon and Secretary Laird in support of deployment of an Anti-Ballistic Missile weapon system is that such deployment is necessary "to preserve the integrity of our deterrents." Secretary Laird argued that an ABM protection of that portion of our Minutemen which are located in Montana and North Dakota was necessary because "with the large tonnage the Soviets have they are going for our missiles and they are going for a first strike capability." He added "There is no question about that."

This is the principal justification advanced in support of ABM deployment. Indeed, it is the only basis on which the Administration has seriously sought to justify it, unless one takes seriously the imaginary nuclear threat from Red China which has been occasionally mentioned.

When Secretary Laird appeared before the Disarmament Subcommittee on March 21, I opened the hearing with a brief statement in which I said:

"Your principal argument yesterday, Mr. Secretary, was that the deployment of the ABMs around two Minuteman missile sites, one in Montana and one in North Dakota, would 'preserve the integrity of our deterrents.'

"Mr. Secretary, on this your principal point, I wish to join issue."

Mr. President, the integrity of our nuclear deterrents must be maintained. This is true because our strategy to avoid nuclear war is based upon policies designed to deter any potential enemy from leveling a nuclear attack against the United States. We hope in this way to prevent nuclear war. The central question, thus, is whether a defensive missile system is needed "to preserve the integrity of our deterrents". If such a need could be established there would remain the question of whether the proposed Safeguard system would be a proper and an effective response.

But the first and foremost question is, and throughout this argument has been, whether deployment of a defensive nuclear missile weapons system is necessary or even advisable in order "to preserve the integrity of our deterrents".

The testimony of Secretary of Defense Melvin Laird before the Disarmament Subcommittee on March 21 in support of deployment of the so-called safeguard ABM Weapons System was in open session and was carried live by national television networks. After emphasizing that the United States had been and was still only "going for a second strike capability" he said:

"With the large tonnage the Soviets have they are going for our missiles and they are going for a first strike capability. There is no question about that".

This statement made headlines in newspapers throughout our country and, I am advised, in many parts of the world.

Herein, Mr. President, lies the heart of the ABM issue. If any nation possessed, or was about to achieve, or was seriously seeking to achieve a "first strike capability" against the United States, then the security interests of our country would require that we take action. In the present context of world tensions and dangers, it is necessary that we maintain a credible deterrent.

It might be well at this point to recognize that the terms "second strike capability" and "first strike capability" are words of art or more specifically, terms of art in military terminology. For the meaning of these terms I cite a "glossary of terms" prepared by the Library of Congress for the Subcommittee on National Security and Scientific Developments of the Committee on Foreign Affairs of the House of Representatives for its hearings in March of this year. Here is the definition given for the term "first strike capability":

First Strike Capability—For delivering the first blow against the enemy's forces and destroying his retaliatory capacity before he launches a counter-attack.

Now, Mr. President, if the Soviets are, in fact, without question, "going for a first strike capability" then, as I have said, it would be necessary to take such action as would then appear advisable to "preserve the integrity of our deterrents."

But Mr. President, at some time since March 21, Secretary Laird has altered his position. In his testimony before the House Appropriations Committee, he emphasized a "first strike weapon" instead of a "first strike capability." There is a vast difference.

The importance of the alteration of position by Secretary Laird will be revealed, I believe, in the testimony of Secretary Laird in closed session before the Senate Foreign Relations Committee which will be published soon. I think the testimony will show that this principal justification for deployment of the ABM Weapons System, the very foundation of this argument, is no longer advanced.

The PRESIDENT pro tempore. Does the Senator withdraw his reservation of objection?

Mr. GORE. I do.

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

The Chair now recognizes the Senator from Massachusetts.

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, the nominations on the Executive Calendar are to be considered. I ask unanimous consent that the Senate go into executive session to consider the nominations.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of executive business.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The bill clerk read the nomination of Luther Holcomb, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1974.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE DEPARTMENT OF TRANSPORTATION

The bill clerk read the nomination of James A. Washington, Jr., of the District of Columbia, to be general counsel of the Department of Transportation.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE PUBLIC HEALTH SERVICE

The bill clerk proceeded to read sundry nominations in the Public Health Service, placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations in the Public Health Service, placed on the Secretary's desk, are confirmed en bloc.

Without objection, the President will be notified of all nominations confirmed today.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PROGRAM FOR MONDAY NEXT

Mr. KENNEDY. Mr. President, I should like to have Senators know that when the Senate convenes at noon on Monday, the debate will continue on the Department of Agriculture appropriation bill, and that it is expected that votes will occur on Monday.

Senators should also understand that there will be some debate on the bill prior to 2 o'clock, but that as I understand, a number of votes will occur after 2 o'clock. So it is appropriate that Senators be on notice that that is the current plan, according to an agreement with the distinguished minority leader.

Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state it.

Mr. KENNEDY. I should like to know whether the time I have used until now has been charged against the 4 minutes that were yielded to me.

The PRESIDENT pro tempore. The Chair regrets to advise the Senator that that is the case. The Senator from Mississippi can, of course, obtain unanimous consent to extend the time without the extension being charged to the hour allocated to him.

Mr. STENNIS. Mr. President, in order that the Senator from Massachusetts may now have 4 minutes for his own use, I ask unanimous consent that I may yield 4 minutes to him without the time being charged to me or without my losing my right to the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. I thank the Senator from Mississippi.

THE SITUATION IN NIGERIA AND BIAFRA

Mr. KENNEDY. Mr. President, little of human dignity survives war in our time, but a meaningful peace can only be found in the civilized behavior of all toward their fellow man. By that measure, the situation in Nigeria-Biafra is headed for more chaos and battle, and an even greater destruction of human life.

The mercy airlift of food and medicine into Biafra has stopped. The 3 mil-

lion people supported by the airlift face starvation and death.

No amount of verbiage from our own Government, or from any quarter, can disguise the simple fact that the Nigerian Federal Government, in its frustration over the continuing existence of Biafra, has decided to starve its people into submission.

And as the situation deteriorates into one of desperation and genocide, the active sense of urgency which is needed among governments to answer the pitiful cries of a suffering people seems further away than ever before.

The United Nations chooses silence over leadership. Governments stand paralyzed in disbelief and selfish political concern.

Our own Government, reflecting so much of our moral and humanitarian leadership in recent years, goes along with the crowd.

There is little public or private evidence to suggest that we are much concerned—let alone inclined to take some meaningful action in an effort to head off what is clearly developing into one of the greatest nightmares of modern times.

Admittedly, the situation in Nigeria-Biafra is difficult and complex. The feasibility of what might be done is always in question. And so we hesitate.

But should we be less concerned because our action to help might offend the political sensibilities of those who show too little human sensibilities?

Are we as a Nation so morally bankrupt that the threatened death of hundreds of thousands of innocent people can be swept under the rug and into the pages of history without an effort to save them by the United States?

Perhaps the mass starvation of people in Nigeria-Biafra is not in our vital interest.

But it is in our conscience. And that is reason enough for this Nation to act for peace and relief.

The United States has always found a way to make its weight felt in the affairs of others, when our political self-interest and national security have been at stake. In the historic tradition of this Nation, I would also hope that we can still exert our powerful influence when great human tragedy strikes our fellow-man.

This influence is needed today in Nigeria-Biafra, and in the counsels of government throughout the world.

To carry out this effort, I make two recommendations:

First, I urge the President to seek the support of other governments in appealing to the Secretary General of the United Nations to use the power and prestige of his office to gain an immediate resumption of the mercy airlift into Biafra.

I appeal especially to those great powers—Great Britain, the Soviet Union, and France—that so willfully pour arms into the area and needlessly prolong violence at the expense of innocent millions, to join this effort for humanity.

Second, I urge the President to take the initiative in calling for early consultation among the ambassadors to the United Nations from Great Britain, the Soviet Union, France, our own country, and perhaps others, in the question of an arms embargo and a general de-escalation of the great powers involvement in the Nigerian conflict.

They should also pursue appropriate means to promote a cessation of hostilities, and negotiations leading to a political settlement under the auspices of an African heads of state committee.

Mr. President, we are conditioned in the world we have created to accept suffering and injustice, especially in our time, when violent conflict and oppression are active in so many areas.

But the newer world we seek will not evolve if we ignore these challenges to leadership, and take comfortable refuge in the mundane patterns and attitudes of the past.

So let us act with others to pursue peace and relief in a troubled area, because it is unconscionable to remain silent, and because the hope of all mankind for a better world will be strengthened.

Mr. President, I ask unanimous consent that press accounts of the current situation in Nigeria-Biafra be printed in the RECORD.

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

[From the New York Times, June 29, 1969]

CHURCHMAN SAYS BIAFRANS FACE NEW WAVE OF STARVATION DEATHS

(By R. W. Apple, Jr.)

LAGOS, NIGERIA, June 28—The rebel state of Biafra again faces critical food shortages. About 1.5 million people have died of starvation there during the two-year civil war, according to a Red Cross survey.

Dr. E. H. Johnson, moderator of the Presbyterian Church of Canada, said in London this week after a visit to the secessionist area that the situation would "soon reach, and possibly exceed, the proportions of last summer, when thousands, mostly children, were dying each day."

Authoritative reports reaching Lagos from Geneva and other sources indicate that stockpiles of high-protein foods, such as stockfish, dried milk and cornmeal, are almost exhausted, and that dispensaries are closing because they have no medicine.

In the fighting, heavy seasonal rains have somewhat restricted major operations.

However, at a news conference today, the Minister of information, Chief Anthony Enahoro, said that federal forces had cleared the rebels from an area west of the Niger River—a claim that has been made several times in the past—and had launched two new offensive operations.

REPORTED NEARING OWERRI

He refused to supply details. But military sources said the Third Marine Commando Division had been pushing north toward the city of Owerri, which it lost to the Biafrans in April, and that it had reached the outskirts of the city.

The sources also reported that Nigerian Air Force planes had strafed Owerri in support of the infantry.

In strategic terms, the balance in the war does not appear to have changed in the last two months. If the federal air force could succeed in permanently closing the Uli airstrip, however, the Biafrans would soon run desperately short of ammunition and weapons, as well as high-protein food.

The new crisis over food shortages has developed just when it seemed that Biafra's food problems had been brought under control. The region's recent maize harvest was a success, the "land army" program stimulated cassava and yam production, and the airlifts operated by the International Committee of the Red Cross and Joint Church Aid was efficiently supplementing these staple foods with protein.

Then came the air attacks led by Count Carl Gustav Von Rosen of Sweden, which humiliated the Nigerian federal Government and prompted it to strike out at the relief organizations. The raids, said a European army officer based here, "were the bee sting that made the horse go wild."

On June 1, the Nigerian Air Force began strafing and rocketing the airstrip between Uli and Ihiala, where the relief planes land. On June 5, a Swedish Red Cross DC-7 was shot down in daylight. On June 10 the airlift from Cotonou, Dahomey, and the islands of Fernando Po and São Tomé was temporarily halted.

On June 14, the Lagos Government announced that Dr. Auguste R. Lindt, the Red Cross relief coordinator for Nigeria, had been declared persona non grata.

Joint Church Aid officials said this week that their planes had resumed operations, but there has been no guarantee from the federal Government that they will not be shot down. Soviet radar stations are now believed to be operating at Port Harcourt and Calabar to aid federal Nigerian pilots, and a new consignment of Soviet-built jet fighters is reported to have arrived.

"ABSOLUTELY STYMIED"

"We're absolutely stymied at the moment," a relief official said today. "There is nothing we can do. And we have about tens of thousands of people in refugee camps who are not going to survive unless we can get enough protein food into Biafra soon."

President Nixon's relief coordinator, C. Clyde Ferguson, Jr., announced earlier this month that he had worked out a plan to take relief supplies up the Cross River from Calabar to Ikot Okporo, where they would be turned over to Biafran representatives.

Two United States-built, Colombian-owned landing ships, the Dona Mercedee and the Dona Maria, were to be used. One is already in Lagos and the second is due shortly. Each can carry 900 tons—the equivalent of three night flights by the airlift planes.

The federal government at first indicated approval of this project, but then began backing away. Authoritative sources say that a dispute has raged all week within the Government. It has apparently been resolved, and Government officials have promised to disclose their new policy on Monday at a meeting with representatives of relief agencies.

[From the New York Times, July 1, 1969]

RED CROSS RELIEF CURBED BY NIGERIA

(By R. W. Apple Jr.)

LAGOS, NIGERIA, June 30—The Government announced today that it had relieved the International Committee of the Red Cross, a Swiss organization, of responsibility for coordinating relief efforts on both sides of the lines in the two-year civil war.

From now on, the Government said in a statement, it will oversee the entire relief program itself, with outside agencies playing a sharply reduced role.

The Nigerian move was expected to lessen drastically the chances of renewed relief shipments to the rebel state of Biafra, where hundreds of thousands of civilians are reported to be facing malnutrition or starvation.

[In Geneva, the acting head of the International Red Cross said that the agency could not accept the Nigerian action.]

The Nigerian Government statement said all shipments to Biafra, "whether by air, sea, river or land, must be cleared by the armed forces and police after thorough inspection in Lagos or other approved points in federal areas."

Thus the Red Cross airlift from Cotonau,

Dahomey, and Santa Isabel, Equatorial Guinea, and the joint church aid airlift from the Portuguese island of Sao Tome in the Gulf of Guinea were both proscribed. Until suspended this month after the shooting down of a Swedish Red Cross DC-6, the flights had taken as much as 300 tons of food and medicine into Biafra each night.

Despite their unhappiness, relief officials said they were determined not to give up. They said talks were under way to see how much of their operation could be salvaged.

The Government threatened to shoot down any plane that tried to defy its orders, asserting that it "will not bear responsibility for any attempt to break the blockade" of the rebel area.

Although the statement, read to officials of international relief organizations by Chief Anthony Enahoro, the federal Minister of Information and Labor, did not specifically mention an American proposal for a river supply route, the insistence on military inspection of all cargoes appeared to doom that plan as well.

The Biafrans have refused to accept any proposal that made them dependent on the federal Government, arguing that their security would be jeopardized.

Chief Enahoro also emphasized that the Government would forbid mercy-flight operators to transport fuel, spare parts for radios, vehicles or aircraft—even their own—"which the rebels can commandeer for military purposes." He said any future flights would not be permitted to carry Biafra officials or journalists into or out of the country, as they have done in the past.

For Biafra, a permanent cessation of relief flights would be a double disaster.

First, it would deprive Biafra's 8 million to 14 million people of almost all high-protein foods, such as salted fish and dried milk, which have been used to supplement locally grown carbohydrates. This would almost certainly lead to further deaths from starvation, in addition to the 1.5 million who have already died, according to a recent study made for the Red Cross.

Second, the absence of relief flights would make it far more difficult for arms and ammunition flights from Gabon and elsewhere to reach the Biafran airstrip without being intercepted and perhaps shot down.

The relief officials were appalled by the new federal policy. One described it as "a bombshell." A second said it was "as hard as it could possibly be." A third said it probably meant the end of relief operations on the Biafra side of the lines.

[From the Washington (D.C.) Post, July 1, 1969]

NIGERIA IMPOSES VIRTUAL BLOCKADE ON RELIEF TO BIAFRA

LAGOS, NIGERIA, June 30.—Nigeria announced new rules today that could choke off all relief supplies to secessionist Biafra.

Although the Nigerians did not spell out how they would enforce the rules, the effect could be a virtual blockade of Biafra, which has been reduced to 3000 square miles with an estimated population of 3 to 4 million.

The Nigerians announced that the federal government would take over control of all relief efforts for both sides in the civil war and that it would no longer allow the International Committee of the Red Cross (ICRC) to appeal for and accept donations on behalf of Nigeria.

The Biafrans have consistently rejected the idea of accepting supplies brought through federal ports or airfields, as the Nigerians now propose. The Red Cross and other agencies have been flying in supplies from outside the country.

[In Geneva, the ICRC said it refused to accept the Nigerian government decision until every avenue was explored. In Copenhagen, a spokesman for Joint Church Aid said that group would continue its mercy flights into Biafra from the island of Sao Tome.]

The Nigerian announcement was made by the government's commissioner for information and labor, Chief Anthony Enahoro, at a meeting attending by representatives of more than 20 relief agencies, including Bernhard Frey of the International Red Cross.

Frey, who appeared shaken, refused to comment, but other relief officials called the statement a "bombshell" and said, "This is the worst possible thing."

Enahoro said: "The federal government has decided that the coordinating role of the ICRC shall cease forthwith. The ICRC will therefore no longer be competent to appeal for any aid from the international community and foreign donor governments on behalf of the government and people of Nigeria."

He said relief would be allowed to continue to isolated Biafra, but only after prior approval and inspection by Nigerian authorities. Supplies, he added, would be restricted to basic essentials and could not include fuel or spare parts.

"Any foreign government or agency interested in assisting . . . must therefore deal with the National Rehabilitation Commission and the appropriate federal ministries," Enahoro said.

Nigeria has maintained that arms and equipment have slipped in on the relief flights to Biafra.

Observers felt the blockade could be maintained by Soviet-built Mig jets, which have proven their effectiveness by shooting down a Swedish Red Cross DC-7 on June 5. Federal authorities alleged that the Swedish plane was carrying arms.

"The federal government will not . . . bear responsibility for any attempt to break the blockade," Enahoro said.

Relief must continue because Biafra's Ibos must later be reintegrated into Nigeria, Enahoro said, but strict controls are necessary. He gave no details on how Biafra would be supplied.

Relief officials questioned not only whether the government could deal with the program, but also raised the following questions:

Will the government be able to provide the status of neutrality to relief teams working in the field?

Will donor governments be in a position to contribute directly to an agency of the federal government?

Will the new system allow for roughly the same distribution system, with only the top positions changing from foreign to Nigerian personnel?

The government announcement came a few days after Chief Awolowo, highest civilian in the federal administration, said starvation was a legitimate means of war.

Enahoro called the present relief program counterproductive because it has prolonged the war, killing more, "thus canceling out the value of saving some lives."

Since the downing of the Swedish Red Cross plane, the amount of supplies reaching Biafra has dropped drastically. Only aid to federal-controlled areas had been continuing normally.

Airlifts by the ICRC and Joint Church Aid reached about 3 million Biafrans at their peak. The ICRC is feeding another 1.3 million persons in federal territory.

[From the New York Times, July 1, 1969]

NEW HEAD OF RED CROSS ASSAILS NIGERIA'S AID CURB

(By Victor Lusinchi)

GENEVA, July 1.—Marcel A. Naville, new president of the Red Cross, denounced the Nigerian Government today for having relieved the organization of its Nigerian relief duties "in the same way that a faithless servant is shown the door."

Mr. Naville took over the presidency of the all-Swiss committee today. He said at a news conference that the Nigerian Government's announcement yesterday that it was taking over the committee's role as coordinator for international relief for Nigeria was a "deliberate insult" to the humanitarian ideal for which the Red Cross stood.

The 49-year-old former Swiss banker also said that because of the halt in the flow of relief supplies to Biafra three weeks ago "several hundred thousand children are going to die in the next few days."

The Red Cross president spoke in unusually strong terms in what was viewed as a deliberate departure from the traditional guarded statements of an organization that zealously preserves its neutrality because of its concern with the welfare of prisoners of war and the civilian victims of war.

While measuring his words carefully, he clearly showed that the Nigerian Government action rankled when he said: "It is surprising that a state representing a respectable and a respected people can think that a humanitarian organization can be dismissed in the same way that a faithless servant is shown the door."

Mr. Naville stressed that the committee did not challenge the Nigerian Government's right to call an end to the Red Cross action. But he made it clear that the committee was indignant at the manner in which it was done, without prior consultation or official warning.

Mr. Naville was critical of what he termed the "incomprehensible" role of "certain non-African powers" in the Nigerian conflict.

These powers, in weighing their policies in connection with Nigeria, "commit a tragic error of appreciation," he said. Though he did not identify the powers to which he was referring, it was assumed that he had in mind countries such as Britain, the Soviet Union and France, which have supplied arms to one or the other side in the conflict.

He also denounced unspecified "cannon merchants" and said that he wanted to remind some people that "all the oil in Nigeria would not provide enough detergent to enable them to cleanse themselves."

With the Red Cross relief supplies in Biafra now exhausted, "we are at the eve of a great tragedy," Mr. Naville said.

The Red Cross mercy night airlift to Biafra was halted by what the committee official termed the "deliberate" shooting down of a Red Cross plane by the Nigerian Air Force with the loss of four lives.

Mr. Naville did not appear to take seriously a new offer by the Nigerian Government to permit daylight flights of relief planes to Biafra from the federal capital of Lagos.

The Red Cross is transmitting the offer to the Biafran authorities although it is known that the offer is unacceptable to them, he said.

Mr. Naville said, however, that the committee was ready to resume flying relief supplies to Biafra at a moment's notice from its bases at Cotonou, Dahomey, and Santa Isabel, Equatorial Guinea.

BIAFRA REPORTS MILITARY GAINS

COTONOU, DAHOMEY, July 1.—A military comminiqué by the Biafran radio today said that more than 1,000 Nigerian soldiers were killed in clashes with Biafran forces in the Obaku sector northwest of Owerri during June.

Biafran soldiers have pushed back a general federal Nigerian offensive and are progressing west of the Niger River toward the south, the communiqué said.

It said that 23 attacks had been launched by the Nigerians in the war north of Onitsha and on the southwest front but that no gains had been made.

[From the New York Times, July 1, 1969]

STARVATION THE WEAPON

Nigeria's hardliners have won an important political debate in Lagos and the immediate result is likely to be the deaths of hundreds of thousands of innocents, mostly children, in the blockaded Biafran enclave. Mass starvation is a certainty if the relief

airlifts, mounted by the International Committee of the Red Cross and Joint Church Aid, remain in suspension.

Lagos says it will continue to permit relief shipments into Biafra, but it knows full well that the stringent conditions it has imposed would block effective assistance indefinitely. It would be more honest to say what Chief Awolowo, the ranking civilian in the Federal Government, said last week: "All is fair in war, and starvation is one of the weapons of war."

As with so many tragedies in the Nigerian conflict, however, over-all blame cannot be assigned exclusively to one side. For months, the Federal Government offered immunity for daylight airlifts; but Biafra, citing security reasons, refused them. Lagos also accepted the proposal of some American members of Congress early this year for reactivating the Obilagu airstrip for around-the-clock flights, and trucking relief supplies a few miles into Biafra; General Ojukwu again refused.

The Biafran regime, time and again, has been willing to exploit starvation in order to advance its political ends. Lagos resented the fact that some relief agency workers, supposedly concerned only with humanitarian efforts, became political propagandists for the Biafran cause.

But none of this justified Nigeria in throwing out Dr. Auguste Lindt, the fairminded and incredibly patient Swiss coordinator for the International Red Cross, or in shooting down a Swedish Red Cross relief plane June 6. These were clearly blind, panicky reactions by Lagos to the unexpected Biafran bombing raids by the highly publicized "mini-air-force" of the Swedish Count, Carl Gustav von Rosen.

As a sovereign nation recognized by all but a handful of countries, Nigeria has a legal right to enforce a blockade in order to put down what it regards as a simple rebellion. But this is no longer primarily a matter of international law; and whatever Chief Awolowo may believe, world opinion will no longer accept the starvation of millions of innocent people.

The United States, which has supplied $70 million in relief supplies to both sides, should make this point forcefully to Lagos. It will help if the friends of Biafra, recognizing General Ojukwup's share in the responsibility for this appalling situation, will press equally hard for a more reasonable attitude by this regime in the interest of saving lives.

[From the Washington (D.C.) Post, July 2, 1969]

BIAFRA MILLIONS SEEN DYING IN FOOD CUTOFF

(By Spencer Rich)

The President's Special Consultant on Hunger said yesterday that 2 million Biafrans will die of starvation within the next three weeks if international relief for the hungry is cut off.

Dr. Jean Mayer, the Harvard professor and internationally known nutritionist who was chosen by President Nixon to organize the White House Conference on Food, Nutrition and Health, said there were nearly 3 million persons dependent on international food shipments, and most of these "already were hanging on a slender thread." A reduction of food now could send millions to their deaths, Mayer said.

Mayer, who went to Biafra on a study mission last February, made his comments in the wake of Monday's announcement by Nigeria that it was taking over from the International Committee of the Red Cross (ICRC) the function of coordinating food relief to the hungry in Nigerian-held areas of the civil war-torn country.

At the same time, Nigeria announced that it would allow food shipments into landlocked Biafra only if first cleared by Nigerian police or soldiers, and not when flown directly into Biafra from abroad.

Rescue agencies fear that the new regulations will be used to choke off food to Biafra. Chief Awolowo of Nigeria, highest civilian in the federal administration, said recently that starvation was a legitimate means of making war.

Mayer's sentiments were echoed yesterday by Marcel Naville, the new president of the ICRC, who predicted in Geneva, Switzerland, according to press reports, that "hundreds of thousands of children" will starve in the next few days alone unless international food relief to Biafra was allowed to continue.

Naville, like Mayer, said millions of persons could die of starvation.

In Washington, State Department spokesman said the U.S. was worried that relief operations might be hampered by the new Nigerian policy.

Dr. Mayer, referring to the Biafra situation, said, "We're really seeing the death of a nation right now." He said his study mission had concluded that 1.5 million persons had already died as a result of food shortages and "within the next three weeks, 2 million more people will die of starvation" unless international relief can be continued.

"There are three million people in refugee camps completely dependent on outside food supplies," he said. "So unless they get the food, they'll die."

A Nigerian spokesman said here yesterday that pending the takeover of relief coordination functions by a Nigerian government commission—which would be very soon and was already beginning—the ICRC would continue in that role.

He said direct night flights of food into Biafra from abroad would continue to be banned, and day flights allowed only if they first stopped at Lagos or other Nigerian areas to be sure cargoes did not include war materials.

[From the Washington (D.C.) Post, July 1, 1969]

GENOCIDE

One word now describes the policy of the Nigerian military government toward secessionist Biafra: genocide. It is ugly and extreme but it is the only word which fits Nigeria's decision to stop the International Committee of the Red Cross, and other foreign relief agencies, from flying in food to Biafra. Nigeria says it intends to take the control of all relief measures into its own hands. But lest there be any doubt of what that means, let it be noted that a few days ago Chief Awolowo, the highest civilian in the Lagos government, was quoted as saying that starvation was a legitimate means of war. Upward of a million people in Biafra have already died of starvation and its attendant ravages, and it now is likely—according to the President's consultant on nutrition, Professor Jean Mayer—that *two million* more may die within a matter of a few weeks.

For the Nixon Administration there should be no confusion or delay in deciding how to respond. The United States must immediately and unequivocally join in what we trust will be a worldwide demand that Nigeria not interrupt the flow of food and drugs to the civilian victims of the Nigerian civil war. As the principal relief donor Washington can do no less without becoming an accomplice to official genocide. Quite rightly, Nigeria states that providing relief to rebels is an act of political intervention. Nigeria is right too in claiming that Biafra's leadership has not hesitated to increase its own people's suffering as bait for world sympathy. It may be true that Red Cross flights have been misused as a cover for running arms. But so what? There are no diplomatic or political considerations so overwhelming that the United States must stand quietly by while another government murders a million or more souls.

Mr. PEARSON subsequently said: Mr. President, I wish to express my concurrence with the views stated by the senior Senator from Massachusetts in describing the terrible conditions existing in Biafra today.

The news accounts this morning indicate that the President's special consultant on hunger and malnutrition expects that 2 million people will die in that area in the next 3 weeks if the relief airlifts are not allowed to continue. Nigerian Government officials have indicated that no night flights may go in and only day flights that have been cleared may go into the area held by Nigeria and Biafra.

Mr. President, these are shocking figures, especially when added to the 1½ million people who have already starved in that country.

I wish to associate myself with the remarks made by the Senator from Massachusetts.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Kansas (Mr. PEARSON) for 3 minutes without the time being charged to my time.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from Kansas for 3 minutes.

ORDER FOR RECOGNITION OF SENATOR JAVITS

Mr. PEARSON. Mr. President, I ask unanimous consent that the senior Senator from New York (Mr. JAVITS) be recognized for 20 minutes following the speech of the Senator from South Dakota (Mr. MCGOVERN).

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

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. Mr. President, how much time under the unanimous-consent agreement do I have remaining?

The PRESIDENT pro tempore. Under the order heretofore entered, the Senator from Mississippi would still have the original hour granted yesterday.

Mr. STENNIS. One hour?

The PRESIDENT pro tempore. The Senator is correct.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia for 2 minutes, without losing my right to the floor, and under the usual request.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the able Senator for yielding.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary and the Permanent Investigations Subcommittee on Government Operations be authorized to meet during the session of the Senate today.

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

PAST EXPENDITURES ON MILITARY MISSILE PROGRAMS

Mr. STENNIS. Mr. President, it has been my purpose to make this statement for several weeks. The press of other matters, notably the hearings on and marking up of the fiscal year 1970 military authorization bill, has prevented me from doing so.

Mr. President, I shall refer to a table that was printed in the RECORD on March 7, 1969, at the request of the Senator from Missouri (Mr. SYMINGTON), and I shall also refer to remarks made by the Senator from Montana (Mr. MANSFIELD). I have discussed this matter with each of these gentlemen and they fully understand my purpose. I discussed with the Senator from Montana the remark I shall quote from a statement he made to the press. He agreed that the press had accurately requoted him. The Senator from Montana could not be present in the Chamber at this time but he unstands that I intended to make these remarks some time soon. The Senator from Missouri has been notified. I talked with him this morning. He understands that I am going to speak. I expect him to be in the Chamber within a few minutes.

Mr. President, I want to discuss today the recent allegations from various sources that there has been $23 billion of "waste" on military missile programs during the past 16 years. Some of the charges have come from responsible, conscientious, and usually well-informed Members of this body.

I commend all of those who have shown concern about this problem and for their interest in and zeal for economy in military programs. My concern is as great as theirs, and has been. I believe in governmental economy whether it be in the Department of Defense, the Department of Health, Education, and Welfare, or elsewhere, in or out of Government.

Since January of this year, the Senate Armed Services Committee and its staff has been searching earnestly for possible savings and appropriate decreases in military authorizations. I am already convinced that our efforts will bear fruit and that this will be apparent when we send the military procurement bill to the floor.

As soon as we can get the actual figures together, I expect to issue a brief statement to the press, perhaps in the morning, giving a broad outline of the figures as they will appear in the military authorization bill that we will send to the floor.

At the same time, however, the charges of a "waste" of $23 billion in military missile programs should not go unchallenged; otherwise they gain credence both with Congress and the general public and bring the Military Establishment into unnecessary and unjustified disrepute. Therefore, I propose to examine the facts and lay them on the table for the purpose of putting this subject in its proper perspective.

I say with emphasis that I do this as a matter of duty as the chairman of the Committee on Armed Services, and to clear up some impressions that have arisen about waste in the missile programs referred to by the Senator from Missouri.

I believe the allegations in question stem from a statement made on the floor of the Senate on March 7, 1969, by the distinguished Senator from Missouri (Mr. SYMINGTON). This statement was entitled: "Over $23 Billion Already Expended in Abandoned Missile Programs." In the course of his statement the Senator from Missouri inserted two tables in the RECORD. One table, totaling $4.16 billion, was headed "Major Missile Projects Terminated During the Past 16 Years—Prior to Deployment." The second table, totaling $18.8 billion, was entitled "Total Investment Costs for Missile Systems No Longer Deployed." The resulting total of $23 billion is the subject matter of the charges of waste in military missile programs.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the tables to which I have referred, with the same entitlements I have given, as they appear in the CONGRESSIONAL RECORD of March 7, 1969, at page 5602.

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

The tables ordered to be printed in the RECORD are as follows:

MAJOR MISSILE PROJECTS TERMINATED DURING THE PAST 16 YEARS (PRIOR TO DEPLOYMENT)

Project	Year started	Year canceled	Funds invested (millions)
Army:			
Bemmes	1944	1954	$96.4
Dart	1952	1958	44.0
Loki	1948	1956	21.9
Terrier, land based	1951	1956	18.6
Plato	1951	1958	18.5
Mauler	1960	1965	200.0
Total, Army			399.4
Navy:			
Sparrow I	1945	1958	195.6
Regulus II	1955	1958	144.4
Petrel	1945	1957	87.2
Corvus	1954	1960	80.0
Eagle	1959	1961	53.0
Meteor	1945	1954	52.6
Sparrow II	1945	1957	52.0
Rigel	1943	1953	38.0
Dove	1949	1955	33.7
Triton	1948	1957	19.4
Oriole	1947	1953	12.5
Typhon	1958	1964	225.0
Total, Navy			993.4
Air Force:			
Navaho	1954	1957	679.8
Snark	1947	1962	677.4
GAM-63 Rascal	1946	1958	448.0
GAM-87 Skybolt	1960	1963	440.0
Talos, land based	1954	1957	118.1
Mobile Minuteman	1959	1962	108.4
Q-4 Drone	1954	1959	84.4
SM-72 Goose	1955	1958	78.5
GAM-67 Crossbow	1957	1958	74.6
MMRBM	1962	1964	65.4
Total, Air Force			2,774.6
Grand total			4,167.4

Total investment costs for missile systems no longer deployed

	Millions
Army:	
Nike-Ajax	$2,256
Entac (antitank missile)	50
Redstone	586
Lacrosse	347
Corporal	534
Jupiter	327
Total, Army	4,100
Navy:	
Polaris A1	1,132
Regulus	413
Total, Navy	1,545
Air Force:	
Houndog A	255
Atlas D, E, F	5,206
Titan I	3,415
Bomarc A	1,405
Mace A	328
Jupiter	498
Thor	1,415
Total Air Force	13,241
Grand total	18,886
Plus missile systems terminated prior to deployment	4,167
Total	23,053

Mr. STENNIS. Mr. President, it should be noted that the Senator from Missouri did not categorize these expenditures as "waste." He merely specified the amount which the taxpayers have expended on "missile systems first placed in production, then deployed, then abandoned," and also on "additional missile systems which were abandoned in the research and development stage."

Taking off from this point, however, others have concluded that the $23 billion mentioned by the Senator from Missouri was wasted. Even our distinguished and respected—and I can say beloved—majority leader was quoted in the New York Times as saying:

> In the past decade on missile development and deployment we have *wasted* about $23 billion.

These charges have been echoed by others.

Mr. President, I would not have used that quotation, as I have said, without first checking it with the Senator from Montana. He fully understands the spirit of my speech. I think that I understand the spirit of his remark; that he had infered from the tables, and possibly from something said by others, not the Senator from Missouri, that this was all waste. The Senator from Missouri did not make that statement.

With all deference to the press, after the statement by the Senator from Montana especially, it was echoed and reechoed by the press, radio, and television, and by columnists throughout the land, over and over and over again, that $23 billion had been wasted on these missile programs. I do not blame anyone. I knew all the time that, as I saw things, the entire amount should not be characterized as waste. However, it took time to make a careful analysis, and, as I said, I have been working almost continuously on the military bill.

The analysis which I have now made of the projects contained in the tables

inserted in the RECORD by the distinguished Senator from Missouri dispels the idea that waste in the amount of $23 billion, or anything approaching that amount, was involved. I do not think the distinguished Senator from Missouri meant to suggest or imply that all the projects which he listed were "wasted."

Mr. President, I want to make clear that this speech is made solely on my initiative; that it was written solely by me, with the help of a staff member; that it did not come from the Pentagon; nor was it proposed by the Pentagon, or anything of that kind. I speak on my own responsibility and give my own views.

The program listed by the Senator from Missouri fall into three main categories:

First. The majority of the programs listed, and by far the largest dollar amounts, were successfully developed, produced, placed in operation, served their functions, and in due time were replaced by more modern successors—just as automobiles have progressed since their inception, virtually all of which progress has passed before my eyes during my lifetime. This process continues. Just as Polaris A–1 was replaced by Polaris A–3, we expected Poseidon to replace Polaris, Minuteman I is now being replaced by Minuteman II and III. Nike-Ajax, Bomarc A and Titan I were all replaced by more advanced missiles of the same family. These systems contributed to the security of the United States, and were not wasted in the sense of mismanagement, poor planning, or because they were unnecessary during their lifetime.

Second. A second category includes those projects which were started in development competition with other programs, and which were terminated as the result of that competition. This practice was particularly common immediately after World War II, when a variety of missile programs was started. An example is the air-to-air missile competition among Orion, Meteor and Sparrow I, II, and III with Sparrow III the winner and survivor.

Mr. President, I do not claim to be an expert in this or any other field. However, it was my fate, under assignment by the Senate, to sit there at a table and hear testimony a great deal of the time as chairman of the Subcommittee on Military Construction during the years when these missile programs were being born.

The subcommittee was one of the first to take a look at missile programs, because they had to have sites when the missiles were ready for deployment. Over and over again, with my limited knowledge of the subject matter, I heard and re-heard the testimony of experts as to what was best, what would work best, and what was needed.

Let me refer to one of those experts, Dr. Wernher von Braun. After sputnik was launched everyone wanted us to have something similar, and the question arose as to what kind of missile it should be. Dr. von Braun had been testifying about the kind of ICBM that would most probably work better. I remember his testimony as to the need for solid fuel missiles, such as we now have in Minuteman. He also said that what was needed was a mobile missile. He told us how badly that was needed during World War II, how his operation would be located and then destroyed by bombing, and how this could have been avoided if he could have moved under cover of darkness.

At the time Dr. von Braun testified, the thought was that maybe a mobile missile could be developed. A railroad car was considered but was abandoned because it was found to be impractical and not feasible. We have not yet deployed a mobile ICBM.

This illustrates the problems in connection with these things. It illustrates the changes of mind and direction which occur in the light of developments. It also illustrates the so-called failures that inevitably occur in research efforts. But does this justify classifying all these expenditures as "waste"? Certainly not.

Third. The third category includes those programs that were canceled because the approach was found to be too difficult. They were overtaken by other approaches. Examples are Rigel, Navaho, and Rascal. There are risks involved in all research and development programs, and such failures will occur and recur. It is a function of management to discern such failures before excessive sums of money have been spent.

The sum of $4.16 billion was involved in missile systems falling in categories 2 and 3 above, which were abandoned in the research and development stage. The fine and distinguished Senator from Missouri was once Secretary of the Air Force. He did an outstanding job there. He has outstanding knowledge and great expertise in military matters in general and missile programs in particular. He fully understands, I am sure, that all research and development projects do not reach fruition as deployed weapon systems. Unavoidably, a certain number of the research and development projects do not pan out for technological reasons. Others are overtaken by time or events, as was true in the case of Skybolt, upon which the Air Force spent almost $450 million for research and development before it was canceled for reasons other than the technological feasibility of the weapon itself.

There was a lot of argument about the Skybolt. I do not know whether it was technically feasible, but I do not have any doubt that a great contributing factor in its cancellation had nothing to do with the missile and lay in fields of governmental and foreign policy.

The nature and uncertainty of research and development is a fact of life. It will always be so. The reason we have research and development is to know where we are going and to learn what can be done.

If there were certainty about weapons development, and if the technological feasibility of every project was clear at the outset, then the expensive research we engage in would not be necessary and the military facts of life with which we must live would not be quite so hard. All those who have an elementary understanding of both peaceful and military scientific pursuits should readily grasp this fact. Therefore, I cannot agree that the money spent on missile research and development on projects which were not deployed was "wasted" in its entirety.

There might have been some waste—I cannot and do not say there was not—but it was the system we had to follow and was followed. I think in most cases fairly good judgment was shown. But this does not deny the possibility that some waste occurred.

The category involving missile systems deployed and then phased out involves almost $19 billion of the $23 billion of alleged waste. A blanket condemnation of all of these weapon systems as "waste" simply ignores the facts and discredits the contribution which many of these weapon systems made to our national security—and perhaps our national survival—during the time they were deployed.

I have discussed many of the systems named in the first two categories. Many of those items were so small that an elaborate description of them was hardly justified. I am going to discuss now the missile systems deployed and then phased out at a cost of almost $19 billion.

Listed among them is Polaris A–1, with a total cost of $1.13 billion. I never saw a system start out with less promise than Polaris, according to my view, nor one that finished with finer results, according to my view, than Polaris. This Polaris A–1 Navy fleet ballistic missile system became operational in November 1960 and was phased out in October 1965. The Polaris program was one of the most successful military programs in American history and it was spurred largely by congressional insistence. It was phased out because of a growth version which produced a more modern and effective missile known as Polaris A–3, which is still deployed in the same submarines.

That took the place of Polaris A–1. We are all familiar with how the model T Ford came into being, was succeeded by the model A, and now we have the modern models. In a way, Polaris is a family, with one missile being succeeded by a more modern version, as the newer and better one is perfected. The old one is no longer used, although we are still using the same submarines as launching platforms.

The Polaris system, including Polaris A–1, has certainly been one of the major items of our deterrence since 1960 and it defies logic to label this as either a mistake or as waste.

One can assert that the Polaris weapon system was a mistake or constituted "waste," but I do not believe he can come before the American people and prove his case. If anyone intentionally means to say that Polaris was waste, I call upon him to prove his case or withdraw his charges, because the wrong impression in such a vital matter should not prevail in the views and thinking of the American people.

The Corporal Army surface-to-surface missile, involving a cost of about $535 million, is also cited in this table. This missile was operational for over 11 years, having been put in the hands of our troops for possible use in 1953 and phased out in 1964.

This is the missile the troops had with them as they moved along. This was a part of their artillery.

The liquid-fueled Corporal was a first generation missile and, as a result of improvements in technology, was replaced by the solid fueled Sergeant system which is more modern, more effective, and much easier to handle.

The advantages of a solid-fuel missile are very obvious for a moving army. It eliminates problems of reliability, intricacies and possibilities of explosions. However, liquid-fueled missiles do work. We are using liquid fuel in our big missiles in the space program. They are stationary and do not have to move about.

Would anyone call the Corporal missile that the Army relied on for 11 years waste? It is no longer deployed because we have replaced it for something better. But I do not see how anyone can call the military availability and usefulness of Corporal for 11 years as being waste.

Also on the list is Hounddog A. This was a high performance Air Force air-to-surface nuclear-tipped missile developed for use on the B–52 bomber. It involved a cost of about $255 million. It became operational in December 1959, and was phased out 8 years later, in December 1967, in favor of its higher performance successor Hounddog B, which is still operational and in use. Should we say that the cost of the Hounddog A was waste, when it was the father and mother, you might say, of Hounddog B, and served us for 8 long, critical years, including the Cuban crisis?

Atlas D, E, and F and Titan I are also on the list—a more or less blacklist, according to the allegations. They involved a total cost of $8.6 billion. These are the big missiles. They were developed essentially concurrently to provide increased assurance of deploying a credible deterrent; and who can tell how history would have been written if these missiles had not been operational during the Cuban missile crisis in October 1962? No one knows, but I shall always believe that the fact that the late President Kennedy had those missiles at his command tipped the scales in getting that matter settled. I have no doubt about that I was fairly close to that problem as it developed.

Still talking about this matter of waste, Atlas D became operational in 1960, Atlas E in 1961, Atlas F in 1962, and Titan I in 1962. They were phased out in June 1965. Why? Not because they were failures; not because they did not serve well; but because technology and science had produced the second generation solid-fuel Minuteman. They were liquid fueled, had a slow reaction time and presented problems with respect to handling, maintenance, and reliability. The improvements of missile technology, particular the solid-fueled Minuteman, permitted their retirement. Now, because Minuteman came along and could do a better job, can we charge the cost of its predecessors to waste? Or semiwaste, or uselessness? I think not.

Maybe we should never have had any ICBM's. But every President we have had, and every Congress, since this problem arose, have thought we should have these missiles. I, too, wish we had not had to have them.

However, Titan II, which shared the $1.6 billion of Titan development costs with Titan I, and uses storable liquid fuel, is still in the inventory.

It is not classified to say that that is the largest, strongest, most powerful of our ICBM family. I think one reason we kept it is for the assurance it gives. It uses storable liquid fuel, and is still in our inventory. I believe it will remain in the operational inventory for several years. If I am correct in that belief, you can hardly charge its creation, its research, and other costs things to waste or mismanagement.

Even in retrospect, it is difficult to classify these missiles as being a mistake or "waste." They were our first ICBM's to go operational and they had a strong deterrent effect for several years. Indeed, they may have been a crucial factor in maintaining the credibility of our deterrence in the first part of this decade. They may have contributed, and I believe did contribute, to our very survival.

Now, after all this is over and that part of the danger is past, and we have these better and more sophisticated weapons to meet in the inventory to counter the threat, are we going to turn around, then, and say all this was waste? I do not see how we can logically do this. No one at the time charged that the cost of a credible deterrent was waste. The threat looked very different then. My point is that when you put the microscope on and examine these matters, with the threat, the job they did, their availability, usefulness, the time they served, it ill behooves us to say in retrospect that the money expended was wasted.

The Jupiter IRBM involved a cost of about $825 million. It became operational in March 1959, being deployed in Italy and Turkey—we furnished it—and was phased out in April 1963. I remember when those bases were authorized. I remember questioning their need and their advisability. I remember going into the matter on one occasion in Turkey, when I was over there on Senate business.

Jupiter was a liquid fueled system and presented problems in reliability and maintainability; but another reason for the phaseout was international agreements and foreign policy considerations.

The Thor IRBM involved a cost of about $1.4 billion. It was developed by the Air Force as an interim strategic deterrence weapon and was deployed in England in 1958 and remained operational for about 5 years. This was a part of our active support of NATO. It was something peculiarly within our capability and ability. This also was a liquid fueled system and presented reliability and maintenance problems. Again, however, one reason for the phaseout was foreign policy considerations.

I remember the former Senator from Connecticut, Mr. Bush, and I got into the Thor question and made a special study of it, and its effectiveness and use. That was before there was talk about its being phased out. We thought perhaps some money could be saved; but when we got through, we decided that it was a chance that we did not want to take.

It should be mentioned that even though the Atlas series, Titan I, Jupiter, and Thor were phased out of the operational weapons inventory, they were all used in space programs and contributed substantially in that field.

As I mentioned in passing, I remember when sputnik was launched. That is what caused us finally to create NASA, and from that came the space program. But as we met around that table down there, in some of the most notable meetings in all of my years here, we were actually praying for something that we could do to offset what we feared might be the impact of sputnik.

No one knew what the impact of it would be. No one knew what weapons it was forerunner of, but we feared we could be destroyed because we had no offensive capacity and, of course, no defensive capacity in the long-range missile field. I remember vividly the testimony of some of those witnesses. I have already referred to Dr. von Braun.

I remember one witness testified that if we did not develop a missile with a thrust of 1 million pounds we would be lost in 5 or 10 years. At that time the largest thrust we had was about 300,000 pounds—the old Redstone, I believe. No one was certain what we could accomplish in that area.

We now have missiles that have a thrust of more than 6.5 million pounds. That is the liquid-fueled missile that is used in our space program. But I am talking about how things looked then when we started to spend the money that is now referred to as being spent uselessly, mismanaged, or wasted on our missile programs.

No one spoke up then against them. The weapons were as understandable then to others as they were to members of our committee. The joint committee was in the midst of this matter, as was the Committee on Appropriations.

I do not want to refer here particularly to anything I did. However, as far as getting behind some of these missiles and checking on duplication or possible duplication and matters of that kind and getting something done in some of the fields, I am proud that I did find time to do a little of that years ago. The printed records of appropriations and other committees will show that.

The Entac was a first-generation wire-guided antitank missile developed by France, purchased by the United States, and introduced into the inventory in fiscal year 1961 at a cost of about $60 million. It was phased out in fiscal year 1964 in favor of the SS–11, also developed by the French, also wire guided, and still in the inventory. The evolutionary process with weapons is stressed by the fact that the purchases of the SS–11 have now ceased and it will be replaced in the inventory by the U.S.-developed wire-guided Tow missile.

Tow is in the bill that will come up next week. We are in the first stages of stocking it. We have a small number in the inventory now that will be used this year in testing and training. Additional

procurement will be at issue in the bill we will consider next week.

We have taken a very close look at it and questioned the inventory proposed over a period of years. We have not approved the proposed inventory objective, but there is procurement of a relatively small increment in the fiscal year 1970 bill. This is a very clear example of the evolution of weapons over a period of years.

Lacrosse was a short-range, command-guided system, radio controlled by a forward observer to provide accurate registration against fortified targets. It involved a cost of about $345 million and was operational from fiscal year 1959 to fiscal year 1964. Improving countermeasure technology made its command radio susceptible to jamming, and it, therefore, went out of the inventory. That is a case where they developed a defensive countermeasure and put it out of business. However, it was a good horse for a long while.

The Nike-Ajax involved a cost of about $2.2 billion. It was the world's first operational antiair missile system. It entered the inventory in fiscal year 1954 and remained operational for 8 years. Nike-Hercules, which replaced the Ajax, uses the same guidance technology and modified and improved ground-based hardware. Nike-Hercules is still in the inventory.

That is one that I thought we should cut down on to some extent. The committee did decline to authorize all of those requested about 10 years ago. It proved to be a saving. I can get the figures on that.

The Redstone system, involving a cost of about $585 million, was a first generation ballistic missile system, with a range of about 200 miles. It became operational in fiscal year 1956, remained operational for about 8 years, and was phased out and replaced in fiscal year 1964 by the second generation Pershing system, which uses a simple, solid-propellant motor instead of the nonstorable liquid fuels of Redstone.

That is another case where a solid fuel missile has made progress and has taken place of other more cumbersome ones using liquid fuel, although liquid fuels still are used in big boosters, as I said.

Redstone also provided support to the space program. As a matter of fact, our first man in space used the Redstone first stage. This was not an orbital short but it was the first time we put a human being in space. Also, Redstone was used to launch the first small object we put in space following the sputnik program.

Regulus I involved a cost of about $412 million and was turbojet-powered, pilot less aircraft developed to provide a nuclear attack capability with a 500-mile range for submarines. It became operational in 1955, but the plans for it were sharply curtailed with the advent of the Polaris program planning in 1956, which offered the advantage of submerged launch, increased range and increased numbers carried. The successful operation of Polaris I in 1960 brought an end to expansion plans for the tactical Regulus. That is another case of the better product replacing an older one.

Bomarc A involved a cost of about $1.4 billion. It was a long-range unmanned air-to-surface interceptor. It was the only U.S. surface-to-air missile designed with an effective range in excess of 200 miles. It was introduced into service in 1959 and was succeeded in 1964 by its higher performance successor, Bomarc B, which is currently operational in the United States and Canada.

Some argument might be made that Bomarc B is not needed now. However, these matters involve judgment. And it is the judgment of those that review the military needs that this missile does have a place in the defense program. My only point is that the cost of the Bomarc A should not be charged to waste.

Mace A was a turbojet-propelled winged missile. It involved a cost of about $328 million. It went into service in May 1958 and remained operational for more than 8 years, being replaced in August 1966 by an improved version, Mace B, with twice the range. Mace B is still operational.

Snark was a large, subsonic unmanned aircraft designed to carry large nuclear warheads to intercontinental ranges using inertial guidance—a different system. The development and procurement of this system proceeded during the decade before the ICBM was demonstrated to be feasible. It involved a cost of about $720 million and become operational in limited numbers in 1959. It was phased out the following year as Atlas proved itself and became operational.

Sparrow I involved a cost of about $195 million. The purpose of this program was to provide the Navy with an all-weather air-to-air missile system. The Sparrow I system became operational in 1955 in the F3-D night fighter naval aircraft. With the success of the more versatile Sparrow III, there was no further production of Sparrow I, and it was phased out of the inventory in 1958.

I have discussed in detail all of those missile systems listed by the Senator from Missouri (Mr. SYMINGTON) as having been deployed and later phased out. There is nothing unusual in this; in fact it is inevitable. In the natural course of events all weapon systems outlive their usefulness—or most do—and are replaced with more sophisticated operational hardware having greater capabilities. Obsolescence and the march of science and technology are inescapable facts of life.

I say all this based on the experience I have had in watching the development of these great weapons over the years, and considering what we have been and are up against. I think we would make a great mistake not to have frontline weapons. We must have the best. That is my general philosophy.

I have said to the military service that I feel we must follow a rule such as one controlling football; that is, when a man goes into a game, another man must come out. Likewise, when we install a new, modern weapon system, I should like to see an older system taken out, if at all possible. That will reduce costs, including manpower costs. In that way, we can find ways—and I believe that we shall find more ways—to reduce the cost of our military program.

It is the ever-growing cost of sophisticated weaponry that is keeping up the cost of the frontline weapons I have talked about. The cost is going to go up even more with newer types of aircraft.

Radar equipment and other electronics will go out of date, and the newer ones inevitably will cost more money. I will give an illustration.

I do not know of a more substantial, solid production than of the old B-52 bombers. We call them the "old B-52's" now. The first one came off the production line in 1952 at a cost, in round figures, of $1.5 million apiece. The last one came off the production line in October 1962. That is a long time ago, according to some standards. In 1962, they cost, in round numbers, $9.5 million, as contrasted with $1.5 million 10 years earlier.

We have had a great amount of inflation, and we have had increased competition for products of various kinds. We had both economic inflation and abnormal inflation, but a great deal of the increased cost was due to advanced technology and the added characteristics of the bomber as a weapon.

The new fighter that will be recommended in the bill soon to come up, with the strong support, I think, of virtually every Senator, so far as I know—the Navy's F-14—will cost something like $16 million per plane.

That is another illustration of how the cost of weapons is climbing. But we must have them. We must take action and reduce the personnel as soon as possible. Personnel, operation, and maintenance take about 60 percent of the military dollar anyway. Until we reduce that amount, we will not move too fast in decreasing the defense budget. Certainly I hope we will find every way we can to reduce the costs, and I will do whatever I can in this area.

But I do not want to let charge of "waste" go unchallenged. The Senator from Missouri (Mr. SYMINGTON), who placed the tables in the RECORD, did not make the charge. The charge was made by newspapers, columnists, and even by our beloved floor leader, who, when he used the phrase, had the wrong facts before him, or had them misinterpreted. We cannot let those statements go unchallenged, because I think the facts are bottomed on a different foundation.

We must, of course, avoid indiscriminate deployment of hardware, particularly the heavy deployment of weapon systems which become obsolete before their deployment is completed. However, I cannot agree that all or a major portion of the systems listed in the tables inserted in the RECORD by the distinguished Senator from Missouri can be so categorized. On the contrary, the great majority of those deployed were successful and workable systems which filled a specific need in our inventory of weapons at the time and, in my judgment, contributed substantially to our defense posture deterrence while deployed. I do not believe that anyone can say with certainty that the money spent on them was wasted.

It would be just as reasonable to say that the money spent on these deployed systems "was wasted" as it would be to say that we threw away the money spent on the B-36, which was the last propel-

ler-driven bomber, and on the B-47 bomber, which was the first jet-propel bomber, neither of which ever saw combat.

The distinguished Senator from Missouri is justifiably proud that he was the Secretary of the Air Force who signed the contract for the B-47 bombers. They are gone with the wind now. Nevertheless, they served a purpose. They played a part in making our deterrent posture credible even though they were not called on to drop nuclear bombs.

To take a more recent instance, Minuteman I is being replaced with Minuteman II's and Minuteman III's and the Polaris system is being replaced by Poseidon. These systems, along with our manned bombers, have been the backbone of our strategic nuclear deterrence since the early 1960's, and I doubt that any of us would suggest that, from a military standpoint, the money spent on them was wasted. It has been not only our deterrence, but also the deterrence which protected on the part of the rest of the free world.

I say once again that I have made these remarks merely to set the record straight and to put into proper perspective the tables inserted in the RECORD by the distinguished Senator from Missouri and the conclusions which should be drawn from them. So far as I know, there is no disagreement between us about this matter. The problem has arisen primarily because of the interpretation of the Senator's remarks by others.

This is no defense of the military as such or of unnecessary military spending.

I do not represent the military; I represent Congress, the congressional branch of the Government, in my work in this field, and more particularly the Senate.

It is partly a defense of Congress itself because it was Congress which recognized the need for our IRBM, ICBM, Polaris, and other weapon programs at an early date. We insisted that some of these programs be expedited and provided money for the military so to do. Despite technological difficulties which seemed almost insurmountable at the time, these weapons were developed and deployed on a crash basis. In my opinion, they made a unique and historic contribution in maintaining the balance of power and, thus, contributed substantially to our deterrence at a very critical time in our history. It is a record in which the American people and Congress can well take pride.

Mr. President, I do not wish to prolong the discussion. I do have another matter I wish to present. I see the distinguished Senator from Missouri in the Chamber. Before I begin the presentation of my other matter does the Senator wish me to yield to him?

Mr. SYMINGTON. Mr. President, the able Senator from Mississippi, as usual, is very kind. We had a long meeting in the Committee on Foreign Relations this morning, so I did not have a chance to be in the Chamber during all of his remarks. But I have had the privilege of reading his excellent and well-prepared address. With most of it I agree; with some of it, I say in good spirit, I do not. Therefore, when the able Senator finishes what he wishes to take up next I will make a few remarks on my own time; and perhaps later shall say something in more detail after a chance to read his remarks more thoroughly.

I say to the Senator that I deeply appreciate the kind manner in which he refers to the statement I made. Although I cannot agree with all of his interpretations of the statement.

Mr. STENNIS. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senator has 1 minute remaining.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

MILITARY SYSTEMS REPORTING PROCEDURES

Mr. STENNIS. Mr. President, cost overruns and cost increases on major weapon systems has been very much in the news during the past several months. Therefore, I want to advise the Senate what the Committee on Armed Services and Preparedness Investigating Subcommittee is doing in the procurement area and how we propose to monitor and surveil weapon systems programs and cost overruns in an effort to bring about needed improvements. First, however, I would like to give some of the background and history of the new reporting system which has been established at my direction under which we get periodic reports and information from the Pentagon on the cost, performance, and schedule status of major weapon systems.

For many years I have been interested in military procurement and in effecting needed economy in this field. Therefore, even before I officially assumed the chairmanship of the Committee on Armed Services last January, I had concluded in January that it would be of great assistance and serve the national interest for the committee and its staff to exercise and maintain a continuous and close surveillance over the larger and more important defense programs authorized by the Congress, and oversight over the manner and method by which funds authorized and appropriated for defense purposes are obligated and expended. I had a number of conferences with the staff of the full committee and the Preparedness Investigating Subcommittee about how we could best move forward in this field.

At a meeting of the Committee on Armed Services on January 23, 1969, I expressed my concern and discussed my plans about this matter. I emphasized that it was necessary for us to follow up on procurement to a greater extent than we had in the past and that the staff of the Preparedness Investigating Subcommittee could and should be very profitably utilized for this purpose. I mentioned that, in addition to examining and following existing programs; it was important that we keep a close check on new programs such as the F-14 and F-15 fighter aircraft which have been submitted to Congress for approval this year.

I amplified and enlarged upon this matter in a subsequent meeting of the Committee on Armed Services held on February 20, 1969. I told them that I had definitely determined to do more toward following the money which we authorize and appropriate and that I had made arrangements to augment the staff of the Preparedness Investigating Subcommittee with competent auditor-investigators.

On February 24, 1969, I wrote to the Secretary of Defense and told him of my decision to establish this reporting system so that the committee staff of the Preparedness Investigating Subcommittee and the full Committee on Armed Services would be able to follow and monitor ongoing and future defense and military programs.

I emphasize the word "future," because after things have happened it takes an army of auditors a long, long time to go back and reconstruct the thing. My idea is to try to follow everything from the word "go."

When we authorize a project and the first dollar is spent, we expect to have our committee staff members, qualified auditors, with all the background of their experience, there and to have them follow that contract from the standpoint of the contractor and from the standpoint of the Secretary of Defense.

We are getting these periodic reports already on 31 selected major weapon systems. That procedure will be followed in a more extensive way. The Secretary of Defense has cooperated fully. In fact, they have decided to start special periodic checks of their own with respect to some of these contracts.

I told the Secretary in my letter:

> Our interest will be in obtaining reports on a periodic basis which would indicate any significant changes in cost estimates, production schedules, performance characteristics, and other significant items connected with the program and the contractual obligations.

Subsequent discussions between the chairman, the staff members and representatives of the Department of Defense established as a requirement that the Defense Department submit quarterly reports covering the cost, performance and schedule status of 31 selected major weapon systems. This new and unique reporting system which was thus initiated is a part of our general and overall surveillance of defense procurement and contracting. They will contribute substantially to our effort to maintain a continuous and close surveillance over the larger and more important defense programs authorized by Congress and oversight over the manner and methods by which funds authorized and appropriated are obligated and expended. In other words, we are making every effort to follow the money we authorize if it is subsequently appropriated.

I have available a list of the 31 major weapon systems which are now on the

reporting system list and ask unanimous consent that it be made a part of the record at the conclusion of these remarks. Additional weapon systems will be added as is appropriate from time to time. The weapon programs now on the list represent the major systems now underway and cover a substantial percentage of the funds authorized and requested.

Last week the initial group of 12 of these reports were furnished to the subcommittee. I ask unanimous consent that a list of these weapon systems also be made a part of the record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, nine of the programs covered by the initial 12 reports, according to the Pentagon figures, are responsible for an aggregate cost growth or cost increase for the systems involved of approximately $3.5 billion. This is a very substantial amount and certainly is cause for grave concern. This total is based on the figures furnished by the Pentagon and we are already following up for the purpose of verification.

Mr. President, the matter of cost overruns will come up extensively during debate on the bill, I am sure. I shall not go into that matter in detail today. However, during debate and discussion of the military authorization bill, I shall outline more fully this system, and explain what we propose to do about it, and outline what the committee thinks is its special responsibility in the premises, the machinery we have set up to do it, and the plans we have made.

We are getting these reports declassified to every extent possible. They will be available to Congress, whether they are declassified or not, and they will be available to the public when they are declassified.

I think that this is a very valuable system and a very valuable program. The objectives of it are to attempt to identify cost overruns, and other problems in connection with weapon systems at an early date, and to keep both the Committee on Armed Services and Congress as a whole informed in this very important field. In addition, I think that this will result in improved and strengthened procedures in the Department of Defense and will assist the Pentagon in its internal management and control of weapon systems programs.

I appreciate the fact that in his letter to me transmitting the 12 reports to us, Deputy Secretary of Defense David Packard stated:

> It is our hope and belief that this new reporting procedure that your Subcommittee has initiated will not only be helpful to the Subcommittee, but also to the Department in its internal management.

I believe it will.

I should emphasize two other things. The first is that the reporting system which our committee has initiated is but a part of the general and overall surveillance of the defense procurement and contracting which we will pursue. As I have said, our primary interest will be in any indication of significant changes or slippages in cost estimates, production schedues, performance characteristics and other significant items connected with the major military programs and contractual obligations. I think it is very important that an arm of the Congress maintain this surveillance on a permanent and systematic basis.

Second, as additional reports are received covering other weapon systems, we propose to inform both the committee, the Congress, and the public as to the cost and performance situation revealed by these figures. I have already advised the Secretary of Defense that in future the reports should be submitted either in unclassified form or in a manner which will clearly indicate the material contained in the reports which is classified. In this manner we will be able to release a great deal of the pertinent material to the Congress and to the public.

This is a fine program and, although it took time to set up and formalize, it is working out well. It is my hope that it will prevent our being surprised by discoveries of huge cost overruns as has occurred in the past. I think all are interested in learning what the committee which has primary jurisdiction of military matters is doing in this field.

EXHIBIT 1

LIST 1—MAJOR WEAPONS SYSTEMS

ARMY

General Sheridan tank, armored reconnaissance.
Cheyenne, armed helicopter (gun ship).
Shillelagh, antitank missile.
Lance, surface-to-surface missile.
Safeguard (Sentinel), ABM.

NAVY

SSN-688 class, attack submarine.
DX-(By group), destroyer.
CVAN-68, nuclear-powered attack carrier.
CVAN-69, nuclear-powered attack carrier.
LHA, landing helicopter assault ship.
DXGN, nuclear-powered guided missile frigate.
Poseidon, sub-launched ballistic missile.
Phoenix, fire control and missile system for fleet defense.
Sparrow E/F, air-to-air missile.
Walleye, TV guided glide bomb.
F-14A, new Navy fighter plane.
P-3C, new Navy patrol bomber (land-based).
A-7E, Navy attack plane.
S-3, new Navy antisubmarine warfare plane (VSX).
MK-48 Torpedo O/1 Condor, air-to-surface missile.

AIR FORCE

SRAM, short-range attack missile (air-to-surface).
Maverick, air-to-ground missile.
Minuteman II, III, ICBM's.
F-111, Air Force fighter bomber.
C-5A, Air Force transport aircraft.
A-7D, Air Force attack plane.
AWACS, airborne warning and control system.
AMSA, new Air Force bomber.
F-15, new air superiority fighter.
MOL, manned orbiting laboratory.

LIST 2—MAJOR WEAPONS SYSTEMS

ARMY

Lance, surface-to-surface missile.
Safeguard (Sentinel), ABM.

NAVY

DX-(By Group), destroyer.
CVAN-68, nuclear-powered attack carrier.
CVAN-69, nuclear-powered attack carrier.
LHA, landing helicopter assault ship.
DXGN, nuclear-powered guided missile frigate,
P-3C, new Navy patrol bomber (land-based).

AIR FORCE

SRAM, short-range attack missile (air-to-surface).
C-5A, Air Force transport aircraft.
RF-111, Recce version of F-111.
FB-111, strategic bomber version of F-111.

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

Mr. STENNIS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I thank the Senator for yielding. I think the Senator has performed a great duty in bringing this matter to the attention of the Senate.

I know weapon systems have to be revolutionary, and an effort made to be made adequate before their time. I think one question that will arise in the forthcoming debate is whether or not a new weapon system is adequate before its time.

Several years ago, in 1953 and 1954, I had an opportunity to serve on the Committee on Armed Services. I remember very well the responsibility of the Senator from Mississippi at that time, and how well he discharged it.

In 1959 I introduced a bill to reorganize the Department of Defense. My reasons for introducing the bill grew in part from my experience as a member of the Committee on Armed Services. One proposal I made at the time was that the procurement agency in the Department of Defense be merged into one. A similar proposal was made with respect to research and development. My bill was not approved. It was very bitterly opposed by all the services and the Secretary of Defense. I remember on one occasion the former Secretary of Defense, Mr. Gates, told me the proposals were fine and would be made effective administratively.

I should like to ask the Senator one or two questions. Does each branch of the Defense Department—that is, the Departments of the Navy, Army, and Air Force—have separate staffs dealing with research and development and procurement?

Mr. STENNIS. Yes, to a degree, but since the years the Senator mentioned, when he was on the committee—and I wish he were still on the committee—there has been an amendment giving the Secretary of Defense more responsibility. The overall contracting responsibility is vested in the Secretary of Defense and his assistants. Although the Secretaries of the services are the ones who sign their names, the power is above. But I do not believe we could say that they have complete research departments, completely separated, or completely amalgamated, frankly. It depends upon the subject matter.

Mr. COOPER. Does the Secretary of Defense have a staff available to him which is capable of reviewing proposals of the various services and making a judgment which it recommends to the Secretary of Defense?

Mr. STENNIS. Yes, I think so.

Mr. COOPER. Either in the field of research and development, proposals for weapons, or in the field of procurement?

Mr. STENNIS. In the field of research and development, I answer emphatically yes. In the field of procurement, he certainly has the authority and, so far as I know, he has a competent staff. A contract concept is now, as the Senator knows, in controversy. It is known as the total package contract, and they are trying to get a better system there now.

As to the field of weapons, as I see it, the men in uniform are coming into that more, and to a degree they should. But the Secretary of Defense has a staff, too. He has a staff of military advisers and experts—not the Joint Chiefs of Staff, because, of course, they are military strategy men.

Mr. COOPER. The Senator is much more informed on the operations of the Department of Defense than I am; but I remember, at the time I introduced the bill that I had made certain inquiries, and it was said there was hardly any communication among the services as to their efforts in the field of research and development, and that there was none in procurement.

I know that the Senator from Mississippi wants to eliminate waste. I know his character and his training. I know something about his background because the Senator and I have served together for a long time now. But again and again, it does crop up in the news that, say, one department will procure a particular item—take a rough figure of $1.15—and another department will procure the very same item for only 2 cents. Those figures may be exaggerated, but it comes down to the question: Is there anybody, or any staff, directly responsible to the Secretary of Defense, which has the authority and the duty to review the departments on procurement in each branch, to see if they can find out if they are actually in contradictory positions, and if any one purchase can be made at the lowest feasible price; and, if not, why not, because that has been suggested by many people and, of course, by the news media. It seems simple to do so, unless there is some reason which is compelling against it.

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

Mr. STENNIS. Mr. President, I ask unanimous consent to proceed for 3 additional minutes in order to finish this colloquy.

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

Mr. STENNIS. Let me say, briefly, that I do not believe there is any doubt, under the present arrangement, that the Secretary of Defense does have authority to move in on any situation and is properly staffed for it. Frankly, I have stated many times that Mr. McNamara's strongest point, perhaps, was in the contractual field. Things have happened that suggest that this field did not have as much surveillance as we thought. I am not here to blame him. The TFX—I do not bring that up because there have been aspersions cast upon it—but the grand idea was to have a biservice plane. This is an illustration of some of the problems involved. But the authority is, indeed, there, and the staff is available for the asking.

Mr. COOPER. I believe I heard the Senator say that the Armed Services Committee will now have a staff which will follow that, at any rate.

Mr. STENNIS. Yes. The Senator is correct. We will follow the money when it is authorized and appropriated by Congress. We will follow every one of those dollars from the legislative responsibility standpoint.

Mr. COOPER. I read this morning that the President will review the policies and procedures of the Department of Defense. Thus, it seems to indicate, at least, that there have been gaps.

Mr. STENNIS. I endorse the President's move, but Congress, after all, has its own responsibility. Presidential commissions come and go, but we stay. We have to face the problems, and our constituents as well.

Mr. COOPER. One further point. I appreciate what the Senator has said. I recognize that he has developed the theme of the evolution of weapons and that the need to develop them is great. I think that one of the points to be made in the coming debate will be the question of whether the defensive system is adequate and is necessary to defend our country.

Mr. STENNIS. I imagine we will get into that.

Mr. COOPER. I think so.

Mr. STENNIS. Mr. President, I yield the floor.

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

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may yield to the Senator from Missouri without losing my right to the floor, and without the time being deducted from my allotted time.

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

Mr. SYMINGTON. Mr. President, first, let me thank the typically gracious kindness of the distinguished Senator from South Dakota for yielding to me at this time.

As mentioned, it was not possible for me to be in the Chamber all of the time when the distinguished chairman of the Armed Services Committee made his address, the thrust of which was, primarily, in reference to a list of various missiles which have been paid for by the American people, and thereupon abandoned either before or after they were put into operation.

May I say that the distinguished Senator from Mississippi told me unfortunately he could not remain in the Chamber at this time.

I will examine this well-gotten-together talk and perhaps make further remarks later on, but here are a few brief facts, thanks to the courtesy of the able Senator from South Dakota (Mr. McGOVERN) that I would bring to the attention of the Senate at this time.

From a budget of less than $10 billion in 1947 the price of defense has now soared to an annual $80 billion-plus, and this is one of the reasons why, although desirous of proceeding with research and development on the ABM project, I oppose its deployment at this time.

My identification with the missile industry goes back many years. Late in 1945, when testifying before the Senate Special Committee on Atomic Energy, Dr. Vannevar Bush, preeminent defense scientist of his day, made the following prediction:

> There has been a great deal said about a 3,000 mile high-angle rocket. In my opinion, such a thing is impossible today and will be impossible for many years.

That opinion, held by the Nation's No. 1 scientific adviser, temporarily terminated any real interest in a long-range missile. In the Air Force at that time, however, were followers of that pioneer, Dr. Robert Goddard; and after listening to them, I, too, became a convert. Thereupon, as Assistant Secretary of War, I made an arrangement with Convair whereby that company pursued, with its own money, the long-range missile program, which later became the Atlas, first of our ICBM's.

It became clear long-range missiles were here to stay; whereupon—and this reads upon what was said earlier—each of the three services began to devote much time and money to establishing position in this new field, with consequent typical service rivalry, duplication, and waste.

By the midfifties the missile industry was roaring.

Ringing speeches on the floor of the Senate and elsewhere presented why it was vital to the security of the United States to rush such installations as the Nike-Zeus. In January 1961, the Chief of Army Research and Development, made the following comments:

> We must face that if we want a missile defense system in this decade; Zeus is the only answer known to the free world . . . Today Zeus is the only practical system.
>
> We dare not become so criminally complacent that we don't even try to defend ourselves.

Six years later, however, Secretary McNamara testified:

> It is worth noting that had we produced and deployed the Nike-Zeus system proposed by the Army in 1959 at an estimated cost of $13 to $14 billion, most of it would have had to be torn out and replaced, almost before it became operational, by the new missiles and radars of the Nike-X system. By the same token, other technological developments in offensive forces over the next seven years may make obsolete or drastically degrade the Nike-X system as presently envisioned.

That prophecy made by Secretary McNamara turned out to be only too true. The Nike-Zeus was abandoned. The Nike X was abandoned. The Sentinel was created and then abandoned. And now we have the Safeguard.

In the fall of 1967 the Secretary of Defense announced a thin ABM system, designed to protect the United States against the Red Chinese. The rationale appeared absurd. I made an effort to find out what was behind the decision and learned to my satisfaction that it was political rather than military—a political compromise with respect to a military matter. Accordingly, over a year ago, on April 18, 1968, I announced my opposition, which was, in part, that if the arguments for developing the ABM to protect us against the Russians were sound, the arguments for developing it to protect us against the Chinese were unsound.

On February 5 last—and I think this is quite pertinent to what the able chairman of the Armed Services Committee brought up this afternoon—I wrote Deputy Secretary of Defense Packard, able and experienced businessman, as follows:

Over 40 years ago I started my first electronic company.

Since then, except for a short return to the steel business, my activities before coming down here were concentrated on the electric-electronic industry.

It is from that background, plus various positions including Assistant Secretary of War, Secretary of Air, and 16 years on the Armed Services Committee, that I have come to the following conclusions:

Some of these new and costly weapons systems, plausible in theory, will not work effectively in practice.

Over the years, and time and again, purported threats which were presented as justification for the expenditure of additional billions later turned out to be either grossly exaggerated, or no threat at all. This in itself has cost the American taxpayer not a penny less than $20 billion.

Some of the systems still being operated at a cost of billions of dollars annually are either obsolescent or obsolete.

Able and completely sincere people—most of them especially articulate because of legal training—will argue the case for these current and planned highly technical systems; and possibly will succeed in having them all approved. The forces presenting said systems are deeply entrenched.

As I see it, however, unless there is more discrimination practiced with respect to these weapons systems, the economic problems which can only occur as a result of these gigantic expenditures could well bring on the very conditions said systems are supposed to avoid.

That ends the letter of last February 5.

With respect to the talk of the distinguished chairman I would make this comment. Much of what was referred to was not waste, rather desirable and logical research which ended up in additional security for the United States. But much was waste, and I will give one illustration.

The able chairman referred to the Thor missile being installed on location in England. In 1959, as a member of the Senate Armed Services Committee, I went to England and went over this Thor installation. Never have I seen anything more absurd, more wasteful. After looking it over, I said to a distinguished general, who later became deputy chief of his service, "This is pretty ridiculous, isn't it?" He said, "It couldn't be more so." I said, "Anybody passing by in an automobile with a long-range rifle could destroy it from the road, could they not?" He replied, "Give me a .22 rifle and I will destroy it myself."

So the whole idea that there was an intermediate-range ballistic missile in a position to help defend the security of the United States, at a net cost of hundreds of millions of dollars was wrong. At that time I protested most vigorously the fact that this had been presented by the Defense Department as an important link in our defense chain of the United States.

As mentioned, there have been many of these listed weapons systems which were desirable, even if later they were superseded. During the years when we had all the gold as well as the bomb, and others had neither, it was not really important whether or not we wasted money here or there in the defense effort.

But, Mr. President, things have changed. One of the finest talks I have read recently was by a great American, former Gov. Alf M Landon, of Kansas, in which he stated in no uncertain terms:

This Nation is overcommitted; overcommitted in our obligations abroad; overcommitted in our obligations from a military standpoint as well as a political standpoint, with serious and growing problems here at home.

There is a woman in my home town who was making $90 a week working for the telephone company. She has two children. Her mother was taking care of the children. Then her mother died and now she gets $67 a month to take care of herself and her two children. The rent she is forced to pay in a Federal housing project is $60 a month, so she has $7 a month left.

It seems to me, Mr. President, that national security rests at least as much in the confidence of the people in their government and their belief in the wisdom of the decisions of their government as it does in any new weapons system.

I am proud that I did place the first order for the B–47; and I am proud that I also placed the first order for the B–52. But that has nothing to do with the new situations we are facing today. I hope from here on that when we consider various suggested new weapons systems, we also consider other priorities that are now growing all over these United States. We no longer have the resources to do everything regardless unless we are willing to risk destruction of the value of the dollar. From here on out, priorities are important.

Many believe the proposed ABM system will not work. No one denies it is the most complicated technical development in the history of mankind. I have letters from able computer engineers which state they do not believe the software, essential to this system, will work. In addition, the short-range radar was never designed to defend missile sites. It is almost completely vulnerable to the Soviet SS–11, a less accurate, less lethal missile than the SS–9; and, as everyone knows who is interested in this subject, inasmuch as the MSR radar guides both of the Safeguard missiles to target, if the radar is knocked out, the system is blinded and therefore becomes worthless.

Finally, and as is well proved in the chart which so many of us have devoted much time to getting declassified, even if the Safeguard works perfectly, with a slight addition in production by the Soviets of their SS–9 weapon, according to objective and capable scientists and engineers, there will be no increase in the security of the United States; so the money will be wasted.

These are some of the matters which should be considered, Mr. President, before we go ahead with this ABM system. Today, far more than 10 or 15 years ago, it embraces the matter of priorities. We are spending ourselves into deep trouble.

Another word for priorities is "values." With our increasingly limited resources, what do the American people think are the more and less important aspects of our economy and our way of life?

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

Mr. SYMINGTON. I should be happy to yield to the distinguished chairman of our Committee on Foreign Relations, but the Senator from South Dakota has the floor.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

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

Mr. FULBRIGHT. I simply wanted to say a few words and ask the Senator some questions about his comments.

First, I commend the Senator from Missouri for his very forthright discussion of this matter, which has become a highly emotional issue. His last remarks about the matter of priorities are most appropriate.

We held hearings, and during the hearings the other day I heard the testimony of Mr. Penkofsky, who, as the Senator knows, is recognized as a great authority in this field, especially in radar. He said, as the Senator from Missouri says, that even it it could be made to work—and if you wished to put enough attention and enough money into it, and every effort upon it, it is possible the system could be made to work—nevertheless there are many alternatives to this kind of approach—an all-out, regardless-of-cost approach—alternatives that would be more effective, and that I believe would cost less, be more effective, and should have priority. I believe the Senator has made this quite clear; so I do not wish to pursue it any longer, but there are some other matters in his statement to which I wish to respond.

First, I congratulate the Senator for his leadership in the Committee on Armed Services in connection with the vote by which this particular bill came out. This is the first time in my memory when the Armed Services Committee has taken seriously its responsibility for evaluating these missile programs. The vote, as I understand it, was 7 to 10. As I recall, past votes on missile systems have usually been without any dissent, or perhaps with one or two dissenting votes. I am quite certain, in my own mind, that the Senator from Missouri deserves a great deal of credit for having precipitated a genuine debatc and discussion within the committee. I think one result will be consideration on the floor of the Senate of the same matters but in a spirit which has never prevailed before.

Mr. SYMINGTON. Mr. President, I thank the distinguished chairman of the Committee on Foreign Relations for his undeserved but deeply appreciated comments.

Mr. FULBRIGHT. The Senator is, I think, performing a very great service to the country.

I note that the Senator has become the target of an attack in the press—precipitated, apparently, by the Pentagon. I have in my hand an article from the Kansas City Star. The Senator may not wish me to use it; but it came to my attention, and I cannot refrain from referring to it, because I think it is a very serious matter, in our democracy, if a Senator cannot get up and render the type of service the Senator from Mis-

souri has rendered without being subjected to the type of attack described in the article.

The article is written by Mr. William McGaffin, a reputable and experienced reporter for the Chicago Daily News. This particular article, published in the Kansas City Star of June 26, 1969, says:

> Authoritative sources report that the Pentagon is conducting a whispering campaign against two of its major critics—Sen. Stuart Symington (D-Mo), and Gen. David M. Shoup, retired former commandant of the Marine Corps.
>
> This type of campaign, launched to try to discredit their criticism of military spending and our Vietnam policy, was chosen because these critics are beyond the reach of Pentagon.

This is to me an extremely distressing development. This recalls to mind the so-called Starbird memorandum revealed by the Washington Post some weeks ago. General Starbird supplied a memorandum to Secretary Resor outlining an organized program for discrediting the critics of ABM or building up a case for it.

This press account of a whispering campaign is an example, I think, of part of the kind of program described in the Starbird memorandum—a well-organized program of public relations people spreading rumors and discrediting a great Senator who is not only trying to do his duty to protect the security of our country in a military sense but also to protect our very serious fiscal situation. I think this attack ought to be brought to the attention of the country and the Senate.

This is also similar to the attack upon employees of the Pentagon. The same article refers to the attacks upon Mr. John McGee, a civilian working for the Navy; a Mr. A. Ernest Fitzgerald, a civilian working for the Air Force; and Richard A. Stubbing, a military budget specialist for the Bureau of the Budget. They are employees of the Government who have been downgraded or have had their positions changed because they dared to tell the truth about the procurement policies of the Pentagon. This is an extremely dangerous procedure to be allowed to go unnoticed.

I hope the Senate will take this matter into consideration in assessing the debate and the arguments being made on behalf of the ABM or any other program emanating from the Defense Department.

I cannot believe that the Joint Chiefs would really approve of this kind of activity. It is hard for me to believe that they are aware of it. Yet, it is published in the newspapers.

There is an article in this morning's newspaper containing a statement made by the Vice President of the United States. It is so similar to statements previously made by the administration of President Johnson, and especially by the former Secretary of State and others representing that administration, that I am bound to say I am very distressed by this. It assumes a position of attack upon those who oppose the ABM system similar to the attack upon the Senator from Missouri.

This is to me going far beyond the bounds of legitimate debate or discussion of a highly controversial and extremely important matter. It attacks the integrity of the Senator from Missouri and spreads rumors about him and those who oppose his position, insinuating that we are responsible—and I include myself in this group—for prolonging the war simply because we raise questions about the validity of the circumstances under which the war was either started or pursued.

It strikes me as going beyond legitimate criticism or debate in a matter as important as the ABM or the war in Vietnam.

I could not refrain from making these comments because, of all the Senators who are entitled to make criticism of the military program, it is the Senator from Missouri.

As everyone knows, the Senator from Missouri served as a distinguished Secretary of the Air Force. He is the only Senator who has served on both the Armed Services Committee and the Committee on Foreign Relations. He has had an opportunity to hear at first hand the best available information with regard to foreign policy as well as with regard to our Armed Services.

I do hope these attacks will cease and that these matters can be judged upon their merits without personal attacks or rumors about the Senator from Missouri or any other Senator.

I wanted to take this opportunity to say a few words and congratulate the Senator from Missouri for his courage in standing up to attacks of this kind and defending the public interest, as he is doing so ably.

Mr. SYMINGTON. Mr. President, let me express my deep appreciation to the distinguished chairman for his remarks. I not only did not know the Senator was going to mention that article, I did not know he was going to be on the floor at this time.

I read the article, and believe the Secretary of Defense, the Honorable Melvin Laird, is an able man of integrity and high stature. I know he had nothing to do with it.

Many people live and work in the Pentagon. Some people live off the Pentagon. If I had to guess where criticism of General Shoup came from, the latter category might constitute some of the problem.

I do not agree with the good general on various matters, but this is America.

In any case, it is a privilege to have my name connected with a holder of the Congressional Medal of Honor.

In this connection, I noted a recent article stating those of us on the Armed Services Committee who voted against the ABM were doves. Inasmuch as the distinguished Senator from Hawaii (Mr. INOUYE) and I agreed to file minority views, before anyone calls the great Senator from Hawaii a dove, he should look at the record of the Armed Services Committee, and note what Gen. Mark Clark volunteered about the gallant military service of this Senator when testifying before the committee.

I have worked for 25 years in Government to achieve a strong America so we can remain a free America. But what is the use of being a Member of the Senate and representing the people of my State unless I can come to the floor of the Senate and say what I honestly believe.

I thank the distinguished Senator from Arkansas for the privilege of serving on his committee. We do not agree on everything, but again, that is America; and serving with him has been an interesting, refreshing, and stimulating experience.

I think the fact we have this committee under the chairmanship of the distinguished Senator from Arkansas contributes more to the true security of the United States than many people realize today. We are overcommitted, and if we are not careful, we could go broke.

Mr. President, I thank most sincerely my able and very tolerant friend, the able Senator from South Dakota (Mr. MCGOVERN), for yielding to me originally so I could make some remarks with respect to the address made earlier today by the distinguished Senator from Mississippi.

Mr. HUGHES subsequently said: Mr. President, I simply want to associate myself with the statement of the senior Senator from Missouri regarding the anti-ballistic-missile system and the conclusions he has reached over a long course of time, and from years of extensive experience in the Government and in both the executive and legislative branches of the Government. He was speaking out this afternoon in an attempt to keep before this body and the American people a vision of the great debate that is about to take place on the current position of the ABM system. I simply wanted the RECORD to show that the Senator from Iowa endorses the position of the senior Senator from Missouri and appreciated hearing his statements today.

Mr. McGOVERN. Mr. President, I was not only pleased to yield to the distinguished Senator from Missouri, but I am also pleased to associate myself with the significant and compelling remarks which the Senator has made.

VIETNAM AND THE DECLARATION OF INDEPENDENCE

Mr. McGOVERN. Mr. President, Friday, July 4, 1969, we Americans will observe the 193d anniversary of our Declaration of Independence. That eloquent document signed by Thomas Jefferson and his colleagues at Philadelphia on July 4, 1776, opens with the familiar lines:

> When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another . . . a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

Then comes the claim to "certain unalienable rights—life, liberty, and the pursuit of happiness."

A decade later, the Constitution of the new American Nation was framed at Philadelphia affirming the national purposes:

To form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

Taken together, the Declaration of Independence and the Constitution comprise an early statement of our country's priorities that still serves as an appropriate criterion of national excellence.

How well do we measure up to those priorities in 1969? Is the "pursuit of happiness" going well in America at the end of the 1960's—a decade which opened with John Kennedy's ringing assurance: "We can do better"?

Are we moving toward "a more perfect Union in this time which ranges black against white, youth against age, ghetto against suburb, poor against rich?

How fare "justice" and "tranquillity" in our troubled land where danger lurks in the street, campus and city are in turmoil, and the environment is being polluted?

Do we promote either the "common defense" or the "general welfare" when we budget more than $80 billion for the instruments of war while 15 million of our citizens are rendered defenseless by malnutrition?

I cannot accept the diagnosis of some that we are a "sick society"; yet, I cannot find assurance in the state of the Union on Independence Day, 1969. For our Nation is laboring under a double burden—a cruel, self-defeating war abroad and a profoundly troubled domestic society strained by the paradox of affluence and neglect.

It is doubtless simplistic to contend that the malaise of today stems from only one cause—war, racism, technological revolution, or the quickening pace of social change. Yet, I firmly believe that our involvement in the Vietnam war is at the base of the most acute troubles that beset us today.

Former Secretary of Defense Clark Clifford has recently said that his growing doubts about our Vietnam policy have taken on the character of an "obsession." It is obvious that our former great Ambassador and chief negotiator, Averell Harriman, and his brilliant deputy, Cyrus Vance, as well as such distinguished generals as Gavin and Shoup, share that obsession. I share it, too, and, indeed, for me the war in Vietnam has been a nagging obsession for several years. Early in 1967 I referred to our deepening war in Asia as "a policy of madness"—"the most tragic diplomatic, military, and moral blunder in our national history."

It may be ill-timed to repeat that verdict today when we are officially seeking a way out of the Vietnamese morass. But I am increasingly obsessed by the continuing folly that each week kills several hundred American youth and wounds several thousand others—that is daily devastating Vietnam while poisoning and dividing our own society.

I may add, parenthetically, that anyone who will take time to look through the current issue of Life magazine and see the faces of young Americans killed in 1 week of that war will, I think, come to an obsession, if he does not already have one, about the urgency of putting an end to such killing. The magazine contains the names of boys from every State in the Union, boys 18, 19, 20, or 21 years old, some older, all of them young men, all of them robbed of an opportunity to live out their lives by a war that many of us do not believe serves the national interest.

One would think that given more than a decade to witness the self-defeating efforts in Vietnam of previous administrations, the new administration would have moved quickly to stop the slaughter and extricate our troops.

But it increasingly appears that there is no real change of policy—that we simply have a new management of the old assumptions—that we are following the same strategy that has produced our earlier years of grief. It is incredible that we continue to pursue in an offensive strategy the Vietnamese by land, sea, and air—our troops killing and being killed although we long ago abandoned the dream of military victory.

It is equally incredible that we continue a virtually unqualified support of the Thieu-Ky regime while that regime jails its finest citizens and blocks the negotiating road to peace either in Paris or in Saigon. So long as we cling to our military policy of maximum pressure and our political embrace of General Thieu, the negotiations in Paris are a sham and a delusion. There is no peace ahead on the course we are now following; there is only more death and waste abroad and more serious crises in our own troubled land.

My views on the Vietnam issue are deeply held—forged by long years of reading and study, conversation and debate—sharpened in late 1965 by a first-hand view of the battle areas in Vietnam. They have recently been fortified by what I believe to be an important experience that heretofore I have shared only in confidence with the White House and the State Department.

In late May I presided as a Methodist layman over a consultation of the World Council of Churches in London. Before returning from that conference, I flew to Paris and after conferring with Ambassador Lodge and the State Department about my intentions, I devoted a long day to intensive discussions with the top negotiators in Paris representing Hanoi and the National Liberation Front.

After carefully explaining to the two delegations that under American law and practice, only authorized diplomatic officials may represent the negotiating position of our Government, I proceeded to interrogate these delegations from 10 a.m. until 10 p.m.—trying to get a better feeling and understanding of their position with respect to the issues now at stake. At one point I did depart from my questions to express strong disapproval of the North Vietnamese practice of withholding the names and conditions of American pilots captured or killed over North Vietnam. I made a special inquiry about Capt. Sam Fantle, Jr., of Sioux Falls, S. Dak., a distinguished constituent of mine whose family has heard nothing since he was shot down over North Vietnam many months ago. I told the North Vietnamese that I regarded their policy of refusing even to say whether Captain Fantle and his fellow pilots are alive or dead as both inhumane and foolish.

In spite of my disappointment on the prisoner information matter, I left Paris with enhanced respect for the intelligence, shrewdness, and the absolute devotion to their cause of both the North Vietnamese and their NLF allies. There is not the slightest doubt in my mind that however much some of our officials honestly believe we are repelling aggression in Vietnam, the North Vietnamese and the NLF just as sincerely see us as the aggressors—the foreign invaders—the despoilers of their country. They have been trying in their own way to achieve independence for generations—for a thousand years against the Chinese, for more than 80 years against the French, then the Japanese in World War II, then the French again, for 8 long years, and finally against the United States. When Ho Chi Minh first proclaimed the independence of the Democratic Republic of Vietnam on September 2, 1945, at the end of World War II, he borrowed from our own declaration. Ho's declaration opens as follows:

All men are created equal. They are endowed by their Creator with certain inalienable rights, among these are Life, Liberty, and the pursuit of Happiness. This immortal statement was made in the Declaration of Independence of the United States of America in 1776. In a broader sense, this means: all the peoples of the earth are equal from birth, all the peoples have a right to live, to be happy and free.

These Vietnamese who follow Ho Chi Minh and the National Liberation Front see those Vietnamese who have resisted the "liberation" struggle—Bao Dai, the late President Diem, Ky, and Thieu—not as patriots but as Benedict Arnolds.

Beyond any resentment they feel toward us is their complete contempt for Generals Thieu and Ky. They regard them as the artificial creations of an outside power who are willing to slaughter their own fellow Vietnamese to maintain the lavish support of their foreign keeper.

Although Hanoi and the NLF have set forth a number of proposals, there are only two points that are central to their position, which we must evaluate and either accept or reject. First of all, they insist on the unconditional withdrawal of all American forces from Vietnam. Neither Hanoi nor the NLF is willing to talk about "mutual withdrawal" since they insist we are the only foreigners in Vietnam. I have no doubt, however, that if we began withdrawing our troops while moving toward a defensive, cease-fire strategy, the other side would quickly respond by easing off their military pressure. Let us remember that in spite of many predictions that North Vietnam would greatly accelerate their attacks on the ground if we stopped the bombing of North Vietnam, they did just the opposite. Following the bombing halt of last November 1, the North Vietnamese withdrew 22 of their 25 regiments from South Vietnam—from the so-called I Corps area in the northern part of South Vietnam. It is a tragedy of incalculable dimensions that we simultaneously stepped up all of our military operations in the south and thus missed an opportunity to

reduce the killing, ease the military and diplomatic tensions, and open the way for a more hopeful negotiating atmosphere in both Paris and Saigon.

Let me say, parenthetically, that when I asked them if the withdrawal of 22 of their 25 regiments took place as a result of the bombing halt of November 1, they refused to give a direct answer, making it clear that they had insisted on the unconditional halt in the bombing of North Vietnam. I presume they did not want to leave the implication that they were attaching any conditions they were to meet following a halt in the bombing. The significant thing is that they did not escalate but deescalate dramatically, once the bombing of the north had halted.

I am certain that we should now notify Saigon, Hanoi, the NLF, and other interested parties that we are definitely moving out all of our forces and that the only consideration on the speed of the withdrawal will be the safety of our men.

When I suggested to the Hanoi and NLF delegations that some Americans fear a bloodbath during or after an American withdrawal, they replied that just the opposite would happen—the killing would stop—that bloodbath now in progress as the war continues, which could be stopped in the event of an American withdrawal. They suggested that I talk with some of the French officials who were involved in the withdrawal of 1954. They boast of the fact that they cooperated with the French during their withdrawal and took no reprisals. Minister Xuan Thuy, the chief North Vietnamese negotiator, told me that the former French High Commissioner for Vietnam during the period before the French withdrew is now living in Paris and occasionally visits Minister Thuy on a friendly, social basis. I verified this contention and, indeed, was assured by several well-informed French sources that the relations between France and Vietnam have steadily improved since the French withdrawal.

But let us be clear on this first point: There will be no negotiations in Paris or elsewhere worthy of the name until we stop our offensive military operations and begin the systematic withdrawal of all of our forces—preferably during the next 12 months.

Mr. President, I was told, especially by the North Vietnamese, and I am inclined to believe it, that there is a potentially strong reservoir of admiration and good will toward the people and the ideals of the United States on the part of most of the residents of Vietnam, North and South.

For example, during the heaviest of the bombing attacks upon North Vietnam, the schools in Hanoi continued to teach American history and American literature, always distinguishing between our great historic ideals, which they admire, and our current policy, which they deplore. They believe our present policy toward them was foisted upon the American people by mistaken, shortsighted leaders, who will be increasingly repudiated by the American electorate. They gave repeated expressions of their desire to end the war and to establish peaceful relations with the United States following the withdrawal of our forces.

As for reprisals against those Vietnamese who have stood with our forces, they said that it would be in the self-interest of any regime to try to broaden its support and unify the country which would call not for reprisals but accommodation. Nevertheless, I believe we should accompany our withdrawal from Vietnam with an offer of asylum to any Vietnamese who are worried about their safety.

Perhaps other Western countries will join in providing asylum. There are a great many Vietnamese now living in Paris who are there because they are afraid of our friends in Saigon. Doubtless there are some there who are afraid of the NLF or the North Vietnamese, but some provision should be made for asylum for those who feel threatened, in the event of a peaceful settlement of the war and the withdrawal of our forces.

The second point which Hanoi and the NLF make clear is that there will be no negotiations so long as we continue our unqualified embrace of the Thieu-Ky regime. In other words, they are not about to settle this war under conditions that will leave them with the Thieu-Ky regime in power, however that might be brought about. That is really what the question is all about; namely, the political future of South Vietnam.

Our adversaries believe, and I share their belief, as do many of our most qualified American observers, that the military regime do not really want an end to the war—they say they do not want the United States to withdraw; nor do they want an authentic process of self-determination. The reasons are clear: The Saigon regime has little real support or respect from its own people and would be quickly replaced by the local citizens were it not for the overwhelming presence of American power.

The fear of popular resentment of that regime is increasingly manifested by the Thieu-Ky regime as they imprison even their moderate, middle-of-the-road critics.

A recent survey team of distinguished Americans, including Methodist Bishop James Armstrong from my State, Father Drynan, Dean of the Boston College Law School, Admiral Thure, and others, have reported that the jails of Saigon are increasingly jammed with tens of thousands of political critics, most of them moderate citizens, journalists, clergymen, students, teachers, business and professional men—sincere South Vietnamese patriots whose only crime is to advocate a more democratic government devoted to peace.

Generals Thieu and Ky stoutly insist that they will never share their power, even provisionally, with the National Liberation Front.

That, Mr. President, is really at the base of our dilemma as we seek to win this war.

Furthermore, they will tolerate no dissent even from non-Communist moderates who favor a neutral, peaceful, independent South Vietnam. That is why the runner-up in the last presidential election is in jail. That is why the number two Buddhist in South Vietnam is in jail, because they favor, as I do, a neutral, independent, South Vietnam with a government representative of all the political groups in the south.

As long as these rigid, oppressive positions are held by Thieu and Ky with the backing of American power, there can be no peace. It is a delusion to believe that the South Vietnamese people and their army will really fight effectively to preserve a narrowly based mercenary regime of this kind. It is American troops that will do the effective fighting and the dying—and to what end? To buy time for a political tyranny that negates the very spirit of the Declaration of Independence which we will celebrate Friday?

I call today for us to declare our independence of a monstrous folly that is surely weakening our Nation at home and abroad. "A decent respect to the opinions of mankind" commands us "to dissolve the political bands" that have bound the Vietnamese albatross to our backs.

Having long ago asserted for ourselves the right to "throw off" a government guilty of "a long train of abuses and usurpations," history demands that we not deny to the people of Vietnam the right to resolve their own struggle with the rulers of Saigon.

If we truly seek for ourselves and for others "life, liberty, and the pursuit of happiness," let us in the name of God and our own history end the slaughter and devastation that at once drain the blood of both Vietnam and America.

As chairman of the Senate Select Committee on Nutrition and Human Needs, I have been profoundly moved by the inexcusable fact that 15 million of our fellow citizens suffer from malnutrition. It is past time for us to quit killing Asians and to begin feeding Americans.

If we cannot hear the anguished cries of Vietnam, let us at least look to what we are doing to our own beloved land: 200,000 young Americans killed or wounded; $100 billion swallowed in a blood-soaked jungle; millions of Americans, especially the young, confused, frustrated, or alienated from their own government; great American cities and universities caught up in turmoil, violence, and neglect; costly wartime inflation, high interest rates, rising taxes, and a continued drain on our dollar and gold reserves; perhaps, worst of all, a widespread loss of confidence in ourselves and on the part of others around the globe as to our prudence and humanity.

It is painful in our personal lives, in our business ventures, or in our social enterprises to confess error, to declare bankruptcy, or to seek a reordering of life. It is far easier to begin a war than to end it. It is sometimes more tempting to policymakers to save face than to save lives.

Yet, I am convinced that the overwhelming majority of our people, having taken so many risks for war, are now ready to follow leaders who will take some risks for peace. The one vindication that can console us is that our Vietnam involvement, for all its blood and heartache, may yet be redeemed if we learn from that bitter experience not to repeat it elsewhere. Those brave men who have died in Vietnam—American and Vietnamese alike—can teach us by their too great sacrifice that this is not the way for alien peoples to live on this shrinking planet.

The Biblical wisdom still challenges us: "I have set before you life and death, blessing and cursing; therefore choose life, that both thou and thy seed may live."

I would plead again today, on the eve of a meaningful historic date, that we throw off the curse of Vietnam, that we turn away from death and set our course toward blessing and life. And that "for the support of this declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

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

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

Mr. FULBRIGHT. First, I wish to associate myself with the Senator's comments and to call attention to the fact that in 1967, which was long before the present administration came into power, the Senator voiced his criticism of our policy in Vietnam, as did other Senators, and as I did.

This calls to mind an attack upon those of us who are critics of the war by the present Vice President of the United States and President of the Senate. It was made in Wichita, Kans., yesterday, July 1, and reported in the New York Times and other newspapers of today. I shall read the first paragraph:

> Vice President Agnew told the Governors of 10 Middle Western States tonight that they could not expect any increases in Federal aid while the Vietnam war continued. He put the blame on the critics of President Nixon's war policies for prolonging the conflict.

The Vice President then repeated many of the same things that had been said so often by the previous administration. I ask the Senator from South Dakota if it is not unbecoming of the present administration, by its spokesman, the Vice President, to make statements of this kind, in view of the fact that the critics of President Nixon's war policy—certainly most of them—were also critics of President Johnson's war policies.

In other words, there is nothing partisan about the criticism of the President's war policies.

The Senator from South Dakota has drawn attention to the article in Life magazine and the obvious humane considerations which go into it. Does not the Senator agree with me that it is unbecoming for the present administration to take upon itself now the role of continuing the previous administration's policy by identifying itself with that policy, and by characterizing those of us who, long before the present administration took office, criticized the policy?

Mr. McGOVERN. Yes; the Senator's point is well taken. Frankly, I am a little puzzled as to why the Vice President is so eager to identify certain of those policies with President Nixon. I should not think that to do so would serve the best interests of either the President or the country.

I have not come to the Chamber today—and I know the Senator from Arkansas has not—with any partisan thought in mind. We have stood in this Chamber over the last 4 or 5 years deploring our country's deepening involvement in Vietnam. There is nothing particularly new about that.

We are not concerned about the obsession of a particular political party on this issue; we are concerned with what is in the interest of our country.

It is not in the interest of our country for us to lapse into silence about a policy that we think is damaging the national interest. I think that both private citizens and U.S. Senators have an obligation, when our Government follows a course which we think is not in our country's interest, to speak out and express our views.

Mr. FULBRIGHT. During the first 4 or 5 months of this administration, most of us who had formerly been criticizing the Vietnam policy of the previous administration voluntarily restrained ourselves from criticizing the lack of any progress by this administration in settling the war. We were told that secret talks were taking place, and we took that statement on faith. The majority leader of the Senate stated one day—I do not know whether I or some other Senator had made remarks slightly critical—that we should give the President time and should be patient.

I would say that most Members of this body have followed this admonition and have done everything they could do reasonably to encourage this administration to change its Vietnam policy from that of the previous administration.

There having been an election last fall, it was assumed under our procedure of democratic elections that normally, within a matter of this consequence, and especially a policy so intimately identified with the fortunes of the Democratic Party last year, there would be a change, and the Senator from South Dakota and I were entitled to expect a change in a reasonable time.

Now, for the Vice President to make this statement that we are to blame for aid not being provided to the States is going far beyond a reasonable interpretation of what our role has been.

Mr. McGOVERN. I agree with the Senator. I might say the Senator from Arkansas went out of his way, as I recall, in the first visits of the Secretary of Defense and the Secretary of State to urge them in a very broad and humane spirit not to accept this policy as their own, but to come in with a fresh approach and try to see if we could not find a more sensible course.

Mr. FULBRIGHT. Is it not a fact that after all, the Republican candidate last year said he was going to stop the war, that he had a way to stop the war, and that he was going to stop the war?

Mr. McGOVERN. That was my understanding. I think millions of people were influenced, at least in part, to support Mr. Nixon because they thought he would have a different approach. But if there has been a change in policy, I have not been able to detect it.

Maybe the Senator from Arkansas, as chairman of the Committee on Foreign Relations, is privy to material that I am not. I do not see any basic change either in the military policy or diplomatic policy that has taken place; neither do I see any evidence of progress in the negotiating efforts in Paris.

Mr. FULBRIGHT. Judging from the elections last fall I think one could reasonably say President Nixon was a critic of the then-policy of President Johnson. Was he a critic of that policy?

Mr. McGOVERN. That was my interpretation of it.

Mr. FULBRIGHT. Now, he would be classed as a critic of Nixon's war policies and one of those contributing to the fact that there is no aid for the States.

I agree with him that the great and excessive waste of money in the procurement policies of the Department of Defense is the principal reason there is no money for aid to the States. But I do not agree the critics of this policy are the reason and the blame. The blame is because they propose the same policy President Nixon criticized last year during the elections.

Mr. McGOVERN. I fully subscribe to the Senator's point of view.

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

Mr. McGOVERN. I yield.

Mr. CHURCH. Mr. President, once again I commend the distinguished Senator from South Dakota for speaking up candidly and courageously on the issue of the war. He has done this many times in the past, when he stood nearly alone, in voicing his misgivings.

He has said in this address that it may seem ill timed to repeat his earlier indictment of our policy when we are officially seeking a way out of the Vietnamese morass.

I have also been faced with the same dilemma. I have a speech on Vietnam of my own, which I have left on my desk for months because the administration is officially committed to the objective of ending the war. Therefore, it is very difficult to take up the cudgels when the President has said in his inaugural address that the highest priority of his administration is to end the war in Asia. I think all of us feel constrained to stand back and say, "Mr. President, proceed." So, we have waited for some indication of substantial change in the policy that led us into this morass. I, too, have failed to detect that change.

When the President spoke on May 14, there were those who interpreted some nuance or innuendo in his language as evidence of a subtle shift in position. I must say, I was so hopeful that there might be such a shift in our bargaining position that I immediately took the floor to point out these interpretations and express the hope that they would prove to be accurate. But the confirmation has never come.

Instead, there came the Air Force Academy speech in which the President assumed an entirely different posture, one reminiscent of an earlier Nixon, in which he seemed to say that anyone who criticized the war policy or the military establishment was a kind of appeaser, a neoisolationist. All of the tired old phrases of the previous administration were in evidence in that speech.

But still the argument persisted that there was a change in the new administration's position; that presumably the real Nixon would reveal. If so, he has yet to disclose what it is. It certainly is not reflected in the general order given to our military forces in Vietnam. The

nature of that order I am not at liberty to reveal on this floor, but it hasn't changed. The military objective, and the method for achieving it, remain the same today as when last laid down by President Johnson. So one cannot find here any indication of change with respect to American policy in Vietnam.

Next came the President's recent press conference, in which still another Nixon appeared, spurred by the remarks of Clark Clifford who had just called for the withdrawal of 100,000 American troops this year. Now, the President was saying that he not only took cognizance of the Clifford recommendation, but that he had hopes of besting it, and this after having said at Midway, only a week or two before, that the American withdrawal would be limited to 25,000 troops in the first instance, and that any subsequent withdrawals would depend upon Hanoi's response, upon a wind-down in the fighting, and, finally, upon the demonstrated ability of Saigon's troops to carry the load.

What I am saying to the distinguished Senator from South Dakota is that it is extremely difficult to wrestle with a shadow. The President suddenly materializes in front of us. One reaches for him and he disappears, and then materializes to the rear. One whirls around to reach out and again he disappears, only to reappear on the left side or on the right side, leaving one to wonder what, indeed, is his position. What is the policy? If the President's objective is to spread confusion within the country and throughout the world, I say he has succeeded. But there comes a time when those of us who have opposed the war from the outset must begin to speak up again. It is not enough, in view of the confusion, merely to say, "Keep quiet. The President will bring the war to a close in his own way."

So, once again, I commend the Senator from South Dakota for reaffirming his position and speaking his mind. This is in the best traditions of the Senate, of which the distinguished Senator from South Dakota is one of its finest Members.

I also commend him for the higher patriotism reflected in his concern for the well-being of the country, which he places above every other consideration.

Mr. McGOVERN. Mr. President, I thank the distinguished Senator from Idaho. His was, to the best of my recollection, one of the earliest voices to warn against the course we were beginning to pursue in Vietnam some 4½ years ago.

At the beginning of 1965, when the escalation policy really got underway, I think he wrote an article which was published even before Congress came back into session, warning against any further military buildup in Vietnam, warning that we were trying to resolve an essentially political problem by outside military forces, and that this would lead to a demand for more forces and for more and more and, in the end, we would be no closer to a stable and peaceful situation in Vietnam than before the enormous military effort began.

The distinguished Senator from Idaho will recall that he and I joined, in early 1965, in a rather lengthy colloquy on the floor of the Senate, in which we were calling not for the withdrawal of American forces, or anything that could be construed as a radical prescription, but merely suggesting that the administration make a public offer to try to negotiate an end to the war.

We were attacked at that time by at least one senior Member of this body for trying to run up the white flag of surrender. Yet, 60 days later, the President of the United States in fact adopted that as our official policy—and, let me say, to his credit.

I think we immediately improved our position before the world when we at least made some gesture in the direction of negotiations. It appears that many times Members of the Senate lapse into silence on the theory that perhaps we are undercutting some kind of secret policy under way in the administration, only to learn later that there is as much division and uncertainty within the administration on these issues as, perhaps, there is in the country and in the Senate.

The case of the distinguished former Secretary of Defense, Clark Clifford, is one in point. I had thought that he was the No. 1 hawk in the country at the time he became Secretary of Defense. Now it turns out that he had grave reservations about our policy as early as the summer of 1967, reservations which he said he evolved into an opinion, and then evolved into a conviction, and that conviction has now become an obsession that our policy is dead wrong and that we must reverse it.

When he suggests the withdrawal of our combat forces by the end of 1970, as the Senator from Idaho has said, the President says we should do better than that. So what began as a recommendation by some of us for a negotiated settlement of this war has now evolved to the point where even those who once were the strongest advocates of the policy are saying that we should get out. I think they are saying that in part because the Senator from Arkansas, the Senator from Idaho, and others, had the courage of their convictions and were willing to try to point out the error of our ways, and to stay with that conviction until a change was brought about. We need to pursue that course until there is some evidence of a fundamental change in policy.

Mr. President, I thank the Senator from Idaho for his remarks today, but beyond that, for the long and patient efforts he has made in this field for many years.

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

Mr. McGOVERN. I am happy to yield to the Senator from Wyoming, with whom I have had the privilege and the honor of engaging in a series of debates on this issue over the years. As I have said publicly on several occasions, he is a most articulate defender of our policy in Vietnam and it is a privilege to have an exchange of views with him at any time.

Mr. McGEE. Mr. President, as I have listened to the dialog, it calls back to mind those fateful days in January, February, and March of 1965, when the intensification of the conflict in Vietnam was steadily on the rise and when I think we were guilty of discussing in dialog and colloquy the implications of the decision made at that time.

I have been told by a member of the press that perhaps that dialog, in those days, failed primarily because of the fact that it was dropped too soon, that talking out loud, exploring out loud, was so important—then as now—that it should have reached a still higher crescendo.

I remember one member of the press saying, that he thought the dialog itself was conceived in Walter Lippmann's living room one late January afternoon when several Members, present here in the Chamber right now, were there and the importance of getting that conversation underway was a very pointed suggestion.

I would say to the Senator from South Dakota that, modest as he is in sharing the accolades for contributions made in those days and now—and rightfully so—with Members now in the Chamber, he was an extremely lonely figure in those days. To me, he was a figure of inspiration. I admired him as he stood for his convictions, for what he believes to be the right thing to do. Much as I disagreed with him at the time, I felt that his contribution would be important in the history of the evolution of our policy, and his contribution was of that character.

Mr. President, I cannot help recalling the times he and I debated this question on the campuses around the land. I have always felt our contribution was a singular one—not that his solution may turn out to be the right one in history, or that mine may turn out to be the right one, but rather that on campus they saw and heard this debate between two Senators with almost identical credentials. I suppose, without trying to downgrade the distinguished Senator from South Dakota, that he and I would come as close to being political twins in most every respect as any Members in this body. Sharing the same academic background, professoral background, and professional background, as well as liberal Democratic background and our geographical location, we are as close to twins as can be found in the Senate. Yet, on Vietnam, we turn out this way, on opposite sides. What this seemed to say on the campus was that this was tough and rough when it came to decisionmaking and, as many of the students have written to both of us, the contribution it made was that they, the students, should not be so absolute in their judgment as to which was the fundamentally right answer and which was the wrong one, that there was much to be said on both sides.

But, Mr. President, as I have listened to the discussion here this afternoon, it seems to me that we are leaving out one or two things which, in all fairness, belong also on the table of discussion.

I think these items reflect a part of the balance for judgment. One of those parts is that which we all take for granted in our history, and which we sometimes leave out; namely, that a candidate running for President, whether his name be Franklin D. Roosevelt, Lyndon Johnson, Jack Kennedy, or Richard Nixon, invariably finds it a far different matter if he

is the winner and has to take the consequences of being President. I am sure all candidates on the trail speak to what they believe to be their sincere target, their sincere commitment, or their sincere goal, and find as President that the responsibilities of that high office pin upon them an even heavier burden than they ever expected and a considerably heavier sense of restraint than even they had imagined.

I am sure that this has happened in our time.

I say that, not alone to try to cast this President in some broader context, but I think, rather, to inject that again into the question that has troubled us all for so long in so many, almost impossible ways. Sometimes I fear we are guilty of shrinking the question to such simple dimensions that we oversimplify and make it appear to be easier in fact than is the case to arrive at some kind of decision on it.

Mr. McGOVERN. Mr. President, will the Senator yield on that specific point?

Mr. McGEE. I yield.

Mr. McGOVERN. I think it should be said that the Senator from Arkansas, who brought up this point with respect to President Nixon's campaign pledge, did that in connection with reading into the RECORD a statement by Vice President AGNEW, who attempted to turn the debate into a partisan issue.

What the Senator from Arkansas is saying is that it is not a partisan issue that those considerations ought to be left out of the debate; that we ought not to debate it as Republicans or Democrats who are seeking for themselves a political advantage, hitting it over the head as a campaign pledge; that it ought to be conducted in a nonpartisan way. So, in a slightly different way, the Senator from Arkansas was making the same point; that it is a debate which ought to be lifted up above merely partisan debate. I think that point may have been made before the Senator from Wyoming came into the Chamber.

This debate did not begin as an attack on President Nixon or on his policy. I do not think anyone on the floor believes that that present policy in Vietnam was developed, authored, or devised by President Nixon, although he has been a supporter of such a policy in Southeast Asia for 15 years and, to my knowledge, has always favored the military involvement of our forces there. I think that should be said against the background of the Senator's remarks.

Mr. McGEE. I appreciate what the Senator has said.

We come back, it seems to me, to those famous campaign pledges of Franklin Roosevelt made in 1940, when he promised fathers and mother, again and again and again, that no American boys would be sent overseas. He said that, I believe, in the context of the deepest sincerity, but the facts, which went beyond the control of either Democracts or Republicans, or Americans as a whole, took that statement away from him. He had to act according to the times.

I am sure that Lyndon Johnson's statement in 1964, which was uttered in the midst of a campaign, was uttered in sincerity. It was after that campaign that the escalation of events in South Vietnam got underway in a very extreme fashion and would have required a President, whether it had been GOLDWATER or Johnson, to act accordingly and respond in the national interest.

Thus, in the same context, Mr. Nixon's suggestion in the campaign that he had some little secret formula for ending the war in Vietnam was certainly part of the context of the campaign trail, where it was probably advanced in all genuineness.

Mr. McGOVERN. Would the Senator agree, then, that the President probably does not have any specific plans for ending the war?

Mr. McGEE. I would say any plan that any President would have for ending the war, short of an abrupt pulling out of all troops by unilateral action, would be subject to many other forces quite beyond the President's absolute control or predetermination. I would suppose that the one word that summarizes each of the steps that we have witnessed in the last 7 or 8 or 9 months is not "saneness" quite as much as "continuity"—and I think there is a difference.

I think the course of events Lyndon Johnson set in motion when he announced he was not going to run and that he was inviting the other side to negotiate, if they would—which reflected the basic, enlightening, and courageous decision of Clark Clifford that this was the time to try to turn it around—set in motion a series of sequential events that any President coming into office would have had to rise to.

Perhaps it would be going too far to suggest that anybody who had won in November 1968, including the candidates who were not nominated, probably would have been deeply committed by the force of events underway as President, not as a candidate.

What this says to me is that, as we cite Clark Clifford, as we cite President Johnson, as we cite Mr. Nixon's speeches in the campaign—to contrast them from the present—what we are now bringing back into the center of the stage is the distortion by imagery that was provoked largely by the press in the simple little description of a "dove" on the one hand and a "hawk" on the other. There were doves and hawks, to be sure. The dove was the person who wanted total withdrawal. The hawk was the type who advocated, "bomb the daylights out of them until they surrender."

The dominant note, it seems to me, in American policy was that of restraint, of limitation, of determining a very limited objective and trying not to go beyond those bounds.

I think that was a characteristic, and has remained a characteristic, of our policy in Vietnam. It is frustrating, and for many of the "way-out hawks," it is self-defeating. For many in the other extreme, it is ridiculous.

But I think, as Lyndon Johnson had occasion to say many times, his really toughest pressure was not from those who wanted to leave Asia; the toughest pressure he was under all the time was from those who wanted to go all out, to bomb the daylights out of North Vietnam, and then move on to China.

Trying to hold American policy to some semblance of reasonableness and restraint, but also to respond to the responsibilities of a great power, I think was the keynote in this whole approach. I think that is what we are leaving out in this debate.

I think any time we face the implications of the limited concept of the U.S. role in Southeast Asia, we have to face that ugly moment—and it is an ugly one—when we have to announce that this has gone as far as we can go militarily. We have to turn into political channels. We have to move into political directions. That decision was made on March 31, a year ago. That is the decision to which Clark Clifford contributed so much. He did not say we should not have been there. He did not say it was all a bad mistake. He did not say it was all a nightmare. He said that, after the shattering experience of the Tet offensive a year ago, we could afford the risk, not of further military involvement and crusades, but, rather, the risk of political negotiations for peace, for at least a deescalation of the violence.

I think this is where we find the present President now engaged. I would suspect that this President may have forfeited some of his openings when his intemperate comments were made in the live telecast, in his response to Mr. Clifford's very thoughtful piece on this interval; but I suspect we shall survive that over the long pull.

But I did want to inject this into the colloquy today: that we are there; whatever our explanations for being there, we are there, and if we were precipitously to pull back—which is the only clean, clear option that a President has—the consequences for a couple of million people, at least, in South Vietnam, who did work with the Americans, would be sobering indeed. And those consequences ought to be sobering to any President; and the consequences for a neighboring country like Thailand, which occupied the role she has on the flanks of this major American operation in Southeast Asia, likewise ought to give us pause, if we were to decide to pull back. And what it means for Laos, which stood its ground, and for Cambodia, caught in the middle, also ought not to be lost upon us. It certainly cannot be lost upon a President.

So I believe very genuinely that we have got to be a little more understanding of if not agreeable with, the spot in which a President finds himself—and I leave the name of the President out only because I think the office of President is what compels this kind of posture, rather than the particular man who is in it.

This is only my kind of general overview of where we are at the present time. I still believe we have got to exert this political pressure. I still think we have got to make some very deep and genuine efforts toward trying to find political pegs we can hang our credentials on, in this whole conflict in Southeast Asia.

I deeply appreciate the Senator's courtesy in letting me into this discussion.

Mr. McGOVERN. It is always a privilege and instructive to hear what the

Senator from Wyoming has to say; and, of course, I appreciate the kind words that he had to say about me.

While I applaud the decisions that were made in March 1968, to move at a somewhat surer pace in the direction of a negotiated settlement, as outlined in the President's March 31 speech, and also applaud the halt in the bombing of November 1 of last year, I share the deep sense of regret that Ambassador Harriman has expressed repeatedly in recent months, that we accompanied the bombing halt with a step-up of military operations in the South.

That was done, I suspect, because of some of the fears that the Senator from Wyoming expresses here today, that any easing off on the military effort on our part might lead to more intensive military operations on the other side; whereas, as a matter of fact, when we halted the bombing of North Vietnam, all of the predictions of the great blood bath that was supposed to take place when we stopped the bombing and the North Vietnamese flooded down into the south proved to be wrong, and they did exactly the opposite. Instead of sending in additional forces to take advantage of the bombing halt, they pulled out 22 of the 25 regiments they had in South Vietnam. And I share, as I said earlier, the regret expressed by Mr. Harriman that we did not respond to that easing off of military pressure in the south by, in effect, ordering a de facto cease fire, and moving into a defensive posture, where our troops would not fight except in those cases where it was essential for their own defense.

We took a different course. The orders went out to General Abrams, as alluded to in general by the Senator from Idaho, to maintain a policy of maximum military pressure. That is well known. Ambassador Harriman has said it publicly on several occasions. All of the ground operations were stepped up in the south, the air operations were increased, the battalion-sized operations moved from about 800 a month in November to 1,100 a month in January; and then, apparently, to our surprise, there was another step-up in military operations earlier this year by the other side, and we began talking about what we had to do to respond to their increased military effort.

What I am pleading for here today is that, having halted the bombing, we take another step, which is to reverse the policy of offensive military operations, move into a de facto cease-fire and defensive strategy, and begin the systematic withdrawal of our forces, with, as I have said in my prepared text, only one consideration in mind with reference to the timetable, and that is the safety of our own forces, and the provision of political asylum for those Vietnamese who feel a genuine threat to their personal safety.

That is a course that, in broad outline, I think has the support of both Mr. Harriman and Mr. Clifford. They might not agree with some of the details on the timing of the proposal, but essentially I think it is what those two former high officials in the Johnson administration recommend.

I thank the Senator for his comments.

Mr. McGEE. I hope we do not leave out of our calculations, as we are looking at what the President can and must do next, that a firm timetable, in numbers at a specific date, probably is not possible. It remains a hope, but it is probably not possible in specifics.

Second, out of all of this experience of the past 4 years, there has been a considerable measure of gain in that part of the world, in terms of capability, in terms of a little more stable posture among most of the surrounding small, independent governments, and what this is heading toward still, and what we have already won, is the kind of time they have desperately needed in order to take over, in the long run, the responsibility for trying to maintain some kind of a balance in eastern Asia. The de-Americanization of the effort remains the constant goal of all of us.

It comes down, again, to the matter of timing; and I think this belongs in our assessment and calculation as we look at what the President might be free to do, or capable of doing, at this particular moment.

I thank the Senator very much for his courtesy.

Mr. McGOVERN. I note that the Senator has referred to the great pressure of the hard-liners on the previous President. I assume that the present President is still under such pressure, and I want to strive for a balance by applying a little pressure on the other side.

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

Mr. McGOVERN. Now I am happy, Mr. President, to yield to the Senator from Iowa (Mr. HUGHES), who spoke so eloquently on the subject of Vietnam just a week ago.

Mr. HUGHES. Mr. President, the Senator from Iowa wishes to commend the distinguished Senator from South Dakota for again courageously expressing his conscience on the floor of the Senate.

I think that, as we review what has been said here today, we are all well aware of the distinguished Senator's courageous service to his country in both war and peace, and the early position he took in questioning the stance of our country in this vicious conflict in Southeast Asia.

I might state, having been present during the earlier colloquy between the Senator from Arkansas, the Senator from Utah, the Senator from Idaho, and the Senator from South Dakota, that I perhaps represent a different stance than any of those Senators. When I was first reading of the opposition of the Senator from South Dakota to the war in Vietnam and what was taking place there, I was a very strong advocate of our Nation's position in South Vietnam, and making speeches in support of the administration; and at approximately the same time that the Senator from South Dakota visited Vietnam and came back totally convinced that we were in the wrong there. I visited Vietnam as the Governor of the great State of Iowa, and came back totally convinced that our position there was right. That again, I believe, demonstrates what different conclusions we can reach while viewing basically the same sets of circumstances.

I have agonized, since I arrived in Washington this year, while maintaining my silence, as have other Senators. I was present at an earlier date when the Senator from South Dakota expressed his conscience on this subject matter, and there was not an additional word spoken—everyone, I think, wishing to give the President of the United States the time after which he implied and indicated something constructive would take place. But after these long weeks and months, without repeating what the other distinguished Senators have already stated here this afternoon, I reached the conclusion that once again on the floor of this great body there must be expressed, by those of us who feel as we do in our conscience, our opposition as well as our hopes for bringing to an end this tragic engagement in Southeast Asia.

As the Senator from South Dakota knows, I do not entirely agree with everything he has espoused here today. I certainly do agree that we now need, again, a major political breakthrough, a major decision which it seems to me must begin with a decision to cease fire and to end the assault in South Vietnam.

I have expressed my hopes that the President would announce to the people of the United States his intentions, and affirm that when he answered, at his press conference, that he hoped to be able to beat the timetable of the former Secretary of Defense for withdrawal of our combat forces from Vietnam, that though this might not be an immutable decision, it was a sincere intention, for that would certainly give hope to the hearts of Americans who so desperately desire an end to and a disengagement from this conflict.

So as we have searched our hearts and our souls today, and as the Senator has mentioned so eloquently and so ably and well in his address, there is great need, again, for a political decision and for breakthroughs in the direction the Senator indicated, noting that whenever such a major political decision had been made in the past, there had been a response that resulted in more hope and more indication that we might ultimately bring the conflict to an end.

I certainly concur that now is the time; and on this eve of the anniversary of the independence of this great Nation, we again must reaffirm affirmatively our intentions of disengaging from this conflict, our intentions of preserving the rights of the people of Vietnam, our hope that they can be afforded the right, under international supervision, to select the form of government that they desire; and our willingness to do everything within our power to encourage these aims and these goals.

Again I express to the distinguished Senator from South Dakota, who has been a leader for so many years in this field, and all of the other areas of the alleviation of human suffering, who has given so much of his time, his trouble, and his dedication, and who has actually given of his very soul in striving to realize his hopes for the American people, in all of their sufferings and not exclusively those in South Vietnam, my great appre-

ciation for his great display, again today, of courage, at a time when there will undoubtedly be great criticism, but a time which I am sure is undoubtedly of the greatest significance.

Mr. McGOVERN. I thank the Senator for what he has said this afternoon. I think he demonstrates one of the greatest of all personal qualities—certainly an essential quality for greatness in the political arena—which is the capacity for personal change, the capacity to change one's views and convictions as conditions change, and as new insights develop. I think it is a mark of greatness when one not only has that capacity, but is willing to state publicly the fact of a change in his own views.

Beyond that, I had the privilege of working with the Senator from Iowa on a commission on change in the framework and the procedures of our party, in which he has led the way. His concern about developing the kind of political structures in this country that will enable us to achieve change in an orderly, peaceful manner, through our established political parties, is to my mind one of the most important priorities before the country. It is all well and good for us to talk about the need for change in foreign policy and national security policy, and about national priorities here at home; but if we do not have a responsive and flexible political instrument that is capable of bringing about such changes, then I suppose the alternative is deepening frustration, anxiety, and bitterness in the country, and more and more people turning to blocking the streets and barricading the University campuses rather than to our traditional political processes.

So I commend the Senator, not only for what he has said about the importance of change in the field of foreign policy and on this matter that affects the lives of so many Americans in Vietnam, but also for the leadership he has provided as a very important member and one of the authors and prime movers of the New Democratic Reform Commission upon which he and I are privileged to serve.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from South Dakota.

I think when we talk about the necessity of political change, and revision so that the American people can better reflect their opinions, it is interesting to note that the three junior Senators present on the floor today represent the last expression of the people of America in our respective States.

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

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

Mr. EAGLETON. Mr. President, I wish to join with the Senator from Iowa in his expression of commendation for the intellectual and political courage of the Senator from South Dakota, which the Senator from South Dakota has displayed in such enormous abundance on so many occasions.

As has been pointed out, he has been courageous in war himself. Although he would not say it of himself, it is sometimes more difficult to be courageous in the pursuit of peace than it is in the waging of war.

As the Senator from Iowa has pointed out, it was a month or so ago that the Senator from South Dakota stood on this floor—alone—when others were maintaining a respectful honeymoon silence with reference to the conduct of the Vietnam war. He did it, in my opinion, not to bring publicity upon himself, but as a manifestation of how deeply he felt and how deeply he was moved by the conditions that give rise to the remarks he made on that occasion and likewise to the speech he has made here today.

I wish to say, Mr. President, that the Senator from South Dakota, in his analysis of the dilemma that we are in, is not so very much alone after all, as is shown by what some other very distinguished gentlemen are writing and observing.

I call the attention of the Senator and of the Senate to a recent book review prepared by Hans J. Morganthau that appeared in the June 29 issue of the New York Times. One of the books being reviewed was by Henry J. Kissinger entitled "American Foreign Policy."

If the Senator does not mind, I should like to read some excerpts from the book review.

Mr. Morgenthau said:

> The third essay, dealing with "The Vietnam Negotiations" and published last January in Foreign Affairs, is, of course, of the greatest current interest and has been widely scrutinized, in view of the author's eminent position as Special Assistant to the President for National Security Affairs in the Nixon Administration, for clues as to the new Administration's approach to the problem. This article provides an extremely shrewd appraisal of the issues likely to be raised in the negotiations, of the pitfalls to be avoided, and of the tactics to be employed.
>
> Mr. Kissinger is rightly critical of the disjunction between our military strategy and our political aims and of our misunderstanding of the nature of guerrilla war. Yet his arguments, excellent as they are, remain throughout within the conceptual framework established by the Johnson Administration. He sees as the central issue "confidence in American promises." He never raises the issue, which to other observers appears to be central: Is the present Saigon Government capable of negotiating a settlement on the basis of equality with the Vietcong? Given its actual weakness, can it have an interest in a peace that would result in its extinction, and is it capable of remedying that weakness through the reforms which we have vainly urged upon a succession of Saigon Governments since 1954?
>
> Mr. Kissinger's answer is the conventional one: "We should continue to strengthen the Vietnamese army to permit a gradual withdrawal of some American forces. Saigon should broaden its base so that it is stronger for the political contest with the Communists, which, sooner or later, it must undertake."
>
> While it is untenable to assume the determination of a nation's foreign policy by its class structure, that class structure, that class structure indeed sets limits to what a government is able to do at home and abroad. A government which is in the main supported by the absentee landowners and the businessmen in the cities is incapable of instituting the reforms we urge upon it; for, by doing so, it would destroy its own political base. The issue of peace and war in Vietnam hinges upon our support for a government paralyzed by this dilemma.

I would like to point out that one of the observations made by the distinguished Senator from South Dakota in his speech here today is agreed to by Mr. Morgenthau, whom I consider to be one of the truly brilliant commentators on American foreign policy.

Let me add a thought or two of my own. The Senator mentioned in his speech that he, like Clark Clifford, has developed what is tantamount to an obsession on the Vietnam war. His obsession, in its incipient stage, began perhaps in the early months of 1965. As with all obsessions, it continued to fester, multiply, and expand as that which gave rise to the obsession—the Vietnam war—itself seemed to fester, multiply, and expand.

I cannot date back my deep concern over Vietnam to such an early date. In truth and in fact, if I could relate myself back to the early months of 1965, I, too, might have an identical obsession. However, to be perfectly frank about the matter—and since the Senator from Iowa (Mr. HUGHES) has engaged in that which is probably the healthiest of human endeavors, self-analysis, and public confession—my concern for the Vietnam war goes back to a very pragmatic date. It concerned itself with the time when I decided to be a candidate for the U.S. Senate. I decided, as a candidate for the U.S. Senate, that I ought to have some position and know something about that which was developing into the greatest issue of our time.

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

Mr. McGOVERN. Mr. President, I ask unanimous consent that I be permitted to have an additional 15 minutes.

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

Mr. EAGLETON. So, in the summer of 1967, I, as a lay citizen, began to give some thought, to do some reading, some listening, and some watching with regard to that great national agony called the war in Vietnam.

Although I did a modest amount of thinking, reading, listening, studying, and watching, I readily confess that it did not create me into an instant expert. I nevertheless became convinced that our policies then were erroneous, as I am convinced now that our policies are erroneous.

In the first speech I gave as a candidate for the Senate in September of 1967, I addressed myself to the question of the war in Vietnam. And indeed, it is the one issue perhaps that I belabored to the point of boredom to many Missouri audiences throughout the campaign.

I gave a couple of speeches in the early months of 1968, advocating that which in part is suggested by the Senator from South Dakota and which has now recently been suggested in speeches given by former Vice President Humphrey and Ambassadors Vance and Harriman, with respect to a stand fast cease-fire. That suggestion is contained in the Senator's speech. I commend the Senator for it.

I also commend the Senator for pointing out that which is true beyond dispute, that there is not a new proposal by the present administration on Vietnam. Whether or not we wish to go into the historical analysis, as did the Senator from Wyoming (Mr. McGEE), of the difference between what presidential candidates say when running for office and the obligations that are thrust upon them once they assume office, the fact remains that there is no new policy from the White House.

Interesting as I deem that to be, and as highly as I regard the Senator from Wyoming, I do not think his analysis is particlarly germane to a war which is going on and has already taken thousands of American lives.

The American people were told that there was a new plan, a secret plan, that had been developed. The Senator from South Dakota adroitly inquired of the Senator from Wyoming, "Do you admit that there is no new plan for Southeast Asia?" to which the Senator from Wyoming had less than a satisfactory answer.

The truth is that there is no new plan. It is a redistillation, a rearticulation of that which had been repeatedly said by Secretary of State Dean Rusk so many times that memory cannot recall. It was said during the years 1965, again in 1966, again in 1967, and again in 1968.

I want to associate myself with another portion of speech of the Senator from South Dakota before I move on to the one portion with which I will disagree.

In the Senator's speech, he points to our overreliance on the Thieu-Ky regime. I agree with the Senator. I agree that it is not only an overreliance, but it also at times almost amounts to a subservience to the point of being more worried about offending Mr. Thieu and Mr. Ky than being concerned with what is right for America and what is morally right for Vietnam.

With respect to every conversation that takes place, whether it be at Midway or elsewhere, we are concerned about Mr. Thieu and ask, "Will it cause him any difficulty in his administration?"

The proper concern should be what is right for the American people and what is morally right for the South Vietnamese people of which Thieu and Ky are the technical leaders in an election that is certainly not what we view in our country as being a free and fully participatory national election.

Finally, I must say this, so as to make the record clear. There is a portion of the Senator's fine speech with which I cannot identify. I presume that the reason for my inability to adopt that portion is that his agony, his obsession, dates back longer than does mine and with a greater depth of perception than mine—his from early 1965, mine from the fall of 1967. The position the Senator from South Dakota has taken here today may well, in due course, be my position and that of other Senators if this war drones on, if it drones on with weekly issues of Life magazine containing the faces of hundreds of young Americans who are giving their lives, knowing that the war is not going to be won, knowing that it is ever so gradually being deescalated.

Mr. President, if you had a boy 17 or 18 years of age who was about to be drafted, and he came in to see you and said, "I'm going into the Army, and I will probably be sent to Vietnam," I guess if he asked you, you would have to tell him the truth: "Well, young man, you are going to a war that will end perhaps by the end of 1970, maybe in 1971. We are not going to win it, and you and maybe thousands of others are likely to die. But that is American policy, a policy that started way, way back. You know how foreign policy is, young man. It has a way of turning itself on and not turning itself off. But go forth and be a patriotic soldier. I hope you will get back. I hope your picture will not appear in a future issue of Life magazine."

But I would have to say that I am not prepared at this juncture to adopt the penultimate recommendation of the Senator from South Dakota; namely, that the United States should unilaterally withdraw its forces from South Vietnam. Before we reach that decision, I should like to exhaust such other remedies as a standfast cease-fire. I should like to exert more muscle on the Thieu-Ky regime to have it broaden its base considerably so as to include neutralists. I should like to have an opportunity to exhaust remedies such as these and have them shown to be fruitless before adopting the penultimate conclusion.

Finally, I repeat what I said at the outset. The Senator from South Dakota is owed a great debt of gratitude by the American people for his valor, his intellectual courage, and his integrity in doing what he has done here today, and has done so ably and nobly on numerous occasions in the past, speaking with a wholesome mind and a compassionate heart about the overriding, compelling issue of our time.

I am pleased that the Senator was so gracious in yielding this time to me.

Mr. McGOVERN. I thank the Senator from Missouri for his statement, which I regard as one of the most moving statements we have heard on the floor in a long time.

Without in any way qualifying the position outlined in my prepared remarks, I may say to the Senator that I regard the first order of business as not the exact timetable of our withdrawal, which I said in my speech would be determined largely by the considerations of safety of our troops; but I agree with him that perhaps the most urgent order of business—and the Senator from Iowa (Mr. HUGHES) made this point—is to change the general order under which General Abrams is now operating, which is one of maximum military pressure on the enemy, and to move, instead, in the opposite direction, so as to avoid contact with the enemy, instead of chasing them out into the jungle. I think we should avoid that kind of tactic and adopt a purely defensive strategy, in which the only time that firepower would be used would be for the defense of any troops that were threatened by a massing of enemy forces.

So I quite agree with the Senator on the priority of orders, which is to move to something we can do immediately, and that is to change the standing orders to our field commanders. The President can do that with a stroke of the pen or by a telephone call. In my judgment, that better fits the official policy we now espouse, which is a policy of denouncing any hope of military victory, and a policy supposedly aimed at a negotiated settlement of the war.

Let us attach the highest sense of urgency to stopping the killing of American troops and the killing of Vietnamese. I see nothing to be served by offensive operations that do not really change the character of our negotiating position in Paris, but which do harden the lines on both sides and make it very difficult for negotiations to take place—which kill our forces, kill our troops, and lead to continued devastation in Vietnam.

I commend the Senator from Missouri for his sensitive perception of the political and personal issues involved in this struggle. They are perhaps far more significant than the diplomatic and military strategies that have been tried in Vietnam these many years.

I have often wondered why it is that the U.S. Senate has produced so many more critics of our foreign policy in Vietnam than have been produced in the State Department or in the Pentagon, although some of them, after they have left office, have become rather dramatic critics of our policy. I think one of the reasons is that Senators are sensitive, as political figures, to some of the dilemmas that our military personnel have faced in Vietnam when they have tried to make up for the political bankruptcy in South Vietnam. They have increased the inputs of American military power. Our basic mistake has been to try to make up for political weakness, a lack of political leadership in Vietnam, by substituting American military power. That has really been at the bottom of our dilemma for many years.

I congratulate the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), and other Senators who have had not only the good political judgment, but the good moral judgment, it seems to me, to call for a different course in Vietnam in the interest not only of ourselves but for the people of Vietnam, as well.

Mr. BYRD of Virginia. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. The Senator from California has been waiting for some time for me to yield to him, I should like to yield first to him.

Mr. CRANSTON. Mr. President, I thank the Senator from South Dakota for yielding, and I thank the Senator from Virginia for permitting me to speak first.

I am particularly pleased to share the floor at this time with two fellow freshmen, the Senator from Iowa (Mr. HUGHES), and the Senator from Missouri (Mr. EAGLETON). I am pleased also that

we have followed, in this debate, Senators as knowledgeable and experienced as the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Idaho (Mr. CHURCH) in commenting on the fine statement made by the Senator from South Dakota (Mr. MCGOVERN) and in speaking out on Vietnam and on the cause of peace.

I join them in admiring the conscience, compassion, courage, and creativity of the Senator from South Dakota over a long, long time in facing up, as an American, to the great responsibilities and problems we all face in Vietnam and in the world.

I totally share the Senator's anguish over the depth of American participation in what he so aptly calls the current and present blood bath in Vietnam. I share totally his grave concern over the price we pay at home in so many and varied ways for what is happening to us and to others in Vietnam. I share his deep concern over the nature of the orders that our military leaders are carrying out at present in Vietnam.

I noted the carefully guarded, yet alarming and rather veiled remarks of the Senator from Idaho (Mr. CHURCH) about the nature of those orders.

I wish to say that I also share the hopes of the President that he will be able to beat the timetable set forth by Clark Clifford, the former Secretary of Defense. I have a hope of my own about what the President is seeking to accomplish. I hope he has done something very significant and not something symbolic; that it is something of substance, and that it will become plain with the beginning of the withdrawal of troops. I hope we all see that we are going beyond the 25,000 figure to something far more substantial.

The Senator remarked very appropriately of the need for an American Declaration of Independence on the eve of our holiday of independence. I would like to agree with that statement, also. I believe that the United States must proclaim its independence from the Communists in Hanoi and from the corrupt men in Saigon.

The PRESIDING OFFICER. The additional 15 minutes of the Senator have expired.

Mr. MCGOVERN. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. CRANSTON. I think it is outrageous that our policy, the present American policy, depends on the willingness of Communists to start making less war, and the willingness of a corrupt government in Saigon to start making more war. I think it is outrageous and unacceptable that our policy depends on the willingness of the Communists and the corrupt government in Saigon to discuss peace. Apparently we can only make significant moves toward peace if they make moves toward peace.

I think we have to take the decision-making process into our hands. I believe with the Senator that until we make clear that we are on our way out there is no reason to think the Communists will in any significant way diminish their determination to make war, nor is there any reason to believe the government of Saigon will make any move toward assuming its responsibility. Why should they assume the responsibility to do the major fighting when we seem so willing everlastingly to do that?

For these reasons I join in this general way in what the Senator has said. I think we have to apply these pressures. I feel, although I have much hope about the President's plan, we will not see progress until we move out of the jungles and swamps of Vietnam.

Mr. MCGOVERN. Mr. President, in the interest of time I will not comment on the Senator's remarks other than to thank him for his splendid contribution to our discussion this afternoon.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MCGOVERN. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. I realize how deep is the feeling of the Senator from South Dakota in regard to the war in Vietnam. We have discussed this personally. I have had the opportunity to hear him on the floor of the Senate and I know how deep is his conviction.

I might say that the Senator from Virginia has a very deep conviction in regard to Vietnam and has had for 3½ or 4 years.

I felt it was a great error in judgment to become involved in a ground war in Vietnam. I believe that, too, is the view of the Senator from South Dakota.

During the past 3½ or 4 years, however, since our country has committed a large number of troops to Vietnam, I have taken a course somewhat different than the Senator from South Dakota. I have felt the only course I could follow as a Member of the Senate was to give support to those troops through supporting the Commander in Chief, which I did when President Johnson was Commander in Chief, and which I do now when Richard Nixon is Commander in Chief.

So I shall not comment on the Senator's speech today except one aspect of it about which I would like to obtain a clearer understanding.

Did I understand the Senator to say that he had met with North Vietnamese negotiators in Paris?

Mr. MCGOVERN. Yes. Let me say, in responding to the Senator, that I gave some thought to that matter over a period of months. I decided it would be a useful effort to make, if for no other reason than to satisfy myself as to what really was the position of Hanoi and the National Liberation Front.

The Senator knows something about the credibility problem we have had with respect to our Vietnamese policy. That was underscored recently by the article of former Secretary of Defense Clifford, in which he revealed that much of what we were told as a matter of official policy in 1967 and 1968 was actually a matter of the deepest reservations on his part even at that time.

I have felt there was a distinct possibility that we were not being given a full understanding with regard to the position of the North Vietnamese and the National Liberation Front, and I wanted to hear their position for myself.

In preparation for that trip I first read the Logan Act, to make sure I understood the law in this country with respect to Americans talking to representatives of foreign governments. Having read that, I advised the State Department and Ambassador Lodge of my intention to talk with the delegations from the other side.

Mr. Lodge expressed the view that it might turn out to be a helpful effort; that it might be one more line of communication; that it might be helpful in getting a better understanding of the other side.

I carefully explained to the delegations from Hanoi and the NLF that under American law and American practice no one other than authorized American personnel have the right to represent the position of the United States; that I was not there as a negotiator or to try to persuade them to do anything, or to interpret the position of our Government; but to interrogate them and draw them out as a concerned citizen and Member of the Senate as to what was in their minds, and what it was that was blocking the possibility of a negotiated settlement.

I give that information by way of background to the Senator's question.

Mr. BYRD of Virginia. That gives additional information which I am glad to have.

Frankly, I had wondered when I first heard it on the radio, and then, second, when I heard it in the Senator's address this afternoon, as to the appropriateness of a Member of the Senate meeting with the official representatives of the enemies of our country.

Mr. MCGOVERN. I understand the Senator's concern. I debated the matter long and hard before I made the judgment to go. I should add one final point in response to the Senator's question. When I got back to the United States I called the White House and arranged for a lengthy "debriefing session" with Mr. Kissinger, the President's top adviser on national security affairs, with the understanding that he would also transmit my observations to the State Department.

Mr. BYRD of Virginia. What passes through my mind is: Are we going to attempt to have individual negotiations, so to speak, with the representatives of the enemy in Paris? If, as the Senator from South Dakota said, Mr. Lodge said it is a fine thing for him to do, I assume other Senators would be free to meet with them.

Mr. MCGOVERN. Let me make clear to the Senator that it is absolutely improper for anyone other than authorized personnel to posture as a negotiator, to represent the negotiating position of the United States, or to try to persuade an enemy country, or any country, to a different view at a time when negotiations are in process. That is why I made perfectly clear both to the Hanoi delegation and to the National Liberation Front that I was there to ask questions and not to interpret the position of my country

and not to try to persuade them to a different negotiating position; that I was there simply to enlarge my own understanding of what was in their minds and what was holding up the possibility of a negotiated settlement.

Mr. BYRD of Virginia. I understand the Senator's position. I am sure he acted in complete good faith.

I just feel that as a matter of policy, listening to the debate today, I have considerable question as to the appropriateness of a Member of the U.S. Senate meeting with the official representatives of a country with which we are at war.

I do not think there can be any doubt in anyone's mind that we are at war with North Vietnam. If there is any doubt, look at the casualty figures. We have suffered 273,000 casualties there. So there is no doubt that we are at war.

Mr. McGOVERN. Even though the Senator would quite agree that officially we are not at war?

Mr. BYRD of Virginia. While, of course, officially, we may not be at war, I think that any reasonable person—and I am sure the Senator from South Dakota—does not deny that we are at war.

Mr. McGOVERN. I deplore it.

Mr. BYRD of Virginia. The Senator deplores it, and I deplore it, but we are at war.

Mr. McGOVERN. I also deplore the casualties.

Mr. BYRD of Virginia. The fact is, we are at war. Officially we are not at war, but we are at war.

I think that all of us in the Senate admit we are at war.

The question in my mind is whether we are serving the best interests of our country by meeting privately with an official group from a nation with which we are at war.

One other comment. The Senator in his speech, mentioned—I think he mentioned it in the context of his discussion with the representatives of Hanoi in regard to the bombing halt. That was brought up in his speech, I believe.

Mr. McGOVERN. Yes.

Mr. BYRD of Virginia. That brings to mind this thought. Since April 1, 1968, which is 15 months ago almost to the day, that was the day President Johnson first began to restrict——

Mr. McGOVERN. Yes.

Mr. BYRD of Virginia. And then subsequently to eliminate all bombing of North Vietnam. Now, since that day, the United States, of all the casualties it has suffered in Vietnam, 45 percent of them have occurred during the past 15 months, since that bombing halt.

Another figure I want to bring out——

Mr. McGOVERN. Before the Senator leaves that point, I think that for the RECORD he should add that the bombing halt occurred on November 1, that there was only a reduction of the area bombed prior to that time.

Mr. BYRD of Virginia. I think the record will show I mentioned that.

Mr. McGOVERN. Yes. Although there was a reduction of the area bombed. As of April 1, the number of aerial missions flown over North Vietnam after April 1 actually increased rather than decreased, that is, the bombing of the Ho Chi Minh trail, where the infiltration was taking place, increased rather than decreased after the April 1 change referred to by the Senator. There was no real bombing halt of North Vietnam until November 1. That was followed by a dramatic and noticeable decrease in American casualties which continued through the fall and winter of 1968.

Mr. BYRD of Virginia. I had better restate the situation as I see it, then, to be certain of my accuracy.

I think what I said was that beginning April 1, 1968, President Johnson restricted——

Mr. McGOVERN. Yes.

Mr. BYRD of Virginia. And then subsequently eliminated——

Mr. McGOVERN. That is correct.

Mr. BYRD of Virginia. And the subsequent elimination came on November 1, so that between April 1 and November 1 all bombing north of the 19th parallel was eliminated. So there was an elimination of bombing above that parallel. There was still some bombing of North Vietnam——

Mr. McGOVERN. Yes.

Mr. BYRD of Virginia. Between the 19th parallel and the DMZ.

Mr. McGOVERN. Yes, very heavy, as a matter of fact.

Mr. BYRD of Virginia. But that was not the major part of North Vietnam, just a small part of North Vietnam.

I bring that up only to say and to repeat that in the past 15 months, since President Johnson on the night of March 31 made his TV speech and the statement that he would not be a candidate, and to show his good faith was halting the bombing of North Vietnam north of the 19th parallel, in order to get negotiations started.

Yet, that was 15 months ago that the bombing was restricted, and 45 percent of our casualties have occurred during those 15 months, and negotiations are not started yet. Yes, we have suffered some 121,000 casualties since April 1 of last year.

Mr. McGOVERN. If the Senator will yield at that point, let us make the RECORD clear that the longest delay in the start of negotiation in Paris can be laid at the door of the Thieu-Ky regime in Saigon, which refused to go to Paris and begin the negotiations long after the regime in Hanoi and the National Liberation Front had expressed their willingness to proceed with negotiations. Thus, if we are going to talk about who held up the negotiating process in Paris, let us not forget about the generals who control the government in Saigon. They were principally responsible for the delay.

Mr. BYRD of Virginia. In the first place, I say to the Senator from South Dakota that I do not attempt to assess the blame.

That is not the point I am concerned with on these negotiations as to where the blame lies. The fact is that although the United States, through President Johnson, took affirmative steps by eliminating the bombing of most of North Vietnam 15 months ago, we still are no better off, so far as I can see, than we were at that point.

Mr. President, I want to cite figures for 1969. For the first 6 months of 1969, the U.S. casualty figures in Vietnam have average 1,930 per week. So the casualties are still great.

We are still suffering severe casualties in Vietnam. We are still at war. We are still in a very precarious and difficult position. We have yet to find a way out of this tragic involvement.

My only purpose in rising was that since I was in the Chamber when the Senator was making his speech, I felt I wanted to comment on that one aspect of it; namely, to express the personal view that I question whether it is appropriate for a U.S. Senator to meet with the enemies of our country during a time of war.

I know that the Senator from South Dakota acted in good faith. I do not question that for a moment. I know that he did what he thought was best for our Nation.

But, as one Senator, I express doubt as to the wisdom of those of us in the Senate, in a position of high responsibility, meeting with the enemies of our Nation with whom we are at war.

Mr. McGOVERN. Mr. President, I want the Senator to know that I fully appreciate the concern that he expresses. Those same considerations went through my mind for many, many months before I finally decided to undertake this effort. I would not be able to rest if I thought anything I had done in reference to these discussions, or what I have said here on the floor this afternoon, or at any earlier time, had cost the life of one single American boy or had helped continue this war for 1 day. The only thing that motivates my interest in this issue is a desire to bring an end to this war and to try to understand what is delaying the negotiating process, and what it is that keeps this senseless killing going on on both sides. That was the reason for my explorations in Paris. It is my reason for speaking out today.

I do not know whether my decision at an earlier time was right or wrong in always voting for appropriations to support the war in Vietnam, even though I opposed the war; but, like the Senator from Virginia, I have always voted for the appropriations to supply the needs of that war, even though I felt we had ordered American boys into a conflict that was not in our national interest.

I am not sure how long I am going to continue to vote for appropriations to support that war—not because I am any less interested in the welfare of our troops there, but because I think we have perhaps reached the point where Congress is going to have to exercise the power of the purse, in order to bring about a change in the policy that is keeping our troops, our young men there, and which is not going to accomplish anything, in my opinion, in terms of advancing our national interest.

I thank the Senator.

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

Mr. McGOVERN. I yield.

Mr. HUGHES. I just ask one question. I know the answer. I know the Senator

from South Dakota and the Senator from Iowa, and I believe all Senators who have spoken here this afternoon, have given unlimited and undying support to our American troops in Vietnam continually throughout this war. I want to ask if the United States, upon halting the bombing of North Vietnam from the air, proportionately increased air attacks and other attacks in the south, which contributed to the increase in casualties?

Mr. McGOVERN. There is not the slightest doubt about that. Almost concurrently with the halt of the bombing of North Vietnam, we stepped up the battalion-size operations from around 800 a month to something around 1,100 a month.

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

Mr. McGOVERN. I ask unanimous consent to proceed for an additional 5 minutes.

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

Mr. McGOVERN. We increased very substantially the number of aerial bombing missions flown over South Vietnam. We increased the amphibious operations to a scale our commander said we had not reached anywhere in the world since World War II.

My own judgment is that those offensive operations on our part have had more to do with the continuing high casualty rate than the offensive operations on the other side.

We all deplore the killing and the terrorism and the brutality of the enemy troops. I think we can do something about reducing the violence and the killing by the strategy that we follow, and that is what I plead for here today.

Mr. President, since I believe they are significant in light of this debate, I ask unanimous consent to insert several documents in the RECORD.

The first is a brief excerpt from the memoirs of Gen. Matthew Ridgway, who was the Army Chief of Staff in the mid-1950's, at the time it was first proposed that we send American forces into Southeast Asia. General Ridgway was one of those great generals who helped to persuade General Eisenhower, also a great general, not to do that. He writes of that decision in his memoirs, in 1956.

How sad it is that that decision not to intervene in 1954 did not remain our policy from that day on.

I also ask unanimous consent that an article by the former Commandant of the Marine Corps, Gen. David M. Shoup, entitled "The New American Militarism," which appeared in the April 1969 edition of Atlantic magazine, be inserted in the RECORD, along with the article by former Secretary of Defense, Clark Clifford, which appeared in the July 1969 issue of Foreign Affairs.

Also, the report of a U.S. study team, including Bishop James Armstrong; Robert Drian, S.J., dean of the Boston College Law School; and Rear Adm. Arnold True.

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

EXCERPT FROM RIDGWAY MEMOIRS

When the day comes for me to face my Maker and account for my actions, the thing I would be most humbly proud of was the fact that I fought against, and perhaps contributed to preventing the carrying out of some harebrained tactical schemes which would have cost the lives of thousands of men. To that list of tragic accidents that fortunately never happened I would add the Indochina intervention.—Army Chief of Staff, Gen. Matthew Ridgway; in his Memoirs, published in 1956.

THE NEW AMERICAN MILITARISM

(By Gen. David M. Shoup)

(NOTE.—Its roots are in the experience of World War II. The burgeoning military establishment and associated industries fuel it. Anti-Communism provides the climate which nurtures it. "It" is a "new American militarism." General Shoup, a hero of the Battle of Tarawa in 1943, who rose to become Commandant of the United States Marine Corps for four years until his retirement in December, 1963, doesn't like it. He has written this essay in collaboration with another retired Marine officer, Colonel James A. Donovan.)

America has become a militaristic and aggressive nation. Our massive and swift invasion of the Dominican Republic in 1965, concurrent with the rapid buildup of U.S. military power in Vietnam, constituted an impressive demonstration of America's readiness to execute military contingency plans and to seek military solutions to problems of political disorder and potential Communist threats in the areas of our interest.

This "military task force" type of diplomacy is in the tradition of our more primitive, pre-World War II "gunboat diplomacy," in which we landed small forces of Marines to protect American lives and property from the perils of native bandits and revolutionaries. In those days the U.S. Navy and its Marine landing forces were our chief means, short of war, for showing the flag, exercising American power, and protecting U.S. interests abroad. The Navy, enjoying the freedom of the seas, was a visible and effective power. The Marines could be employed ashore, "on such other duties as the President might direct" without congressional approval or a declaration of war. The U.S. Army was not then used so freely because it was rarely ready for expeditionary service without some degree of mobilization, and its use overseas normally required a declaration of emergency or war. Now, however, we have numerous contingency plans involving large joint Air Force-Army-Navy-Marine task forces to defend U.S. interests and to safeguard our allies wherever and whenever we suspect Communist aggression. We maintain more than 1,517,000 Americans in uniform overseas in 119 countries. We have 8 treaties to help defend 48 nations if they ask us to—or if we choose to intervene in their affairs. We have an immense and expensive military establishment, fueled by a gigantic defense industry, and millions of proud, patriotic, and frequently bellicose and militaristic citizens. How did this militarist culture evolve? How did this militarism steer us into the tragic military and political morass of Vietnam?

Prior to World War II, American attitudes were typically isolationist, pacifist, and generally antimilitary. The regular peacetime military establishment enjoyed small prestige and limited influence upon national affairs. The public knew little about the armed forces, and only a few thousand men were attracted to military service and careers. In 1940 there were but 428,000 officers and enlisted men in the Army and Navy. The scale of the war, and the world's power relationships which resulted, created the American military giant. Today the active armed forces contain over 3.4 million men and women, with an additional 1.6 million ready reserves and National Guardsmen.

America's vastly expanded world role after World War II hinged upon military power. The voice and views of the professional military people became increasingly prominent. During the postwar period, distinguished military leaders from the war years filled many top positions in government. Generals Marshall, Eisenhower, MacArthur, Taylor, Ridgway, LeMay, and others were not only popular heroes but respected opinion-makers. It was a time of international readjustment; military minds offered the benefits of firm views and problem-solving experience to the management of the nation's affairs. Military procedures—including the general staff system, briefings, estimates of the situation, and the organizational and operational techniques of the highly schooled, confident military professionals—spread throughout American culture.

World War II had been a long war. Millions of young American men had matured, been educated, and gained rank and stature during their years in uniform. In spite of themselves, many returned to civilian life as indoctrinated, combat-experienced military professionals. They were veterans, and for better or worse would never be the same again. America will never be the same either. We are now a nation of veterans. To the 14.9 million veterans of World War II, Korea added another 5.7 million five years later, and ever since, the large peacetime military establishment has been training and releasing draftees, enlistees, and short-term reservists by the hundreds of thousands each year. In 1968 the total living veterans of U.S. military service numbered over 23 million, or about 20 percent of the adult population.

Today, most middle-aged men, most business, government, civic, and professional leaders, have served some time in uniform. Whether they liked it or not, their military training and experience have affected them, for the creeds and attitudes of the armed forces are powerful medicine, and can become habit-forming. The military codes include all the virtues and beliefs used to motivate men of high principle: patriotism, duty and service to country, honor among fellowmen, courage in the face of danger, loyalty to organization and leaders, self-sacrifice for comrades, leadership, discipline, and physical fitness. For many veterans the military's efforts to train and indoctrinate them may well be the most impressive and influential experience they have ever had—especially so for the young and less educated.

In addition, each of the armed forces has its own special doctrinal beliefs and well-catalogued customs, traditions, rituals, and folklore upon which it strives to build a fiercely loyal military character and esprit de corps. All ranks are taught that their unit and their branch of the military service are the most elite, important, efficient, or effective in the military establishment. By believing in the superiority and importance of their own service they also provide themselves a degree of personal status, pride, and self-confidence.

As they get older, many veterans seem to romanticize and exaggerate their own military experience and loyalties. The policies, attitudes, and positions of the powerful veterans' organizations such as the American Legion, Veterans of Foreign Wars, and AMVETS, totaling over 4 million men, frequently reflect this pugnacious and chauvinistic tendency. Their memberships generally favor military solutions to world problems in the pattern of their own earlier experience, and often assert that their military service and sacrifice should be repeated by the younger generations.

Closely related to the attitudes and influence of America's millions of veterans is the vast and powerful complex of the defense industries, which have been described in detail many times in the eight years since General Eisenhower first warned of the mili-

tary-industrial power complex in his farewell address as President. The relationship between the defense industry and the military establishment is closer than many citizens realize. Together they form a powerful public opinion lobby. The several military service associations provide both a forum and a meeting ground for the military and its industries. The associations also provide each of the armed services with a means of fostering their respective roles, objectives, and propaganda.

Each of the four services has its own association, and there are also additional military function associations, for ordnance, management, defense industry, and defense transportation, to name some of the more prominent. The Air Force Association and the Association of the U.S. Army are the largest, best organized, and most effective of the service associations. The Navy League, typical of the "silent service" traditions, is not as well coordinated in its public relations efforts, and the small Marine Corps Association is not even in the same arena with the other contenders, the Marine Association's main activity being the publication of a semiofficial monthly magazine. Actually, the service associations' respective magazines, with an estimated combined circulation of over 270,000, are the primary medium serving the several associations' purposes.

Air Force and Space Digest, to cite one example, is the magazine of the Air Force Association and the unofficial mouthpiece of the U.S. Air Force doctrine, "party line," and propaganda. It frequently promotes Air Force policy that has been officially frustrated or suppressed within the Department of Defense. It beats the tub for strength through aerospace power, interprets diplomatic, strategic, and tactical problems in terms of airpower, stresses the requirements for quantities of every type of aircraft, and frequently perpetuates the extravagant fictions about the effectiveness of bombing. This, of course, is well coordinated with and supported by the multibillion-dollar aerospace industry, which thrives upon the boundless desires of the Air Force. They reciprocate with lavish and expensive ads in every issue of *Air Force.* Over 96,000 members of the Air Force Association receive the magazine. Members include active, reserve, retired personnel, and veterans of the U.S. Air Force. Additional thousands of copies go to people engaged in the defense industry. The thick mixture of advertising, propaganda, and Air Force doctrine continuously repeated in this publication provides its readers and writers with a form of intellectual hypnosis, and they are prone to believe their own propaganda because they read it in *Air Force.*

The American people have also become more and more accustomed to militarism, to uniforms, to the cult of the gun, and to the violence of combat. Whole generations have been brought up on war news and wartime propaganda; the few years of peace since 1939 have seen a steady stream of war novels, war movies, comic strips, and television programs with war or military settings. To many Americans, military training, expeditionary service, and warfare are merely extensions of the entertainment and games of childhood. Even the weaponry and hardware they use at war are similar to the highly realistic toys of their youth. Soldiering loses appeal for some of the relatively few who experience the blood, terror, and filth of battle; for many, however, including far too many senior professional officers, war and combat are an exciting adventure, a competitive game, and an escape from the dull routines of peacetime.

It is this influential nucleus of aggressive, ambitious professional military leaders who are the root of America's evolving militarism. There are over 410,000 commissioned officers on active duty in the four armed services. Of these, well over half are junior ranking reserve officers on temporary active duty. Of the 150,000 or so regular career officers, only a portion are senior ranking colonels, generals, and admirals, but it is they who constitute the elite core of the military establishment. It is these few thousand top-ranking professionals who command and manage the armed forces and plan and formulate military policy and opinion. How is it, then, that in spite of civilian controls and the national desire for peace, this small group of men exert so much martial influence upon the government and life of the American people?

The military will disclaim any excess of power or influence on their part. They will point to their small numbers, low pay, and subordination to civilian masters as proof of their modest status and innocence. Nevertheless, the professional military, as a group, is probably one of the best organized and most influential of the various segments of the American scene. Three wars and six major contingencies since 1940 have forced the American people to become abnormally aware of the armed forces and their leaders. In turn the military services have produced an unending supply of distinguished, capable, articulate, and effective leaders. The sheer skill, energy, and dedication of America's military officers make them dominant in almost every government or civic organization they may inhabit, from the federal Cabinet to the local PTA.

The hard core of high-ranking professionals are, first of all, mostly service academy graduates: they had to be physically and intellectually above average among their peers just to gain entrance to an academy. Thereafter for the rest of their careers they are exposed to constant competition for selection and promotion. Attrition is high, and only the most capable survive to reach the elite senior ranks. Few other professions have such rigorous selection systems; as a result, the top military leaders are top-caliber men.

Not many industries, institutions, or civilian branches of government have the resources, techniques, or experience in training leaders such as are now employed by the armed forces in their excellent and elaborate school systems. Military leaders are taught to command large organizations and to plan big operations. They learn the techniques of influencing others. Their education is not, however, liberal or cultural. It stresses the tactics, doctrines, traditions, and cores of the military trade. It produces technicians and disciples, not philosophers.

The men who rise to the top of the military heirarchy have usually demonstrated their effectiveness as leaders, planners, and organization managers. They have perhaps performed heroically in combat, but most of all they have demonstrated, their loyalty as proponents of their own service's doctrine and their dedication to the defense establishment. The paramount sense of duty to follow orders is at the root of the military professional's performance. As a result the military often operate more efficiently and effectively in the arena of defense policy planning than do their civilian counterparts in the State Department. The military planners have their doctrinal beliefs, their loyalties, their discipline, and their typical desire to compete and win. The civilians in government can scarcely play the same policy-planning game. In general the military are better organized, they work harder, they think straighter, and they keep their eyes on the objective, which is to be instantly ready to solve the problem through military action while ensuring that their respective service gets its proper mission, role, and recognition in the operation. In an emergency the military usually have a ready plan; if not, their numerous doctrinal manuals provide firm guidelines for action. Politicians, civilian appointees, and diplomats do not normally have the same confidence about how to react to threats and violence as do the military.

The motivations behind these endeavors are difficult for civilians to understand. For example, military professionals cannot measure the success of their individual efforts in terms of personal financial gain. The armed forces are not profit-making organizations, and the rewards for excellence in the military profession are acquired in less tangible forms. Thus it is that promotion and the responsibilities of higher command, with the related fringe benefits of quarters, servants, privileges, and prestige, motivate most career officers. Promotions and choice job opportunities are attained by constantly performing well, conforming to the expected patterns, and pleasing the senior officers. Promotions and awards also frequently result from heroic and distinguished performance in combat, and it takes a war to become a military hero. Civilians can scarcely understand or even believe that many ambitious military professionals truly yearn for wars and the opportunities for glory and distinction afforded only in combat. A career of peacetime duty is a dull and frustrating prospect for the normal regular officer to contemplate.

The professional military leaders of the U.S. Armed Forces have some additional motivations which influence their readiness to involve their country in military ventures. Unlike some of the civilian policy-makers, the military has not been obsessed with the threat of Communism per se. Most military people know very little about Communism either as a doctrine or as a form of government. But they have been given reason enough to presume that it is bad and represents the force of evil. When they can identify "Communist aggression," however, the matter then becomes of direct concern to the armed forces. Aggressors are the enemy in the war games, the "bad guys," the "Reds." Defeating aggression is a gigantic combat-area competition rather than a crusade to save the world from Communism. In the military view, all "Communist aggression" is certain to be interpreted as a threat to the United States.

The armed forces' role in performing its part of the national security policy—in addition to defense against actual direct attack on the United States and to maintaining the strategic atomic deterrent forces—is to be prepared to employ its *General Purpose Forces* in support of our collective security policy and the related treaties and alliances. To do this it deploys certain forces to forward zones in the Unified Commands, and maintains an up-to-date file of scores of detailed contingency plans which have been thrashed out and approved by the Joint Chiefs of Staff. Important features of these are the movement or deployment schedules of task forces assigned to each plan. The various details of these plans continue to create intense rivalries between the Navy-Marine sea-lift forces and the Army-Air Force team of airmobility proponents. At the senior command levels parochial pride in service, personal ambitions, and old Army-Navy game rivalry stemming back to academy loyalties can influence strategic planning far more than most civilians would care to believe. The game is to be ready for deployment sooner than the other elements of the joint task force and to be so disposed as to be the "first to fight." The danger presented by this practice is that readiness and deployment speed become ends in themselves. This was clearly revealed in the massive and rapid intervention in the Dominican Republic in 1965 when the contingency plans and interservice rivalry appeared to supersede diplomacy. Before the world realized what was happening, the momentum and velocity of the military plans propelled almost 20,000 U.S. soldiers and Marines into the small turbulent republic in an impressive race to test the respective mo-

bility of the Army and the Marines, and to attain overall command of "U.S. Forces Dom. Rep." Only a fraction of the force deployed was needed or justified. A small 1935-model Marine landing force could probably have handled the situation. But the Army airlifted much of the 82d Airborne Division, to the scene, included a lieutenant general, and took charge of the operation.

Simultaneously, in Vietnam during 1965 the four services were racing to build up combat strength in that hapless country. This effort was ostensibly to save South Vietnam from Viet Cong and North Vietnamese aggression. It should also be noted that it was motivated in part by the same old interservice rivalry to demonstrate respective importance and combat effectiveness.

The punitive air strikes immediately following the Tonkin Gulf incident in late 1964 revealed the readiness of naval air forces to bomb North Vietnam. (It now appears that the Navy actually had attack plans ready even before the alleged incident took place!) So by early 1965 the Navy carrier people and the Air Force initiated a contest of comparative strikes, sorties, tonnages dropped, "Killed by Air" claims, and target grabbing which continued up to the 1968 bombing pause. Much of the reporting on air action has consisted of misleading data or propaganda to serve Air Force and Navy purposes. In fact, it became increasingly apparent that the U.S. *bombing effort in both North and South Vietnam has been one of the most wasteful and expensive hoaxes ever to be put over on the American people.* Tactical and close air support of ground operations is essential, but air power use in general has to a large degree been a contest for the operations planners, "fine experience" for young pilots, and opportunity for career officers.

The higly trained professional and aggressive career officers of the Army and Marine Corps played a similar game. Prior to the decision to send combat units to South Vietnam in early 1965, both services were striving to increase their involvement. The Army already had over 16,000 military aid personnel serving in South Vietnam in the military adviser role, in training missions, logistic services, supporting helicopter companies, and in Special Forces teams. This investment of men and material justified a requirement for addtional U.S. combat units to provide local security and to help protect our growing commitment of aid to the South Vietnam regime.

There were also top-ranking Army officers who wanted to project Army ground combat units into the Vietnam struggle for a variety of other reasons; to test plans and new equipment, to test the new air-mobile theories and tactics, to try the tactics and techniques of counterinsurgency, and to gain combat experience for young officers and noncommissioned officers. It also appeared to be a case of the military's duty to stop "Communist aggression" in Vietnam.

The Marines had somewhat similar motivations, the least of which was any real concern about the political or social problems of the Vietnamese people. In early 1965 there was a shooting war going on and the Marines were being left out of it, contrary to all their traditions. The Army's military advisory people were hogging American participation—except for a Marine Corps transport helicopter squadron at Danang which was helping the Army of the Republic of Vietnam. For several years young Marine officers had been going to South Vietnam from the 3rd Marine Division on Okinawa for short tours of "on-the-job training" with the small South Vietnam Marine Corps. There was a growing concern, however, among some senior Marines that the Corps should get involved on a larger scale and be the "first to fight" in keeping with the Corps's traditions. This would help justify the Corps's continued existence, which many Marines seem to consider to be in constant jeopardy.

The Corps had also spent several years exploring the theories of counterinsurgency and as early as 1961 had developed an elaborate lecture-demonstration called OPERATION CORMORANT, for school and Marine Corps promotion purposes, which depicted the Marines conducting a large-scale amphibious operation on the coast of Vietnam and thereby helping resolve a hypothetical aggressor-insurgency problem. As always it was important to Marine planners and doctrinaires to apply an amphibious operation to the Vietnam situation and provide justification for this special Marine functional responsibility. So Marine planners were seeking an acceptable excuse to thrust a landing force over the beaches of Vietnam when the Viet Cong attacked the U.S. Army Special Forces camp at Pleiku in February, 1965. It was considered unacceptable aggression, and the President was thereby prompted to put U.S. ground combat units into the war. Elements of the 3rd Marine Division at Okinawa were already aboard ship and eager to go, for the Marines also intended to get to Vietnam before their neighbor on Okinawa, the Army's 173rd Airborne Brigade, arrived. (Actually the initial Marine unit to deploy was an airlifted antiaircraft missile battalion which arrived to protect the Danang air base.) With these initial deployments the Army-Marine race to build forces in Vietnam began in earnest and did not slow down until both became overextended, overcommitted, and depleted at home.

For years up to 1964 the chiefs of the armed services, of whom the author was then one, deemed it unnecessary and unwise for U.S. forces to become involved in any ground war in Southeast Asia. In 1964, there were changes in the composition of the Joint Chiefs of Staff, and in a matter of a few months the Johnson Administration, encouraged by the aggressive military, hastened into what has become the quagmire of Vietnam. The intention at the time was that the war effort be kept small and "limited." But as the momentum and involvement built up, the military leaders rationalized a case that this was not a limited-objective exercise, but was a proper war in defense of the United States against "Communist aggression" and in honor of our area commitments.

The battle successes and heroic exploits of America's fine young fighting men have added to the military's traditions which extol service, bravery, and sacrifice, and so it has somehow become unpatriotic to question our military strategy and tactics or the motives of military leaders. Actually, however, the military commanders have directed the war in Vietnam, they have managed the details of its conduct; and more than most civilian officials, the top military planners were initially ready to become involved in Vietnam combat and have the opportunity to practice their trade. It has been popular to blame the civilian administration for the conduct and failures of the war rather than to question the motives of the military. But some of the generals and admirals are by no means without responsibility for the Vietnam miscalculations.

Some of the credibility difficulties experienced by the Johnson Administration over its war situation reports and Vietnam policy can also be blamed in part upon the military advisers. By its very nature most military activity falls under various degrees of security classification. Much that the military plans or does must be kept from the enemy. Thus the military is indoctrinated to be secretive, devious, and misleading in its plans and operations. It does not, however, always confine its security restrictions to purely military operations. Each of the services and all of the major commands practice techniques of controlling the news and the release of self-serving propaganda: in "the interests of national defense," to make the service look good, to cover up mistakes, to build up and publicize a distinguished military personality, or to win a round in the continuous gamesmanship of the interservice contest. If the Johnson Administration suffered from lack of credibility in its reporting of the war, the truth would reveal that much of the hocus-pocus stemmed from schemers in the military services, both at home and abroad.

Our militaristic culture was born of the necessities of World War II, nurtured by the Korean War, and became an accepted aspect of American life during the years of cold war emergencies and real or imagined threats from the Communist bloc. Both the philosophy and the institutions of militarism grew during these years because of the momentum of their own dynamism, the vigor of their ideas, their large size and scope, and because of the dedicated concentration of the emergent military leaders upon their doctrinal objectives. The dynamism of the defense establishment and its culture is also inspired and stimulated by vast amounts of money, by the new creations of military research and materiel development, and by the concepts of the Defense Department-supported "think factories." These latter are extravagantly funded civilian organizations of scientists, analysts, and retired military strategists who feed new militaristic philosophies into the Defense Department to help broaden the views of the single service doctrinaires, to create fresh policies and new requirements for ever larger, more expensive defense forces.

Somewhat like a religion, the basic appeals of anti-Communism, national defense, and patriotism provide the foundation for a powerful creed upon which the defense establishment can build, grow, and justify its cost. More so than many large bureaucratic organizations, the defense establishment now devotes a large share of its efforts to self-perpetuation, to justifying its organizations, to preaching its doctrines, and to self-maintenance and management. Warfare becomes an extension of war games and field tests. War justifies the existence of the establishment, provides experience for the military novice and challenges for the senior officer. Wars and emergencies put the military and their leaders on the front pages and give status and prestige to the professionals. Wars add to the military traditions, the self-nourishment of heroic deeds, and provide a new crop of military leaders who become the rededicated disciples of the code of service and military action. Being recognized public figures in a nation always seeking folk heroes, the military leaders have been largely exempt from the criticism experienced by the more plebeian politician. Flag officers are considered "experts," and their views are often accepted by press and Congress as the gospel. In turn, the distinguished military leader feels obligated not only to perpetuate loyally the doctrine of his service but to comply with the stereotyped military characteristics by being tough, aggressive, and firm in his resistance to Communist aggression and his belief in the military solutions to world problems. Standing closely behind these leaders, encouraging and prompting them are the rich and powerful defense industries. Standing in front, adorned with service caps, ribbons, and lapel emblems, is a nation of veterans—patriotic, belligerent, romantic, and well intentioned, finding a certain sublimation and excitement in their country's latest military venture. Militarism in America is in full bloom and promises a future of vigorous self-pollination—unless the blight of Vietnam reveals that militarism is more a poisonous weed than a glorious blossom.

A VIETNAM REAPPRAISAL—THE PERSONAL HISTORY OF ONE MAN'S VIEW AND HOW IT EVOLVED

(By Clark M. Clifford)

Viet Nam remains unquestionably the transcendent problem that confronts our nation. Though the escalation has ceased,

we seem to be no closer to finding our way out of this infinitely complex difficulty. The confidence of the past has become the frustration of the present. Predictions of progress and of military success, made so often by so many, have proved to be illusory as the fighting and the dying continue at a tragic rate. Within our country, the dialogue quickens and the debate sharpens. There is a growing impatience among our people, and questions regarding the war and our participation in it are being asked with increasing vehemence.

Many individuals these past years have sought to make some contribution toward finding the answers that have been so elusive. It is with this hope in mind that I present herewith the case history of one man's attitude toward Viet Nam, and the various stages of thought he experienced as he plodded painfully from one point of view to another; and another, until he arrived at the unshakable opinion he possesses today.

Views on Viet Nam have become increasingly polarized as the war has gone on without visible progress toward the traditional American military triumph. There remain some who insist that we were right to intervene militarily and, because we were right, we have no choice but to press on until the enemy knuckles under and concedes defeat. At the other extreme, and in increasing numbers, there are those who maintain that the present unsatisfactory situation proves that our Viet Nam policy has been wrong from the very beginning. There are even those who suggest that our problems in Viet Nam cast doubt on the entire course of American foreign policy since World War II. Both schools share a common and, as I see it, an erroneous concept. They both would make military victory the ultimate test of the propriety of our participation in the conflict in Southeast Asia.

I find myself unable to agree with either extreme. At the time of our original involvement in Viet Nam, I considered it to be based upon sound and unassailable premises, thoroughly consistent with our self-interest and our responsibilities. There has been no change in the exemplary character of our intentions in Viet Nam. We intervened to help a new and small nation resist subjugation by a neighboring country—a neighboring country, incidentally, which was being assisted by the resources of the world's two largest communist powers.

I see on profit and no purpose in any divisive national debate about whether we were right or wrong initially to become involved in the struggle in Viet Nam. Such debate at the present time clouds the issue and obscures the pressing need for a clear and logical evaluation of our present predicament, and how we can extricate ourselves from it.

Only history will be able to tell whether or not our military presence in Southeast Asia was warranted. Certainly the decisions that brought it about were based upon a reasonable reading of the past three decades. We had seen the calamitous consequences of standing aside while totalitarian and expansionist nations moved successively against their weaker neighbors and accumulated a military might which left even the stronger nations uneasy and insecure. We had seen in the period immediately after World War II the seemingly insatiable urge of the Soviet Union to secure satellite states on its western periphery. We had seen in Asia itself the attempt by open invasion to extend communist control into the independent South of the Korean Peninsula. We had reason to feel that the fate averted in Korea through American and United Nations military force would overtake the independent countries of Asia, albeit in somewhat subtler form, were we to stand aside while the communist North sponsored subversion and terrorism in South Viet Nam.

The transformation that has taken place in my thinking has been brought about, however, by the conclusion that the world situation has changed dramatically, and that American involvement in Viet Nam can and must change with it. Important ingredients of this present situation include the manner in which South Viet Nam and its Asian neighbors have responded to the threat and to our own massive intervention. They also include internal developments both in Asian nations and elsewhere, and the changing relations among world powers.

The decisions which our nation faces today in Viet Nam should not be made on interpretations of the facts as they were perceived four or five or fifteen years ago, even if, through compromise, a consensus could be reached on these interpretations. They must instead be based upon our present view of our obligations as a world power; upon our current concept of our national security; upon our conclusions regarding our commitments as they exist today; upon our fervent desire to contribute to peace throughout the world; and, hopefully, upon our acceptance of the principle of enlightened self-interest.

But these are broad and general guidelines, subject to many constructions and misconstructions. They also have the obvious drawback of being remote and impersonal.

The purpose of this article is to present to the reader the intimate and highly personal experience of one man, in the hope that by so doing there will be a simpler and clearer understanding of where we are in Viet Nam today, and what we must do about it. I shall go back to the beginning and identify, as well as I can, the origins of my consciousness of the problem, the opportunities I had to obtain the facts, and the resulting evolution of what I shall guardedly refer to as my thought processes.

II

Although I had served President Truman in the White House from May 1945 until February 1950, I do not recall ever having had to focus on Southeast Asia. Indochina, as it was then universally known, was regarded by our government as a French problem. President Truman was prompted from time to time by the State Department to approve statements that seemed to me to be little more than reiterations of the long-standing American attitude against "colonialism." If any of those provoked extensive discussion at the White House, I cannot recall. For the next decade, I watched foreign affairs and the growing turbulence of Asia from the sidelines as a private citizen, increasingly concerned but not directly involved.

In the summer of 1960, Senator John Kennedy invited me to act as his transition planner, and later as liaison with the Eisenhower Administration in the interval between the election and January 20, 1961. Among the foreign policy problems that I encountered at once was a deteriorating situation in Southeast Asia. Major-General Wilton B. Persons, whom President Eisenhower had designated to work with me, explained the gravity of the situation as viewed by the outgoing Administration. I suggested to the President-elect that it would be well for him to hear President Eisenhower personally on the subject. He agreed, and accordingly General Persons and I placed Southeast Asia as the first item on the agenda of the final meeting between the outgoing and the incoming Presidents. This meeting, held on the morning of January 19, 1961, in the Cabinet Room, was attended by President Eisenhower, Secretary of State Christian Herter, Secretary of Defense Thomas Gates, Secretary of the Treasury Robert Anderson and General Persons. President-elect Kennedy had his counterparts present: Secretary of State-designate Dean Rusk, Secretary of Defense-designate Robert McNamara, Secretary of the Treasury-designate Douglas Dillon, and me.

At President-elect Kennedy's suggestion, I took notes of the important subjects discussed. Most of the time, the discussion centered on Southeast Asia, with emphasis upon Laos. At that particular time, January 1961, Laos had come sharply into focus and appeared to constitute the major danger in the area.

My notes disclose the following comments by the President:

At this point, President Eisenhower said, with considerable emotion, that Laos was the key to the entire area of Southeast Asia.

He said that if we permitted Laos to fall, then we would have to write off all the area. He stated we must not permit a Communist take-over. He reiterated that we should make every effort to persuade member nations of SEATO or the International Control Commission to accept the burden with us to defend the freedom of Laos.

As he concluded these remarks, President Eisenhower stated it was imperative that Laos be defended. He said that the United States should accept this task with our allies, if we could persuade them, and alone if we could not. He added, "Our unilateral intervention would be our last desperate hope in the event we were unable to prevail upon the other signatories to join us."

That morning's discussion, and the gravity with which President Eisenhower addressed the problem, had a substantial impact on me. He and his advisers were finishing eight years of responsible service to the nation. I had neither facts nor personal experience to challenge their assessment of the situation, even if I had the inclination to do so. The thrust of the presentation was the great importance to the United States of taking a firm stand in Southeast Asia, and I accepted that judgment.

On an earlier occasion, in speaking of Southeast Asia, President Eisenhower had said that South Viet Nam's capture by the communists would bring their power several hundred miles into a hitherto free region. The freedom of 12 million people would be lost immediately, and that of 150 million in adjacent lands would be seriously endangered. The loss of South Viet Nam would set in motion a crumbling process that could, as it progressed, have grave consequences for us and for freedom.

As I listened to him in the Cabinet Room that January morning, I recalled that it was President Eisenhower who had acquainted the public with the phrase "domino theory" by using it to describe how one country after another could be expected to fall under communist control once the process started in Southeast Asia.

In the spring of 1961, I was appointed to membership on the President's Foreign Intelligence Advisory Board. In this capacity, I received briefings from time to time on affairs in Asia. The information provided the Board supported the assessment of the previous Administration, with which President Kennedy concurred. "Withdrawal in the case of Vietnam," President Kennedy said in 1961, "and in the case of Thailand could mean the collapse of the whole area." He never wavered. A year later, he said of Vietnam: "We are not going to withdraw from that effort. In my opinion, for us to withdraw from that effort would mean a collapse not only of South Vietnam but Southeast Asia. So we are going to stay there." I had no occasion to question the collective opinion of our duly chosen officials.

After President Johnson took office, our involvement became greater, but so did most public and private assessments of the correctness of our course. The Tonkin Gulf resolution was adopted by the Congress in 1964 by a vote of 504 to 2. The language was stern: "The United States is, therefore, prepared, as the President determines, to take

all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defence Treaty requesting assistance in defense of its freedom."

When decisions were made in 1965 to increase, in very substantial fashion, the American commitment in Vietnam, I accepted the judgment that such actions were necessary. That fall, I made a trip to Southeast Asia in my capacity as Chairman of the Foreign Intelligence Advisory Board. The optimism of our military and Vietnamese officials on the conduct of the war, together with the encouragement of our Asian allies, confirmed my belief in the correctness of our policy. In the absence at the time of indications that Hanoi had any interest in peace negotiations, I did not favor the 37-day bombing halt over the Christmas 1965–New Year 1966 holiday season. I felt such a halt could be construed by Hanoi as a sign of weakness on our part.

In 1966, I served as an adviser to President Johnson at the Manila Conference. It was an impressive gathering of the Chiefs of State and Heads of Government of the allied nations; it reassured me that we were on the right road and that our military progress was bringing us closer to the resolution of the conflict.

In the late summer of 1967, President Johnson asked me to go with his Special Assistant, General Maxwell Taylor, to review the situation in South Viet Nam, and then to visit some of our Pacific allies. We were to brief them on the war and to discuss with them the possibility of their increasing their troop commitments. Our briefings in South Viet Nam were extensive and encouraging. There were suggestions that the enemy was being hurt badly and that our bombing and superior firepower were beginning to achieve the expected results.

Our visits to the allied capitals, however, produced results that I had not foreseen. It was strikingly apparent to me that the other troop-contributing countries no longer shared our degree of concern about the war in South Viet Nam. General Taylor and I urged them to increase their participation. In the main, our plea fell on deaf ears.

Thailand, a near neighbor to South Viet Nam, with a population of some 30 million, had assigned only 2,500 men to South Viet Nam, and was in no hurry to allocate more.

The President of the Philippines advised President Johnson that he preferred we not stop there because of possible adverse public reaction. The Philippines, so close and ostensibly so vulnerable if they accepted the domino theory, had sent a hospital corps and an engineer battalion to Viet Nam, but no combat troops. It was also made clear to President Johnson that they had no intention of sending any combat personnel.

South Korea had the only sizable contingent of Asia troops assisting South Viet Nam, but officials argued that a higher level of activity on the part of the North Koreans prevented their increasing their support.

Disappointing though these visits were, I had high hopes for the success of our mission in Australia and New Zealand. I recalled that Australia, then with a much smaller population, had been able to maintain well over 300,000 troops overseas in World War II. They had sent only 7,000 to Viet Nam. Surely there was hope here. But Prime Minister Holt, who had been fully briefed, presented a long list of reasons why Australia was already close to its maximum effort.

In New Zealand, we spent the better part of a day conferring with the Prime Minister and his cabinet, while hundreds of students picketed the Parliament Building carrying signs bearing peace slogans. These officials were courteous and sympathetic, as all the others had been, but they made it clear that any appreciable increase was out of the question. New Zealand at one time had 70,000 troops overseas in the various theaters of World War II. They had 500 men in Viet Nam. I naturally wondered if this was their evaluation of the respective dangers of the two conflicts.

I returned home puzzled, troubled, concerned. Was it possible that our assessment of the danger to the stability of Southeast Asia and the Western Pacific was exaggerated? Was it possible that those nations which were neighbors of Viet Nam had a clearer perception of the tides of world events in 1967 than we? Was it possible that we were continuing to be guided by judgments that might once have had validity but were now obsolete? In short, although I still counted myself a staunch supporter of our policies, there were nagging, not-to-be-suppressed doubts in my mind.

These doubts were dramatized a short time later back in the United States when I attended a dinner at the White House for Prime Minister Lee Kuan Yew of Singapore. His country, which knew the bitterness of defeat and occupation in World War II, had declined to send any men at all to Viet Nam. In answer to my question as to when he thought troops might be sent, he stated he saw no possibility of that taking place because of the adverse political effect in Singapore.

Accordingly, I welcomed President Johnson's San Antonio speech of September 30, 1967, with far greater enthusiasm than I would have had I not so recently returned from the Pacific. I felt it marked a substantial step in the right direction because it offered an alternative to a military solution of the lengthy and costly conflict. Allied bombing of North Viet Nam had by now assumed a symbolic significance of enormous proportions and the President focused his attention on this. The essence of his proposal was an offer to stop the bombing of North Viet Nam if prompt and productive peace discussions with the other side would ensue. We would assume that the other side would "not take advantage" of the bombing cessation. By this formula, the President made an imaginative move to end the deadlock over the bombing and get negotiations started.

I, of course, shared the universal disappointment that the San Antonio offer evoked no favorable response from Hanoi, but my feelings were more complex than those of mere disappointment. As I listened to the official discussion in Washington, my feelings turned from disappointment to dismay. I found it was being quietly asserted that, in return for a bombing cessation in the North, the North Vietnamese must stop sending men and materiel into South Viet Nam. On the surface, this might have seemed a fair exchange. To me, it was an unfortunate interpretation that—intentionally or not—rendered the San Antonio formula virtually meaningless. The North Vietnamese had more than 100,000 men in the South. It was totally unrealistic to expect them to abandon their men by not replacing casualties, and by failing to provide them with clothing, food, munitions and other supplies. We could never expect them to accept an offer to negotiate on those conditions.

III

In mid-January 1968, President Johnson asked me to serve as Secretary of Defense, succeeding Secretary McNamara, who was leaving to become President of the World Bank. In the confirmation hearing before the Senate Armed Services Committee on January 25, I was asked about the San Antonio formula. The interpretation I gave was in accord with President Johnson's intense desire to start negotiations, and it offered a possibility of acceptance which I was convinced did not exist with the extreme and rigid interpretations that so concerned me. I said that I assumed that the North Vietnamese would "continue to transport the normal amount of goods, munitions and men to South Viet Nam" at the levels that had prevailed prior to our bombing cessation. This was my understanding of what the President meant by "not take advantage."

The varying interpretations of the San Antonio formula raised in my mind the question as to whether all of us had the same objective in view. Some, it seemed, could envision as satisfactory no solution short of the complete military defeat of the enemy. I did not count myself in this group. Although I still accepted as valid the premises of our Viet Nam involvement, I was dissatisfied with the rigidities that so limited our course of action and our alternatives.

I took office on March 1, 1968. The enemy's Tet offensive of late January and early February had been beaten back at great cost. The confidence of the American people had been badly shaken. The ability of the South Vietnamese Government to restore order and morale in the populace, and discipline and esprit in the armed forces, was being questioned. At the President's direction, General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, had flown to Viet Nam in late February for an on-the-spot conference with General Westmoreland. He had just returned and presented the military's request that over 200,000 troops be prepared for deployment to Viet Nam. These troops would be in addition to the 525,000 previously authorized. I was directed, as my first assignment, to chair a task force named by the President to determine how this new requirement could be met. We were not instructed to assess the need for substantial increases in men and matériél; we were to devise the means by which they could be provided.

My work was cut out. The task force included Secretary Rusk, Secretary Henry Fowler, Under Secretary of State Nicholas Katzenbach, Deputy Secretary of Defense Paul Nitze, General Wheeler, CIA Director Richard Helms, the President's Special Assistant, Walt Rostow, General Maxwell Taylor and other skilled and highly capable officials. All of them had had long and direct experience with Vietnamese problems. I had not. I had attended various meetings in the past several years and I had been to Vietnam three times, but it was quickly apparent to me how little one knows if he has been on the periphery of a problem and not truly in it. Until the day-long sessions of early March, I had never had the opportunity of intensive analysis and fact-finding. Now I was thrust into a vigorous, ruthlessly frank assessment of our situation by the men who knew the most about it. Try though we would to stay with the assignment of devising means to meet the military's requests, fundamental questions began to recur over and over.

It is, of course, not possible to recall all the questions that were asked nor all of the answers that were given. Had a transcript of our discussions been made—one was not—it would have run to hundreds of closely printed pages. The documents brought to the table by participants would have totalled, if collected in one place—which they were not—many hundreds more. All that is pertinent to this essay are the impressions I formed, and the conclusions I ultimately reached in those days of exhausing scrutiny. In the colloquial style of those meetings, here are some of the principal issues raised and some of the answers as I understood them:

"Will 200,000 more men do the job?" I found no assurance that they would.

"If not, how many more might be needed—and when?" There was no way of knowing.

"What would be involved in committing 200,000 more men to Vietnam?" A reserve call-up of approximately 280,000, an increased draft call and an extension of tours of duty of most men then in service.

"Can the enemy respond with a build-up of his own?" He could and he probably would.

"What are the estimated costs of the latest requests?" First calculations were on the order of $2 billion for the remaining four months of that fiscal year, and an increase of $10 to $12 billion for the year beginning July 1, 1968.

"What will be the impact on the economy?" So great that we would face the possibility of credit restrictions, a tax increase and even wage and price controls. The balance of payments would be worsened by at least half a billion dollars a year.

"Can bombing stop the war?" Never by itself. It was inflicting heavy personnel and materiel losses, but bombing by itself would not stop the war.

"Will stepping up the bombing decrease American casualties?" Very little, if at all. Our casualties were due to the intensity of the ground fighting in the South. We had already dropped a heavier tonnage of bombs than in all the theaters of World War II. During 1967, an estimated 90,000 North Vietnamese had infiltrated into South Viet Nam. In the opening weeks of 1968, infiltrators were coming in at three to four times the rate of a year earlier, despite the ferocity and intensity of our campaign of aerial interdiction.

"How long must we keep on sending our men and carrying the main burden of combat?" The South Vietnamese were doing better, but they were not ready yet to replace our troops and we did not know when they would be.

When I asked for a presentation of the military plan for attaining victory in Viet Nam, I was told that there was no plan for victory in the historic American sense. Why not? Because our forces were operating under three major political restrictions: The President had forbidden the invasion of North Viet Nam because this could trigger the mutual assistance pact between North Viet Nam and China; the President had forbidden the mining of the harbor at Haiphong, the principal port through which the North received military supplies, because a Soviet vessel might be sunk; the President had forbidden our forces to pursue the enemy into Laos and Cambodia, for to do so would spread the war, politically and geographically, with no discernible advantage. These and other restrictions which precluded an all-out, no-holds-barred military effort were wisely designed to prevent our being drawn into a larger war. We had no inclination to recommend to the President their cancellation.

"Given these circumstances, how can we win?" We would, I was told, continue to evidence our superiority over the enemy; we would continue to attack in the belief that he would reach the stage where he would find it inadvisable to go on with the war. He could not afford the attrition we were inflicting on him. And we were improving our posture all the time.

I then asked, "What is the best estimate as to how long this course of action will take? Six months? One year? Two years?" There was no agreement on an answer. Not only was there no agreement, I could find no one willing to express any confidence in his guesses. Certainly, none of us was willing to assert that he could see "light at the end of the tunnel" or that American troops would be coming home by the end of the year.

After days of this type of analysis, my concern had greatly deepened. I could not find out when the war was going to end; I could not find out the manner in which it was going to end; I could not find out whether the new requests for men and equipment were going to be enough, or whether it would take more and, if more, when and how much; I could not find out how soon the South Vietnamese forces would be ready to take over. All I had was the statement, given with too little self-assurance to be comforting, that if we persisted for an indeterminate length of time, the enemy would choose not to go on.

And so I asked, "Does anyone see any diminution in the will of the enemy after four years of our having been there, after enormous casualties and after massive destruction from our bombing?"

The answer was that there appeared to be no diminution in the will of the enemy. This reply was doubly impressive, because I was more conscious each day of domestic unrest in our own country. Draft card burnings, marches in the streets, problems on school campuses, bitterness and divisiveness were rampant. Just as disturbing to me were the economic implications of a struggle to be indefinitely continued at ever-increasing cost. The dollar was already in trouble, prices were escalating far too fast and emergency controls on foreign investment imposed on New Year's Day would be only a prelude to more stringent controls, if we were to add another $12 billion to Viet Nam spending—with perhaps still more to follow.

I was also conscious of our obligations and involvements elsewhere in the world. There were certain hopeful signs in our relations with the Soviet Union, but both nations were hampered in moving toward vitally important talks on the limitation of strategic weapons so long as the United States was committed to a military solution in Viet Nam. We could not afford to disregard our interests in the Middle East, South Asia, Africa, Western Europe and elsewhere. Even accepting the validity of our objective in Viet Nam, that objective had to be viewed in the context of our overall national interest, and could not sensibly be pursued at a price so high as to impair our ability to achieve other, and perhaps even more important, foreign policy objectives.

Also, I could not free myself from the continuing nagging doubt left over from that August trip, that if the nations living in the shadow of Viet Nam were not now persuaded by the domino theory, perhaps it was time for us to take another look. Our efforts had given the nations in that area a number of years following independence to organize and build their security. I could see no reason at this time for us to continue to add to our commitment. Finally, there was no assurance that a 40 percent increase in American troops would place us within the next few weeks, months or even years in any substantially better military position than we were in then. All that could be predicted accurately was that more troops would raise the level of combat and automatically raise the level of casualties on both sides.

And so, after these exhausting days, I was convinced that the military course we were pursuing was not only endless, but hopeless. A further substantial increase in American forces could only increase the devastation and the Americanization of the war, and thus leave us even further from our goal of a peace that would permit the people of South Viet Nam to fashion their own political and economic institutions. Henceforth, I was also convinced, our primary goal should be to level off our involvement, and to work toward gradual disengagement.

IV

To reach a conclusion and to implement it are not the same, especially when one does not have the ultimate power of decision. It now became my purpose to emphasize to my colleagues and to the President that the United States had entered Viet Nam with a limited aim—to prevent its subjugation by the North and to enable the people of South Viet Nam to determine their own future. I also argued that we had largely accomplished that objective. Nothing required us to remain until the North had been ejected from the South, and the Saigon government had been established in complete military control of all South Viet Nam. An increase of over 200,000 in troop strength would mean that American forces would be twice the size of the regular South Vietnamese Army at that time. Our goal of building a stronger South Vietnamese Government, and an effective military force capable of ultimately taking over from us, would be frustrated rather than furthered. The more we continued to do in South Viet Nam, the less likely the South Vietnamese were to shoulder their own burden.

The debate continued at the White House for days. President Johnson encouraged me to report my findings and my views with total candor, but he was equally insistent on hearing the views of others. Finally, the President, in the closing hours of March, made his decisions and reported them to the people on the evening of the 31st. Three related directly to the month's review of the war. First, the President announced he was establishing a ceiling of 549,500 in the American commitment to Viet Nam; the only new troops going out would be support troops previously promised. Second, we would speed up our aid to the South Vietnamese armed forces. We would equip and train them to take over major combat responsibilities from us on a much accelerated schedule. Third, speaking to Hanoi, the President stated he was greatly restricting American bombing of the North as an invitation and an inducement to begin peace talks. We would no longer bomb north of the Twentieth Parallel. By this act of unilateral restraint, nearly 80 percent of the territory of North Viet Nam would no longer be subjected to our bombing.

I had taken office at the beginning of the month with one overriding immediate assignment—responding to the military request to strengthen our forces in Viet Nam so that we might prosecute the war more forcefully. Now my colleagues and I had two different and longer-range tasks—developing a plan for shifting the burden to the South Vietnamese as rapidly as they could be made ready, and supporting our government's diplomatic efforts to engage in peace talks.

To assess the rate of progress in the first task, I went to Viet Nam in July. I was heartened by the excellent spirit and the condition of our forces, but I found distressingly little evidence that the other troop-contributing countries, or the South Vietnamese, were straining to relieve us of our burdens. Although there had been nominal increases in troop contributions from Australia and Thailand since the preceding summer, the Philippines had actually withdrawn several hundred men. The troop-contributing countries were bearing no more of the combat burden; their casualty rates were actually falling.

As for South Vietnamese officials, in discussion after discussion, I found them professing unawareness of shortcomings in such matters as troops training, junior office strength and rate of desertions. They were, I felt, too complacent when the facts were laid before them. I asked Vice President Ky, for example, about the gross desertion rate of South Vietnamese combat personnel that was running at 30 percent a year. He responded that it was so large, in part, because their men were not paid enough. I asked what his government intended to do. He suggested that we could cut back our bombing, give the money thus saved to the Saigon government, and it would be used for troop pay. He was not jesting; his suggestion was a serious one. I returned home oppressed by the pervasive Americanization of the war: we were still giving the military instructions, still doing most of the fighting, still providing all the materiel, still paying most of the bills. Worst of all, I concluded that the South Vietnamese leaders seemed content to have it that way.

The North had responded to the President's speech of March 31 and meetings had begun

in Paris in May. It was, however, a euphemism to call them peace talks. In mid-summer, substantive discussions had not yet begun. Our negotiators, the able and experienced Ambassador Averell Harriman and his talented associate, Cyrus Vance, were insisting that the Saigon government be a participant in the talks. Hanoi rejected this. President Johnson, rightly and understandably, refused to order a total bombing halt of the North until Hanoi would accept reciprocal restraints. Hanoi refused. With this unsatisfactory deadlock, the summer passed in Paris.

In Viet Nam, American casualty lists were tragically long, week after week. The enemy was not winning but, I felt, neither were we. There were many other areas in the world where our influence, moral force and economic contributions were sorely in demand and were limited because of our preoccupation with our involvement in Southeast Asia.

I returned from a NATO meeting in Bonn on Sunday evening, October 13, to find a summons to a White House meeting the following morning. There had been movement in Paris. There were no formal agreements, but certain "understandings" had been reached by our negotiating team and the North Vietnamese. At last the North had accepted the participation of the South in peace talks. We would stop all bombing of North Viet Nam. Substantive talks were to start promptly. We had made it clear to Hanoi that we could not continue such talks if there were indiscriminate shelling of major cities in the South, or if the demilitarized zone were violated so as to place our troops in jeopardy.

The President outlined the situation to his advisers. We spent a day of hard and full review. The Joint Chiefs of Staff were unanimous in stating that the bombing halt under these circumstances was acceptable. The State Department was authorized to report to Saigon that we had won a seat at the conference table for the Saigon government and to request the earliest possible presence of their delegation in Paris. I felt a sense of relief and hope; we were started down the road to peace.

These feelings were short-lived. The next three weeks were almost as agonizing to me as March had been. The cables from Saigon were stunning. The South Vietnamese Government, suddenly and unexpectedly, was not willing to go to Paris. First one reason, then another, then still another were cabled to Washington. As fast as one Saigon obstacle was overcome, another took it place. Incredulity turned to dismay. I felt that the President and the United States were being badly used. Even worse, I felt that Saigon was attempting to exert a veto power over our agreement to engage in peace negotiations. I admired greatly the President's ability to be patient under the most exasperating circumstances. Each day ran the risk that the North might change its mind, and that months of diligent effort at Paris would be in vain; each day saw a new effort on his part to meet the latest Saigon objection.

To satisfy himself that the bombing halt would neither jeopardize our own forces nor those of our allies, the President ordered General Creighton W. Abrams back from South Viet Nam for a personal report. Finally, on October 31, President Johnson announced that the bombing of North Viet Nam would cease, peace talks would begin promptly and Saigon was assured of a place at the conference table. However, it took weeks to get the Saigon government to Paris, and still additional weeks to get their agreement on seating arrangements.

By the time the various difficulties had been resolved, certain clear and unequivocal opinions regarding the attitude and posture of the Saigon government had crystalized in my mind. These opinions had been forming since my trip to South Viet Nam the preceding July.

The goal of the Saigon government and the goal of the United States were no longer one and the same, if indeed they ever had been. They were not in total conflict but they were clearly not identical. We had largely accomplished the objective for which we had entered the struggle. There was no longer any question about the desire of the American people to bring the Viet Nam adventure to a close.

As Ambassador Harriman observed, it is dangerous to let your aims be escalated in the middle of a war. Keep your objectives in mind, he advised, and as soon as they are attained, call a halt. The winning of the loyalty of villagers to the central government in Saigon, the form of a postwar government; who its leaders should be and how they are to be selected—these were clearly not among our original war objectives. But these were the precise areas of our differences with the Saigon government.

As Saigon authorities saw it, the longer the war went on, with the large-scale American involvement, the more stable was their régime, and the fewer concessions they would have to make to other political groupings. If the United States were to continue its military efforts for another two or three years, perhaps the North Vietnamese and the Viet Cong would be so decimated that no concessions would be needed at all. In the meantime, vast amounts of American wealth were being poured into the South Vietnamese economy. In short, grim and distasteful though it might be, I concluded during the bleak winter weeks that Saigon was in no hurry for the fighting to end and that the Saigon régime did not want us to reach an early settlement of military issues with Hanoi.

The fact is that the creation of strong political, social and economic institutions is a job that the Vietnamese must do for themselves. We cannot do it for them, nor can they do it while our presence hangs over them so massively. President Thieu, Vice President Ky, Prime Minister Huong and those who may follow them have the task of welding viable political institutions from the 100 or more splinter groups that call themselves political parties. It is up to us to let them get on with the job. Nothing we might do could be so beneficial or could so add to the political maturity of South Viet Nam as to begin to withdraw our combat troops. Moreover, in my opinion, we cannot realistically expect to achieve anything more through our military force, and the time has come to begin to disengage. That was my final conclusion as I left the Pentagon on January 20, 1969.

V

It remains my firm opinion today. It is based not only on my personal experiences, but on the many significant changes that have occurred in the world situation in the last four years.

In 1965, the forces supported by North Viet Nam were on the verge of a military take-over of South Viet Nam. Only by sending large numbers of American troops was it possible to prevent this from happening. The South Vietnamese were militarily weak and politically demoralized. They could not, at that time, be expected to preserve for themselves the right to determine their own future. Communist China had recently proclaimed its intention to implement the doctrine of "wars of national liberation." Krushchev's fall from power the preceding October and Chou En-lai's visit to Moscow in November 1964 posed the dire possibility of the two communist giants working together to spread disruption throughout the underdeveloped nations of the world. Indonesia, under Sukarno, presented a posture of implacable hostility toward Malaysia, and was a destabilizing element in the entire Pacific picture. Malaysia itself, as well as Thailand and Singapore, needed time for their governmental institutions to mature. Apparent American indifference to developments in Asia might, at that time, have had a disastrous impact on the independent countries of that area.

During the past four years, the situation has altered dramatically. The armed forces of South Viet Nam have increased in size and proficiency. The political situation there has become more stable, and the governmental institutions more representative. Elsewhere in Asia, conditions of greater security exist. The bloody defeat of the attempted communist coup in Indonesia removed Sukarno from power and changed the confrontation with Malaysia to cooperation between the two countries. The governments of Thailand and Singapore have made good use of these four years to increase their popular support. Australia and New Zealand have moved toward closer regional defense ties, while Japan, the Republic of Korea and Taiwan have exhibited a rate of economic growth and an improvement in living standards that discredit the teachings of Chairman Mao.

Of the least equal significance is the fact that, since 1965, relations between Russia and China have steadily worsened. The schism between these two powers is one of the watershed events of our time. Ironically, their joint support of Hanoi has contributed to the acrimony between them. It has brought into focus their competition for leadership in the communist camp. Conflicting positions on the desirability of the peace negotiations in Paris have provided a further divisive factor. In an analogous development, increased Soviet aid to North Korea has made Pyongyang less dependent on China. The Cultural Revolution and the depredations of the Red Guards have created in China a situation of internal unrest that presently preoccupies China's military forces. The recent border clashes on the Ussuri River further decrease the likelihood that China will, in the near future be able to devote its attention and resources to the export of revolution.

These considerations are augmented by another. It seems clear that the necessity to devote more of our minds and our means to our pressing domestic problems requires that we set a chronological limit on our Vietnamese involvement.

A year ago, we placed a numerical limit on this involvement, and did so without lessening the effectiveness of the total military effort. There will, undeniably, be many problems inherent in the replacement of American combat forces with South Vietnamese forces. But whatever these problems, they must be faced. *There is no way to achieve our goal of creating the conditions that will allow the South Vietnamese to determine their own future unless we begin, and begin promptly, to turn over to them the major responsibility for their own defense. This ability to defend themselves can never be developed so long as we continue to bear the brunt of the battle. Sooner or later, the test must be whether the South Vietnamese will serve their own country sufficiently well to guarantee its national survival. In my view, this test must be made sooner, rather than later.*

A first step would be to inform the South Vietnamese Government that we will withdraw about 100,000 troops before the end of this year. We should also make it clear that this is not an isolated action, but the beginning of a process under which all U.S. ground combat forces will have been withdrawn from Viet Nam by the end of 1970. The same information should, of course, be provided to the other countries who are contributing forces for the defense of South Viet Nam.

Strenuous political and military objections to this decision must be anticipated. Arguments will be made that such a withdrawal

will cause the collapse of the Saigon government and jeopardize the security of our own and allied troops. Identical arguments, however, were urged against the decisions to restrict the bombing on March 31 of last year and to stop it completely on October 31. They have proven to be unfounded. There is, in fact, no magic and no specific military rationale for the number of American troops presently in South Viet Nam. The current figure represents only the level at which the escalator stopped.

It should also be noted that our military commanders have stated flatly since last summer that no additional American troops are needed. During these months the number of South Vietnamese under arms in the Government cause has increased substantially and we have received steady reports of their improved performance. Gradual withdrawal of American combat troops thus not only would be consistent with continued overall military strength, but also would serve to substantiate the claims of the growing combat effectiveness of the South Vietnamese forces.

Concurrently with the decision to begin withdrawal, orders should be issued to our military commanders to discontinue efforts to apply maximum military pressure on the enemy and to seek instead to reduce the level of combat. The public statements of our officials show that there has as yet been no change in our policy of maximum military effort. The result has been a continuation of the high level of American casualties, without any discernible impact on the peace negotiations in Paris.

While our combat troops are being withdrawn, we would continue to provide the armed forces of the Saigon government with logistic support and with our air resources. As the process goes on, we can appraise both friendly and enemy reactions. The pattern of our eventual withdrawal of non-combat troops and personnel engaged in air lift and air support can be determined on the basis of political and military developments. So long as we retain our air resources in South Viet Nam, with total air superiority, I do not believe that the lessening in the military pressure exerted by the ground forces would permit the enemy to make any significant gains. There is, moreover, the possibility of reciprocal reduction in North Vietnamese combat activity.

Our decision progressively to turn over the combat burden to the armed forces of South Viet Nam would confront the North Vietnamese leaders with a painful dilemma. Word that the Americans were beginning to withdraw might at first lead them to claims of victory. But even these initial claims could be expected to be tinged with apprehension. There has, in my view, long been considerable evidence that Hanoi fears the possibility that those whom they characterize as "puppet forces" may, with continued but gradually reduced American support, prove able to stand off the communist forces.

As American combat forces are withdrawn, Hanoi would be faced with the prospect of a prolonged and substantial presence of American air and logistics personnel in support of South Viet Nam's combat troops, which would be constantly improving in efficiency. Hanoi's only alternative would be to arrange, tacitly or explicitly, for a mutual withdrawal of all external forces. In either eventuality, the resulting balance of forces should avert any danger of a blood bath which some fear might occur in the aftermath of our withdrawal.

Once our withdrawal of combat troops commences, the Saigon government would recognize, probably for the first time, that American objectives do not demand the perpetuation in power of any one group of South Vietnamese. So long as we appear prepared to remain indefinitely, there is no pressure on Saigon to dilute the control of those presently in positions of power by making room for individuals representative of other nationalist elements in South Vietnamese society.

Accordingly, I anticipate no adverse impact on the Paris negotiations from the announcement and implementation of a program of American withdrawal. Instead, I would foresee the creation of circumstances under which true bargaining may proceed among the Vietnamese present in Paris. Unquestionably, the North Vietnamese and the National Liberation Front would do so in the hope that any political settlement would move them toward eventual domination in South Viet Nam. But their hopes and expectations necessarily will yield to the political realities, and these political realities are, in the final analysis, both beyond our control and beyond our ken. Moreover, they are basically none of our business. The one million South Vietnamese in the various components of the armed forces, with American logistics, air lift and air support, should be able, if they have the will, to prevent the imposition by force of a Hanoi-controlled régime. If they lack a sense or a sufficiency of national purpose, we can never force it on them.

In the long run, the security of the Pacific region will depend upon the ability of the countries there to meet the legitimate growing demands of their own people. No military strength we can bring to bear can give them internal stability or popular acceptance. In Southeast Asia, and elsewhere in the less developed regions of the world, our ability to understand and to control the basic forces that are at play is a very limited one. We can advise, we can urge, we can furnish economic aid. But American military power cannot build nations, any more than it can solve the social and economic problems that face us here at home.

This, then, is the case history of the evolution of one individual's thinking regarding Viet Nam. Throughout this entire period it has been difficult to cling closely to reality because of the constant recurrence of optimistic predictions that our task was nearly over, and that better times were just around the corner, or just over the next hill.

We cannot afford to lose sight of the fact that this is a limited war, for limited aims and employing limited power. The forces we now have deployed and the human and material costs we are now incurring have become, in my opinion, out of all proportion to our purpose. The present scale of military effort can bring us no closer to meaningful vctory. It can only continue to devastate the countryside and to prolong the suffering of the Vietnames people of every political persuasion.

Unless we have the imagination and the courage to adopt a different course, I am convinced that we will be in no better, and no different, a position a year from now than we are today.

At current casualty rates, 10,000 more American boys will have lost their lives.

We should reduce American casualties by reducing American combat forces. We should do so in accordancce with a definite schedule and with a specified end point.

Let us start to bring our men home—and let us start *now*.

FINDINGS ON TRIP TO VIETNAM, MAY 25–JUNE 10, 1969

(By U.S. study team on religious and political freedom in Vietnam)

INTRODUCTION

Background

The U.S. Study Team was sent to South Vietnam by an ad hoc committee organized in late 1968 by a group of well-known churchmen concerned about the war and the repression of those religious and political forces in South Vietnam who urge an end to hostilities. This committee has wide national interreligious representation. The officers named were: Chairman, Barton Hunter, Executive Secretary of the Department of Church in Society of the Christian Church; Secretary, Gerhard Elston of the National Council of Churches; Executive Director, Allan Brick, Associate Secretary for National Program of the Fellowship of Reconciliation, who also served as a member of the team.

The sponsoring committee defined the team's goals as follows: "First, they will seek to identify the variety of religious forces in South Vietnam and the range of political expression existing there. They will seek to investigate the situation of religious groups and the extent of the imprisonment of leaders of nonaligned groups who represent potentially important political sentiment. The team will be interested, for example, in visiting both Mr. Dzu and Thick Thien Minh. Second, the team will seek to investigate the situation of all prisoners in South Vietnam. Recognizing the difficulties of doing this in a wartime situation, the team will nonetheless attempt to obtain realistic information."

Team members

Members of the team were: Bishop James Armstrong of the United Methodist Church, Dakotas Area; Mrs. John C. Bennett, Protestant church woman; Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation; Hon. John Conyers, Jr., M.C. of Detroit, Michigan; Robert F. Drinan, S.J., Dean of the Boston College Law School; John de J. Pemberton, Executive Director of the American Civil Liberties Union; Rabbi Seymour Siegel, Professor of Theology at the Jewish Theological Seminary; and Rear Admiral Arnold E. True, United States Navy (retired).

Summary

A report issued by the team following the Vietnam trip documents police and military suppression of religious and political expression in South Vietnam under the Thieu-Ky Government. The chief findings of the team are:

1. Many thousands of persons are being arrested in South Vietnam are denied all procedural protection. Arrests are made by a variety of local and national officials—by District police, special security forces, military forces and intelligence units—each exercising "relatively unfettered discretion."

2. The Thieu-Ky Government's widespread and increasing use of the extra-constitutional Military Field Tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them the fundamental elements of a fair hearing and often failure to serve prior notice of the charges against them. Many of these prisoners remain without trial in the hands of the arresting authorities while the remainder have been removed to prisons by administrative action without charges or trials.

3. The Study Team agrees with those who say that repression, though not as ovbious and violent as under the Diem Government, continues to be pervasive and brutal. While some persons visited appear to reflect modern notions of penal administration and certain prison officials seemed sensitive to the needs of inmates, the sheer weight of witnesses' statements concerning physical abuse seemed overwhelmingly conclusive. It became clear that whatever amelioration appeared in the formal correctional institutions, torture and brutality are widespread in the arresting and interrogation process.

4. Without question the Thieu-Ky Government uses the words "communism", "neutralism" and "coalition" to silence dissent and weaken political and religious opposition. Student peace movements, Buddhist pleas for nonviolence and a "third solution", and the freedom of the press have been systematically suppressed by an insecure gov-

ernment that relies more on police state tactics and American support than on true representation and popular support. As one Vietnamese attorney phrased it: "One connot fight for freedom without insuring freedom at home."

I. LIMITATIONS ON RELIGIOUS AND POLITICAL FREEDOM IN SOUTH VIETNAM

The eight member U.S. Study Team met with President Thieu, Minister of Interior Tran Thien Khiem and members of his staff, Ambassador Ellsworth Bunker and members of his staff, national religious leaders, lawmakers, intellectuals, attorneys, students, a variety of persons of different political persuasions and talked with scores of political prisoners. It visited prisons at Thu Duc, Chi Hao and on Con Son Island, as well as the National Police Headquarters. The Government of South Vietnam was helpful in providing data, in permitting Team members to visit prisons, and in making accessible certain prisoners.

Three things are readily apparent in South Vietnam: (1) A state of war exists and any meaningful study of freedom must be done against that background; (2) South Vietnam is poor and is unable to provide from its own resources institutional facilities and forms of care which are taken for granted in the Western world; and, (3) whereas the United States of America has lived under the guarantee of its present Constitution for nearly two hundred years, South Vietnam does not have a tradition of political liberty and its Constitution is only two years old. Notwithstanding this, in a message cabled directly to President Nixon from Saigon, the Study Team said:

"Speaking for peace or in any other way opposing the government (in South Vietnam) easily brings the charge of communist sympathy and subsequent arrest . . . There must be no illusion that this climate of religious and political suppression is compatible with either a representative or a stable government."

Many persons interviewed argued that President Thieu's government is less repressive than the ten years of brutal intimidation under Ngo Dinh Diem. Others, while agreeing that repression is not as obvious and violent, argued that it is equally pervasive though more subtle today. (Some of the following documentation will indicate that there is still unsubtle, violent intimidation.)

Three celebrated cases of political arrest have claimed international attention in recent months. They are the cases of Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam; Truong Dinh Dzu, runner-up in the Presidential Election of 1967; and Nguyen Lau, wealthy publisher of the *Saigon Daily News*.

Thich Thien Minh was arrested on February 23, 1969, at the Buddhist Youth Center and charged with "harboring rebels, concealing weapons and illegal documents . . . harboring deserters and supporting draft dodgers". After appearing before a military field tribunal, he was sentenced to serve terms of ten and five years at hard labor, the sentences to run concurrently. Last month, his sentence was reduced to three years.

It is assumed by many that Thich Thien Minh was arrested not because of the specific crimes with which he was charged but for his public criticism of the Thieu-Ky government and his strong advocacy of peace.

In February, he was summoned to the Ministry of the Interior and warned to tone down his sermons which were said to be disrespectful to the government of President Thieu. He had earlier said that the people of South Vietnam could accept neither the "terrorist regime" of North Vietnam nor the "corrupt government" in Saigon. Replying to Thien Minh, President Thieu said, "My government can die because of those pacifists, but before we die, they will have to die first."

The Study Team visited both Thich Thien Minh and Quang Duc Buddhist Youth Center. The Youth Center, closed at the time of Thich Thien Minh's arrest (20 other Buddhists were arrested at the same time), was handed back by the Government and re-opened during the Team's stay in Saigon. Team members saw Thich Thien Minh's room, as well as the many hallways, rooms and stairways that separated him from the tiny room and wooden closet with the false back that were said to be the hiding place of the V.C. agent and a cache of small arms. Seeing the distances and buildings involved, it is not difficult to believe the monk's assertion that he had no personal knowledge of a V.C. agent's presence in that hidden room.

The Team talked with Thich Thien Minh, who has been held in military custody. They interviewed him in a small house, a part of a larger complex of carefully guarded government officials pointedly left the room that the discussion might be private. However, it had been determined during the conversations that there was a government agent only four feet from the Venerable, behind a thin wall. Thus, the interview was necessarily inhibited. Thich Thien Minh had been moved four times since his arrest and was kept under the strictest security. Though badly injured in 1966 by a hand grenade, said to have been thrown by a V.C., he said his health was good. He added, "My only offense is that I believe in peace."

On May 1, 1968, Truong Dinh Dzu was arrested "on charges of urging the formation of a coalition government as a step toward peace." In August, he was sentenced to five years of forced labor. Although the N.L.F. is now participating in the Paris peace talks and a coalition government is being widely discussed by responsible government officials in the United States, Mr. Dzu has not yet been released.

In a national election that denied certain candidates the right to run[1] because they were peace advocates, and that heavily favored the Thieu-Ky regime because of its domination of the military and political structures of South Vietnam and because of the well-known support of the American 'presence' in Vietnam Mr. Dzu ran second, polling 18 percent of the vote. He wisely did not announce his "white dove" platform until after his candidacy had been approved. (It is interesting to note that in the election the Thieu-Ky ticket gained only 35 percent of the vote. In May, 1968, Vice-President Ky told an Italian journalist, "Our last elections were a loss of time and money, a mockery.") Dzu has never been accused of being pro-communist and is, as resident Thieu openly acknowledged, a "political prisoner." The fact that, running as a peace candidate and advocating direct talks with the N.L.F., he ran second only to the President, accounts more than anything else for his imprisonment. Mr. Dzu was moved from Con Son Prison Island to Chi Hoa Prison in Saigon during the last week in May, 1969. U.S. Study Team members saw him in his cell in Chi Hoa. Suffering from a heart condition, he looked well and various kinds of medicines were in evidence. He said he wanted to serve his country as a nationalist. On June 5, President Thieu told the Team that support for a coalition government cannot be tolerated.

On April 16, 1969, Nguyen Lau, publisher and owner of the Saigon Daily News was arrested for "having maintained private contacts with a Vietcong political agent." The agent, a boyhood friend of Lau, returned to Saigon in 1964 from North Vietnam. He talked with Lau many times during the past five years and had, at one time, asked him to supply information for the V.C. According to both Lau and Tran Ngoc Hiem, the agent, Lau had refused to supply the information.

In discussing Lau's case with a member of the Team, one of Saigon's most highly regarded foreign correspondents explained its background. In Vietnam, a culture influenced immeasurably by Confucianism, family ties and friendship are revered. Mr. Lau, in a press conference held by government officials at National Police Headquarters, made no attempt to deny his associations with Hiem. He said that Communism was poisoning the minds of many, but that Vietnam would surely survive Communism. He added, "Even today, sitting before you, I keep wondering if as a publisher and as a Vietnamese intellectual, I should denounce a friend who I have known since boyhood."

Mr. Lau was educated at Oxford and the Sorbonne. As a member of a old and important family of wealth he has no respect for war profiteers and little sympathy for corruption in the government. As a respected journalist and an avowed anti-Communist, he considered it part of his responsibility to be open to every facet of Vietnamese life. He once said, "If people are free to walk the streets, they are free to talk to me."

He insisted upon his right to criticize. On March 24, 1969, the New York Times quoted him as saying, "Diem said bluntly that he was not going to tolerate freedom of the press. There were no illusions then. We are living a lie now. People say they are giving you freedom and someone without experience in journalism may be innocent enough to believe that this is paradise. Now you may be carried away by your illusions and land in trouble." Less than a month later Nguyen Lau was arrested.

Members of the Study Team visited the National Police Headquarters. There, Lt. Col. Nguyen Mau, Chief of Special Branch, told them about the government's case against the publisher. The only "evidence" he produced was the photostat of a press card, allegedly issued by Mr. Lau to one Tan That Dong, the alleged V.C. alias of Tran Ngoc Hiem. Such "evidence," however, raises serious questions. Two days following Lau's arrest, police brought a "so-called Vietcong" to the Lau home. In Mrs. Lau's absence, they proceeded to take pictures of him in various positions around the house. When her two sons (aged 10 and 14) protested, they were handcuffed while the picture-taking continued. When told of the incident, Mrs. Lau courageously went to the authorities. A senior police official did admit that police had visited the house with a V.C. agent and camera to gather "evidence."

Members of the Study Team were not permitted to see Mr. Lau, still being held without sentence. Nor were they permitted to see thirteen other prisoners they had made specific requests to visit.

These three cases have not been isolated because they are more important than others, but because they are more well known. They are symptomatic of a climate of intellectual, religious and political repression that has led to the imprisonment, exile or silencing of thousands of loyal Vietnamese nationalists, persons who are not pro-Communist, but who are critical of the Thieu-Ky government and who insist upon the right to think for themselves.

The government's sensitivity at this point is revealed in its attitudes toward dissenters, so-called "militant Buddhists," students and intellectuals, political opponents and the press.

The religious picture in South Vietnam is confused. About one-tenth of the nation's population is Roman Catholic. Yet, from the

[1] General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutralism." The Study Team talked with Au Truong Thanh in exile in Paris.

time of Diem and the Nhu's on, Catholicism has played a dominant role in Vietnamese political life. (Actually, this goes back to the 18th Century French missionary-priest, Pigneau de Behaine, and the continuing influence of French Catholicism during colonial days.) President Thieu reminded the Study Team that, though he had trouble with Buddhists, Catholics had supported his administration. The former editor of a Catholic magazine, a friend and confidant of Archbishop Nguyen Van Binh, agrees that fewer than 10 percent of the Catholics in South Vietnam are critical of the war and of Thieu's government. It must be remembered that about 1,000,000 of South Vietnam's Catholics were born in what is now North Vietnam and came south following 1954. They are, for the most part, vigorous anti-Communists.

However, there are Catholics who want a closer tie with Buddhists and who are seeking what some call, a "third solution". They are trying to find answers between Communism and corrupt militarism. Father Hoang Quynh, an active leader of the All-Religion Citizen's Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. He has said, "Catholic faithful must learn to live a responsible political life." There are other Catholics who seem close to the Pope's views on meaningful negotiations and peace. They have won the confidence of Buddhist leaders.

When, in January, 1968, all of the bishops of South Vietnam released a four-page statement supporting Pope Paul's message on Vietnam and calling for a bombing halt in North Vietnam, it seemed that there had been a breakthrough. However, and without exception, those with whom Study Team members spoke indicated that the hierarchy in South Vietnam had confined themselves to what the Pope had said with no desire or inclination to supplement or further interpret the Vatican's plea concerning peace. There continues to be sharp feeling between Buddhists and Catholics. As one Buddhist complained, "When Catholics talk about peace, the Thieu government hears it one way. When we use the word, it is supposed to mean something else." Many Buddhists feel, and justifiably so, that they have been discriminated against by a succession of governments in Saigon.

There are two major Buddhist factions in South Vietnam; the "moderate" government-authorized faction of Thich Tam Chau, and the "activisit"[2] faction of Thich Tri Quang and the An Quang Pagoda. However, the Unified Buddhist Church of the An Quang Pagoda is made up of both Mahayana (northern) and Therevada (southern) Buddhists. Early in 1967, the government sought to fragment the Buddhists, withdrawing the charter of the Unified Church and recognizing the "moderate" wing of Thich Tam Chau. However, the An Quang Pagoda continues to be a major factor in the religious and political life of the country. On the Buddha's 2513th birthday, celebrated May 30, at the An Quang Pagoda, former Chief of State, Phan Khac Suu, Tran Ngoc Chau, General Secretary of the House of Representatives, other deputies and senators, Father Quynh, as well as Cao Dai and Hoa Hao leaders were present, indicating a broad base of popular support among disparate groups. During the ceremonies, white doves of peace were released as a crowd of more than 3,000 people looked on, and Thich Tinh Khiet, Supreme Patriarch of the Unified Buddhist Congregation said, "Every hostile tendency of the world has jostled its way into the Vietnam war in order to exploit it and seek for victory, whereas all the Vietnamese people—either on this side or on the other side of the 17th Parallel—are mere victims of this atrocious war. Our nation is thus forced to accept ready-made decisions without having any right to make our own choice." President Thieu and pro-government supporters may insist that such peace talk is "political". If so, it is an obvious expression of that freedom essential to an emerging democracy. And it is no more political than a caravan of government-owned cars driving Thich Tam Chau to the Saigon Airport on June 5, to meet the Nepalese delegation to a World Buddhist Conference on Social Welfare; no more political than the imprisonment of hundreds of Buddhist monks.

Often the Buddhists who protest government policy are students. Following the government-controlled elections of 1967, Buddhist students joined by some of their professors were promptly singled out by the government for retaliatory acts. A professor of law said, "Van Hanh University (Buddhist) was the chief target for attack . . . If students go to meetings, the police follow them and they can be arrested any time. Many times, they are drafted before the legal age or before their deferments as students expire."

As a result of a peace meeting held in September, 1968, in Saigon University, the Student Union was closed by police. Students, professors, deputies from the Lower House and some Buddhist monks had participated in the meeting. Thirty persons, mostly students, were arrested. More arrests followed.

At about the same time, a student in the Medical School was murdered. He had been kidnapped by the N.L.F. and later rescued by American troops. He was accused of having "leftist tendencies". He was found dead with his hands tied behind his back, having been pushed from a third floor window. The police called it "probable suicide" and made no investigation.

Student resistance continued. On Christmas Eve, responding to the Pope's plea for peace, 2,000 students, many of them Catholic, held a peace procession. In the aftermath, hundreds were arrested.

In spite of set-back and discouragement, spirit of the student peace movement remains unbroken. A Buddhist student stepped out of a sullen mass of prisoners at Camp No. 7 on Con Son Island and addressed members of the Team. The government translator said, "He is here because he refuses to be drafted. He says he doesn't want to serve the United States. As a Vietnamese citizen he will go into the Army only when we have independence." A student, recently released from Con Son, reacting to the devastation visited on his country by modern instruments of war, said much the same thing: "I will not serve a country that has done so much to my own."

Students, intellectuals and Buddhist monks do not comprise the only opponents who threaten President Thieu's government.

There is a growing mood of independence in the Lower House. It is only found in a few deputies, but they are voicing increasing opposition to the policies and practices of the Thieu-Ky government. There have been criticisms of Operation Phoenix in the National Assembly. Two members of the Lower House raised serious questions about prison policies early in May. The president's tax program has been challenged. Constitutional questions challenging the prerogatives of the executive branch are frequently raised.

President Thieu proudly points to the "new alliance" of political parties in South Vietnam as an indication of the breadth of his support. This alliance includes the Greater Union Force, the political arm of militant Roman Catholic refugees, the Social Humanist Party, a rebirth of Ngo Dinh Nhu's Can Lao party, the Dai Vet, an erstwhile grouping of anti-French nationalists, a faction of the Hoa Hao sect based in the Delta and the Viet Kuomingtang, a pro-government bloc formed after the Tet offensive in 1968. All of these parties together, combined with the Thieu-Ky vote, failed to capture half of the popular vote in the 1967 elections.[3]

While there is genuine political opposition, most of it has been driven underground. Members of the Study Team met with leaders of five old-line political parties no longer permitted to function as recognized entities. These men had all been active in the resistance movement against the French and were ardent nationalists. Their parties have been outlawed, their requests to publish a newspaper have gone unanswered and their voices have been muted. These men, and they reflect a vast middle-position in South Vietnam, struggled against the French and consider the Americans their new colonial masters. Over the past twenty-five years, they have known imprisonment and sacrifice. (A retired general present had been in prison eleven times.) They argue that unity and independence cannot be achieved under present circumstances. One of them said, "We know the American government is anti-Communist and they help us fight Communism. But when they look at Viet Communists, they think of them as western Communists. That is a bad mistake." It is the conviction of the Study Team that there will be no truly representative government in South Vietnam until voices such as these can be legitimatized and participate in the democratic processes of the republic.

One further evidence of political oppression is the government's attitude toward the press. Although it seems reasonably tolerant of foreign correspondents, and they are permitted to function without too many instances of censorship, the government's relationship to the Vietnamese press is far more direct and inhibiting. Twelve months ago, censorship was officially eliminated in South Vietnam. Since then, at least twenty-five newspapers and two magazines have been suspended. Mr. Lau's *Daily News* has been suspended for thirty days for hinting that Thich Thien Minh's trial might have been unfair. *Tin Sang* was closed when it suggested that Prime Minister Huong (one of the more highly regarded members of the Thieu government and a former political prisoner himself) once yielded to pressure in a cabinet appointment.[4] Nguyen Thanh Tai, a UPI combat photographer, was arrested in May, 1968, for taking pictures "detrimental" to South Vietnam.

One of the most credible and influential anti-government nationalist leaders with whom we talked prepared a three-page position paper for the Team. The English translation was his own. In part, he said:

"The range of political expression as legally exists here is narrow indeed . . .

"Let us imagine for a moment that those people are given a chance. What would they do?

"They would firstly negotiate with the Government of the United States an agreement on the Allied Forces Establishment in Viet Nam which would provide for progressive withdrawals when the situation warrants it. Of course, they would bear in mind the security and the honor of the Allied troops who came here to protect ourselves and prevent a Communist domination.

"They would secondly invite the Vietnamese people to actively participate in national affairs and take their share of re-

[2] The term "militant" is usually applied to the An Quang Pagoda faction. However, Buddhists are committed to nonviolence. In French, "militant" means an "active supporter or worker in a political group."

[3] The United States sent election "observers" to Vietnam to report on election procedures. As one cynical Vietnamese put it: "We are planning to send twenty-two Vietnamese observers who don't speak English to the United States . . . for four days to see if your elections are fair."

[4] See: New York Times, March 24, 1969.

sponsibility. Democratic freedom would be enforced without restrictions, how adventurous this might first look. Live forces such as students, intellectuals, religious leaders and workers' unions would be given an authorized say. Unjust treatment would be redeemed. One cannot fight for freedom without ensuring freedom at home . . ."

Many, not all, of the nationalist leaders with whom the Study Team talked believed that a continuing American presence in South Vietnam is an unfortunate necessity until the political situation can be stabilized and made more representative. One student leader who had been imprisoned twice by the Thieu government for his activities on behalf of peace argued that no *truly* representative democracy can come into being as long as U.S. troops are present and U.S. policy is being enforced. He said, "By now, we should have learned the irony of having any Vietnamese government that is embraced by U.S. power. The Americans must depart leaving us to decide our own future." He spoke those words with anguish, obviously knowing the problems that Vietnamese nationalism and many of its long-suffering advocates would face in dealing with the N.L.F. in the wake of an American withdrawal. Yet, he bitterly insisted that after many years of American military presence and American good intentions, there was no other way.

At the luncheon given the Team by members of the Lower House, Deputy Duong Minh Kinh talked about the vast expenditures poured into North Vietnam by the Soviet Union and China, and into South Vietnam by America. He said, "We are beggars from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all."

II. DETENTION, INTERROGATION, IMPRISONMENT AND TREATMENT OF PRISONERS

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners". Undoubtedy, a great many of these are, as the government classifies them, "Viet Cong". Legally speaking, they are properly prisoners of war—although they are kept in a separate category from military prisoners. Others are "civilians related to Communist activities;" i.e., V.C. agents, and are accurately classified as such. Still others, many of them detained without hearing or trial, should be classified differently. Some of these have been picked up in "search and destroy" sweeps and are innocent of anything save being present in an area of military operations. Others are clearly political prisoners. They are nationalists and not Communists, but are seen by the government as inimical to its continuing control. In the official statistics very few "detainees" and "political prisoners" are so classified. The government places the vast majority of prisoners in either the "communist" or the "criminal" category.

The classification of prisoners in 41 Correctional Centers as given by Col. Nguyen Psu Sanh, Director of Correctional Institutions is:

[In percent]

Criminals	16.98
Communists	64.25
Civilians related to Communist activities	4.16
Military	11.91
Political activities harmful to national interest	.21
War prisoners temporarily in correctional centers	2.49

Colonel Sanh said that there are 35,000 prisoners in these Correctional Centers. The senior American advisor to Col. Sanh, Mr. Don Bordenkercher, estimated that, in addition, there are 10,000 held in interrogation centers. He reported that the number had gone up gradually since the Tet offensive of 1968 when the jump was precipitate. Ambassador Colby, General Abrams' Deputy for Pacification, said that the number of prisoners had gone up and will continue to go up as the pacification program (Civil Operations and Revolutionary Development Support) develops.

The national police in Saigon and in the provinces are the official organ for making arrests. In addition, there appear to be many other arrests and detention agencies.[5] It is clear that those arrested are taken to a variety of detention centers for interrogation and that many are held in these centers for periods of time up to two years. According to the U.S. Mission, American advisors are involved only with cases of Viet Cong or suspected Viet Cong sympathizers and with persons apprehended during military operations; e.g., "Operation Phoenix", the 18-month-old program which pools information from half a dozen U.S. and South Vietnamese intelligence and security agencies with the purpose of identifying and capturing Viet Cong political agents.

Doubtless the total number of political prisoners in South Vietnam—including those held as prisoners of war by intelligence agencies and in military prisons, as well as those in the correctional institutions and those held by various other arresting agencies—far exceeds the official statistics and estimates. Due to the wide range of arresting and detention agencies, and the inadequacy of statistical methods, no accurate count of prisoners can be made.

In addition to the provincial Correctional Centers, there are four large prisons for essentially civilian prisoners. These are Chi Hoa in Saigon, Phu Nu in Thu Duc (for female prisoners), Tan Hiep near Bien Hoa, and Con Son on an island off the southeastern coast. Team members were enabled by the Ministry of the Interior to visit Chi Hoa, Thu Duc, and Con Son Island Prison. They were also shown through the interrogation center at National Police Headquarters.

The following statistics, provided by prison officials, further illustrate the government's desire to de-emphasize the so-called "political prisoner" category.

Warden Pham Van Lien of Chi Hoa prison reported to Team members on June 3, 1969, this prisoner classification:

[In percent]

Criminals	45.0
Communists	40.0
Civilians condemned by military court	4.0
Military	10.0
Political, non-Communist	.6

Prison Governor Minh, of Thu Duc prison, classified the 1,126 prisoners held by him on June 3, 1969 as:

Criminal offenders	265
Communists	843
Civilians condemned by military courts	15
Military prisoners	3
Political prisoners	0
Prisoners of war	0

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son, of whom:

Soldiers who committed political offenses (helped or sympathized with the V.C.)	984
Civilians who had worked directly with the V.C.	2,700
Soldiers who committed criminal offenses	769
Civilians who committed criminal offenses	252
Detainees, never tried or sentenced	2,316

(Note that only the Warden of Con Son Island prison separately identified unsentenced detaines in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

Thu Duc (women's prison)

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, explained the prison's operation and enabled members to see what they requested. The administration of the prison seemed commendable in many respects. The dispensary was reasonably clean. There were two large rooms filled with power sewing machines where the inmates made military uniforms. There were sewing classes, classes in English and other educational opportunities provided.

The cells and large prison rooms were over crowded. This was especially hard on nursing mothers and those with small children. Fifty women, some with babies, lived in a crude building 40' by 30'. Sanitation was primitive and inadequate. There was evidence that some prisoners had not received needed medical attention.

Team members were especially concerned about the large number of prisoners who had not been sentenced after many months of detention, the looseness and inaccuracy of prisoner classification, the inhumanity of some sentences (one slight old woman who, according to her dossier had passed V.C. letters, had served ten years of a fifteen year sentence), and the extreme youthfulness of many of the inmates. Governor Minh told the Team that there were fifty children from birth to 13 years of age in prison (the very youngest, of course, belonged to the women prisoners), and forty young offenders from 13 to 17 years.

To judge from both interviews and official explanations, the circumstances of many classified as "Communist" did not justify this classification. Two students who were called "Communist" were found by the Team members to be unsentenced detainees. Their dossiers said that they were being held because they had exhibited "leftist tendencies" and had written for a Saigon University paper which was later suspended. In another building twenty percent of the women said they had not been tried or sentenced. It seemed obvious that prisoners who had been accused of "leftist tendencies" or who had not yet been tried could not justly be categorized as "Communist". Yet they were and were forced to live with persons who were considered "hard core Communists".

Chi Hoa

Chi Hoa is often referred to as the "showcase prison". Since 1963 American funds have been available for the improvement of facilities, and American advisors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes, at worship, and enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is . . . based on the principles of humanity, charity and equality."

The Warden said that there were about 5,500 men and boys now in prison of whom 40% were "Communist" and only .6% were "non-Communist political" prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not yet been tried or sentenced. He said someone from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever they went, they found the halls and cells clean. They were shown the vocational classes in which about

[5] See Section III, B.

300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted ear-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown two cells. In one room, about 40' by 25', there were 47 children *under 8 years of age*. One child, 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked adequate. The children seemed to be well physically. When the Team entered, the children left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. All, even the 4 year old, stood at attention and did not move or speak; only their eyes followed the visitor's moves. In the next cell, similar in size, there were 67 children slightly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section, the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were seldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

Con Son Island Prison

Con Son Island Prison, an escape-proof prison about 50 miles off the southeast coast is said by officials to contain 7021 prisoners, most of them "political". In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks, revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or records necessary to determine whether charges should be brought were unavailable. There was a failure to observe even a minimum amount of due process in the overwhelming majority of cases. The same circumstances were recited over and over by the prisoners; they were either being held on charges of sympathizing with or aiding the enemy, or they had been rounded up after a military action in their village and were held. Others were students who had indicated their support for peace.

The tour had been carefully arranged by prison officials. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (three out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages", reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable to elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied). One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the 'tiger cages' are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place." The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a 1.3 million dollar expansion underway (funded and supervised by the U.S.A.) which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only 10 out of the 7021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were deeply marked, the Colonel in charge explained this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

A disturbing aspect of the prison situation in Vietnam is physical abuse of prisoners. U.S. officials (there are American advisors at every level of Vietnamese bureaucracy) agree that there is torture, but insist that it does not take place in the correctional centers but in the interrogation and detention centers where the prisoners are taken first. Accounts by ex-prisoners verified the fact that torture in detention and interrogation centers is general procedure.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. However, many informants said that the types and extent of torture administered in some of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Colonel Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of prison officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All prisoners are oppressed by conditions of overcrowding. Sometimes, however, many prisoners are stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and when the prisoners are seldom released for exercise, is torture indeed.

Beating is the most common form of abuse. Intellectuals appear to receive "favored" treatment and seldom are subjected to torture other than beating. This is done with woodensticks and clubs. ("Metal" was mentioned by one observer.) The blows are applied to the back and to the bony parts of the legs, to the hands, and, in a particularly painful form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain is said to be particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied back-down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is reapplied. In a related form, water is pumped into the nose.

The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up", it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half years term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were prodded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her . . . They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then", explained a woman teacher who had been imprisoned twice, "the prisoner will tell anything."

A respected physician told Team members that recently police brought a dead girl from

an interrogation center to a city hospital and asked the Doctor there to certify to death from natural causes. On examination of the cadaver, the Doctor found signs of beating and sexual violation. He refused to so certify. Pressure was brought on the head of the hospital to issue the certificate. Such incidents are not unusual.

III. LEGAL STANDARDS AND PROCEDURES

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephemeral.

The Study Team found both the standards and the procedures to be loose by any measure, even by the most generous measure of allowance for the exigencies of civil and guerilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used deliberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear with good reason retaliation for expressing their views.

Naturally, the particular kind of war being waged in South Vietnam bears upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerilla war activities—sabotage, espionage and the organization and support of National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted. We cannot class as suppression of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, the need for procedures to permit speedy imprisonment without exposing the government to the risk of further war like activity on the part of the arrested persons must be conceded.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency: the suspension of the writ of habeas corpus during the Civil War, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam, and the pragmatic concern for winning popular support for democratic principles compels this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

Loose and inadequate standards and procedures do not represent concessions to those wartime exigencies. Minimization of risk of war-like activities against the government is not achieved by the imprisonment, for instance, of loyal nationalists who advocate forming a coalition government with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a "confession" which will warrant detention.[6]

[6] Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources. (See Section II)

In fact, imprisonments of this kind create the unnecessary risk of alienating loyalties; a hazard made doubly severe by the highly political character of a war in Vietnam. The seriousness of this hazard is underscored by the statement to the Team of one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of South Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team suggests that the number of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

"Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

A. Standards

Authority for imprisonment of non-conventional criminals is found in the State of War Laws, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1965, and as amended authorizes, among other things:

"The search of private houses, both by day and night;

"Fixing the place of residence of those elements judged dangerous to national security;

"Prohibition of all demonstrations or gatherings harmful to public security and order;

"Prohibition of the distribution of all printed matter harmful to national security;

"Control and restriction of communications and travel, consonant with security requirements; . . ."

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years, because they are "judged" to be "elements . . . dangerous to national security". Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, with little, if any, legislative guidance or control. In fact, it was determined that students with nothing more than the notation in their files that they exhibited "left-wing tendencies" were being incarcerated in national prisons whose administrator classified them in his census as "Communists"; i.e., in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than the local officials responsible for their arrests expected to extort bribes as conditions for their release.

Under the heading of "prohibition of . . . gatherings", the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man's case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

"Article 4. (1) The Republic of Vietnam opposes Communism in any form.

"(2) Every activity designed to publicize or carry out Communism is prohibited."

The looseness of the prohibition against activity designed to "publicize or carry out" Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a "political prisoner" on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is *ipso facto* prohibited by that article. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure

1. Arrest, Detention, and Interrogation

Because of the long periods for which individuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard most often occur during this period. Although they seem to be employed as "aids" to interrogation, they are forms of cruel and barbarous punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially nonexistent at the arrest and interrogation stage. Arrests are made by a wide variety of local and national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply.

Such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality the Team encountered occurs.

Despite the constitutional provision that:

"(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation."

the Team was unequivocally assured by Colonel Mau, Chief of the Special Branch of the National Police Forces, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team's information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.

Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.

2. "Assigned Residence" by Provincial Security Councils

An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functioning of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a remarkable admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political prisoners whose total has been variously estimated from 2,000 to 6,000.

On another occasion Deputy Prime Minister Khiem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrest and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

When a Team member shared with Minister Khiem a preliminary sketch of team findings; i.e., loose prisoner classification, denial of due process and the arbitrary action of military field courts, he agreed that these were concerns he and his staff had been considering.

But these steps only sweeten a system that is intolerable. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a typewritten list of the names of the individuals whose cases were being considered; approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime conditions, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

3. Military Field Tribunals

The Study Team has reached the conclusion that the Thieu-Ky Government has, through the extensive and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and, in a shocking number of instances, without even apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to prisons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

"(1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down.

"In the event of doubt, the court will rule in favor of the accused.

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by Law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimation of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103–107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited authorizes local proclamations of martial law and in its Article 2 declares that:

"All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's jurisdiction. Nor is the "Military Field Courts" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. *The "Military Field Courts" are not really courts at all.*

The Study Team is convinced that the number of arrests and imprisonments continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregarded the Constitution in several respects and, relying on "a state of war", undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

(1) These courts violate Articles 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecutes, both of which are professionally qualified." In the Military Field Court, the judge is a military official not necessarily trained in law.

(2) The offenses triable by the Military Field Courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations."

IV. APPENDIX

A. U.S. study team on religious and political freedom in Vietnam

James Armstrong, Bishop of the United Methodist Church, Dakotas Area. Bishop Armstrong received his A.B. from Florida Southern College, a B.D. from Emory University, and D.D. from Florida Southern and DePauw University. Elected to the episcopacy in 1968, James Armstrong is the youngest United Methodist Bishop in the United States. He taught for eight years at the Christian Theological Seminary (Disciples of Christ) in Indianapolis, served for ten years as minister of the Broadway United Methodist Church in Indianapolis. Known for his interest in public affairs, he was a board member of the Community Service Council, the Urban League and the Indianapolis Progress Committee, and was singled out as "one of the leaders who builds cities" by Time-Life in its book *The Heartland*. He himself is the author of the book, *The Journey That Men Make*, published by Abingdon Press.

Mrs. John C. Bennett (Anne McGrew Bennett). Mrs. Bennett received a B.Sc. in Education from the University of Nebraska and M.R.E. from Auburn Theological Seminary.

She taught for several years in country schools in Nebraska, was married in 1931 to John C. Bennett, now President of the Union Theological Seminary in New York City. Mrs. Bennett has been active in denominational and interdenominational affairs for many years. She is a member of the U.S. Inter-Religious Committee on Peace, a former board member of the Council for Christian Social Action of the United Church of Christ, and served from 1960 to 1964 on the General Board of the National Council of Churches.

Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation. Dr. Brick received an A.B. from Haverford College, an M.A. and a Ph.D. in English from Yale University. A former professor of English at Dartmouth and Goucher Colleges, Dr. Brick served as Peace Education Director for the American Friends Service Committee, Middle Atlantic Region, from 1966 to 1968. He has published articles on English and American literature, as well as articles on student and protest movements and is co-author of *The Draft*, a report by the American Friends Service Committee, published by Hill and Wang, New York.

John Conyers, Jr., Representative in Congress of the First Congressional District, Detroit, Michigan. Congressman Conyers received his B.A. and his law degree from Wayne State University. Currently serving his third term both as a Representative and a member of the Judiciary Committee, he has been an active supporter of civil rights legislation in Congress. In this capacity he has made trips to Selma, Charleston, Mississippi and other places to investigate cases of civil rights violations. Prior to election to Congress, Mr. Conyers was a labor and civil rights lawyer, also serving as Director of Education for Local 900 of the United Auto Workers, an executive board member of the Detroit NAACP and an advisory council member of the Michigan Civil Liberties Union. During the Korean conflict, he served as a Second Lieutenant in the Corps of Engineers.

Robert F. Drinan, S.J., Dean, Boston College Law School, and Professor of Family Law and Church-State Relations. Father Drinan received his A.B. and M.A. from Boston College, his LL.B. and LL.M. from Georgetown University Law Center, an S.T.L. (Licentiate in Sacred Theology) from Gregorian University in Rome. He is author of several books, the latest of which is *Democracy and Disorder*, published on 1969 by the Seabury Press, and is a contributor to many publications, including *Commonweal* and the *Harvard Law Review*. Father Drinan has served widely in legal, civic and education organizations and committees. He is a former vice-president of the Massachusetts Bar Association, is currently chairman of the M.B.A.'s Committee on the Administration of Justice and chairman of the Advisory Committee for Massachusetts to the United States Commission on Civil Rights.

John de J. Pemberton, Jr., Executive Director of the American Civil Liberties Union. Mr. Pemberton received his B.A. at Swarthmore in 1940, an LL.B. *cum laude* at Harvard in 1947. As a student at Harvard Law School, Mr. Pemberton served on the board of editors of the *Harvard Law Review;* after graduation, taught commercial and bankruptcy law at Duke University until 1950. From 1950 to 1962, he practiced law in Rochester, Minnesota, as a member of the firm of Pemberton, Michaels, Bishop and Seeger. In Rochester, he served on the Minnesota Advisory Committee to the United States Civil Rights Commission and the Minnesota Fair Employment Practices Commission. An active member of the ACLU since 1950, Mr. Pemberton was appointed its Executive Director in 1962.

Seymour Siegel, Professor of Theology in The Jewish Theological Seminary of America and Assistant Dean of its Herman H. Lehman Institute of Ethics. Dr. Siegel graduated from the University of Chicago. In 1951 he was ordained by the Jewish Theological Seminary and in 1958 received the Seminary's degree of Doctor of Hebrew Literature. As representative of the World Council of Synagogues, Dr. Siegel has traveled widely to Jewish communities abroad; in 1962, he became the first Visiting Professor from the Seminary to serve at the Seminario Rabbinico Latinoamericano in Buenos Aires. He is a member of the editorial boards of *Conservative Judaism, Jewish Heritage,* and editorial consultant to Benziger Brothers Publishing Company. Now completing work on his second book, *Jewish Theology Today,* he has also contributed many articles and reviews to both scholarly and popular journals, among them the *Saturday Review* and *Commentary.*

Arnold E. True, Rear Admiral, United States Navy, Retired; Professor Emeritus of Meteorology, San Jose College. Admiral True received a B.S. at the U.S. Naval Academy in 1920, and M.S. from M.I.T. in 1931, and graduated from the U.S. Naval War College in 1939. He served in the United States Asiatic Fleet in the Far East, commanded the USS Hammann and two destroyers in World War II, and was on the staff of the Commander-in-Chief of the United States Atlantic Fleet between 1944 and 1946. During the Battle of Midway he received injuries which necessitated his retirement. From 1947 to 1967 he was professor of meteorology at San Jose College. Admiral True recently presented testimony to the Senate Armed Services Committee concerning budget requests of the Department of Defense.

The Reverend Peter Jenkins, of Congregational Church, Wimbledon, England and Treasurer of Eirene International Christian Service for Peace Organization, met the team in Paris and accompanied them to Saigon.

CABLE FROM U.S. STUDY TEAM TO PRESIDENT NIXON

SAIGON,
June 5, 1969.

President NIXON,
Washington, D.C.:

The Independent Study Team on Religious and Political Freedom in Vietnam has completed its study here and is preparing a detailed report. The team met with South Vietnamese and United States officials, various Buddhist and Roman Catholic leaders, representatives of other principal sects, members of the National Assembly, attorneys and other specialists in jurisprudence as well as numerous private individuals, including some prisoners.

The team inspected prisons in Saigon, Thu Duc and Con Son. Our final report will be related to the following firm impressions:

The Government of South Vietnam does not presently exemplify at least one of the goals set forth in your May 14th statement. "There should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation."

Religious and political suppression is widespread. Speaking for peace or in any other way opposing the Government easily brings the charge of communist sympathy and subsequent arrest. Long detention without trial is frequently the result.

The number of political prisoners continues to increase.

There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government.

We respectfully request that you consider this in weighing any commitments to the Thieu Government.

On behalf of the Study Team on Religious and Political Freedom in Vietnam,

JOHN CONYERS, Jr.,
Member of Congress.

MEMBERS OF THE U.S. STUDY TEAM ON RELIGIOUS AND POLITICAL FREEDOM IN VIETNAM*

James Armstrong, Bishop, United Methodist Church.

Anne M. Bennett (Mrs. John C.)

Allen Brick, Director of National Program, Fellowship of Reconciliation.

John Conyers, Jr., Member of Congress.

Robert Drinan, S.J., Dean, Boston College Law School.

Peter W. Jenkins, Pastor, Congregational Church, Wimbledon, England.

John de J. Pemberton, Executive Director, American Civil Liberties Union.

Seymour Siegel, Rabbi, Professor of Theology, Jewish Theological Seminary.

Arnold E. True, Rear Admiral, U.S.N. (Ret.)

PROSPECTS FOR ATLANTIC UNITY, MIDEAST PEACE

Mr. JAVITS. Mr. President, I wish to report to the Senate on my trip to Israel and to five major capitals of Europe undertaken during the period of May 24 to June 9. My trip had dual, and interrelated, purposes. As Chairman of the Political Committee of the North Atlantic Assembly—the NATO Parliamentarians' Assembly—it was my duty to chair the Political Committee's spring meeting at NATO headquarters in Brussels on June 9. Preceding the Political Committee meeting, I made short visits to the major European capitals, as is my practice, to meet with government leaders and to confer with our own American Ambassadors.

Also, I used the occasion of my trip to Europe to visit Israel for several days en route. In Israel I had intensive discussions with the U.S. Ambassador and his staff and with Israel's Government leaders dealing with the hopes for peace between Israel and the Arab States which is of direct concern to the United States and to NATO.

I summarize my findings herewith and report my conclusions and offer recommendations.

In Europe, I visited, in order, Paris, Bonn, Frankfurt, Rome, London, and Brussels. My visit to Paris immediately preceded the first round of France's presidential election. I met with a number of highly placed private persons who were able to acquaint me with the full spectrum of French opinion with regard to the significance of General de Gaulle's departure from the Presidency.

In addition to my meeting with a number of distinguished citizens and parliamentarians of France, I met with Ambassador Shriver and his senior staff. I also had a fine discussion with Ambassador Henry Cabot Lodge—the chief U.S. negotiator at the Paris Vietnam negotiations—and his principal aide.

An additional major reason for my visit to Paris was to fulfill a longstanding commitment to address the American Club in Paris. My speech, entitled "The Atlantic Community: Return to the Mainstream," was prominently reported in the European press. I shall ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks.

*Organizational associations listed for purposes of identification only.

From Paris I traveled to Bonn, where I had an extensive conversation with Chancellor of the Federal Republic, Dr. Kurt Kiesinger. I also had a most interesting and useful luncheon conversation with Mr. von Hase and Mr. Duckwitz, the Under Secretaries of the German Defense and Foreign Ministries, respectively. This took place at the residence of our able Chargé d'Affairs, the Honorable Russell Fessenden.

The following day, I chaired a 3-hour meeting at the Deutsche Bank in Frankfurt concerning the work of the Eastern Mediterranean Development Institute—EMDI. The meeting was attended by leading German bankers, university figures, foundation officials, industrialists, and airline officials who have participated in the work of EMDI. EMDI is a project which began under the auspices of the Economic Committee of the North Atlantic Assembly in 1965, when I was Chairman of that Committee.

EMDI, initially known as "the Greek-Turkish project," was inaugurated at the request of the Greek and Turkish Governments with the purpose of promoting economic development and cooperation in the two eastern Mediterranean members of NATO. This project has now been converted into an institute which has no formal connection with the North Atlantic Assembly. I am chairman of the board of directors. I ask unanimous consent that a copy of the latest EMDI status report be printed at the conclusion of my remarks.

In Rome, I had an extremely useful meeting with Dr. Guido Carli, the distinguished Governor of the Bank of Italy, covering the entire range of issues concerning international monetary problems and prospects for reform. I also met the Vice Prime Minister, Mr. de Martino, who provided me with a most interesting assessment of Italian, European, and world issue as seen from his own political perspective as a left Socialist. In Rome I also had helpful briefings and conversations with key members of the U.S. embassy staff, and with informed and highly placed private citizens.

In London I had a wide range of meetings and discussions with senior government and opposition leaders, distinguished private citizens and the American Ambassador and his senior staff. It was my privilege to call upon Prime Minister Harold Wilson at 10 Downing Street and to call upon Chancellor of the Exchequer Roy Jenkins at 11 Downing Street. The leader of the opposition, the Honorable Edward Heath, was out of town, but I was able to learn the thinking of the Conservative Party on key issues from conservationists with the chairman of the party, Mr. Anthony Barber, and other senior associates of Mr. Heath.

The Political Committee meeting in Brussels was attended by a distinguished group of parliamentarians from all the NATO countries excepting Greece—where democratic institutions have been overthrown by the military regime—and Italy—which has not yet reconstituted its NATO parliamentary delegation following the last elections. In addition to intensive day long discussions with my parliamentary colleagues in Brussels, it was also my privilege to have a most interesting meeting with the Honorable Manlio Brosio, the distinguished Secretary General of the North Atlantic Council.

FINDINGS AND CONCLUSIONS IN EUROPE

My principal findings and conclusions regarding the policy situation in Europe may be summarized as follows:

First. I found widespread alertness to the new possibilities for European unity resulting from the change of leadership in France. Immediate attention is focused specifically on the issue of expanding the European Common Market, or EEC, to include Britain and other applicants of the EFTA. I consider this to be free Europe's No. 1 priority for the near term.

But, while there is a strong general disposition to move ahead, both with the expansion of the EEC and on the longer range problem of European political unification, the question of leadership for these moves remains to be decided. While it is recognized that the United States has an important role, it is recognized also on both sides of the Atlantic that the United States cannot be the leader. For varying reasons, Germany, Britain, Italy and France all feel momentarily inhibited from playing a determined leadership role in the revival of the historic postwar movement toward European unity. I am satisfied that with the United Kingdom in the EEC, the objective of present decisionmaking will have been realized and collective leadership will be adequately effective.

The priority which President Nixon has restored to Europe in U.S. foreign policy, his emphasis on a meaningful allied consultative process, his Western European trip and the initiatives he proposed at the 20th anniversary celebration of NATO—all have struck deeply responsive chords in Europe and have helped reverse the erosion of confidence and esteem for U.S. policy notable in recent years in the eyes of our European allies, and largely attributable to Vietnam.

Second. U.S. moves to bring the Vietnam war to an early conclusion have renewed the disposition of our traditional European allies to accept U.S. leadership and to participate again in multilateral efforts to deal with the pressing issues of war and peace.

Third. On the vital question of international monetary problems, I found broad awareness of the need for major reforms. But there was also a curious preoccupation with the tactical and political problems and difficulties—at the expense of the substantial and vital long-term benefits to be gained from comprehensive, multilateral measures. International monetary reform is the No. 2 priority of the Atlantic developed nations.

Fourth. The U.S. preoccupation with Vietnam, and the concurrent Gaullist-led opposition to European and Atlantic Community unification, have left a residue to parochialism and protectionism in trade and other policies of Western Europe. Boldness, and breadth of vision have been eroded, while the habits of traditional nationalism have been strengthened. The No. 3 priority must be further trade liberalization and reduction of nontariff barriers to trade.

Fifth. Considerable interest has been evoked by President Nixon's proposal regarding the undertaking of joint efforts in the Atlantic community with respect to the environmental problems of modern industrial societies—questions of the quality of life in the context of such factors as air pollution, high-density living, mass housing and transport problems. This is the No. 4 priority for the Atlantic developed nations.

Sixth. I found less awareness in Europe than I had expected of the significance of internal U.S. debates with respect to the nuclear arms race, the Vietnam war and national priorities, and United States-U.S.S.R. negotiations with respect to strategic arms limitations, the Middle East and other subjects. It seemed to be taken for granted that ultimately the Federal Republic of Germany too would adhere to the Nuclear Nonproliferation Treaty.

RECOMMENDATIONS

My four principal policy recommendations are as follows:

First. The United States should adopt an active, supportive policy with respect to the expansion of the EEC, by including Britain and the other EFTA applicants, within a coordinated policy framework directed toward eliminating nontariff barriers to trade.

Second. The United States should take the leadership in convening a new Bretton Woods-type of conference to effect major reforms in the international monetary system. In my judgment, major reforms are needed urgently and can only be achieved by an international conference of this nature. These are some of the prime considerations:

The industrial nations can no longer afford to lurch from one weekend currency crisis to the next—with disaster narrowly averted by ad hoc rescue parties.

The political problems of unilateral adjustments of currency parities are too great to be handled effectively on a case-by-case basis; but multilateral adjustments can help overcome the political problems of all.

The present and anticipated future supply of monetary gold is just too small as a base for expanding international trade and meeting the problems of liquidity on a long-term rather than short-term basis.

The International Monetary Fund should be given new authority to permit it to function more as a world central bank, empowered to create new reserves as needed—through special drawing rights and possible revaluation of monetary gold—and related central-bank functions including the provisions of large-scale credits for the developing nations of the southern zone.

Third. The United States should take the leadership in creating new patterns and institutions to expand trade through a large new grouping of industrial nations including the United States, Canada, Japan, the EEC, and other advanced nations. In addition, the United States should pursue a policy of greater Atlantic community economic consultation and unity, and harmonization of policy on East-West trade.

Fourth. Specific programs should be adopted to implement President Nixon's proposals for joint planning and consultations within the Atlantic community with respect to the environmental problems of life in advanced industrial societies. We must seize this imaginative new approach to improving the quality of life for all our citizens through a sharing of experience, knowledge, and research on the problems of air and water polution, public health problems in a changing environment with changing population patterns, and problems related to high-density living such as mass housing and transport systems.

CONCLUSIONS AND RECOMMENDATIONS CONCERNING MIDEAST

I wish to report the following conclusions and recommendations with respect to Mideast policy.

First. It is essential the United States strive for a permanent peace in the Mideast with the terms mutually supportive, and that the United States not once again be a party to armistices or cease-fire lines. This entails a willingness to sweat it out in the months ahead until a meaningful peace is attainable through negotiations principally between the parties concerned—Israel and its Arab neighbors. The United States must resist attempts to achieve an imposed peace forged under the pressure of Arab and Soviet propaganda efforts to portray the Mideast as being on the verge of explosion into another war endangering world peace.

Second. In the absence of a change of heart by the United Arab Republic Government with respect to acceptance of the fact of Israel as a nation, and of the need for a meaningful peace agreement, there may be little prospect of reopening the Suez Canal. The United States and its European allies should proceed with long-term plans on the basis that the Suez Canal may not be reopened in the immediate future, but efforts should continue to be made to reopen the canal as as international waterway available to all and not the exclusive property of the United Arab Republic.

Third. Efforts should continue to achieve an international agreement on the limitation of arms shipments into the Mideast from outside sources. Such agreement should, of course, be consistent with the legitimate security needs of the nations of the area, including Israel's requirements for deterrent strength in the supersonic aircraft field and the supply of the supersonic jets agreed to be delivered by the U.S.

Fourth. A new look should be taken at the Arab-refugee situation, and the international support so long given to keep them in a refugee status.

Fifth. The possibilities of an economic self-help organization in the Middle East, with United States and free Europe's support, should again be explored.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a speech entitled, "The Atlantic Community: Return to the Mainstream," delivered by me before the American Club in Paris and a status report to the board of directors of the Eastern Mediterranean Development Institute, of which I am chairman, and remarks by me in the CONGRESSIONAL RECORD of January 28, 1960.

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

THE ATLANTIC COMMUNITY: RETURN TO THE MAINSTREAM

(Speech by Senator JACOB K. JAVITS, before the American Club, Paris, May 29, 1969)

We are about to witness the dawn of a new era of Atlantic community cooperation and purpose and therefore of hopes for world peace. Conditions are propitious for a renewal of Western unity and a return to common action in the mainstream from which both Western Europe and the United States were diverted so tragically in the mid-1960's.

In the United States, our preoccupation with Vietnam is drawing to an end. In Western Europe, the disengagement of France from the forces striving for European unity is coming to an end.

At this particularly sensitive moment on the eve of an historic Presidential election in France even the best-intentioned American must take special pains to avoid in his comments any reference to the election. But I do feel that it is proper for a U.S. Senator to express his views as to what he sees as the best future for U.S.-Western European relations and the peace of the world.

Also, it is appropriate to state, as I see it, what Western Europe can expect from the United States under the Nixon Administration; and what the United States hopes it can expect from Western Europe.

President Nixon has made it unmistakably clear that he regards our Atlantic Community ties as the fulcrum of his entire concept of America's role in the world. In my judgment, it is of great significance that President Nixon has chosen—of all the possible roles open to him—to conduct the vital, upcoming negotiations with the USSR on strategic nuclear arms limitation in his capacity as a leader of NATO.

President Nixon has been quite specific in this regard. Here are his words addressed to the North Atlantic Council:

"I pledge to you today that in any negotiations affecting the interests of the NATO nations, there will be full and genuine consultation before and during those negotiations."

On a subsequent occasion he stated: ". . . the forthcoming arms talks will be a test of the ability of the Western nations to shape a common strategy."

The significance of President Nixon's approach to nuclear arms limitation talks with the Soviet Union—the premium placed on NATO interests and consultations—is not yet adequately appreciated in Europe, in my judgment, to understand its significance one must also have a familiarity with the current political situation in the United States.

The forthcoming Strategic Arms Limitation (SALT) negotiations with the USSR, and related questions concerning ABM and MIRV, have been the subject of the most important public debate in the United States since the NATO debate of the late 1940's. This public debate in the United States has been concerned with the very fundamentals of our American society and aspirations. I have been an active participant in this debate.

For the fundamental theme of the debate concerning the nuclear arms race has been the question of U.S. national priorities and the allocation of U.S. resources between civilian and military requirements. But, in the U.S. domestic debate, virtually no attention has been given to the NATO aspect of the American approach to, and negotiating posture in, the strategic arms limitation negotiations. This is uniquely President Nixon's contribution—and he runs the risk of encountering later misunderstanding and criticism at home for placing the emphasis he does upon NATO interests and an allied consultative approach. Those who have opposed his timing on the Safeguard ABM have been concerned mainly with highly urgent, but essentially domestic civilian needs. The crisis in our great cities, the tensions between whites and blacks, the seething unrest at some of our major universities—these are the burning issues which compel immediate political attention and which set the framework for the debate over U.S. national priorities.

Yet the U.S. President has not been diverted by this issue but has taken account of Europe's dual fear about future U.S. policy—that the U.S. would strike a deal with the USSR over the heads of our allies, and that the U.S. would retreat into some form of neoisolationism. These fears ought now to be allayed by the strongly expressed views of President Nixon as to consultations with our allies and following a NATO-oriented approach.

That portion of responsibility which rests on the U.S. for the deterioration and devitalization of the Atlantic Community in the mid-1960's is related most directly to the Vietnam war. Here too I believe the moment is auspicious for countering the factors which worked against the interests of the U.S.-Western Europe alliance.

There can be no mistaking the determination of the American people to end the Vietnam war as rapidly as possible. Nor, can there be any doubt now that President Nixon accords priority on the nation's agenda to that task. He was speaking with every understanding of the situation when he recently told the nation in a televised address:

"In my campaign for the Presidency, I pledged to end this war . . . I am determined to keep that pledge. If I fail to do so, I expect the American people to hold me accountable for that failure."

In my judgment, it is clear from the factors I have just cited that the United States is reordering its affairs to enable us to play our full role in a revitalized Atlantic Community which is now again within our grasp.

And it is a most fortunate coincidence of timing that Western Europe, too, now has a comparable opportunity to reorder its policies and redirect its energies in ways that can make possible the achievement of European unity within a revitalized Atlantic Community.

For the Atlantic Alliance has suffered grievous strains militarily, politically or economically whch have induced many to believe that our Atlantic Community is no longer a realistic possibility. But I disagree and believe that even the removal of SHAPE from France, the exclusion of the U.K. from the E.E.C., the arresting of progress toward the political unity of Western Europe and the recurring monetary crises can be overcome and the Atlantic Community revitalized.

In saying this I want to make it clear that I am not trying to exonerate other members of the alliance for their acts of omission and commission—least of all my own United States which allowed itself to become entrapped in a costly military stalemate in Vietnam which appeared increasingly irrelevant to the nation's true interests, even in the eyes of its own people.

I have spoken and written personally on a number of occasions concerning the objectives and the potentialities of a fully developed Atlantic Community. Now I find hope that many of my views may well be shared by President Nixon. And, I wish now to quote his words, instead of my own because he speaks with an authority unrivalled, by virtue of his office. In pondering his words, it should be borne in mind that President Nixon is not a man given to uttering lofty words lightly.

Speaking to the NATO Council of Ministers on the Twentieth Anniversary of the signing of the NATO Treaty he said:

"Now the Alliance of the West needs a third dimension . . . a social dimension to deal with our concern for the quality of life in this last third of the 20th century.

"The industrial nations share no challenge more urgent than that of bringing 20th Century man and his environment to terms with one another—of making the world fit for man, and helping man to learn how to remain in harmony with the rapidly changing world.

"To discover what this Western Alliance means today, we have to reach back, not across two decades, but through the centuries to the very roots of the Western experience. When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity, ideals of decency and justice and liberty and respect for the rights of our fellow men. Simple, yes; and to us obvious. But our forebears struggled for centuries to win them and in our own lifetimes we have had to fight to defend them."

It would be a mistake, in my judgment, for Europe to discount the President's words as the rhetoric of a ceremonial occasion. They should rather be understood as an authoritative expression of what the United States is prepared to do within an Atlantic Community, and the almost limitless aspirations we hold in that regard.

An air of cynicism and *ennui* has grown up on both sides of the Atlantic over the past decade in an accompaniment to the unprecedented material prosperity in Europe and the United States. And the present generation of students on both sides of the Atlantic has been profoundly alienated by this apparent lack of meaning and idealism in life.

The Western peoples are very ripe in my judgment for new ideals and bold, exciting designs which transcend mundane preoccupations with force levels, nuclear megatonnage, Gross National Product. They yearn for adventures of the spirit—for vision—and I believe that undertaking again construction of an Atlantic Community in its fullest and highest sense can provide the spirit which is needed.

Idealism does not have to be impractical. There are a number of very specific steps which can and ought to be taken to give effect to the objectives and potentiality of the Atlantic Community. These steps are in the mainstream of a return to the continued construction of the Atlantic Community which was abandoned so precipitously in the mid 1960's.

In the field of trade, the trend toward protectionism and exclusion—even in the European Economic Community, erected as the very model of liberal trade—needs to be reversed. The division of Western Europe into rival trade blocs—EEC and EFTA—should be undone through the expansion of the EEC to include the U.K. and other EFTA applicants. Non-tariff barriers to trade should be dismantled on a reciprocal basis, and the issues of trade expansion not addressed by the historic Kennedy Round especially in agriculture now should be tackled. The United States must, for its part, move away from restrictions on overseas capital investments and efforts to secure "voluntary" export quotas to protect selected domestic industries. Other forms of government assistance to embattled domestic industries are feasible and more appropriate.

New measures of cooperation in technology and education are already widely forecast for the Atlantic Community. These include an Atlantic Technology Pool and a University of the Atlantic including professional schools in law, medicine and other disciplines for the Atlantic Community.

Reforms are needed urgently in the international monetary system, so that the industrial nations do not have to lurch insecurely from one-week-end balance-of-payments crisis to the next, while currency speculators circle like sharks around the weakened currencies of that particular crisis. Surely it is not beyond the wit of man to devise orderly and rational mechanisms to adjust fluctuations in currency exchange values and to rationalize the position of so relatively slim a gold stock in the total picture.

The ancient and irrational tyranny of gold must be overthrown so that the nations can provide, based on their own productivity for the expansion of reserves needed to finance the constant expansion of trade and the accelerated development of the crucial developing Southern zone of the world.

A harmonization of trade policy within the Alliance with respect to Eastern Europe and the Soviet Union should be an element of the expanded political consultations and harmonization of policy on East-West issues in general. Each can reinforce the other and give added leverage to common policies.

A revitalized and purposeful Atlantic Community would certainly accelerate the movement toward closer understandings and agreements with the Soviet Union—as for example in space exploration and research in medicine and biology and physics—and its Eastern European allies—making possible the relief of tensions in Europe and preparing for a way the handling of a potentially disruptive new superpower—mainland China.

Collective consideration of the problems of the Middle East and the entire Mediterranean basin will be essential, in my judgment, if peace and economic development in the Mideast is to be secured over the long run. Soviet hegemony over the land, sea and air links between Europe, Asia and Africa, and Soviet control over the supply of Mideast petroleum which currently supplies 50% of the energy resources for Western Europe, pose potential, completely unacceptable, long-run threats to Western security. Something more than a defensive "policy of denial" will be required and nothing less than a positive "concert" of Western action to achieve affirmative goals must be evolved.

With the conclusion of the Vietnam war, Asia presents enormous opportunities for Atlantic Community collaboration, in a partnership with Pacific and Asian nations, heavily concentrated in the economic and cultural fields. A dynamic Japan and growing Australia and New Zealand offers us unparalleled agencies for communicating industrial technology and techniques to this vast and heavily populated region.

Europe has a major role to play in the development and evolution of Latin America—the success of my own ADELA experiment points the way. Latin America provides an excellent opportunity for the United States to demonstrate, by inviting Europe "in", that we do not seek a position of domination or exclusiveness of American interests within a broader Atlantic Community. If our instincts were imperial, we would seek to exclude, rather than enlist, European investment and influence in Latin America.

The whole world awaits the golden touch of Atlantic Community cooperation. We should not forfeit the hopes and aspirations of all mankind by failing to grasp the opportunity now available to us for the second time following World War II.

EASTERN MEDITERRANEAN DEVELOPMENT INSTITUTE STATUS REPORT

To: Board of Directors.

I am addressing this status report on the Eastern Mediterranean Development Institute to the Board of Directors. Copies are also being sent to the Ford Foundation, the Thyssen and Volkswagen Foundations, and other supporters of the project for Greek-Turkish economic cooperation. I first take this opportunity to express, in behalf of Senator Javits, Chairman of the EMDI Board, and for myself a strong-felt appreciation of the support of the individuals and institutions who contribute in time and money, interest and counsel, to the work of assisting economic cooperation and well-being in Greece and Turkey.

A brief resume follows:

1. ORGANIZATIONAL MATTERS

On November 14–15, 1968, the first meeting of the Board of Directors of the Institute was held at the Hotel Amigo, in Brussels. It was attended by the Chairman, the Deputy Chairmen, Mr. Kasim Gülek and Mr. C. C. Arliotis, nine nominee-Directors (whose names are included on the attached list), the Executive Director, the Special Consultant from Turkey Mr. Ramazanoglu, and guests. Observers at the general session on November 15 included: Messrs. Andresen and Missir of the EEC, Messrs. Domergue and Parsons of the OECD, Mr. de Lacombe of NATO, Mr. Akbil representing the Government of Turkey, Mr. Mameletzis representing the Government of Greece, Mr. Van Dyke, the U.S. Representative to the DAC, Mr. Drouhin of the UNDP, Mr. Broumis (Athens Technological Institute) and Mr. Jenson of the U.S. Department of the Interior (the last three having a special concern with the Meric/Evros project).

The meeting formed a Board of Directors of 17 members: five from Greece, five from Turkey, three from the United States, two representing Canada, one each from Italy and the Federal Republic of Germany; and four Alternative Directors, two from England and two from the U.S. An Executive Committee was elected consisting of: Mr. George James (Chairman), Mr. Resat Aksan, Mr. H. A. R. Powell, and Mr. Alexandre Zullas. A complete list of the Board of Directors is attached.

2. PROGRAM

The Board of Directors agreed to put special emphasis on its continuing plans for cooperative activities in tourism development and for advancing the Meric/Evros project; and to continue to investigate the feasibility of developing complementary investment policies in Greece and Turkey. Work in the areas of fisheries and agriculture will also continue as time and circumstance permit.

a. Tourism

The Board agreed that the most promising field for early returns in cooperative development is tourism. In line with decisions taken at the meeting, discussions have been held looking toward a tourism meeting between high-level administrative officials of Greece and Turkey. On the consequent invitation of the Turkish Ministry of Information and Tourism, a meeting will be held in Istanbul on March 7 through 9, 1969. It is anticipated that, in addition to a useful exchange of views, plans may be there discussed for an expanded, international tourism conference, centered on the Aegean regions of Greece and Turkey, in which representatives of transport, accommodation and travel agencies and organizations would be represented.

b. Meric/Evros

(1) The preliminary study of the area, conducted and reported by the study teams under the direction of Professor Hans Wilbrandt assisted by Dr. Korkût Özal and Mr. John Broumis (and financed as a special project by the Thyssen and Volkswagen Foundations) was completed in 1968. The United Nations agencies, the World Bank, the European Investment Bank, the OECD and other organizations have been kept fully informed about the project since it began. The United Nations Development Programme has indicated its willingness to assist in carrying the project forward if Greece and Turkey request such assistance.

In October of 1968 the UNDP sent an unofficial exploratory mission to Bulgaria, where the Meric/Evros rises, to ascertain the Bul-

garian attitude toward cooperative development on the River. Further discussions were then held in Ankara and Athens between the UNDP and the respective Governments. EMDI assisted in preparing those meetings, and has been closely in touch with the UNDP, both at its European headquarters in Geneva and in New York.

Mr. Georgs Drouhin, Senior Water Consultant of the UNDP, reported at the November meeting of the EMDI Board of Directors that the Bulgarians had shown themselves willing to cooperate unofficially without participating in the joint venture. A receptive attitude had been shown both in Athens and Ankara. The UNDP plans next to send a small mission to the Meric/Evros area in Thrace, and to Athens and Ankara, as soon as an official request is received from the Governments of Greece and Turkey. The mission would assist in the preparation of a request for a full feasibility study. The UNDP and EMDI have both initiated discussions on the basis of which it is hoped that prompt progress will be made along these lines.

(ii) It has been suggested that the Water-for-Peace program being conducted by the United Nations (and member countries) and the Meric/Evros project might be able to benefit mutually by exchanges of information on research techniques and modern technology in the field of data storage and retrieval. A series of meetings has been held in Washington with officials of the Water-for-Peace Office of the U.S. State Department, and the Office of the Science Adviser to the President, the most recent on November 26, 1968. EMDI has put forward two proposals, both of which have received considerable encouragement: (1) a proposal to hold a seminar dealing with development of international waterways, at which the Meric/Evros tecnhiques and those of other projects for developing international waterways will be studied, and (2) investigation into the possibility of establishing a computerized research center on water resources in the Eastern Mediterranean. It was with respect to the latter possibility that the Director of the U.S. Water-for-Peace Office proposed that Mr. Raymond Jenson, of the Water Resources Office of the Department of the Interior, participate in the November meeting of the EMDI Board. Mr. Jenson did so and gave an informative and interesting talk on computerization techniques and results in water resources data.

(c) *Proposed study of complementary investment policies*

This proposals was discussed with officials of the National Industrial Development Bank of Greece, the Hellenic Industrial Development Bank and the Turkish Industrial Development Bank at meetings in Washington in October of 1968. It was agreed to explore the possibilities of cooperating on projects of mutual or complementary interest to the economies of Greece and Turkey and to consider the feasibility of mixed Greek-Turkish companies in which the Development Banks and possibly outside companies might participate. As a start, there was to be an exchange of information on investment laws and regulations in the two countries. At the November Board meeting there was further discussion, in which representatives of outside companies participated. Mr. Kenneth Mueller, Chairman of AGRIDCO, an agri-business consortium, attended the Brussels meeting at the invitation of EMDI, for these discussions. Other organizations have also shown interest in these possibilities. Exchanges and contracts are being continued. It is hoped that special-project funds can be obtained to fund the proposed study.

(d) Arrangements for a delegation of Greek industrialists to visit Istanbul, returning a similar visit to Turkish industrialists to Athens some three years ago, are being discussed. The visit has been agreed in principle on both sides, the only remaining question being a convenient date. In this connection, it has been noted that the World Congress of International Chambers of Commerce is scheduled to be held in June of 1969 in Istanbul.

3. FINANCES

In June of 1968 the Ford Foundation made a grant of $150,000 on a matching-fund basis, for support of the Eastern Mediterranean Development Institute through 1969.

The Governments of Greece and Turkey have each guaranteed the sum of $50,000 to the Institute. In addition, in 1968 and to date, a total of $30,750 has been contributed by private organizations. These sums, plus the contribution of services and facilities by Mobil Oil, Pechiney and the Bank of Greece, more than fulfill the matching-funds requirement.

The financial contributors in 1968 to date are: American Standard, American Tobacco Company, Bank of America, IBM World Trade Corporation, Manufacturers Hanover Trust Company, Massey-Ferguson, Mobil Oil Corporation, Morgan Guaranty Trust Company, Morrison-Knudsen Company, Prudential Lines, Arthur and Gloria F. Ross Foundation, Singer Company, and Standard Oil Company (N.J.).

Other contributors prior to 1968 have been listed in previous reports.

4. PROSPECTS FOR THE FUTURE

As agreed at the Board of Directors' meeting, the Deputy Chairmen, Mr. Kasim Gülek and Mr. C. C. Arliotis, are to submit plans on the organization of the Greek and the Turkish bureaux of the EMDI. Organizational decisions in Greece and Turkey are, of course, to be left to local decision, it being understood that it would be desirable to have a general similarity in organization, but that legal and other requirements may dictate some differences in the institutional arrangements.

The Governments of Greece and Turkey have been kept fully advised of the Institute's activities and have unfailingly given their support.

The international organizations have, ever since the inception of the Greek-Turkish Economic Cooperation Project shown the liveliest interest. At the November meeting of the Board, representatives of these organizations contributed valuable counsel and indicated their willingness to cooperate in future, and the Institute will continue to work closely with them.

As noted, the EMDI and its predecessor organization have been funded by foundation grants and a relatively small number of substantial corporate (or individual) contributions. It is hoped to transform the EMDI, during 1969, into a broadly-based permanent institution devoted to the betterment of Greco-Turkish economic and cultural relations, mainly in the private sector. Discussions looking toward this objective are under way, and will hopefully be discussed at a mid-year meeting of the Board of Directors, when it is hoped that specific proposals can be presented for consideration.

Respectfully submitted.

SEYMOUR J. RUBIN,
Executive Director.
ALBERT ZUMBIEHL,
European Director.

FEBRUARY 1969

BOARD OF DIRECTORS, EASTERN MEDITERRANEAN DEVELOPMENT INSTITUTE

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The Hon. Kasim Gülek, Deputy Chairman; Member, Grand National Assembly of Turkey.

Mr. C. C. Arliotis, Deputy Chairman; Governor, National Mortgage Bank of Greece.

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Mr. M. Haralambis; Member of Board, Federation of Greek Tourist and Traveling Offices.

Mr. Rahmi Koç; Director, Koç Holding Company.

* Mr. Evangelos Kourakos (Special Consultant, Greece); Economic Research Specialist, Bank of Greece.

Mr. H. A. R. Powell (Executive Committee); Managing Director, Massey-Ferguson Holdings Ltd. (London).

* Mr. Ahmet Ramazanoglu (Special Consultant, Turkey); Public Relations Manager, Mobil Oil, Turkey.

Mr. Arthur Ross; Exec. Vice President, Central National Corporation.

* Mr. Seymour J. Rubin (Executive Director); Attorney—Surrey, Karasik, Gould & Greene.

Dr. Celestino Segni; Director, Italconsult.

Mr. G. Siniosoglou; Member of Board, Federation of Greek Industries.

Mr. Spyros Skouras; Chairman, Twentieth Century-Fox.

Mr. Samuel P. Smith; President, Smith Transport Ltd.

Professor Hans Wilbrandt; Director, Instituts für Auslandische Landwirtschaft, Univ. of Göttingen.

Mr. Alexandre Zullas (Executive Committee); Member of Board, Federation of Greek Industries.

* Mr. Albert Zumbiehl (European Director); Financial Counselor, Péchiney.

ALTERNATE MEMBERS AND AFFILIATION

Mr. George Bridge; Manager, Frank Fehr Company.

Mr. R. C. Coleman; Consultant, Ottoman Bank.

Mr. Rodney B. Wagner; Vice Pres. Morgan Guaranty Trust Co.

Mr. S. H. Willner; Vice Pres., Hilton Hotels Intl.

* Ex officio member.

[From the CONGRESSIONAL RECORD, Jan. 28, 1969]

GREEK-TURKISH ECONOMIC COOPERATION PROJECT

Mr. JAVITS. Mr. President, I have on several previous occasions brought to the attention of the Senate the work of the project for Greek-Turkish economic cooperation. Reports on this matter were presented on June 3, 1965, on October 20, 1965, on January 19, 1967, and on December 15, 1967.

I now present a report on this important project through the calendar year 1968.

Mr. President, first I should like to submit for the RECORD the substantive text of a report which I presented to the North Atlantic Assembly on November 20, 1968. That report was presented to the North Atlantic Assembly in my capacity as trustee of the Special Committee on Developing NATO Countries, of which I was chairman, and which has now been dissolved, its principal functions having been successfully discharged. I have been requested by the North Atlantic Assembly to act as the custodian of the responsibilities of that committee and it is in this capacity that I have presented my report to the North Atlantic Assembly itself.

Several developments, falling outside of the scope of the report presented to the North Atlantic Assembly, should be reported. Chief among these is the fact of a highly successful meeting of the Eastern Mediterranean Development Institute, which took place in Brussels on November 14 and 15, 1968. The meeting was attended by a representative group of industrialists, bankers, and businessmen from Greece and Turkey, and also from the other countries of the North Atlantic Alliance. A broadly representative board of directors of the Eastern Mediterranean Development Institute was elected, and that institute was launched on what promises to be an extremely successful career.

Second, in December 1968, the work which has been done on the development of the basin of the Meric-Evros River was carried a further step forward, in the course of meetings between myself, Mr. Rubin, executive director of EMDI, and Mr. Paul Hoffman, director, and Mr. Paul-Marc Henry, deputy director of the United Nations Development Program. It is anticipated that a UNDP project team will be visiting Greece and Turkey shortly, and that further steps in the development of mutually desirable relationships between Greece and Turkey will thus have been taken.

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

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

"REPORT OF SENATOR JACOB K. JAVITS, AS TRUSTEE FOR THE SPECIAL COMMITTEE ON DEVELOPING NATO COUNTRIES, OF THE NORTH ATLANTIC ASSEMBLY, NOVEMBER 1968

"It may be said at the outset that initiative taken by the Assembly (then the NATO Parliamentarians' Conference) has been demonstrated to have been a valuable contribution to development and to amelioration of relations between two important countries of NATO. The work of the Project and of the Institute have been founded on the conviction that an enterprise which is essentially private in its nature, and which has relied on the mutuality of interest in the private sector on both sides, can carry on important functions even during a period marked by a variety of governmental difficulities. That this is so is, of course, attributable largely to the fact that both of the directly interested nations have continued to give their interest and their support to the project. It is also due to the willingness of businessmen, industrialists and bankers, not only of Greece and Turkey, but also of North America and Western Europe, to make a strenuous effort toward cooperative and mutually beneficial results. In great measure, the benefits of this project go beyond its own limits, and demonstrate the feasibility of mobilizing the great resources of private enterprise toward a broadly statesmanlike end.

"The technique here used may therefore suggest possibilities for much useful work, beyond the parameters of the Greek-Turkish enterprise itself. I should therefore mention at the outset the important role played by my former colleagues on the Special Committee, particularly the Deputy Chairmen of that Committee, Messrs. Spanorrigas of Greece and Gülek of Turkey, and its Rapporteur, Mr. Westerterp of the Netherlands. In the work of the Institute, of which (as was the case with the Special Committee), I have the honor to be Chairman, Messrs. Gülek and Governor Karol Arliotis of Greece, and Mr. George James of the United States, have given time, energy, and skilled guidance. Much credit is due to them, and to the devoted service of former Ambassador Seymour Rubin, the Executive Director of the project, and Mr. Albert Zumbiehl, his European associate.

"Finally, the Honorable Seymour J. Rubin of the United States and M. Albert Zumbiehl of France have consented to continue with the Institute as Executive and European Directors, respectively. Much is owed to them for the success of the project so far.

"I may come now to the organizational framework as it presently exists.

"As was reported in November 1967 to be the intention, the Eastern Mediterranean Development Institute was in fact organized as a non-profit corporation under the laws of the District of Columbia of the United States. A meeting of the nucleus of its Board of Directors was held in Athens, in May, 1968. At that meeting a number of important organizational decisions were taken.

"It was decided, first of all, that branches or sister organizations, depending on the legal and other relevant considerations in the two countries, should be established in Greece and Turkey. Informally, steps have already been taken in this direction, continuing and expanding upon the systems of liaison which has proved its merit. In both Greece and Turkey, assurances of financial support for these national operations have been given, with a special fund already created in Greece and partially contributed in Turkey.

"Secondly, it was decided to expand the Board of Directors so as to include important and representative business and financial interests in North America and Western Europe. I am glad to be able to report that invitations extended by me to a number of such persons have been accepted, and that the first order of business of the current meeting of the Institute (in Brussels on Nov. 15, 1968) will be to fill out the Board. Those who have been offered and have accepted membership on the Board have shown past interest in the project, have expressed willingness to help in the future, and are indeed a distinguished group.

"Thirdly, it was emphasized at the Athens meeting that important decisions of the Institute must reflect also the agreement of the Turkish and Greek members. This is an obvious requirement, but one which nonetheless deserves mention specifically. It reflects my strong personal conviction, shared by my colleagues, that useful work in this—as in many other areas of international activity—must rest on the interest, and involvement, indeed, the commitment of those directly affected, and with most at stake. The Institute must not, and will not, be an organization which seeks to tell our Greek and Turkish friends what is good for them. Its work must arise out of their conviction that they wish done what the Institute can do, and out of their full participation in its work, at all stages from planning to implementation. In such circumstances, the Institute can perform a valuable catalytic function, can help to mobilize outside resources, can act as a liaison with various international and national organizations. But a basic responsibility for decision must be recognized to rest with the Greek and Turkish participants.

"Brief mention may be made of the financial arrangements for the Institute, and of plans for the future.

"A generous grant has again been made by the Ford Foundation to help in the establishment of the Institute. I have already mentioned the financial support given or committed on the Greek and Turkish sides. Mr. George James of the Mobil Corporation of the United States has carried to other American and Canadian companies his own conviction in the worth of this work, and has mobilized substantial financial assistance. As a result, the matching requirement of the Ford Foundation grant has already been met. It is hoped that interest in Western Europe, where connections with Greece and Turkey are strong and traditional, will be reflected in additional support.

"Since the Institute plans to have no substantial staff of its own, but to rely heavily on the expertise available to its membership, these arrangements should carry the Institute through calendar year 1969. During 1969, it is hoped to transform the Institute into a broadly based organization, with a substantial membership in the business and financial communities, as well as in professional circles. Hopefully, the Institute would then be supported by numerous but relatively smaller contributions with individual projects being the beneficiaries of collateral financing by foundations or others—as was, for example, the case with the generous financing of the studies of the Meric/Evros River by the Thyssen and Volkswagen Foundations. Administrative costs will thus be kept to a minimum, with available resources being used for directly productive projects.

"As will be recalled, at the meetings of November, 1967, both of the Assembly and of the International Advisory Commission of the Project for Greek-Turkish Economic Cooperation, a Work Program was approved. This document suggested that the work of the Institute might be divided into two main categories; in the general category was the continuation of efforts to encourage fruitful contacts and discussions, in the context of the international organizations of which Greece and Turkey are both members, and with emphasis on the private sector; in the specific category was work on the various projects already or to be undertaken—the Meric/Evros work, tourism, agriculture, cultural exchange, and so forth.

"I am pleased to be able to report that much has been done, in both categories.

"New contacts have been established and existing ones strengthened. During the meetings in Athens of May, 1968, for example, special sessions, both formal and informal, were arranged between members of the Greek and Turkish investment banking communities, and between institutions financing economic development. These meetings were a more specific followup of meetings which it has been my practice to arrange in Washington during the meetings there of the Governors of the World Bank and the International Monetary Fund. Thus, the May meetings in Athens, with a few but deeply interested participants, were followed by a useful breakfast meeting held at my invitation in the Capitol in Washington, where participation included not only the official representatives of Greece and Turkey, members of the investment banking communities in both countries, and in the United States, but also representatives of the World Bank and the International Finance Corporation.

"Nor have these sessions been merely discussions, useful though discussion of this sort is. Specific proposals have been elaborated for a study of complementary investment opportunities and policies. Here a memorandum was prepared by Mr. Rubin, but only after consultation with and strong encouragement from the financiers of industrial development in Greece and Turkey. The memorandum was subsequently circulated to and discussed with the World Bank and the IFC. The breakfast meeting to which I have alluded, of October 3, 1968, was thus held on the basis of much preparatory work, and has resulted in specific proposals being elaborated in consultation with the Turkish and Greek sides. An informal agreement has been reached to exchange information relating to laws and practices which might affect complementary or even joint financing of projects. As a further step toward implementation of these proposals, and again with the full participation of the Greek and Turkish investment bankers, a survey is being discussed with the Agro-Industrial Development Company, an American-based organization which combines the resources of several companies in the agricultural-industrial field, and which has also the participation of Adela—a highly successful enterprise in whose initiation I and the NATO Parliamentarians' Conference played a vital role.

"I go into this matter in some detail for

several reasons. The proposal to bring together the investment and banking interests concerned with economic development is important in itself, since it cuts across all fields of economic development, and not merely a single industry, however important. But this project also illustrates the progress of a project, from a general discussion arranged by the Institute to the elaboration in close consultation with all concerned of a proposal, the revision of that proposal after consultation with the competent international organizations, subsequent discussion of methods of implementation, and then placing the proposal before capable private organizations. It is of course too early to say what will be the outcome. It is not too early to say that the working out of a project in this manner is, in and of itself, important.

"With respect to specific projects, I am unfortunately not able to report much advance in our projected work on tourism, a field which is by all objective appraisals an extremely desirable one for cooperation, with much mutual benefit to be derived. Despite much work, and many assurances of willingness to meet, it has been difficult to follow up on the useful meeting of November, 1966, and the subsequent informal talks in the following year. Nonetheless, it may be reported that this was one of the subjects discussed during the May visit of the Greek Minister of Commerce to Ankara, and it may be said that the difficulties appear to be procedural rather than substantive.

"On other fronts, work is progressing, with organizations such as the FAO and the OECD participating. The most important and indeed dramatic results, however, have been achieved in connection with the Meric/Evros project.

"In October, 1967 at a conference in Frankfurt Germany the report was finalized of the tripartite (German, Greek, Turkish) expert commission set up to make a reconnaissance survey of the Meric/Evros River basin. The economic—and political—significance of this cooperative work on this border between Greece and Turkey is evident. Although the work on the study was done by private experts, under private auspices, it received the full support of governmental authorities on both sides. The report, when completed, was forwarded to several international institutions, notably the World Bank and the United Nations Development Programme, which had taken a strong interest in this project from the outset.

"As I have previously indicated, I received some months ago the visit of the Bulgarian Ambassador in Washington, who expressed the interest of his government in the matter—an interest which is both natural and useful, since the river originates and flows for almost 60% of its length in Bulgaria. As has been indicated in the report made by our own tripartite expert commission, Bulgarian cooperation would substantially improve the cost-benefit ratios of work to be done on the Greek-Turkish segment of the river. The Bulgarian authorities having further indicated their interest, and after this interest having been made known both to the United Nations Development Programme and the Greek and Turkish authorities, a further meeting took place between myself and the Bulgarian Permanent Representatives to the United Nations in Geneva, under the auspices of the UNDP. In early October of this year, Mr. Rubin was informed by the UNDP that the Bulgarians would be pleased to receive a UNDP exploratory mission.

"During the week of October 30-November 6, thus, a small UNDP mission has visited Sofia, Athens and Ankara. It should be underscored that this is an exploratory mission, particularly insofar as any plans beyond the boundaries of Greece and Turkey are concerned. It is nevertheless an important fact that the UNDP is discussing with Greece and Turkey the possibility of further steps looking toward a full scale feasibility study of the Meric/Evros region, that Bulgaria, as one of the riparian states, has been informed, and that this important regional and multinational project continues to progress, with United Nations participation.

"It may be further pointed out that discussions in Washington growing out of the interest in the United States in a Water for Peace programme have centered on the Meric/Evros and the work of the Institute. After the international Water for Peace Conference in Washington, in the summer of 1967, much attention has been focused on multinational projects. In this context, the work of the Institute has attracted attention, and it has been suggested that this work might provide the starting point for two fields of investigation. One such field would be the utilisation of the *technique* of the Meric/Evros study—that is, the use of private scientists, privately sponsored, but with full governmental support and approval. Here it may be that in certain cases more can be achieved, to the greater satisfaction of all, than would be the case if rigorous channelization through governmental departments were the rule. The second such field is the possibility of experimenting with computerization, in order to keep data both current and immediately available. Here work done by the FAO is relevant, and the establishment of a data storage, information retrieval and possibly a research center has been preliminarily discussed, with it having been suggested that a start might be made in a seminar on the subject of international river basins, which could be sponsored jointly by the Water for Peace office and the Institute. As a measure of the interest in this matter, a representative of the Water for Peace Programme will address the November 15, 1968 meeting of the Institute.

"All of this represents much useful and tangible work. But I feel that most important, among the achievements to which the Special Committee, the Project for Greek-Turkish Economic Cooperation and the Institute can lay claim to a greater or lesser degree, is the greater measure of confidence in Greek-Turkish relations, both in the private and the governmental sector. Mr. Rubin has recently been able to inform the Greek business and industrial community that an invitation to come to Turkey for friendly discussions on matters of common interest will shortly be extended. Contacts in the cultural sphere, which would have been out of the question not long ago, are now under discussion. This is substantial and meaningful progress, on the basis of which a solid and continuing relationship between Greece and Turkey may be built."

S. 2545—INTRODUCTION OF A BILL RELATING TO URBAN PROGRAM FOR COLLEGES AND UNIVERSITIES

Mr. JAVITS. Mr. President, in its most recent report, the National Advisory Council on Extension and Continuing Education emphasized the need for major community service and continuing education programs to aid universities to conduct research, planning, and program operations—including national or regional demonstration projects—to help our cities solve their complex problems. These are multiple problems associated with rapid urbanization and technological and social change.

I introduce, for myself and Mr. SCOTT, Mr. GOODELL, Mr. MONDALE, Mr. NELSON, and Mr. WILLIAMS of New Jersey, a bill to accomplish this objective by providing a 15-percent set-aside, with 90-percent matching funds, of title I—community service and continuing education programs—of the Higher Education Act. Presently, programs under title I qualify for only 66⅔-percent Federal funds. By allowing a special set-aside at 90-percent matching, colleges and universities will be greatly assisted within their financial means toward making a sustained commitment to urban problem solving.

The university in our society can become more creative—strengthening economic and social links between the university complex and the environment in which it is situated. The old days of separation between town and gown are gone. Last year at Columbia University we observed the tragic results of the failure to recognize in this respect the difference between yesterday and today, and the seeds of student discontent with the limited involvement of universities in the urban problems surrounding them have taken root in several of our major campuses. Faculty, administration, and student body must be encouraged to develop programs that produce solutions to complex urban problems in the community and the country at large.

This bill would involve no additional cost to the Federal Government, since funds would be drawn from title I of the Higher Education Act. Authorizations for title I stand at $50,000,000 for the current fiscal year and $60,000,000 for the next fiscal year, which begins July 1, 1970.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2545), to amend title I of the Higher Education Act of 1965 in order to authorize the Commissioner of Education to arrange for community service programs seeking solutions to national and regional problems, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Higher Education Act of 1965 is amended by inserting at the end thereof a new section as follows:

"DISCRETIONARY FUND FOR SOLUTION OF NATIONAL AND REGIONAL PROBLEMS

"SEC. 112. Fifteen per centum of the amount appropriated pursuant to section 101 for each fiscal year shall be available to the Commissioner for paying 90 per centum of the cost of community service programs which are carried out by institutions of higher education and which are for the purpose of seeking solutions to problems resulting from rapid urbanization and technological and social changes in the nation, including national or regional demonstration projects."

SEC. 2. Section 103(a) of the Higher Education Act of 1965 is amended by inserting after "Of" the following: "85 per centum of".

SEC. 3. The amendment made by this Act shall be effective for fiscal years beginning after June 30, 1969.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1010. An act for the relief of Mrs. Aili Kallio;

S. 1011. An act to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes; and

H.R. 12167. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

SAWTOOTH NATIONAL RECREATION AREA

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 250, S. 853.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 853) to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 12, after the word "Area" insert "in accordance with the laws, rules and regulations applicable to the National Forests"; on page 3, line 25, after the word "Act." insert "Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located."; in line 10, after the word "owner" strike out "fails" and insert "is unwilling"; in line 14, after the word "property" insert "and land for recreation and other administrative facilities"; on page 5, line 7, after the word "this" strike out "Act" and insert "section"; and on page 8, at the beginning of line 23, strike out "There is hereby authorized to be appropriated not more than $27,380,000 to carry out the provisions of this Act," and insert "There is hereby authorized to be appropriated $30,000,000 for the development of recreation and related facilities and for the acquisition of land and interest in land pursuant to this Act,"; so as to make the bill read:

S. 853

A bill to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure the preservation of, and to protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent valley lands, there is hereby established, subject to valid existing rights, the Sawtooth National Recreation Area.

SEC. 2. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Sawtooth National Recreation Area", dated April 1, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter called the "Secretary") shall, as soon as practicable after the date this Act takes effect, publish in the Federal Register a notice of the establishment of the Sawtooth National Recreation Area, together with a detailed description and map showing the boundaries thereof.

SEC. 3. The Secretary shall administer the Sawtooth National Recreation Area in accordance with the laws, rules, and regulations applicable to the National Forests in such manner as will best provide for (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, historic, pastoral, wildlife, and other values contributing to and available for public enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) on federally owned lands, the management, utilization, and disposal of natural resources, such as lumbering, grazing, and mining, that will not substantially impair the purposes for which the recreation area is established.

SEC. 4. Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise, such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this Act. But any property or interest within the recreation area owned by the State of Idaho or any political subdivision thereof may be acquired under the authority of this Act only with the concurrence of the owner.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property or interests therein located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property or interests therein within the State of Idaho under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

SEC. 5. (a) The authority of the Secretary to acquire an interest in private property within the recreation area without the owner's consent and by means of condemnation shall be limited to—

(1) the acquisition of scenic easements when the private owner is unwilling to use his property in conformance with the standards of a use provided for in subsection (b) of this section, and

(2) the acquisition of easements for access to and utilization of public property and land for recreation and other administrative facilities: *Provided,* That such acquisition shall not exceed 5 per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

(b) The Secretary shall make and publish regulations setting standards for the use, subdivision and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review such regulations after their effective date, upon a complaint filed by any affected landowner, in an action for a declaratory judgment.

(c) To assure that private land within the boundaries of the national recreation area is used in a manner which is not detrimental to the purposes of this Act, the Secretary is authorized to procure by gift, purchase with donated or appropriated funds, or otherwise, scenic easements within the boundaries of the recreation area.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(d) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act, or his heirs and devisees, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof not previously compensated for under the provisions of this Act that may have resulted from the promulgation of regulations, standards, or other consequences of the establishment of the recreation area. In the event the Secretary and the owner are unable to agree upon the purchase price, and the Secretary declines to complete the purchase, the owner may file a complaint setting out these facts, together with a good and sufficient deed to the property, in the United States District Court for the District of Idaho. After the filing of an answer by the United States, the case shall be treated to the extent possible, in the same manner as an action for the condemnation of property brought by the United States: *Provided, however,* That the provisions of this subsection shall cease to be in effect after a period of ten years from the date of the enactment of this Act.

SEC. 6. Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws on the federally owned lands within the recreation area, except that all mining claims located or leases issued after the effective date of this Act shall be subject to regulations the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, for such measures as may be reasonable to protect the scenic and esthetic values of the recreation area and to assure against pollution of the Salmon River and other streams and waters within the recreation area.

SEC. 7. Provisions for review, recommendations, and other procedures of the Wilderness Act of September 3, 1964, shall apply to the Sawtooth Primitive Area and adjacent public lands within the national forests. The Secretary of Agriculture shall comply with the requirements of section 3 of said Act in relation to such primitive area in an expeditious manner.

SEC. 8. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

SEC. 9. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 10. Nothing in this Act shall affect the jurisdiction or responsibilities of the State of Idaho under other provisions of law with respect to hunting and fishing.

SEC. 11. The jurisdiction of the State and the United States over waters of any stream included in the Sawtooth National Recreation Area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 12. Money appropriated from the land and water conservation funds shall be available for the acquisition of lands and scenic easements for the purposes of this Act. There is hereby authorized to be appropriated $30,000,000 for the development of recreation and related facilities and for the acquisition of land and interest in land pursuant to this Act.

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague, Mr. JORDAN of Idaho, I send to the desk a proposed amendment to this bill, S. 853, to establish the Sawtooth National Recreation Area in Idaho. The amendment would add another beautiful mountain section, the White Clouds, to the proposed recreation area.

The bill as now drawn is similar to one which the Senate passed in the 90th Congress, but which was not acted upon by the House. It is the culmination of many years of legislative work, including hearings both in the field and in Washington, and twice has been favorably reported by the Committee on Interior and Insular Affairs.

As drawn, it would assure the preservation of the Upland Sawtooth Mountains—a jagged range of snow-capped peaks, which like the White Clouds rise above numerous glacier-type lakes in an unspoiled forest setting. This proposed legislation would also protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of adjoining valley lowlands. The present bill calls for a recreation area of approximately 351,000 acres. With the inclusion of the White Clouds, the area will embrace approximately 508,000 acres.

Mr. President, this is a different concept for a national recreation area. The foreground of valley lands between these two mountain chains comprise pasture and grazing lands, with herds of cattle and sheep, pole fences, log ranchhouses—a colorful "Old West" setting. The purpose of the legislation is not to eliminate these private holdings, but rather to encourage their preservation, and at the same time prevent the unsightly subdivision of the valley, which is already threatened. The bill does not authorize general condemnation, but contains a scenic easement power that will enable the Forest Service, which will administer the area, to implement reasonable zoning regulations for these private lands. On the southwestern edge of the proposed recreation area is the historic mining town of Atlanta, dating back to 1864, and on its northeastern edge, the tiny frontier ranch town of Stanley. The Forest Service would hope to work with these communities, property owners, and State and Federal agencies in preserving their unique historic values.

East of the Sawtooth National Recreation Area, as it would be established by S. 853, are the White Cloud peaks and surrounding alpine lands which would be added to the area by the amendment we propose. As in the Sawtooths, the waters of the White Clouds also feed the Salmon River, noted as a spawning stream for salmon and steelhead trout. The White Clouds are enjoyed by many who seek unspoiled country and the opportunity for solitude.

This is wilderness de facto, and the habitat of bighorn sheep, mountain goats, elk, and mule deer. However, recent developments threaten to change all this. Major prospecting of molybdenum deposits is taking place east and north of Castle Peak, the highest of the White Clouds. Active mining operations raise issues of road access, of mining waste disposal, and other impacts on the land. Large-scale mining, particularly surface mining, can greatly impair the scenic and recreation values of this beautiful mountain country unless there is adequate authority to require of the miners all feasible measures to protect the streams and fisheries, minimize surface disturbances, restore so far as practical the surface resources, and otherwise preserve the naturalness cherished by so many of our citizens. Unfortunately, that authority apparently does not now exist for the Forest Service, which administers these lands.

Senator JORDAN, Representative HANSEN, and I held several conferences with the Forest Service after this problem arose. Following one of these conferences, we submitted a letter to the Forest Service seeking its definitive views on the extent of the administrative and statutory authority available to it under present law. I ask unanimous consent, Mr. President, that this letter, under date of May 23, 1969, along with the reply of the Forest Service, dated June 6, 1969, be printed at this point in the RECORD.

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

MAY 23, 1969.

Mr. EDWARD P. CLIFF,
Chief, U.S. Forest Service,
Department of Agriculture,
Washington, D.C.

DEAR ED: As you will recall from our recent meeting with you and other Forest Service officials, it was decided that, as members of the Idaho Congressional delegation, we would submit to you a list of questions for answers concerning the proposed development of a molybdenum mine at Castle Peak in the White Cloud Mountains of Idaho.

We seek the answers to these questions in order that we might have the definitive views of the Forest Service on the extent of administrative and statutory authority available to it under present mining law.

First, it is our understanding that regional Forest Service officials currently have under review the possibility of designating the White Clouds area for a special management program, such as a scenic or pioneer area. In view of this, is it the intention of the Forest Service to withhold acting upon the American Smelting and Refining Company's application for a road permit—which the company seeks to facilitate further prospecting—until the present management study is completed?

Second, if the company proceeds with its plans for further prospecting, what authority, if any, does the Forest Service have to control the methods by which such prospecting is undertaken, in order to protect surface areas, water quality, fish, wildlife, timber and soil resources?

Third, if the company establishes a valid mining claim, does the Forest Service have authority under present law to:

(a) Prohibit or restrict ingress or egress to or from the claim?

(b) Prohibit or restrict actual mining operations?

(c) Regulate or control the type of mining involved, such as "open pit," "strip," or "sub-surface?"

(d) Regulate or control the location on public land of mill buildings or "slag piles?"

Fourth, does the Forest Service possess administrative authority to withdraw the land in question from mineral entry? If so, could such a withdrawal abrogate a valid mining claim previously located within the area?

Fifth, if the statutory law were changed to empower the Forest Service to prohibit mining in the White Clouds, could such a prohibition be made applicable to a valid mining claim previously located within the area?

Your early response is appreciated.

With best wishes,

Sincerely,

FRANK CHURCH,
U.S. Senator.
LEN B. JORDAN,
U.S. Senator.
ORVAL HANSEN,
Member of Congress.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., June 6, 1969.

Hon. FRANK CHURCH,
U.S. Senate.

DEAR SENATOR CHURCH: As indicated in our May 27 acknowledgement of your May 23 letter, we are pleased to submit answers to your questions. These concerned the extent of authority available to the Forest Service relative to proposed development of a molybdenum mine at Castle Peak in the White Cloud Mountains of Idaho.

First. The planned study of management alternatives announced by the Regional Office will cover a much larger area than just the White Cloud Mountains and will take several summers to complete. Action on the application of American Smelting and Refining Company for a road permit is a separate matter and we do not plan to withhold its consideration pending completion of the broad study.

Second. Except for those covering areas designated by Congress as Wilderness which were promulgated following enactment of

the special provisions of the Wilderness Act, no regulations have been promulgated to enable the Forest Service to control methods by which prospecting is undertaken under the mining laws in order to protect surface areas, water quality, fish, wildlife, timber and soil resources.

Third. (a) The Forest Service does not have authority to prohibit ingress and egress to and from a valid mining claim. It does have authority to restrict or control such ingress and egress. In doing so, alternative means may be considered and, where roads or trails are necessary, the location and design may be controlled to protect the various National Forest resources.

(b) and (c). The Forest Service has no authority to prohibit or restrict actual mining operations on a valid claim or to regulate or control the type of mining involved, such as "open pit", "strip", or "subsurface".

(d) The Forest Service would have no authority to regulate or control the location of mill buildings of "slag piles" as long as they are within the boundaries of valid mining claims or millsites. The claimant may locate such buildings or piles on National Forest land outside the boundaries of his valid mining claim or millsite only if he obtains a permit to do so. Any such permit would not be issued as a matter of right and, if issued, could contain necessary conditions to protect the various National Forest resources.

Fourth. National Forest land may be withdrawn from the operation of the mining laws. Such withdrawals are made by the Department of the Interior under E.O. 10355 of May 26, 1952, by Public Land Orders issued upon request of the Department of Agriculture initiated by the Forest Service.

The Act of June 4, 1897 (30 Stat. 11) contained provisions applicable to the National Forests which are commonly referred to as the Organic Act. In setting forth originally the purposes for which National Forests are established and providing for their administration and protection it said in part "And any mineral lands in any forest reservation [national forest] which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained." (30 Stat. 36; 16 U.S.C. 482).

Through the years it has been our practice to request withdrawals to protect sites for administrative and other facilities or for other authorized needs over and above protection for relatively undeveloped administration as National Forests.

The office of the General Counsel advises us that this is a sound interpretation of the authority to withdraw and that it would be highly questionable if we attempted to have the National Forest land withdrawn in the White Cloud Peaks area.

If such a withdrawal were made, it could not in any event abrogate a valid mining claim previously located within the area.

In this latter connection we should mention that we have a long-standing and firm arrangement with the Committee on Interior and Insular Affairs of the House that before requesting a withdrawal of 5,000 acres or more we will give to the Committee not less than 60 days advance notice.

Fifth. To be made applicable to an existing, valid mining claim, authority to prohibit mining thereon would need to provide for compensation to the claimant since such action would be tantamount to a taking of property rights.

This same letter is being sent to the other cosigners of the May 23 letter. Please let us know if we can be of further assistance.

Sincerely,

EDWARD P. CLIFF,
Chief, Forest Service.

Mr. CHURCH. As the letter illustrates, Mr. President, the Forest Service believes its hands to be tied in this situation.

We have, accordingly, proposed this amendment to add 157,000 acres of the White Cloud mountains to the Sawtooth National Recreation Area. It is a splendid and altogether suitable addition to a national recreation area which I am confident will come to have a prominent place in the heritage of this great Nation.

The White Clouds offer a majestic mountain stage for outdoor recreation of singular quality.

By including this area under S. 853, added authority to regulate both mining and prospecting in the White Clouds will be provided upon the enactment of the bill.

Mr. President, mineral development certainly makes its contribution to the economic well-being of nearby communities and the State of Idaho. I have long supported the industry, and will continue to do so. At the same time, there has been increasing public demand, both in Idaho and throughout the Nation, that the mining industry assume more responsibility in ordering its activities to minimize the damage done to our outdoor environment.

As for the holders of existing valid mining claims in the White Clouds, they already possess the right to mine them. It is to be hoped that they, too, are desirous of developing the mineral resources in such a way as to cause a minimum of adverse impact on the area. In this regard, I have been assured by top executives of the American Smelting & Refining Co. that they will cooperate with the Forest Service in the development of their operating plants and make them as compatible as possible with protection of other resource values.

Our amendment makes it clear that the Forest Service would acquire added authority, within the boundaries of the recreation area, to regulate prospecting prior to location as well as mining subsequent to location.

At present, a prospecting rush is commencing in the White Clouds which threatens to desecrate the steep and fragile terrain. The heedless use of tractors to tear off the top soil not only could cause serious erosion and siltation, but could leave these beautiful mountains permanently scarred. Above the timberline, nature furnishes no new growth to heal the wounds inflicted by mindless men.

Although the bill makes no attempt to repeal the mining and mineral leasing laws, it empowers the Forest Service to protect this gorgeous, high mountain country by adequate regulation of prospecting and mining activities. With the amendment, the pertinent provision will read as follows, beginning on page 6, line 25: "all mining claims located or leases issued after the effective date of this Act shall be subject to regulations the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, that prospecting, exploration, development, mining, and related activities shall be carried out under such measures as may be reasonable to protect the scenic and esthetic values of the recreation area and to assure against pollution of the Salmon River and other streams and waters within the recreation area."

Under this statutory language and regulations which the Secretary of Agriculture would promulgate, the Forest Service could require that prospecting and mining be carried out, both before and after patents are issued, in such a way as to protect the scenery and to assure that the vitally important salmon spawning waters of the area will not be damaged. These regulations would include measures to prevent mine pollutants from entering the streams. Erosion would be controlled. Essential access roads would be so located and designed as to have minimum adverse effects. Restoration of disturbed areas to the extent feasible, appropriate disposal of waste, removal of mine and mill buildings after operations cease, all would be provided for.

Mr. President, I urge the adoption of the amendment.

Mr. JORDAN of Idaho. Mr. President, the bill before the Senate today represents the culmination of months of study and efforts to solve a difficult and complex problem of resources management. The controversy engendered epitomizes the strains and stresses being directed against the administrators of our public lands in the face of increasing population, land use pressures and escalating demands for outdoor recreation—all against the backdrop of numerous antiquated and frequently overlapping laws and regulations dealing with our public lands.

Congress is trying to do something about improving and updating the public land laws, as I can personally testify from my participation in the herculean assignment given to the Public Land Law Review Commission. However, this Commission, of which I am a member, is not required to render its report until 1970, and then, presumably, considerable time and effort will be required to make needed changes in our basic public land laws. And this is as it should be, considering that some of this basic legislation has been in existence for much of the past century.

Meanwhile, there are some public land problems that cannot wait until there are basic changes made in the statutes. My distinguished colleague from Idaho (Mr. CHURCH) has described some of the problems that have been clamoring for an answer in the superlatively beautiful Sawtooth-White Clouds area of south-central Idaho. He also reviewed the collective efforts of the Idaho congressional delegation to solve those problems in the national interest. We think such a fortuitous solution is reached in the proposed legislation which is before the Senate today.

In the interests of time, I shall not retrace the same ground covered by Senator CHURCH in his statement. Rather, I shall attempt to point up some of the matters he covered and bring in some complementary testimony.

Before doing so, however, I should like to concur in his judgment that this Sawtooth-White Clouds country is a superlative mix of rugged peaks, wooded slopes, mountain lakes and streams, verdant valleys, genuine western ranches, mining camps and ghost towns, and historic shrines. Having covered most of the accessible parts of Idaho by car and horseback and visited many of the national parks and forests, I can assure my colleagues that this is a nationally significant recreational area in a superb setting, eminently worthy of this action we propose today.

Here then, in brief, are some of the major reasons why I feel that this body should act affirmatively and expedite this proposal to create the Sawtooth National Recreation Area:

First. It would give national recognition to the recreational aspects of this area—its principal resource value. Located 40 miles north of Sun Valley and 75 miles east of Boise, it is immediately accessible to the largest metropolitan areas of Idaho and Utah and located on or accessible to major air, rail, and highway routes. Actually this area is closer to major tourist sources on the west coast than are Yellowstone and Grand Teton Parks, and the new national status of the area conceivably would help to ease the heavily overloaded visitor pressure on these two parks. The economic importance of these visitor magnets is illustrated by the fact that annual tourist expenditures at Grand Teton in 1964 exceeded $13 million.

Second. Establishment of the national recreation area would give the Forest Service needed administrative authority to preserve adequately both the fragile alpine upland country, the western ranching scene of the Sawtooth Valley, and the area's long-established mining industry.

As Chief Forester Ed Cliff told the Senate Interior and Insular Affairs Committee, the timing of this needed administrative authority is growing more and more critical. Subdivision activity on private lands is increasing and threats to the scenic integrity of this area are growing apace as new developments are contemplated and as prospecting activity by large bulldozers is stepped up in fragile parts of the scenic area.

Another concern, as Mr. Cliff pointed out, is the prompt protection of portions of the upper reaches of the Salmon River, which heads in this area along with the Lost, Boise, and Payette Rivers.

The Church-Jordan amendments add 157,000 acres of forest lands in the White Clouds area to the Sawtooth National Recreation Area. This will make a better recreation area and help to conserve and maintain the many recreational and scenic assets of this upland area.

Third. The proposed legislation makes it possible to harmonize acceptably future mining and recreation through reasonable regulation of the uses of valid mining claims and through reasonable requirements for the use and restoration of the surface where mining activities are undertaken on such claims. Of equal importance is the new authority to prevent prospecting with bulldozers and like practices not in conformity with the purposes of the act.

Mining is a historic industry in Idaho and has contributed greatly to the growth and prosperity of this great State and to the Nation as a whole. These resources are basic to our standard of living and to our total defense capacity and they should be beneficially utilized. Our measure would not prohibit a valid mining activity in the multipurpose portion of the recreation area provided such activity will have the least possible impact upon the other values which these wonderful areas offer to the citizens of Idaho and the Nation. I support this approach to the concept of multiple use in this instance.

Under the amendments proposed today, the Secretary of Agriculture is authorized to issue regulations which will apply to prospecting and mining activities carried out either before or after patents are issued. Such requirements would be designed to protect the scenic and esthetic values of these lands and assure against pollution of the waters that flow from them and which are so vitally important to continued reproduction of salmon and steelhead trout. The requirements would include measures to prevent mine pollutants from reaching the stream, steps to control erosion, and the routing and design of needed roads to provide minimum adverse impacts upon the scenery and the watershed. Provision could be made for the restoration of safe and usable conditions of land surfaces disturbed through mining or related activities.

From my experience as a Governor of a Western State, I believe this degree of authority to help preserve the beauty of the Idaho landscape is desirable. I hope that the owners of mining properties in the area will cooperate with the Forest Service in the development of their operating plans so that mining and all other uses in this great multiple-use area can go forward harmoniously.

The proposed legislation will not interfere with existing grazing, much of which occurs on private lands. In the White Cloud addition, Forest Service grazing permits are held by five local ranchers, involving only 700 cattle and 2,500 sheep. The grazing season on the area public lands normally extends for about 2½ months.

Inasmuch as most of the land involved in this proposed national recreation area is already in a Federal status, acquisition costs for an area of this size will be held to a minimum. Only about 5 percent of the total acreage involved—or some 23,000 acres—is presently in private ownership, largely in attractive ranches on the valley floor. The bill contemplates that, in general, scenic easements will be acquired on this privately owned land, in order to maintain the ranching activity as a colorful feature of the valley floor. The Forest Service estimates that it will be necessary to purchase in fee title only 700 acres of land, essential for recreational and administrative use. Ultimately, scenic easements would be sought for some 20,000 acres within the recreation area.

The availability of the ranches and their ranch hands and stock in the heart of the recreation area also would reduce the need for many of the concessions, and related administrative costs, normally associated with national parks.

Mr. President, I urge adoption of these amendments and the passage of the bill.

Mr. CHURCH. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER (Mr. FANNIN in the chair). Without objection, the committee amendments are considered and agreed to en bloc.

The amendments of the Senator from Idaho will be stated.

The assistant legislative clerk read as follows:

On page 1, line 6, after the word "valley" insert "and mountain";

On page 2, line 2, after the word "dated" strike out "April 1, 1966," and insert "June 1969,"; and on page 7, line 6, after the word "things," strike out the word "for" and insert "that prospecting, exploration, development, mining, and related activities shall be carried out under".

Mr. CHURCH. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 853) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 853

An Act to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure the preservation of, and to protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent valley and mountain lands, there is hereby established, subject to valid existing rights, the Sawtooth National Recreation Area.

SEC. 2. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Sawtooth National Recreation Area", dated June 1969, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter called the "Secretary") shall, as soon as practicable after the date this Act takes effect, publish in the Federal Register a notice of the establishment of the Sawtooth National Recreation Area, together with a detailed description and map showing the boundaries thereof.

SEC. 3. The Secretary shall administer the Sawtooth National Recreation Area *in accordance wtih the laws, rules, and regulations applicable to the National Forests* in such manner as will best provide for (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, historic, pastoral, wildlife, and other values contributing to and available for public enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) on federally owned lands, the management, utilization, and disposal of natural resources, such as lumbering, grazing, and mining, that will not substantially impair the purposes for which the recreation area is established.

SEC. 4. Subject to the limitations hereinafter set forth, the Secretary may acquire

by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise, such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this Act. But any property or interest within the recreation area owned by the State of Idaho or any political subdivision thereof may be acquired under the authority of this Act only with the concurrence of the owner.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property or interests therein located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property or interests therein within the State of Idaho under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become part of the recreation area and of the national forest within or adjacent to which they are located.

SEC. 5. (a) The authority of the Secretary to acquire an interest in private property within the recreation area without the owner's consent and by means of condemnation shall be limited to—

(1) the acquisition of scenic easements when the private owner is unwilling to use his property in conformance with the standards of a use provided for in subsection (b) of this section, and

(2) the acquisition of easements for access to and utilization of public property and land for recreation and other administrative facilities: *Provided,* That such acquisition shall not exceed 5 per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

(b) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review such regulations after their effective date, upon a complaint filed by any affected landowner, in an action for a declaratory judgment.

(c) To assure that private land within the boundaries of the national recreation area is used in a manner which is not detrimental to the purposes of this Act, the Secretary is authorized to procure by gift, purchase with donated or appropriated funds, or otherwise, scenic easements within the boundaries of the recreation area.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(d) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act, or his heirs and devisees, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof not previously compensated for under the provisions of this Act that may have resulted from the promulgation of regulations, standards, or other consequences of the establishment of the recreation area. In the event the Secretary and the owner are unable to agree upon the purchase price, and the Secretary declines to complete the purchase, the owner may file a complaint setting out these facts, together with a good and sufficient deed to the property, in the United States District Court for the District of Idaho. After the filing of an answer by the United States, the case shall be treated to the extent possible, in the same manner as an action for the condemnation of property brought by the United States: *Provided, however,* That the provisions of this subsection shall cease to be in effect after a period of ten years from the date of the enactment of this Act.

SEC. 6. Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws on the federally owned lands within the recreation area, except that all mining claims located or leases issued after the effective date of this Act shall be subject to regulations the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, that prospecting, exploration, development, mining, and related activities shall be carried out under such measures as may be reasonable to protect the scenic and esthetic values of the recreation area and to assure against pollution of the Salmon River and other streams and waters within the recreation area.

SEC. 7. Provisions for review, recommendations, and other procedures of the Wilderness Act of September 3, 1964, shall apply to the Sawtooth Primitive Area and adjacent public lands within the national forests. The Secretary of Agriculture shall comply with the requirements of section 3 of said Act in relation to such primitive area in an expeditious manner.

SEC. 8. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of this historic setting and background of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

SEC. 9. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 10. Nothing in this Act shall affect the jurisdiction or responsibilities of the State of Idaho under other provisions of law with respect to hunting and fishing.

SEC. 11. The jurisdiction of the State and the United States over waters of any stream included in the Sawtooth National Recreation Area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 12. Money appropriated from the land and water conservation funds shall be available for the acquisition of lands and scenic easements for the purposes of this Act. There is hereby authorized to be appropriated $30,000,000 for the development of recreation and related facilities and for the acquisition of land and interest in land pursuant to this Act.

Mr. CHURCH. I thank the Senator from South Dakota for his generosity in yielding.

Mr. JORDAN of Idaho. I also thank the Senator for yielding.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, and that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from South Dakota is recognized for 30 additional minutes.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF THE COMMISSION ON MORTGAGE INTEREST RATES

A letter from the Chairman of the Commission on Mortgage Interest Rates, Department of Housing and Urban Development, reporting, pursuant to law, on their analysis of problems in the mortgage market, dated July 1, 1969; to the Committee on Banking and Currency.

REPORT ON RELATIVE COST OF SHIPBUILDING IN THE VARIOUS COASTAL DISTRICTS OF THE UNITED STATES

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, dated June 1969 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION TO SECURE BULK POWER SUPPLIES ADEQUATE TO SATISFY THE MOUNTING DEMANDS OF THE PEOPLE OF THE UNITED STATES, CONSISTENT WITH ENVIRONMENTAL PROTECTION

A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States, consistent with environmental protection (with accompanying papers); to the Committee on Commerce.

PROPOSED LEGISLATION TO AMEND THE ACT FOR THE RETIREMENT OF PUBLIC SCHOOL TEACHERS IN THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to amend the act for the retirement of public school teachers in the District of Columbia to change the method of calculat-

ing each year's appropriation for the Teachers' Retirement Fund; to the Committee on the District of Columbia.

PROPOSED LEGISLATION CANCELING FRANCHISE OF THE D.C. TRANSIT SYSTEM, INC.

A letter from the Chairman, City Council, Government of the District of Columbia, transmitting a draft of proposed legislation in the nature of an amendment to bills relating to the D.C. Transit System, Inc. (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED AMENDMENT OF THE FOREIGN MILITARY SALES ACT

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Military Sales Act (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Community Action Program under title II of the Economic Opportunity Act of 1964, Grand Rapids, Mich., Area, Office of Economic Opportunity, dated June 30, 1969 (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 Army and Air Force controls over inventories in Europe, dated June 30, 1969 (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 effectiveness and administration of the Community Action Program under title II of the Economic Opportunity Act of 1964, Becker, Hubbard, and Mahnomen Counties, Minnesota, Office of Economic Opportunity, dated June 30, 1969 (with an accompanying report); to the Committee on the Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Eight Canyon Job Corps Civilian Conservation Center under the Economic Opportunity Act of 1964, Mescalero, N. Mex., Department of the Interior, Office of Economic Opportunity, dated June 30, 1969 (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 effectiveness and administration of the Community Action Program under title II of the Economic Opportunity Act of 1964, Carroll, Chariton, Lafayette, Ray, and Saline Counties, Mo., Office of Economic Opportunity, dated June 30, 1969 (with an accompanying report); to the Committee on Government Operations.

FIRST PHASE, LOWER TETON DIVISION, TETON BASIN PROJECT, IDAHO

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a certification that an adequate soil survey and land classification has been made of the lands in the First Phase, Lower Teton Division, Teton Basin project, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

SUSPENSION OF THE DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN ALIEN DEFECTORS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain alien defectors (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF ROCHESTER INSTITUTE OF TECHNOLOGY

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second annual report of the Rochester Institute of Technology, concerning the establishment and operation of the National Technical Institute for the Deaf for the period ended December 31, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the Marine Corps Reserve Officers Association, praying for the enactment of legislation to remove the discrimination against older retirees by equalizing the compensation of all retired members of the uniformed services who have served in the same rank and for an equal period of time; to the Committee on Armed Services.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today he had signed the enrolled bill (H.R. 11069) to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. 1583. A bill to provide that appointments and promotions in the Post Office Department, including the postal field service, be made on the basis of merit and fitness (Rept. No. 91-283).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, without amendment:

H.R. 3689. An act to cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Mont. (Rept. No. 91-284).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 1857. A bill to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 87-507, as amended (Rept. No. 91-285).

By Mr. BYRD of West Virginia, for Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 2276. A bill to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act (Rept. No. 91-286).

BILLS INTRODUCED

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

By Mr. GURNEY:

S. 2528. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Finance.

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

By Mr. BYRD of West Virginia:

S. 2529. A bill for the relief of Maribel S. Verzosa; and

S. 2530. A bill for the relief of Dr. Alfredo R. Soliva; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2531. A bill for the relief of Bruce M. Richards; to the Committee on the Judiciary.

By Mr. EAGLETON (by request):

S. 2532. A bill to amend the act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia", approved February 24, 1914; to the Committee on the District of Columbia.

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

By Mr. HARTKE:

S. 2533. A bill to amend section 415 of title 38, United States Code, to standardize the computation of income of dependent parents;

S. 2534. A bill to amend title 38, United States Code, to enable certain permanently and totally disabled veterans to receive the full rate of disability compensation payable for service-connected disabilities, and also a proportionate amount of disability pension under a specified formula; and

S. 2535. A bill to provide for the payment of aid and attendance benefits to certain totally disabled veterans; to the Committee on Finance.

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

By Mr. SCHWEIKER:

S. 2536. A bill for the relief of Yeh Tai Heung; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 2537. A bill for the relief of Man Ming Li, his wife and family; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2538. A bill for the relief of Lillie B. Watson; to the Committee on the Judiciary.

By Mr. SPONG:

S. 2539. A bill to amend the Public Health Service Act to combat the problem of malnutrition through research and through specialized training in malnutrition for physicians and nurses, and to assist States in providing health services especially designed to prevent malnutrition and to detect and effectively treat malnutrition and conditions resulting therefrom; to the Committee on Labor and Public Welfare.

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

By Mr. McINTYRE (for himself and Mr. PERCY):

S. 2540. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

By Mr. McGOVERN:

S. 2541. A bill to limit imposition of State taxes on the transfer of corporate securities held by nonresidents of the State; and

S. 2542. A bill to amend section 105 of title 38 of the United States Code to provide that a person's own willful misconduct during active service which results in his death shall not bar his survivors from benefits under such title; to the Committee on Finance.

By Mr. TYDINGS (for himself, Mr. CASE, Mr. GOODELL, Mr. GRAVEL, Mr. MOSS, Mr. NELSON, Mr. PROXMIRE, Mr. PELL, Mr. RANDOLPH, Mr. SPONG, Mr. THURMOND, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 2543. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Commerce.

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

By Mr. HART (for himself and Mr. KENNEDY):

S. 2544. A bill to provide greater opportunity for participation in rulemaking by and on behalf of persons of limited means; to the Committee on the Judiciary.

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

By Mr. JAVITS (for himself, Mr. GOODELL, Mr. MONDALE, Mr. NELSON, Mr. SCOTT, and Mr. WILLIAMS of New Jersey):

S. 2545. A bill to amend title I of the Higher Education Act of 1965 in order to authorize the Commissioner of Education to arrange for community service programs seeking solutions to national and regional problems; to the Committee on Labor and Public Welfare.

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

S. 2528—INTRODUCTION OF A BILL TO RESTORE TO SENIOR CITIZENS THE RIGHT TO DEDUCT ALL EXPENSES FOR THEIR MEDICAL CARE

Mr. GURNEY. Mr. President, I am today introducing legislation to restore the 100-percent medical expense tax deduction for senior citizens.

Since January 1, 1967, persons over 65 have not been allowed to deduct all medical expenses from their income tax. The Social Security Amendments of 1965 eliminated the privilege the elderly enjoyed of deducting all medical expenses from their income tax. It should be mentioned that the amendments were enacted over the opposition of the Finance Committee and the full Senate.

The rationale of the 1965 amendments hinged on the fact that medicare would provide adequate reimbursement for medical expenses incurred by the elderly. This reasoning is faulty considering medicare only covers items like hospital room and board, physical, occupational, or speech therapy—all general—but not private care. Consequently, medicare does not cover physicians' services, private nursing care, drugs used for care in one's home, and treatment of mental illness. In the end, our elders pay 55 to 60 percent of their own medical expenses.

In addition, there are groups in our society who do not benefit from either the basic hospital insurance plan financed through social security or the voluntary supplemental medical plan financed from premium contributions and general reserves. Although the largest group of these individuals are Federal employees, there are many State and local governmental employees who are in the same situation.

Also, there are taxpayers who are not registered to receive medical benefits but who have medical expenses.

Evidently the elderly have not been adequately protected and something needs to be done to correct the oversight. Our older people are hit the heaviest with medical expenses during a time of their life when their income is the least. We must also take into account that most of these citizens are living on a fixed income and the cost of medical attention is rising, not decreasing.

The revenue loss for allowing these persons to deduct all medical expenses would be small. But more important, it would be justified. The few dollars the senior citizen could save in income tax would mean a great deal to him.

I hope every Member will support my efforts to correct this defect in the law.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2528) to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes, introduced by Mr. GURNEY, was received, read twice by its title, and referred to the Committee on Finance.

S. 2532—INTRODUCTION OF A BILL TO AMEND THE ACT RELATING TO HOURS OF EMPLOYMENT AND SAFEGUARDING THE HEALTH OF FEMALES EMPLOYED IN THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, I introduce, by request, a bill to amend the 1914 act governing employment conditions of women in the District of Columbia. I ask unanimous consent that a covering letter of Deputy Mayor Thomas W. Fletcher dated January 17, 1969, explaining the bill and the bill itself be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 2532) to amend the act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914, introduced by Mr. EAGLETON, by request, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 2532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia", approved February 24, 1914 (38 Stat. 291), as amended (D.C. Code, sec. 36–301), is amended by striking out the two provisos and inserting in lieu thereof the following: "*Provided,* That nothing contained herein shall preclude the employment of any female employee for more than eight hours in any one day or for more than six days or more than forty-eight hours in any one week, if such overtime work is voluntarily agreed to in writing by such employee, on a form prescribed by the Commissioner of the District of Columbia, such agreement to be valid for such period of time as may be specified by the employee, and if such employee receives compensation at a rate not less than one and one-half times the regular rate at which she is employed for her employment in excess of eight hours in any workday and in excess of forty hours in any workweek."

The letter presented by Mr. EAGLETON is as follows:

JANUARY 17, 1969.

The PRESIDENT,
U.S. Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: The Government of the District of Columbia has the honor to submit for consideration by the 91st Congress a draft bill "To amend the Act entitled 'An Act to regulate the hours of employment and safeguard the health of female employees in the District of Columbia', approved February 24, 1914."

The purpose of the bill is to allow female employees of certain business establishments in the District of Columbia to perform, on a voluntary basis, overtime work. Existing law, as set out in section 1 of the aforesaid Act (38 Stat. 291; D.C. Code, sec. 36–301), forbids the employment of women in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment, or by any express or transportation company in the District of Columbia for more than eight hours in any one day or more than six days or more than forty-eight hours in any one week. These restrictions severely limit the amount of wages women in certain occupations may earn, and have the effect of handicapping them in securing equal employment opportunities with men.

The bill amends section 1 of the Act approved February 24, 1914, so as to enable a female employee of any of the specified businesses, when her willingness to engage in overtime work is evidenced by her agreement in writing, on a form prescribed by the Commissioner of the District of Columbia, such agreement to be valid for such period of time as may be specified by the employee, to work an unlimited amount of overtime, provided she is compensated by her employer at a rate not less than one and one-half times her regular rate of pay for such employment in excess of eight hours in any workday and in excess of forty hours in any workweek. The amendment proposed by the bill does not remove present limitations on the maximum number of hours female employees are permitted to work, and thus no woman may be compelled or required, against her wish, to perform labor in excess of existing time limitations. The bill also has the effect of repealing the existing two provisos of section 1 of the Act. These provisos relate to the issuance of temporary permits for the performance of overtime work by female employees during World War II and are no longer applicable.

Since enactment of the Female Eight-Hour Law in 1914—almost fifty-five years ago—conditions of employment affecting women have undergone drastic changes. Excessive working hours, intolerable physical surroundings, "sweatshop" conditions, and other abuses are no longer prevalent. Modification of the special protective features of present law to permit overtime work on a

purely voluntary basis should have no adverse effects upon the physical well-being of women nor result in any widespread exploitation of female employees. Moreover, the amendment proposed by the bill should minimize the possibilities of discrimination in employment because of sex, a practice which is forbidden under both the District of Columbia Fair Employment Regulations and Title VII of the Civil Rights Act of 1964. Of significance also is the fact that women employed in a bona fide executive, administrative, or professional capacity, or in the capacity of an outside salesperson, are presently exempt from the maximum hours provisions of the Female Eight-Hour Law, as are females employed by the District and Federal Governments and in the many occupations and industries not specifically covered. The bill, therefore, will help to achieve equality in working hours among all females employed in the District of Columbia. Finally, it is pointed out that most State laws allow some degree of flexibility in working hours so as to permit, under specified conditions, the performance of overtime work by women.

For these reasons the District Government strongly urges favorable consideration of the attached proposed legislation during this session of the Congress.

Sincerely yours,

THOMAS W. FLETCHER,
Assistant to the Commissioner.
(For Walter E. Washington, Commissioner).

S. 2533, S. 2534, AND S. 2535—INTRODUCTION OF VETERANS' BENEFITS BILLS

Mr. HARTKE. Mr. President, I am today introducing for appropriate reference three bills which are designed to extend and improve the benefits which are presently provided for our veterans and their dependents. These bills are intended to supplement S. 2503, S. 2504, and S. 2505 which I introduced on Thursday of last week.

The first of the bills to be introduced today is intended to standardize the computation of countable income received by dependent parents in determining their right to dependency and indemnity compensation—DIC—benefits.

As you know, Mr. President, the parents of a serviceman who dies while on active duty or a veteran who dies as the result of a service-connected disability are required to meet an extremely strict test of financial need. Income limits under existing law are so stringent that the receipt of any income in excess of $3,200 per year is sufficient to bar a parent from receiving DIC payments.

Although it has been argued that the present income limits are reasonable inasmuch as they are comparable to non-service-connected mortality pension programs, I believe that the dependent parents of veterans who die from service-connected causes should be entitled to greater consideration.

I propose, therefore, that for the purpose of the DIC program, dependency should be held to exist in instances where the surviving parents do not have income sufficient to provide reasonable maintenance for themselves and the members of their family. The term "reasonable maintenance" should be defined so as to include not only necessities such as housing, food, clothing, and medical care, but those other requirements which are commonly viewed as necessary to provide the conveniences and comforts consistent with a reasonable mode of life.

The second bill which I am introducing would liberalize the service-connected disability benefits program by amending section 3104 of title 38 of the United States Code so as to allow certain permanently and totally disabled veterans to receive the full rate of disability compensation for their wartime service-connected disabilities and to also receive a proportionate amount of a non-service-connected pension in accordance with a specified formula.

The amount payable under the formula is determined by deducting from 100 percent the compensation rating evaluation, the result representing the percentage of pension payable in any specific case. For example, a veteran rated at 40 percent for compensation purposes would receive his full rate of payment—$89 per month—for his service-connected disability and in addition, an amount equivalent to 60 percent of the non-service-connected pension ordinarily payable.

Existing law contains a prohibition against such payments. However, it is my considered belief that the amendment proposed by my bill offers an adjustment which is sound and reasonable.

Non-service-connected pensions are paid to veterans who were discharged under other than dishonorable condition after completing 90 or more days of active wartime service and who are then permanently and totally disabled from causes not traceable to such service. In short, pension payments represent an award given in return for performing 90 days of military service during a period of war.

On the other hand disability compensation is payment for personal injuries suffered, or diseases contracted, in the line of duty. Clearly, there is no logical similarity between the two benefits. They are separate, distinct and unrelated.

I do not ask that the totally disabled veteran be given full compensation and pension benefits, and my bill contains no such provision. Nor do I ask that the veteran be paid twice for the same disability. I only propose, and I believe with complete justification, that the veteran who is disabled as a direct result of his service be permitted to participate in the non-service-connected pension program.

My third bill is designed to correct an obvious inequity in existing law which arose with the enactment of Public Law 90–77. This law expanded the Veterans' pension program by adding a new concept with regard to the payment of aid and attendance allowance to veterans who are patients in nursing homes.

Section 521(d) of title 38, of the United States Code, as amended by Public Law 90–77, now provides that the monthly rate of pension payable to a veteran who is a patient in a nursing home should be increased by $100. This amendment has created a situation in which some veterans who are totally disabled as the direct result of service-incurred disabilities, are not furnished an important financial benefit which is nevertheless available to certain veterans whose disability was in no way connected with the performance of military service, since pension benefits are currently not payable to veterans who already receive disability compensation.

Enactment of this bill, Mr. President, would rectify this discriminatory feature of the law in question and reemphasize the priority that service incurred benefits should receive.

Mr. President, I ask unanimous consent that the text of these bills be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. HARTKE, were received, read twice by their titles, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2533

A bill to amend section 415 of title 38, United States Code, to standardize the computation of income dependent parents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 415 of title 38 of the United States Code is amended—

(1) by striking out "The Administrator" in subsection (c) and inserting in lieu thereof "The Administrator shall, in determining annual income under this section, apply the income standards used in determining the dependency of a mother or father under section 315 and" and

(2) by striking out subsection (g).

S. 2534

A bill to amend title 38, United States Code, to enable certain permanently and totally disabled veterans to receive the full rate of disability compensation payable for service-connected disabilities, and also a proportionate amount of disability pension under a specified formula

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3104 of title 38, United States Code, is amended by (a) inserting immediately after "law" in subsection (a) thereof the following ", or as provided by subsection (d) of this section"; and (b) adding at the end of such section the following new subsection:

"(d) Where a veteran is found to be permanently and totally disabled for pension purposes without regard to section 523 of this title, and also has a service-connected disability rated at 10 per centum or more, but not in excess of 90 per centum, the Administrator shall pay him the full amount of disability compensation provided by chapter 11 of this title plus a proportionate share of the pension otherwise payable under chapter 15 of this title computed as follows: Deduct from 100 per centum the compensation rating evaluation, the result representing the percentage of pension payable in the case."

SEC. 2. The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

S. 2535

A bill to provide for the payment of aid and attendance benefits to certain totally disabled veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 361. Determination with respect to need for aid and attendance

"For purposes of this chapter, a veteran rated as totally disabled as the result of service-connected disability and who is a patient in a nursing home shall be considered to be so helpless as to be in need of regular aid and attendance."

SEC. 2. The table of sections of chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following:

"361. Determination with respect to need for aid and attendance."

S. 2539—INTRODUCTION OF BILL RELATING TO MALNUTRITION

Mr. SPONG. Mr. President, the bill I am introducing today results from a recent tour of Virginia which I made to study the extent of hunger and malnutrition which existed in my State. During that tour I saw and heard reports of persons who were at times without food; I saw and heard reports of many other persons who had poor and inadequate diets.

Again and again, however, I heard of the difficulties in determining the extent and medical consequences of undernutrition and malnutrition. Personnel from the two medical colleges in my State, as well as from private medical practices, spoke of the dearth of scientific information.

Gradually, data has accumulated to indicate a direct relationship between malnutrition and physical and mental development, but much still needs to be done. Nutrition education needs to be expanded in medical schools.

As Dr. Jean Mayer, who was recently appointed Chairman of the White House Conference on Food, Nutrition and Health, noted in testimony before the Senate Committee on Agriculture and Forestry:

> As long as nutrition is as poorly and as little taught in our medical schools as it is, it is very unlikely that nutrition education for the poor and disadvantaged is going to be very effective.

Additional research on the specific types of malnutrition and the best means of treating it needs to be conducted. Surveys of the nutritional conditions in specific areas need to be conducted.

These are basic steps toward improving the nutrition of our people. The bill I am introducing today would provide funds to pursue these goals. It would provide funds to provide courses in nutrition at medical schools; it would provide funds for research into the various aspects of nutrition; and it would provide funds to conduct surveys in defined areas.

Loudoun County, Va., will soon begin a detailed survey of the nutritional status of its residents. Instigated by county residents, the survey will be conducted with State funds. I believe well planned and conducted surveys similar to this can be beneficial to cities and counties, especially in those areas not covered by the National Nutrition Survey. Under this bill, Federal funds could be granted to localities to assist them in conducting, on their own, surveys and studies which would enable them to combat malnutrition.

In addition, the bill would direct the Secretary of Health, Education, and Welfare to collect the data derived from research and survey activities and make it available to those interested in improved nutrition.

The development of this information, however, is only a first step. Education, research, and surveys are only useful if they lead to direct improvement in the nutritional status of our citizens. In other words, scientific and medical information will accomplish the goals which we seek only when it is directly applied to the needs of our people. For this reason, my bill would also require 10 percent of the funds granted to States under the comprehensive health services program to be used for activities designed to improve directly the nutritional status of Americans. Implementation of this section would, however, be delayed a year beyond the effective date of the section on education, research, and surveys in order for the basic efforts to have a headstart.

During my tour numerous officials, especially public health personnel, noted that even with existing knowledge, they could expand their educational activities in low-income areas to the benefit of low-income families. With the new information to be developed and disseminated under this bill, they could do even more. Educational programs for low-income families are one type of activity which could be funded under the second section of the bill. They are, however, only one and the way is open for creative efforts on the part of State and local officials.

As I have said before, we must reform the existing food assistance programs in order to make them more available and more accessible. But reform of the food assistance programs is only part of the answer. We must also understand why we are attempting to change such a personal habit as diet; we must understand the implications of the new diets we are proposing; we must be aware of the extent of our problems; and we must know the best means of overcoming the problems which do exist. Finally, we must make use of the knowledge and resources which are available to educate those who need help to make the best use of existing programs and foods. I believe this bill will help accomplish these purposes.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2539) to amend the Public Health Service Act to combat the problem of malnutrition through research and through specialized training in malnutrition for physicians and nurses, and to assist States in providing health services especially designed to prevent malnutrition and to detect and effectively treat malnutrition and conditions resulting therefrom, introduced by Mr. SPONG, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 2543—INTRODUCTION OF TENNESSEE WALKING HORSE BILL

Mr. TYDINGS. Mr. President, I introduce today a bill designed to end the cruel and unnecessary practice of deliberately making sore the feet of the Tennessee walking horse in order to alter its natural gait.

Man's inhumanity to man is both well known and widely evident. We need but look around us to witness its scope. Man's inhumanity to animals is equally well known yet perhaps less evident. Take, for example, the case of the Tennessee walking horse.

Many of us at one time in our lives have attended a horse show and were thrilled to see these magnificent animals prancing proudly around a show ring. The Tennessee walking horse's back stride is long; its front feet barely touch the ground, springing upward for a long and dignified step or walk.

With careful training the gait of a Tennessee walker can be developed and instilled in the animal so that its movement is not a trot or gallop, but rather a quick and highstepping walk. Hence the name.

However, unscrupulous owners and trainers of these horses have discovered that if the front feet of the Tennessee walking horse are deliberately made sore, he will lift them quickly and take a long striding step forward. This of course is the desired gait. The practice of purposely making the feet sore, commonly termed "soring," makes unnecessary the long and difficult training period usually required for the Tennessee walker. Why bother to train a horse when you can induce the gait artificially?

Soring is done by use of chains or tacks on the feet, or by applying a burning agent to the pastern, the area just above the hoof. These burning agents vary, but the most common are an oxide of mercury salve known as "creeping cream," and an oil of mustard mixture called "scooting juice." Other techniques recently developed involve driving nails into the feet, or injecting irritants into the sole area near the heel. These are more difficult to detect, especially as the trainers often then cover the wound with a pad and place an artificial foot over that. The horse moves in extreme agony, crouching on his hind feet with his head drawn back and the ears back. Often the pain is so severe that the horse will try to lie down in the ring.

Soring is a cruel practice and deserves to be prohibited.

The bill I am introducing today does this. It makes unlawful the shipping in commerce of any sored horse for the purpose of exhibition. It prohibits the showing of sored horses that have moved in commerce. It provides that any horse show in which sored horses, that have moved in commerce, participate is forbidden.

The bill carefully defines soring and declares it to be a cruel and inhumane practice. The bill provides that the Secretary of Agriculture may prescribe regulations necessary for proper administration of the act. He may make inspections of horses or horse shows. He is directed to notify the Attorney General of violations and may utilize State officials in carrying out the act if he so desires.

The bill provides a fine of not more than $500 and/or imprisonment of not more than 6 months for violations of the act.

The thrust of the bill is to focus on

the horse shows rather than simply the interstate shipment of the sored horses in order to provide the Secretary of Agriculture with a legal vehicle that can be administered without unreasonable difficulty.

On May 11, 1967, in the first session of the 90th Congress I introduced legislation designed to eliminate the practice of soring. The measure was unfavorably received due to the opposition of the Department of Agriculture.

The Department objected on two counts. The first was substantive: The practice was limited and the States would soon prevent the soring that was taking place. The second was administrative: A prohibition on interstate shipments alone would make it difficult, if not impossible, for the Department to carry out the act. It could not post officials at railroad stations or on highways to check for sored horses.

After reviewing the situation, however, the Department now feels that the deliberate soring of horses to affect their natural gait is a widespread practice, sufficient to warrant national attention. It recognizes the failure of the States to act and can now justify the need for Federal legislation.

The second objection of the Department has been met by redrafting the legislation. With the helpful assistance of the USDA, the bill is now worded to focus attention on the showing and exhibition of sored horses rather than restricting the prohibition strictly to the interstate shipment of such animals. The constitutional basis of Federal jurisdiction remains the same, interstate commerce, but the administrative focus has been switched.

It is true, Mr. President, that officially the relevant, responsible private organizations prohibit soring. The American Horse Show Association and the Tennessee Walking Horse Breeders and Exhibitors Association of America both condemn the practice.

But soring continues nevertheless. The exhibitors and trainers who practice this cruelty claim that they have to do it in order to win a blue ribbon. If they do not, others will, and in any case some judges preferred sore gaits, it is claimed. The judges say the practice has always been permitted. The local organization says it is up to the national organization which of course wants to do something, but says it is bucking a stone wall.

It is time to move beyond the buck passing and inaction and simply prohibit the practice of soring. It is a particularly cruel practice, harmful to the animal and denigrating to the individual inflicting the pain.

It is not even necessary as Tom Fullerton, executive secretary of the Tennessee Walking Horse and Breeders and Exhibitors Association of America has stated. Soring is a cheap substitute for careful training. By no stretch of the imagination is it necessary.

I should like to add that in neither intent nor language does the bill I introduce today prohibit the blistering of race horses for medicinal purposes. The bill is limited to soring which as I have said is clearly defined in the bill itself.

Soring as a practice should have been outlawed years ago. It is a debasing and unnecessary cruelty. It requires Federal prohibition.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the text of my bill be printed in the RECORD as well as an article by Alice Higgins in the January 11, 1960, issue of Sports Illustrated; a January 6, 1966, New York World Telegram and Sun article by George Coleman; and a statement by Mr. H. M. Oler, representing the American Humane Association at a Tennessee walking horse show on September 4, 1965.

Mr. President, I am delighted that Senators CASE, GOODELL, GRAVEL, MOSS, NELSON, PROXMIRE, PELL, RANDOLPH, SPONG, THURMOND, YARBOROUGH, and YOUNG of Ohio join me in cosponsoring this important legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and articles will be printed in the RECORD.

The bill (S. 2543) to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1969."

SEC. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait, a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse, or if burns, cuts, or lacerations have been inflicted on the horse, or if a chemical agent, or tacks, nails, or wedges have been used on the horse, or if any other method or devices has been used on the horse, including, but not limited to chains or boots; which may reasonably be expected currently (1) to result in physical pain to the horse when walking, trotting, or otherwise moving, or (2) to cause extreme fear or distress to the horse.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

SEC. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhumane treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens commerce; (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

SEC. 4. (a) It shall be unlawful for any person to ship, transport or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce.

SEC. 5. (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

(b) The person or persons in charge of any horse show or exhibition within the United States shall keep such records as the Secretary of Agriculture may by regulation prescribe in order to enable the representatives of said Secretary to determine whether any horses were moved to or from such show or exhibition in commerce, the identity of the owner or exhibitor of any horse at the show or exhibition, and other facts necessary for the effective enforcement of this Act, and the person or persons in charge of any horse show or exhibition shall afford the representatives of the Secretary of Agriculture access to and opportunity to inspect and copy such records at all reasonable times.

SEC. 6. Any person who violates any provision of this Act shall be fined not more than $500 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary of Agriculture believes that a violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

SEC. 8. The Secretary of Agriculture shall, in carrying out the provisions of this Act, to the maximum extent practicable, utilize the existing personnel and facilities of the Department of Agriculture. The Secretary of Agriculture is further authorized to utilize the officers and employees of any State, with its consent, to assist him in carrying out the provisions of this Act.

SEC. 9. The Secretary of Agriculture is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The articles presented by Mr. TYDINGS are as follows:

[From Sports Illustrated, Jan. 11, 1960]

THE TORTURE MUST END

(By Alice Higgins)

No sportsmen have practiced such systematic cruelty to horses for the sake of a blue ribbon as is being perpetrated today. Shamefully brutal treatment of the Tennessee Walking Horse is generally practiced by breeders, trainers and exhibitors and is tolerated by the ASPCA, a society founded primarily to protect the horse. Worst of all, it is ignored by the American Horse Shows Association, the governing body of the sport, which is currently meeting in Detroit. I say worst of all because the AHSA could stop most of it this week if it chose to do so.

When I first described these abuses (SI, July 23, 1956), I was optimistic that measures were going to be taken to halt this horse

torture. The various associations concerned piously expressed a desire to aid in the clean-up, rolling their collective eyes heavenward—apparently to avoid the ugly sight of quarter boots covered with blood, for they have taken no real action and the situation is now far worse than it ever was.

The quarter boot, designed to protect the horse against injury as he executes his unique running walk with its long-reaching hind stride, is still being used either to injure or to cover up deliberately inflicted injuries. Unfortunately for the breed, it was discovered that if the horse's front feet are sore he will lift them quickly from the ground, shift his weight to his sound hindquarters and take the much desired long-striding step. This "soreing" usually is done by using chains or tacks inside the quarter boot or by applying a burning agent to the pastern area, which is covered by the boot. These agents vary, but of the two most common, one, an oxide of mercury salve, is known as creeping cream, and the other, an oil of mustard mixture, is called scooting juice. The so-called "big lick" so coveted for show ring purposes is now almost completely the "sore lick."

One Walking Horse breeder hotly asserts that most of the recent world champions were made with a hot iron. A few others, among them the president of the American Walking Horse Association, H. Karl Yenser of Washington, D.C., are also incensed. Yenser recently sent an open letter to his members which read in part:

"The feeling against the continued soreing and chaining of horses has reached a point where something must be done to correct it. . . . Perhaps getting back to more closely defined gaits as a standard for judging would do the job. . . . Exhibitors have decried the use of inhumane devices for years and yet allowed their trainers to continue their use. Judges have been criticized for tying [placing] 'sore' horses, and yet the judge's hands were tied. In my own personal experience if I had disqualified all of the sore horses shown in front of me, I am afraid I would have wound up many times with no horses in the class to judge. So I, too, am guilty of accepting, even though I did not condone, the 'sore lick.' I know, too, that every Walking Horse judge has been confronted with the same situation."

Yenser received some lively and approving response from his membership. But C. C. Turner, of Broadway, Va., a vice-president in Yenser's organization and also a vice-president of the powerful Tennessee Walking Horse Breeders' Association, received anonymous and abusive mail after acting as a judge at Dallas. Turner removed the boots in the ring and examined the horses for soreness. He judged the class accordingly, with the sorest farthest down the line. Apparently awakened by this show of courage, the SPCA attempted to intervene, but J. Glenn Turner, boss of the Dallas show and president of the Tennessee Walking Horse Breeders' Association (and no kin to C. C. Turner), refused to allow an SPCA inspection.

EXPEDIENCY VERSUS PRINCIPLE

Recently C. C. Turner and John H. Amos, chairman of the executive committee of the TWHBA, plus the other directing officers, held a meeting to seek agreement on corrective recommendations to be proposed at the current Detroit session of the American Horse Shows Association, which controls more than 400 recognized shows. Amos advocated the complete elimination of boots and severe punishment of owners or trainers who use any torture device. (Some defenders of the boot contend its elimination would lead unscrupulous trainers to drive nails or wedges into the tender frog of the hoof, a method of soreing difficult to detect.) But as is so often the case, the interested parties were forced to act on the low ground of expediency rather than the lofty plateau of principle, and one of those compromises was reached that seem to satisfy all sides and actually settle nothing.

The group agreed to recommend a new boot that reveals the front of the hoof, protects the tender coronet band, and, because of an extra long hinge, drops back when the horse is at rest to expose the pastern area for inspection. The only other recommendation—that a judge be authorized to penalize or even disqualify offenders—would, even if adopted, amount to no more than a tap on the wrist in a situation where a hard blow to the heart (perhaps I should say pocketbook) is indicated.

And even these mild suggestions may not get into the new rule book of the American Horse Shows Association. For one thing, J. Glenn Turner, who is no enemy of the trainer, has been selected as the new chairman of the Walking Horse Committee for the AHSA. Turner has never shown any disposition to change the present rules, which are either so vaguely worded as to be uninterpretable, or simply misstate the situation. For example, the rule book says: "Horses must be serviceably sound." Under present practice, that means only that if they don't fall down they can show. The book also says: "Judges shall disqualify horses equipped with artificial appliances such as . . . leg chains, wires or tacks, blistering or any other cruel and inhumane devices. . . . White boots may be used, but they shall be subject to examination by show officials." Which officials? In practice, the manager leaves the job to the steward (the person who must be present at every recognized show to see that the association's rules are upheld), and the steward passes the buck right back to the manager or to the show veterinarian or to the judge. If, by some chance, an offender is caught he is disqualified from the class, but he is free to ship his horse off to the next show.

If the AHSA had the nerve to make the punishment fit the crime, a lot of trainers would be on crutches. The trainers, of course, blame pressure from the owners, and the owners say the trainers are at fault. (One owner quoted his trainer: "Just don't watch while I put the boots on—you'll feel better when you ride up to get that ribbon.")

So, despite the courage of men like Yenser, C. C. Turner and Amos, there is little to be hoped for from the self-interested, ribbon-seeking trainer or owner. That leaves the matter squarely in the hands of the American Horse Shows Association, which has yet to enforce or even clarify its own tepid rules. If the AHSA at its current meeting fails to redefine its rules, make clear who is responsible for enforcing them and provide stringent penalties for offenders, a few courageous show managers are ready to drop the Walking Horse division entirely. This may seem a drastic remedy, but the various Walking Horse societies have had ample time to clean their own stable. They have failed to do so. The AHSA must have the courage to do it for them.

[From the New York World-Telegram and the Sun, Jan. 6, 1966]

SPUR OF THE MOMENT—TORTURE STILL GOADS THE WALKING HORSE

(By George Coleman)

The Tennessee walking horse cruelty is set to hobble into the 1966 annual convention of the American Horse Shows Assn. opening at Lexington, Ky., a week from today.

There's a new rule that's supposed to hogtie any trainers messing around with walking horses: "Any horse foaled after Jan. 1, 1965, with scars around the coronet or pastern area (Just above the hoof) is ineligible for competition." Plus, "The use of any substance on the coronet or pastern area which is evident during show performance is prohibited . . ."

For five years, since this newspaper and Sports Illustrated exposed the bloody business, the AHSA has been passing noose-tightening rules and the cruelty continues.

A MATTER FOR RHYME?

At that time despite published photos of horses bleeding to the extent of staining the tanbark of show rings, the AHSA officers didn't believe what they saw. The late Adrian Van Sinderen, then AHSA president, at the 1960 convention whitewashed the cruelty with a 32-line poem in his report:

"If you desire a saddle horse,
A horse that's sure to please
Just buy yourself a walking horse,
And ride along with ease . . ."

But before the three-day meeting ended the AHSA took its initial halting steps to curb the torture of the walking horse. Three months later at the Nashville (Tenn.) TWH breeders' annual dinner, Tennessee's Gov. Buford Ellington told 500 owners and trainers, "Either you stop messin' with walking horse cruelty or I'll chase every last one of you over the Great Smoky Mountains." Everybody smiled.

A TYPICAL PENALTY

Despite dozens of anti-cruelty rules in the AHSA book, the cruelty goes on. Here's an example why: Three trainers were found guilty of showing bleeding horses at Kansas City's American Royal Horse Show. So the AHSA directors suspended the three for three months until April 1, 1966, during the winter time when the horsemen wouldn't be showing anyway. That's a penalty?

In the walking horse, the longer and higher the stride, the better the ride and performance. Instead of taking months to teach the animal and being content with its best, the trainers apply a burning mercury ointment above the hooves. Soon the flesh is blistered.

On top of the hooves go upside-down cups of rubber called boots and inside the boots on top of the blisters are tacks. As the boots and tacks rub the flesh rawer, the horse, to relieve the pain, barely touches the front feet to the ground. To keep his balance he increases the back stride. That's the way some show ribbons are won.

THE NEWEST DODGE

The latest trick is deliberately to drive a nail, in shoeing, into the horse's foot. That accomplishes the same result as the burning ointment and tacks. And there's no rule in the AHSA book about a nail in the foot.

STATEMENT BY MRS. H. M. OLER, REPRESENTING THE AMERICAN HUMANE ASSOCIATION AND THE CHATTANOOGA, TENN., HUMANE EDUCATIONAL SOCIETY

(At the national celebration of the walking horse, Shelbyville, Tenn., September 4, 1965)

I arrived at the horse show on Friday night, August 28, 1965.

SATURDAY, AUGUST 29, 1965

My first experience was seeing a sore mare. She was very stiff and sore and could barely walk.

I saw the blacksmith applying some chemical to a horse's hoof. The horse reacted violently to the pain. When the owner saw my identification, he took the horse and rode off. I could not follow and could not get the identity of the owner.

The horses were used constantly wearing heavy chains which tore their pastern badly wearing the hair off—some were bleeding.

WEDNESDAY, SEPTEMBER 1

I saw a man cut a walking horse's foot at the coronet band with a razor blade, and rub salt in the wound. I asked him what he did that for, he did not answer and when he saw my identification, he rode rapidly away.

Every night at the horse show, the horses were shown stiff and sore. After working and getting warmed up, they did not show so much stiffness. However, after standing, they moved sore after being judged. This seems to be routine.

In one class one of the exhibitors who had not been pinned, or tied, was angry and he jumped the gate (about 2 feet) out of the ring without getting permission to leave and without waiting for the gate to be opened. A policeman told me that when the rider got outside, he hit the horse in the head in anger.

H. M. OLER,
Humane Agent, Humane Educational Society of Chattanooga, Tenn.

S. 2544—INTRODUCTION OF A BILL TO PROVIDE GREATER OPPORTUNITY FOR PARTICIPATION IN RULEMAKING BY AND ON BEHALF OF PERSONS OF LIMITED MEANS

Mr. HART. Mr. President, I introduce for myself and the senior Senator from Massachusetts (Mr. KENNEDY), a bill to provide greater participation in rulemaking by persons of limited means.

It is axiomatic that the Government of a free and open society should strive to involve as many of its citizens as possible in governmental decisions affecting them.

As we seek to preserve and refine our political system, we are witnessing a growing tendency among some Federal agencies to open their proceedings more to the public.

The purpose of the bill we introduce today is to insure that persons of limited means are able to take full advantage of this trend as are persons of affluence.

The bill, identical to S. 3703 which I introduced in the last Congress, directs the Attorney General to contract with or to make grants to such nonprofit organizations as the National Legal Aid and Defender Association to represent the poor in Federal rulemaking procedures which will affect them.

The bill also authorizes the Attorney General to arrange for representation of the poor with Federal departments on questions affecting the poor. This would enable people of limited means to have the same opportunity to express their views to Federal departments as others now do.

This is not to say that the poor will always be correct, but rather that the poor, right or wrong, have the right to be heard.

The bill seeks to insure that efforts to advance the principle of freedom of information include the poor.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2544) to provide greater opportunity for participation in rulemaking by and on behalf of persons of limited means, introduced by Mr. HART (for himself and Mr. KENNEDY), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is fundamental to wise administrative rulemaking that, except in limited or unusual circumstances, persons whose interests may be affected be assured of an opportunity to participate in rulemaking through submission of data, views, or arguments to the responsible rulemaking agency. Rulemaking frequently affects persons without the resources necessary to keep themselves informed concerning proposed rules or to petition for rules or amendment or repeal of rules. Hence it is necessary that means be provided whereby, insofar as feasible, the interests of such persons may be protected in rulemaking and whereby the rulemaking process may be benefited by advocacy on behalf of such interests.

SEC. 2. Section 553, in chapter 5, Administrative Procedure, of title 5, United States Code, is hereby amended by adding thereto the following subsection:

"(f) The Attorney General is directed to enter into contracts with, or to make grants subject to appropriate conditions to, the National Legal Aid and Defender Association, or such other nationally organized nonprofit bodies with generally similar objectives as he may deem desirable, whereby such body or bodies may be provided with funds to enable them to participate in rulemaking in accordance with this section on behalf of interested persons who, because of their lack of personal resources, are unable effectively to do so. Any such body shall be deemed to be an interested person for the purpose of this section. Such body or bodies may contract with other persons to aid in effectuating the purposes of such contract or grant. The Attorney General is authorized to adopt such rules or regulations as may be appropriate to the administration of this subsection. He is authorized, further, after consultation with the agency involved, by order to make this section applicable to matters relating to public property, loans, grants, benefits, or contracts in circumstances where he determines that such matters so affect the interests of persons of limited means as to make it appropriate that, in connection with rulemaking with respect to such matters, a body or bodies receiving a contract or grant under this subsection should have an opportunity to represent such interests."

SEC. 3. There are hereby authorized to be appropriated such funds as are necessary to carry out the provisions of section 2.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 740

Mr. BYRD of West Virginia. Mr. President, on behalf of my very close friend the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at its next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. GOODELL), the Senator from Hawaii (Mr. INOUYE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from West Virginia (Mr. RANDOLPH) be added as cosponsors of the bill (S. 740) to permanently establish the Interagency Committee on Mexican-American Affairs.

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

S. 1761

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska (Mr. HRUSKA) be added as a cosponsor of the bill (S. 1761) designating the Interstate Highway System of the United States as the Eisenhower Interstate System.

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

S. 1872

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Hawaii (Mr. INOUYE), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the bill (S.1872) to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950).

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

S. 2264

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as an additional cosponsor of the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control.

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

S. 2276

Mr. BYRD of West Virginia. Mr. President, at the request of my distinguished senior colleague from West Virginia, (Mr. RANDOLPH), I ask unanimous consent that, at its next printing, the names of the Senator from Maine (Mr. MUSKIE), the Senator from Kentucky (Mr. COOPER), and the Senator from Tennessee (Mr. BAKER), he added as cosponsors of the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

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

S. 2315

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the senior Senator from New Mexico (Mr. ANDERSON), be added as a cosponsor of the bill (S. 2315) to restore the Golden Eagle program to the Land and Water Conservation Fund Act.

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

S. 2452

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 2452, providing retirement benefits for commissioned officers of the Public Health Service.

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

S. 2457

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of the bill (S. 2457), the National Kidney Disease Act of 1969.

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

S. 2518

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at its next printing, the names of the Senator from Kentucky

(Mr. COOPER), and the Senator from Maine (Mr. MUSKIE) be added as cosponsors of the bill (S. 2518) to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

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

S.J. RES. 120

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of the joint resolution (S. J. Res. 120) providing for the preparation and submission to the Congress of a master ground transportation plan for the United States.

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

ADDITIONAL COSPONSORS OF STAR PRINT OF BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. CASE), I ask unanimous consent that the following Senators be listed as cosponsors of the star print of the bill (S. 1993) to promote public confidence in the integrity of the branches of the Government, which was requested by him on June 30 and which appears on page 17745 of the CONGRESSIONAL RECORD: Mr. CASE, Mr. HART, Mr. BELLMON, Mr. CHURCH, Mr. COOK, Mr. GOODELL, Mr. HARRIS, Mr. HATFIELD, Mr. JAVITS, Mr. KENNEDY, Mr. MANSFIELD, Mr. MATHIAS, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PERCY, Mr. PROXMIRE, Mr. SCOTT, Mr. SPONG, and Mr. TYDINGS.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 2, 1969, he presented to the President of the United States the following enrolled bills:

S. 1010. An act for the relief of Mrs. Aili Kallio; and

S. 1011. An act to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO DEPARTMENT OF AGRICULTURE APPROPIATION BILL, 1970

AMENDMENT NO. 61

Mr. JAVITS submitted the following notice in writing:

In accordance with the rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraphs 1 and 4 of rule XVI for the purpose of proposing to the bill (H.R. 11612), an Act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes the following amendment; namely: On page 19, line 12 delete "$84,000,000" and insert in lieu thereof the following: "$104,000,000, *Provided*, That $20,000,000 shall be available for milk for needy children in nonprofit high schools and schools of lower levels, child-care centers, summer camps, and similar nonprofit institutions devoted to the care and training of children."

Mr. JAVITS also submitted an amendment (No. 61), intended to be proposed by him, to House bill 11612, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 62

Mr. JAVITS (for himself, Mr. BROOKE, and Mr. HART) submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 1 of rule XVI for the purpose of proposing to the bill (H.R. 11612), an act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes; the following amendment, namely: on page 20, line 2 delete "$100,000,000" and insert in lieu thereof the following: "$120,000,000."

Mr. JAVITS (for himself, Mr. BROOKE, and Mr. HART) also submitted an amendment, intended to be proposed by him, to House bill 11612, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 63

Mr. JAVITS (for himself, Mr. BROOKE, Mr. HART, and Mr. KENNEDY) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS BEFORE SPECIAL SUBCOMMITTEE ON EVALUATION AND PLANNING OF SOCIAL PROGRAMS

Mr. MONDALE. Mr. President, as chairman of the Special Subcommittee on the Evaluation and Planning of Social Programs, of the Committee on Labor and Public Welfare, I wish to give notice that public hearings have been scheduled for Monday and Tuesday, July 7 and 8, at 10 a.m. in room 4202 of the New Senate Office Building. An additional hearing will be held in room 4232 at 1:30 p.m. on Thursday, July 10.

Consideration will be given during these sessions to the recent report of the HEW Social Indicators Panel entitled "Toward a Social Report." The subcommittee will also receive testimony on S. 5, the proposed Full Opportunity Act.

The subcommittee consists of the Senator from Wisconsin (Mr. NELSON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. PROUTY), and the Senator from Pennsylvania (Mr. SCHWEIKER).

NOTICE OF HEARINGS

Mr. KENNEDY. Mr. President, on June 16, 1969, Senator SPARKMAN, chairman of the Subcommittee on Housing and Urban Affairs, announced that the subcommittee would begin hearings on July 15 on 1969 housing, urban development and mass transportation legislation. He announced at that time that he would submit at a later date a list of the bills pending before the subcommittee upon which the hearings would be held.

In Senator SPARKMAN's absence, I should like to announce the list of bills as follows:

S. 201, S. 415, S. 527, S. 669, S. 676, S. 1032, S. 1048, S. 1474, S. 2207, S. 2368 and S. 2440.

The hearings will commence on July 15 and run through July 25, 1969. They will be held in room 5302, New Senate Office Building, and will begin at 10 a.m., each day.

Should additional bills be introduced prior to July 15, they will also be made a part of the subcommittee hearings.

ACQUISITION OF AIR CARRIERS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 173, S. 1373.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1373) to amend the Federal Aviation Act of 1958.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

(1) Section 407(b) is amended by adding the following additional sentence: "Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

(2) Section 408 is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided*, That the Board may by order exempt any acquisition from this requirement to the extent and for such periods as may be in the public interest;"

(3) Section 408(b) is amended by striking the period at the end thereof and adding a colon and by adding the following: "*Provided, further*, That in any case in which an order of approval is required hereunder only by reason of the requirements of section 408(a)(5), the Board may enter such order pursuant to such procedures as it by regulation may prescribe."

(4) Section 408 is further amended by adding the following new subsection 408(f):

"For the purposes of this section any person owning beneficially 10 per centum or more of any class of the capital stock or capital of an air carrier shall be presumed

to be in control of such air carrier unless the Board finds otherwise."

SEC. 2. The amendments made by this Act shall be effective as of March 7, 1969: *Provided, however,* That no criminal penalties shall be applicable to any person who acquired control of an air carrier between March 7, 1969, and the actual date of enactment of these amendments.

Mr. BYRD of West Virginia, Mr. President, on behalf of the distinguished and very able senior Senator from Washington (Mr. MAGNUSON), I have called this bill up before the Senate today, and on his behalf I wish to make the following statement with reference to two amendments to be offered.

The first amendment is merely technical in nature and would insert after the enacting clause the following:

That the Federal Aviation Act of 1958, as amended, be further amended as follows:

Thus, the first amendment is nonsubstantive in nature and merely supplies a description of the appropriate act being amended by the bill.

The purpose of the second amendment is to clarify that the provision of the bill creating a presumption of control applies only to ownership of voting stock having 10 percent of the total vote. Under the proposed amendment, the presumption of control would not apply to owners of 10 percent of the aggregate number of shares having some type of voting power if the shares owned do not carry 10 percent of the vote. Conversely, the presumption would apply to ownership of less than 10 percent of the aggregate number of voting shares if the shares owned carried 10 percent or more of the vote. This clarifying language is entirely consistent with the purposes of S. 1373 and the specific language of the amendment has been worked out with the Securities and Exchange Commission, the Civil Aeronautics Board, and the concerned industry.

I ask unanimous consent to insert in the RECORD at this point a letter from the Chairman of the Civil Aeronautics Board dated June 27, 1969 addressed to the chairman of the Senate Commerce Committee (Mr. MAGNUSON), commenting upon the second proposed amendment, and a letter dated June 6, 1969, from the Chairman of the Securities and Exchange Commission, also addressed to the chairman of the Senate Commerce Committee (Mr. MAGNUSON) and also relating to the language of the second proposed amendment.

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

CIVIL AERONAUTICS BOARD,
Washington, D.C., June 27, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your staff has requested the Board's views on the Securities and Exchange Commission's suggested revision of a proposed amendment of S. 1373 as reported. The amendment in question, on which the Board commented by letter dated June 10, proposes to modify S. 1373 by limiting the presumption of control (Section 4) to cases involving 10 percent of "the aggregate of all classes of the voting stock of an air carrier or capital of an air carrier * * *."

The Securities and Exchange Commission proposes substitute language for the purpose of eliminating an ambiguity and deleting the phrase "or capital."

The Board has no objection to the substitute language proposed by the Securities and Exchange Commission, except for the deletion of the term "or capital." The primary purpose of the suggested language is to clarify that the presumption of control applies only to ownership of voting stock having 10 percent of the total vote. It does not apply to ownership of 10 percent of the aggregate number of shares having some type of voting power, if the shares owned do not carry 10 percent of the vote. Conversely, the presumption applies to ownership of less than 10 percent of the aggregate number of voting shares if the shares owned carry 10 percent or more of the vote. This clarification appears in keeping with the purpose of the proposed amendment of S. 1373, to which the Board had no objection.

The Board, however, suggests that the Securities and Exchange Commission's proposed language be modified to read: "* * * any person owning beneficially 10 per centum or more of the voting securities *or capital, as the case may be,* of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. * * *"

The phrase "or capital" appears in Section 407 of the Act, S. 1373 as reported, and the proposed amendment of S. 1373. The purpose of the phrase is to cover ownership interests in air carriers which are not organized as corporations and which do not have stock, voting or otherwise. Not only does the Act define "air carrier" to include "an individual" or "a partnership," as well as a corporation [§101(3) and (13)], but many air carriers such as air taxi operators and air freight forwarders actually operate as single proprietorships or partnerships. While the Board's regulations exempt air taxi operators and air freight forwarders from Section 408 for the most part, they do not exempt other persons acquiring such carriers from the need to comply with Section 408. To eliminate the "or capital" provision would thus cause an undesirable gap in S. 1373's coverage.

The Securities and Exchange Commission is of the opinion that the significance of the words "or capital," as used in the proposed amendment, is unclear. In suggesting that the reference be to voting securities "or capital, as the case may be," the Board notes that the quoted language is now used in Section 407. In any event, the legislative history can clarify the significance of the phraseology.

The Board appreciates the opportunity to submit its comments.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of May 28 regarding S. 1373. As indicated in the Committee Report, the purpose of the bill is to assure that no one will acquire control of an air carrier without prior approval of the Civil Aeronautics Board unless the Board grants an exemption.

As you point out, to accomplish this purpose without unnecessary obstruction of airline financing, or undue complications in the statute, presents some difficulties because of the variety of ways in which control of a company may be obtained and the great variety of capital structures which air carriers may have.

Similar problems confronted the draftsmen of the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940. It both statutes the concept of "control" is important. In some instances, the question of whether or not a company has to register under the statute and become subject to regulation thereunder, depends upon the presence or absence of control relationships between it and other companies. Both the Holding Company Act and the Investment Company Act deal with the problem of defining "control" in a manner rather similar to that chosen in S. 1373. They refer to "control" as meaning control in fact, in a manner similar to Section 408(a)(5) of the Federal Aviation Act as proposed to be amended by Section 2 of S. 1373, and then they create a presumption that a person owning a specified percentage of the voting securities of a company is in control unless the Commission determines otherwise. For the sake of clarity, both of these Acts also define the term "voting security." The definition contained in Section 2(a)(40) of the Investment Company Act of 1940 reads in pertinent part as follows:

"(40) 'Voting security' means any security presently entitling the owner or holder thereof to vote for the election of directors of a company. A specified percentage of the outstanding voting securities of a company means such amount of its outstanding voting securities as entitles the holder or holders thereof to cast said specified percentage of the aggregate votes which the holders of all the outstanding voting securities of such company are entitled to cast. . . ."

Section 2(a)(17) of the Public Utility Holding Company Act of 1935 is similar. In general, our experience with this approach has been satisfactory.

It is true, as you point out, that control of a company can be acquired in other ways than through the ownership of voting securities. Indeed, it can be acquired without the ownership of any securities, as for example, by a management or other contract. It remains true, however, that the usual method of acquiring control of a company is to acquire a controlling block of voting securities and to utilize the voting power so obtained to take over control of the board of directors and the management. We believe, therefore, that for the purposes of a presumption based on the ownership of securities, such as that proposed to be provided in new subsection (f) of Section 408, as added by Section 4 of S. 1373, reference to voting securities, as in done in the corresponding presumptive provisions of the Holding Company Act and the Investment Company Act, would be satisfactory. It would, for example, be somewhat unreasonable to presume the existence of control because of the ownership of 10 per cent of a small class of nonvoting preferred stock which might be an insignificant part of the total capitalization of the air carrier and carry little or no influence in its management and, as the aviation industry has apparently represented to you, this might interfere with airline financing without corresponding protection against a change in control. In the relatively unusual situation where control may be acquired otherwise than through the ownership of voting securities, the general prohibition to be contained in amended Section 408(a)(5) would appear to meet the problem. The purpose of the presumption is to provide certainty in the relatively common situation where a person makes a relatively significant investment in securities of a carrier and needs to know whether or not this may place him in violation of amended Section 408(a)(5) of the Federal Aviation Act of 1958. Thus, we see some merit in the suggested amendment to S. 1373 which you enclosed.

On the other hand, that amendment, as it stands, is somewhat ambiguous. It is not clear whether "owning beneficially 10 percentum or more of the aggregate of all

classes of the voting stock of an air carrier" means ownership of stock having 10 per cent of the vote, or ownership of 10 per cent of stock having some type of voting power, whether or not this ownership carries 10 per cent of the vote. For example, if a carrier has outstanding a thousand shares of common stock having one vote per share and a thousand shares of preferred stock having ten votes per share, it would not be clear whether ownership of a hundred shares of each class would create the statutory presumption or whether the presumption would arise only from ownership of shares having, in the aggregate, eleven hundred votes. The significance of the words "or capital" in the proposed amendment is also unclear. The term "capital," when used with respect to corporations, apparently means, in some instances, all of the outstanding capital stock, whether or not voting, while in other contexts it is said to refer to the assets or property of the corporation.

I attach hereto a copy of a proposed revision of Paragraph (4) of S. 1373 which might be used in case your Committee should conclude to follow the general pattern found in the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940.

I hope that the foregoing will be of some assistance and if we can provide any further help, please let us know.

Sincerely,

HAMER H. BUDGE,
Chairman.

AMENDMENT TO S. 1373

At page 3, line 18, strike all of paragraph 4 and in lieu thereof insert the following:

"(4) Section 408 is further amended by adding the following new subsection 408(f):

" 'For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast.' "

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Washington (Mr. MAGNUSON), I send to the desk two amendments to the committee amendment, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

That the Federal Aviation Act of 1958, as amended, be further amended as follows:

(1) Section 407(b) is amended by adding the following additional sentence: "Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

(2) Section 408 is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided,* That the Board may by order exempt any acquisition from this requirement to the extent and for such periods as may be in the public interest;"

(3) Section 408(b) is amended by striking the period at the end thereof and adding a colon and by adding the following: *'Provided, further,* That in any case in which an order of approval is required hereunder only by reason of the requirments of section 408(a)(5), the Board may enter such order pursuant to such procedures as it by regulation may prescribe."

On page 3, line 18, strike all of paragraph (4) and in lieu thereof insert the following:

"(4) Section 408 is further amended by adding the following new subsection 408(f):

" 'For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast.' "

The PRESIDING OFFICER. Without objection, the amendments to the committee amendment are considered and agreed to en bloc.

The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1373) was passed, as follows:

S. 1373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, be further amended as follows:

(1) Section 407(b) is amended by adding the following additional sentence: "Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

(2) Section 408 is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided,* That the Board may by order exempt any acquisition from this requirement to the extent and for such periods as may be in the public interest;".

(3) Section 408(b) is amended by striking the period at the end thereof and adding a colon and by adding the following: *"Provided, further,* That in any case in which an order of approval is required hereunder only by reason of the requirements of section 408(a)(5), the Board may enter such order pursuant to such procedures as it by regulation may prescribe."

(4) Section 408 is further amended by adding the following new subsection 408(f):

"For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast."

SEC. 2. The amendments made by this Act shall be effective as of March 7, 1969: *Provided, however,* That no criminal penalties shall be applicable to any person who acquired control of an air carrier between March 7, 1969, and the actual date of enactment of these amendments.

The title was amended, so as to read: "A bill to amend the Federal Aviation Act of 1958, as amended, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-185), explaining the purposes of the bill.

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

THE AMENDMENT

On the basis of the hearing record, departmental reports, and other communications received for the record, the committee concluded that certain changes and additions would clarify the intent of the bill and better serve the legislative objective of obtaining review of any acquisition of an air carrier by the Civil Aeronautics Board when the public interest so requires. Accordingly, the committee ordered the bill reported with an amendment in the nature of a substitute text.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

(1) Section 407(b) is amended by adding the following additional sentence: "Any person owning, beneficiary or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

(2) Section 408 is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided,* That the Board may by order exempt any acquisition from this requirement to the extent and for such periods as may be in the public interest;".

(3) Section 408(b) is amended by striking the period at the end thereof and adding a colon and by adding the following: *"Provided, further,* That in any case in which an order of approval is required hereunder only by reason of the requirements of section 408(a)(5), the Board may enter such order pursuant to such procedures as it by regulation may prescribe."

(4) Section 408 is further amended by adding the following new subsection 408(f):

"(f) For the purposes of this section any person owning beneficially 10 per centum or more of any class of the capital stock or capital or an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise."

SEC. 2. The amendments made by this Act shall be effective as of March 7, 1969: *Provided, however,* That no criminal penalties shall be applicable to any person who acquired control of an air carrier between March 7, 1969, and the actual date of enactment of these amendments.

The committee has also amended the title so as to read:

A bill to amend the Federal Aviation Act of 1958, as amended, and for other purposes.

PURPOSE OF THE BILL

The purpose of this bill is to assure that no person shall acquire control of an air carrier without first obtaining the approval of the Civil Aeronautics Board unless such acquisition has been exempted by the Board from that requirement as consistent with the public interest.

PROVISIONS OF THE BILL

Paragraph (1) of the bill would amend section 407(b) of the Federal Aviation Act of 1958, as amended, to provide that any person owning beneficially or as trustee more than 5 percent of any class of the capital stock or capital of an air carrier must submit annually, and at such other times as the Civil Aeronautics Board may require, a description of the shares of stock or other interest owned and the amount thereof. Existing law requires the air carrier to report the interest of any recordholder of more than 5 percent of the capital stock or capital of the carrier. This amendment is intended to provide a better basis for determining actual ownership of controlling interests in air carriers.

Paragraph (2) of the bill amends section 408(a)(5) of the Federal Aviation Act of 1958, as amended, by adding "any person" to those who must obtain Civil Aeronautics Board approval to acquire control of an air carrier in any manner whatsoever, but provides that the Board may by order exempt any acquisition from the prior approval requirement to the extent and for such periods as may be in the public interest. The committee feels that it may prove to be inappropriate to require section 408 proceedings as a uniform prerequisite to acquisition of a controlling interest in any class or type of air carrier, and this legislation should not be utilized to unreasonably inhibit the financial security and growth of the smaller carriers. Accordingly, the committee has provided the Board with permissive authority to exempt from the prior approval requirement air taxis, air freight forwarders, smaller supplemental carriers, or any other air carrier if such exemption will be consistent with the objectives of the Federal Aviation Act, this legislation, and the public interest.

Paragraph (3) of the bill would amend section 408(b) of the Federal Aviation Act of 1958, as amended, to provide that in any case in which an order of approval by the Board is required by reason of section 408(a)(5), the Board may enter such order pursuant to such procedures as it by regulation may prescribe. This provision of the bill is intended to provide the Board with a degree of flexibility in the procedures by which approval of acquisitions of control of air carriers may be sought and granted. When this provision is read in conjunction with the prior paragraph it is clear that the Board should not be unreasonably burdened by the requirement that all acquisitions of control be subject to the prior approval of the Board. Under the previous paragraph the Board is empowered to exempt any acquisition from the prior approval requirement if such would be consistent with the public interest and the objectives of this bill. Additionally, this paragraph of the bill would allow the Board to adopt expediting procedures for consideration of acquisitions not so exempted when such procedures would be fair and equitable to all parties of interest.

Paragraph (4) of the bill would add a new subsection (f) to section 408 of the Federal Aviation Act of 1958, as amended, to provide that any person owning beneficially 10 per centum or more of any class of the capital stock or capital of an air carrier shall be presumed to be in control of such air carrier unless the Board should find otherwise. Thus, a legal presumption of control is created by ownership of 10 per centum or more of an air carrier, but that presumption would be rebuttable with the burden of proof in such a case on the party alleging lack of control. Conversely, ownership of less than 10 per centum of an air carrier could not be presumed to be control by the Board, but that presumption could as well be overcome by proof to the contrary, such burden to be borne by the Board.

Section 2 of the bill provides that the effective date of the legislation would be March 7, 1969, the date this measure was introduced in the Senate. However, no criminal penalties could attach for any violation of the provisions of this legislation occurring between March 7, 1969, and the actual date of enactment of the bill.

It is the view of the committee that all persons received notice on March 7, 1969, of the pendency of this proposed legislation and that any acquisition of control occurring on or subsequent to that date should be subject to the provisions of this legislation. However, the committee does not intend for any provision of this legislation to be applied retroactively beyond March 7, 1969. This legislation is not intended to authorize or require review by the Civil Aeronautics Board of any acquisition of control of an air carrier by any person if such acquisition was completed prior to March 7, 1969. The committee is of the opinion that any acquisition of control of an air carrier not presently requiring approval of the Board under section 408 of the Federal Aviation Act, as amended, completed prior to the effective date of this legislation shall not be subject to review and approval by the Board by reason of this legislation. It is the understanding and belief of the committee that the Civil Aeronautics Board concurs in the view that this legislation shall be applied only to acquisitions of control not completed prior to March 7, 1969, as is well indicated by the letter of Chairman Crooker dated March 25, 1969, printed subsequently in this report. The committee does recognize, however, that although Board approval would not be a condition precedent to the continued holding of control acquired prior to March 7, 1969, approval would be necessary in a situation where, prior to that date, a contract had been entered into for acquisition of control of an air carrier but control had not in fact been acquired before March 7, 1969.

BACKGROUND AND NEED FOR LEGISLATION

Existing law required prior Civil Aeronautics Board approval of an acquisition of an air carrier in any manner whatsoever by another air carrier or person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics. But the state of existing law is such that any noncarrier attempting to acquire an air carrier may do so without the approval of the Civil Aeronautics Board so long as control is sought through acquisition of stock without a technical transfer of the air carrier's certificate. This bill would enlarge the prior approval requirement to include acquisition of an air carrier by any person, and reflects the conviction of the committee that entry into the transportation field by noncarrier interests should be accompanied by appropriate safeguards to protect the interest of the public in our air transportation system.

In considerable measure this proposed legislation is prompted by the widespread effort of many large business entities to diversify their economic interests. This trend toward acquisition of control of many diverse economic interests by single-corporate entities has accelerated markedly in recent months. Many air carriers have now reached a point where they are attractive to large financial enterprises and several acquisitions involving air carriers have been recently proposed or attempted.

Transportation services are provided upon the basis of public convenience and necessity. The regulation of transportation entities by the appropriate governmental agencies attempts to assure safe, efficient, and economical service by a well-balanced and developed transportation system designed to serve the needs of the public. To further such development, we have not only regulated the economic activity of carriers, but have, as well, extended subsidies and other aids to facilitate appropriate development. The interest and investment of the public in our transportation system must be protected.

The development of a sound air transportation system is not only of prime importance to the proper growth of foreign and domestic commerce and the daily movement of persons and goods but is, as well, an essential attribute in times of national emergency. Thus, when the Civil Aeronautics Board initially determines whether to issue a certificate to a given carrier it takes into account the nature and qualifications of the persons controlling it in determining whether the carrier is fit, willing, and able to provide the desired transportation services. These same considerations are taken into account where a technical transfer of the carriers is proposed, which, as previously noted, requires Board approval. Consistent with this protection of the national interest the proposed legislation would provide the Civil Aeronautics Board with the similar opportunity to consider whether a person seeking acquisition of the controlling interest in an air carrier is fit, willing, and able to operate the carrier in accord with the public interest.

The committee wishes to make absolutely clear that by this proposed legislation it does not intend to either diminish or increase in any manner whatsoever the scope of relief from operation of the antitrust laws or other restraints or prohibitions made by, or imposed under, authority of law presently afforded by section 414 of the Federal Aviation Act, as amended. While the committee acknowledges that approval of an acquisition of an air carrier under section 408 of the act results in relief pursuant to section 414, we are as well mindful that such relief is limited and is afforded "* * * insofar as may be necessary to enable such person to do anything authorized, approved, or required by such order."

COST OF LEGISLATION

Enactment of this bill would involve no additional cost to the Government other than possible additional administration expense attributable to reviewing a greater number of proposed acquisitions of control of air carriers.

THE BYRDS OF VIRGINIA

Mr. BYRD of West Virginia. Mr. President, one of my predecessors as U.S. Senator from the State of West Virginia was Charles James Faulkner of Martinsburg, W. Va. He served in the Senate for 12 years, from March 4, 1887, to March 3, 1899.

But it is not Senator Faulkner whom I wish to discuss today. It is his niece who I believe has a unique position in American politics.

She was born Eleanor Bolling Flood in Appomattox County, Va., and was married in 1886 to Richard Evelyn Byrd.

To me, her connection with politics is fascinating.

Her mother was educated in a Catholic convent in France, while her grandfather was serving as minister to France during the administration of President Buchanan.

Both of her grandfathers served in the Virginia Legislature, as did her father, her husband, her brother, her son, and her grandson.

Mrs. Byrd's husband served as Speaker of the Virginia House of Delegates; her brother, Henry DeLaWarr Flood, served in the Virginia Senate, as did her son, Harry Flood Byrd, and her grandson, HARRY F. BYRD, JR.

In the Congress, her uncle served as U.S. Senator, as previously noted. Her brother, Henry DeLaWarr Flood, later served in the U.S. House of Representatives, and as chairman of the Foreign Affairs Committee in that body. Another brother, Joel West Flood, also served in the U.S. House of Representatives. Her son, Harry Flood Byrd, after serving in the Virginia Senate and as Governor of Virginia, represented Virginia in the U.S. Senate longer than any other Virginian, 32 years. Her grandson, HARRY F. BYRD, JR., after serving several years in the Virginia Senate, is now Virginia's senior U.S. Senator. A close and warm friend of mine, he is serving his great State with honor and distinction, and is performing a great service to his people and to the people of the Nation.

It is with pride that I call attention to the distinguished—truly distinguished—service that has been rendered by this great and distinguished family—the Byrd family of Virginia.

THE WARREN COURT—THE OTHER SIDE OF THE STORY

Mr. BYRD of West Virginia. Mr. President, numerous encomiums dealing with the service of Chief Justice Warren on the U.S. Supreme Court have been delivered following his retirement.

There is, of course, another side to the story. Many Americans, including myself, were not admirers of Mr. Warren.

The activist Court which he headed, in my opinion, by its unsound and unconstitutional excursions into the legislative realm, has caused much of the unrest and unhappiness that currently exists in our country.

Instead of interpreting the statutes and the Constitution as they are written—which should be the Supreme Court's only function—Mr. Warren and his libertarian majority on the Court all too often substituted personal notions of what they thought the Constitution and laws ought to say.

Austin V. Wood, publisher of the Wheeling, W. Va. newspapers, has articulated this criticism of Mr. Warren in a succinct article in the Wheeling News-Register of Sunday, June 29, entitled "Warren the 'Great Destroyer.'"

Mr. Wood points out that the Warren Court is the only U.S. Supreme Court in our history to be publicly and formally criticized by the American Bar Association and the Conference of State Chief Justices. Mr. Wood himself is a lawyer.

Mr. Wood begins his article in this way:

Chief Justice Warren retired last week. Contrary to all precedents, President Nixon showed up at the last session to deliver a ten minute encomium of the Chief Justice. Said Mr. Nixon, "He has helped keep America on the continuity and change so essential for our progress . . . The nation owes a debt of gratitude to the Chief Justice for his example."

Mr. Wood goes on to say:

I could not disagree with the President more violently.

Mr. President, parenthetically, let me say the same for myself.

Continuing to read from the article:

Far from setting an example leading to progress, Mr. Warren, in my estimation, has been the most destructive high official in our entire history.

Mr. Wood continues:

Through decisions admittedly based upon social philosophy, rather than upon legal precedence, he literally destroyed the basic legal foundation of our country built up over the years and substituted therefor changing and changeable whims which left us with no foundation upon which to evolve a nation of law and order and property rights. The law of today might well not be the law of tomorrow.

The result has been the complete undermining of the confidence of our people in the Court as the guardian of their rights. The Justices which once were regarded with respect bordering upon reverence are now regarded with fear and contempt.

He goes on to say:

Getting away from the sweeping policies of Mr. Warren's administration and viewing the obvious results, can there be any doubt that thousands of dangerous criminals are today walking our streets and terrorizing our people as the result of Mr. Warren's radical conception of the Constitutional protections due individuals? Can there be any doubt that Mr. Warren's social conceptions enacted, yes, enacted, into law by our Supreme Court have stimulated campus uprisings and ghetto riots we are witnessing? Can there be any doubt that Mr. Warren more than any other man is responsible for the deterioration of our three-division system of government resulting in overwhelming power in the Executive branch—

And, may I add, in the judicial branch—

and the almost abdication of responsibility by our Congress? Is this not the man who more than anyone else has cast doubt upon our religious conceptions by forbidding prayer in our schools and contributed to our moral deterioration through permitting the dissemination of pornographic materials?

The nation owes a "debt of gratitude" to this man? Not in my book—

And, Mr. President, I say, "Nor in my book."

And I hope not really in President Nixon's book.

I say the same, Mr. President—

Nixon, during his campaign, said time after time he wanted Supreme Court Justices who would interpret rather than legislate. Chief Justice Burger appears to be that sort of man. Let us hope that Mr. Nixon's future appointments will be equally promising.

Mr. President, the article expresses my viewpoint succinctly and precisely with regard to Mr. Warren. The stability of the Nation, the dependability of legal precedent, the maintenance of law and good order, and, indeed, the respect for the Court itself have never at any previous time in our country's history been so grievously damaged as they have been during Mr. Warren's tenure and, ironically, by the destructive decisions in which he often spoke for the majority, albeit frequently a majority of one. The minority on the Court was moved many times to scathingly denounce and bitterly dissent from the decisions reached by Mr. Warren and his activist majority.

Mr. Warren will be proclaimed by some as a great Chief Justice, Mr. President, but in the judgment of many Americans, including myself, constitutional government and American constitutional liberty have never suffered so greatly as they have from his hand.

In the belief that a balanced picture of Mr. Warren's tenure on the Court should be presented, I ask unanimous consent that the commentary by Mr. Austin Wood be printed in the RECORD.

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

[From the Wheeling News-Register, June 29, 1969]

WARREN THE "GREAT DESTROYER"

(Commentary by Austin V. Wood)

Chief Justice Warren retired last week. Contrary to all precedents, President Nixon showed up at the last session to deliver a ten minute encomium of the Chief Justice. Said Mr. Nixon, "He has helped keep America on the continuity and change so essential for our progress . . . The nation owes a debt of gratitude to the Chief Justice for his example."

I could not disagree with the President more violently. Far from setting an example leading to progress, Mr. Warren, in my estimation, has been the most destructive high official in our entire history. His appointment and the political maneuvering which led to it was the most reckless, irresponsible political chicanery ever imposed upon the American people. You will remember that it grew out of the 1952 Republican convention and was the price paid for the support of the California delegation for the Eisenhower-Nixon ticket. Here was the most important office in our government. Probably even more important than the Presidency in view of the fact that the appointment is for life and the Supreme Court was designed to be the ultimate protection of our people against impositions by the Executive or Legislative branch. That Mr. Warren was completely unsuited for the position was obvious. Upon graduating from law school, he had practiced for only three years and then had become and remained a professional politician. It is fair to say that Mr. Eisenhower had little to do with the maneuver. It was handled largely by Cabot Lodge who later became Mr. Nixon's running mate in his unsuccessful candidacy for the Presidency and now is our chief negotiator in Paris.

Mr. Warren's performance on the bench was what might well have been anticipated. He had no conception of the Constitutional functioning of the Supreme Court and having been an extreme liberal in California soon converted that body to a legislative organ for the righting of what he conceived to be the wrongs which inflicted our nation. Through decisions admittedly based upon social philosophy, rather than upon legal precedence, he literally destroyed the basic legal foundation of our country built up over the years and substituted therefor changing and changeable whims which left us with no foundation upon which to evolve a nation of law and order and property rights. The law of today might well not be the law of tomorrow.

The result has been the complete undermining of the confidence of our people in the Court as the guardian of their rights. The Justices which once were regarded with

respect bordering upon reverence are now regarded with fear and contempt. And lest this be regarded as one man's opinion, let it be remembered that Mr. Warren's Court, as it came to be known, is the only Supreme Court in all our history to be publicly and formally criticized by the American Bar Association and the Conference of State Chief Justices.

Getting away from the sweeping policies of Mr. Warren's administration and viewing the obvious results, can there be any doubt that thousands of dangerous criminals are today walking our streets and terrorizing our people as the result of Mr. Warren's radical conception of the Constitutional protections due individuals? Can there be any doubt that Mr. Warren's social conceptions enacted, yes enacted, into law by our Supreme Court have stimulated the campus uprisings and ghetto riots we are witnessing? Can there be any doubt that Mr. Warren more than any other man is responsible for the deterioration of our three-division system of government resulting in overwhelming power in the Executive branch and the almost complete abdication of responsibility by our Congress? Is this not the man who more than anyone else has cast doubt upon our religious conceptions by forbidding prayer in our schools and contributed to our moral deterioration through permitting the dissemination of pornographic materials?

The nation owes a "debt of gratitude" to this man? Not in my book. And I hope not really, in President Nixon's book. Mr. Nixon, during his campaign, said time after time he wanted Supreme Court Justices who would interpret rather than legislate. Chief Justice Burger appears to be that sort of man. Let us hope that Mr. Nixon's future appointments will be equally promising.

THE ABUSE OF LIBERTY

Mr. BYRD of West Virginia. Mr. President, when we think of the Fourth of July, we realize that a single word holds the essence of its meaning—the word "liberty."

In America today we are witnessing a perversion of liberty in many areas of our national life. It is not too much to say, I believe, that the future of freedom in our Nation is threatened by the militants' gross distortion of freedom.

The near-treasonable denunciation of our Government, the radicals' plans to infiltrate and hamstring our economic system, the unholy invasion of our churches, the destructive disorder on our college and university campuses are examples of the perversion of liberty to which I refer.

All of these things have been committed under the guise of free speech and assembly and the rights enjoyed by a free people under our Constitution. They have been possible, and they have been tolerated, because of the guarantees of liberty in our fundamental law. Unless checked, they will become the greatest threat to the continuation of our liberty.

Many years ago when our republic was young, Mr. President, James Madison, the fourth President of the United States, recognized the kind of danger the Nation faces today when he said:

> Liberty may be endangered by the abuse of liberty as well as by the abuse of power.

That truth needs to be understood by all Americans in this age, and most especially by those who would refrain from the proper use of power, or who have counseled restraint and leniency in dealing with disorder and unlawful activities, wherever they may occur.

Madison knew a century and a half ago, as of course any reader of history knows, that the misuse of power can lead to tyranny. But it is equally true that the misuse of liberty and the nonuse of legitimate authority and power can lead to chaos and anarchy. Freedom can be stifled as effectively by one means as by the other. That is the great lesson that history should teach us as we approach this Fourth of July.

The recent elections in which law and order and domestic tranquillity were once again revealed as predominant national issues should tell us a great deal. They made it very clear that the average citizen is deeply concerned about the abuse of liberty that has become so prevalent in America and the lack of action by government or other proper authority to counteract it.

The vast majority of our people, I believe, are dismayed at the widespread effort of militants to undermine and overthrow our form of government. They are angered by the moves of DRUM and the SDS to disrupt industrial plants. They are outraged by the radicals' desecration of worship services. And they are thoroughly and completely fed up with civil disorder of all kinds, whether in the inner city, the suburbs, in the streets, or on the college campus.

Treasonable talk is an abuse of liberty. So-called "work-in" plans that aim at subversion and disruption of business and industry are an abuse of liberty. Disruption of religious worship is an abuse of liberty. Seizure of college buildings and the willful disruption of education activities is an abuse of liberty.

Abraham Lincoln said:

> There is no grievance that is a fit object of redress by mob action.

He also said:

> It is safe to assert that no government proper ever had a provision in its organic law for its own termination.

Our Declaration of Independence and our Constitution are not charters for self-destruction. Permissiveness will not preserve freedom. Indecisiveness by legally constituted authority is the enemy of independence.

This Fourth of July should be a time for the American people, and for all in positions of authority, to rededicate themselves to the concepts and practices of a lawful and orderly society.

Our Nation has the right, Mr. President, and the duty to protect itself, by whatever lawful means are necessary, against those who would destroy it. And a first duty of government is to enforce the law and maintain order.

Continued appeasement of those who abuse liberty can only lead to the destruction of liberty for all.

FEDERAL VACCINATION CAMPAIGN TO ERADICATE GERMAN MEASLES

Mr. KENNEDY. Mr. President, yesterday, the Wall Street Journal carried an important and informative article on the Federal Government's campaign to eradicate German measles, or rubella as it is technically known. The need for intensive new efforts to immunize our population against the severe consequences of this disease was clearly brought out this week in the course of Senator YARBOROUGH's hearings before the Health Subcommittee on proposals to extend the Federal Vaccination Assistance Act, and I welcome the current campaign as an indication of our commitment to firm action.

As numerous medical experts have repeatedly warned in recent months, the United States faces the prospect of another grave epidemic of German measles in 1970 or 1971, and we must take action now if our immunization programs are to be effective in preventing the ravages that will otherwise ensue from the disease. As the report in the Wall Street Journal states, in the epidemic of 1964–65, 20,000 children were born with birth defects and over 6,000 stillbirths were caused by the disease.

Today in the United States, 50 million children and child-bearing women are unprotected against German measles. Unless adequate precautions are taken to eradicate this disease, thousands of additional children will be born blind, deaf, or with severe heart defects or mental retardation because their mothers contracted the disease during pregnancy.

Mr. President, because of the importance of the issues involved in promoting an effective vaccination campaign against German measles, I ask unanimous consent that the article to which I have referred be printed in the RECORD.

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

VACCINATION ATTACK AGAINST GERMAN MEASLES AIMED AT ERADICATING DISEASE IN 5 YEARS

(By Jonathan Spivak)

WASHINGTON.—A major Federal campaign to eliminate German measles, a leading cause of birth defects, will soon be set in motion.

Though starting slowly, the effort is designed to eradicate the disease within five years and to prevent a repetition of the 1964–65 German measles epidemic, when 20,000 infants suffered birth defects. After birth, children commonly contract the disease without harm, but when transmitted to a woman early in pregnancy it causes severe damage to the developing embryo.

With special Federal grants from the Health, Education, and Welfare Department's Communicable Disease Center in Atlanta, vaccination programs will begin this fall in most states and major cities, including Chicago, New York and Philadelphia, officials say. Some states, such as Massachusetts, already have appropriated their own funds to begin vaccine purchases and immunization programs.

"We would expect to begin to have an impact certainly next year, and probably, if things go as we expect, a major impact would be made in two years, although it won't finish the job," says Dr. F. Robert Freckleton of the Atlanta center. The Federal goal is eventually to immunize 50 million to 60 million children one year old to about 10 or 11 years old.

AVAILABILITY FACTOR

But health officials plan to proceed cautiously. While the vaccine, currently licensed for sale only by Merck & Co., doesn't pose any known risks to children, much remains to be learned about its use in large-scale cam-

paigns. For one thing "you aren't sure how many kids you need to vaccinate to prevent the prevalence of rubella (German measles)," says Dr. Harry M. Meyer Jr. of the National Institutes of Health, who pioneered in developing the vaccine.

Further, availability of the vaccine may be a limiting factor, at least at the start. "Initial supplies will be small, but there will be no problem as far as shortages by the end of the year," says Dr. Freckleton. "It will then be coming off in sufficient quantities," he notes.

The vaccine, which is made from a weakened form of the live German measles virus, takes about six months to produce. Thus, Merck's output will increase progressively by the end of the year. In addition, Federal experts anticipate that one or two other drug makers—Philips Roxane Laboratories Inc. and Smith Kline & French Laboratories—will be cleared for public marketing this year.

Another problem is money. Federal plans currently call for spending $26 million in the first year, enough to immunize perhaps 20% of the total goal. HEW's strategy will be to concentrate efforts initially in groups of children where the biggest social and medical benefits will result.

Federal guidelines will urge state and city health departments, which actually will run the immunization campaigns, to give first call to low-income children. The poor are usually the least well immunized and often the most difficult to reach with health care programs, say experts at the Communicable Disease Center. It's expected that, in the fall and winter, immunizing efforts will be concentrated on such groups as Head Start preschool children and pupils enrolled in Federally aided Title I elementary school programs, which are limited to poverty areas.

"We are being more restricted in the use of this vaccine than polio," says Dr. Alan Donaldson of HEW's Health Services and Mental Health Administration. "The feeling is that it can be handled through the school systems to reach the target population more effectively."

AIMING AT CHILDREN

There's little scientific dispute over focusing the campaign on children. If the vaccine were given routinely to adults, it might pose the same hazards for expectant mothers as the disease-causing virus; it isn't known if the weakened vaccine virus is still potent enough to cross the placental barrier and damage the unborn fetus. With German measles infections, the greatest period of risk for women is during the first few months of pregnancy, when still birth or a variety of congenital defects, such as sight and hearing loss, often result.

"No one in this country is willing to recommend immunization of young women who could potentially be pregnant," notes Dr. Donaldson. Instead, U.S. experts are assuming a different kind of risk: That protecting children against German measles will reduce the spread of disease rapidly enough to avert serious health hazards to women during the next epidemic.

Experts are uncertain when German measles will peak again. The last epidemic in 1964–1965 was of major proportions, with 12.5 million cases, probably about 10 times the current level. Cyclical increases appear to occur every six to nine years, but many aren't of the magnitude of the last epidemic.

Thus, if all goes well, health authorities will have sufficient time to immunize most youngsters. If so, it's believed, a phenomenon known as "herd immunity" will take effect. Unvaccinated individuals will be protected because the virus will no longer be able to spread easily from one susceptible person to another.

CAUTION FOR PREGNANT WOMEN

But if a sharp increase in German measles occurs in 1970 or 1971 many expectant women may face serious risks. It's estimated that 10% to 20% of women of child-bearing age are susceptible to German measles. The 1964–1965 epidemic resulted in 6,250 still births or other infant deaths, 5,000 therapeutic abortions and 20,000 birth-damaged infants, experts say. The total cost in medical, education and other special services for these handicapped children is estimated at $1 billion.

Thus, a lively private demand for the vaccine is likely to arise for protection of women. These immunization efforts, of course, will require a great deal more medical caution than public campaigns directed at children. Federal health officials and the vaccine makers are worried that oversights might needlessly discredit the vaccine.

The prime precaution is to prevent immunization of pregnant women and to insure that those vaccinated don't become pregnant for several months. Physicians are being advised, for example, to make certain that women practice an effective form of contraception after vaccination.

Even so, some experts are convinced that public misunderstandings will arise if the vaccine is widely used with women. About 2% to 3% of all children are born with congenital defects. Thus, the German measles vaccine may be improperly associated with birth hazards. "The first deformed child born of a woman who received the vaccine will hit the headlines," warns one public health specialist.

Side effects produced by the vaccine in women are another difficulty. A significant proportion of those immunized, particularly older women, experience joint pain or arthritis lasting for several weeks. This reaction doesn't occur among children.

As most women are already immune to German measles from natural exposure, it's considered essential to identify specifically those who are susceptible and need protection. While a highly accurate laboratory test is available, there is a shortage of trained technicians and facilities to perform it.

THE ROLE OF MANPOWER IN THE FUTURE OF COAL

Mr. BYRD of West Virginia. Mr. President, on Monday, June 30, 1969, I delivered the keynote address at the 65th regular meeting of the Rocky Mountain Coal Mining Institute. The annual meeting took place at Estes Park, Colo.

I ask unanimous consent to insert the text of my speech in the RECORD.

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

THE ROLE OF MANPOWER IN THE FUTURE OF COAL

(By ROBERT C. BYRD, U.S. Senator from West Virginia)

President Shubart, members of the Rocky Mountain Coal Mining Institute, guests, ladies and gentlemen: I want to thank George Judy for his kind introduction, and also to express my appreciation to your program chairman, Oren Bridwell, for inviting me to make the keynote address here today.

Perhaps, I should also include a word of gratitude to those farsighted individuals who initially selected such a delightful location as Estes Park as the permanent site of this meeting. The climate here is a welcome contrast to that of the traditional Washington, D.C., summers.

I am glad to have this opportunity to discuss coal's problems with coal people. As you know, my State of West Virginia is the Nation's leading producer of coal. Consequently, it is a subject that holds real interest for me.

Because you are coal oriented, because coal has been much on the mind of the public of late, I can perform my role as keynoter and enunciate the issues of interest only in serious terms.

The titles of the addresses you have scheduled reflect a forward-looking attitude. You are searching for the latest knowledge available in all sectors of the coal industry. Your speakers have been given the task of bringing you up-to-date by stressing "What's new"—*What's New* in Coal; *What's New* in Production; Our *New* plants and Coal; *What's New* in Safety Regulation; *What's New* with the Manufacturers.

You are looking, of course, for information and ideas that can benefit your individual operations. There certainly is nothing reprehensible in that. In fact, your bosses, the stockholders, would soon set you back on course if you did otherwise. Nevertheless, a glance at some of the topics scheduled in your sessions leads me to believe that you hope to gain from this meeting something beyond more efficient methods and procedures for your own company operations. The emphasis that has been placed on reclamation, safety, research, and dust control indicates a determination to come to grips with problems that are affecting the total image of the coal industry.

This determination gives evidence of an introspective mood that has come over the coal industry in recent years. You are beginning to examine yourselves and your activities with some of the detachment of an outsider. Such a perspective is always good. In your case, it has brought you face to face with some of the most important issues to challenge any industry in this century.

In acknowledging the need to solve the problems these issues pose, however, you must acknowledge the existence of a bigger, more fundamental problem—one that underlies the others. That problem is the shortage of professional manpower.

Today, a rapidly growing, affluent society is demanding products that will provide it with the kind of living it wants. The minerals industry, which, with agriculture, supplies the raw materials and energy for such products, is expanding to meet the challenge—and problems always accompany expansion.

Problems in production, transportation, marketing, and the environment are common, in varying degrees, throughout the minerals sector. They come, are solved, and they go, but the bigger problem—that of obtaining the trained manpower needed to provide both socially and economically acceptable solutions to industry problems—has become a constant companion. In fact, in the coal industry the shortage of professionals is fast becoming critical.

I am not now speaking of production workers, although I am aware of estimates, indicating that, to meet projected demand, the coal industry will need to recruit thousands of such workers in years to come.

My concern, rather, is about the minerals engineers and scientists which that expansion will require. In too many instances, our colleges and universities are graduating decreasing numbers of these professionals at the very time when demand for their services is accelerating. Let us take a quick look at one important example.

In the past 15 years, the number of schools with accredited programs in mining engineering has dwindled from 36 to 17. Twenty years ago nearly 500 mining engineers were graduated each year in this country; ten years ago that number had dropped to 238. This year we are graduating only 110! W. Va. University graduated 3!

Along with mining enigneers, graduates with degrees in such disciplines as chemistry and physics are indispensable to a healthy, progressive coal industry. But coal is competing for such graduates with other mineral industries. and without much success. In turn, the minerals industry as a whole is competing for scientific talent against the glamour fields of aerospace, defense, and nuclear science—again without much success.

While society calls for an increase in the output of raw materials, the professional manpower needed to accomplish the increase is being attracted instead into the fields that consume this output.

Recent congressional testimony reveals that the professional manpower problem is becoming more and more acute in government mineral agencies, which also need young innovative minds to cope with problems too large and too fundamental to be funded by the private sector. The Bureau of Mines offers a striking example of this manpower shortage. While the Bureau has some of the outstanding scientists and engineers in the Nation, its success in attracting young professionals has been very limited.

As a result, the Bureau of Mines is an aging organization. Bureau officials tell me that out of a staff of several hundred professionals in the Bureau's coal research division at the beginning of 1969; only four persons under 41 years of age held Ph.D degrees. There was just one person under 30 with this degree.

Now, I am not implying that young Ph. D's have a monopoly on brains; however, I submit that they are on closer terms with the latest in academic knowledge. It is to them that we must turn to ask, in the words of your program, "what's new" in the disciplines on which progress in the coal industry depends. Further, I contend that the inquisitiveness and fresh approaches needed for progress are more likely to be found in young minds, unfettered by the frustrations of a long career and unhampered by the barriers imposed on a well-entrenched professional.

What kind of "progress" is threatened by the coal industry's manpower shortage? Three kinds of progress which together constitute the industry's hope for future vitality. Let me discuss them in some detail.

The first kind of progress would consist of expanding the coal industry's capacity to meet electric utility demands—which are certain to grow.

New coal-fired generating units on order in 1967 will, when completed, result in additional demand for almost 157 million tons of coal a year. As for the future, reliable estimates are that the demand for bituminous coal for all purposes could be on the order of 700 million tons a year by 1980, with some 500 million tons of this amount or more being used for the production of electricity.

Your success in this market, however, depends on coal's ability to beat the price of competing fuels. The close relationship between the growth of electric utilities and the growth of the coal industry will continue only as long as this price advantage exists.

How long will it exist, without fresh technological talent to solve the perennial problems of rising costs?

The second kind of progress would be represented by a significant improvement in the industry's ability to deal with problems of health, safety, and the environment. We must recognize these problems, and the threat they pose to the fullest future use of America's coal resources. The industry is beginning to commit itself to a search for solutions, and the Government, I believe, is committed to help it. But neither Government nor industry will get to first base without a transfusion of new professional talent.

Coal mine health and safety problems, for example, cannot be solved in the long run except through research. Legislation may ameliorate the effects of these problems, in the short run, but it cannot solve them. Research is needed to develop radically new mining systems that incorporate more effective provisions for health and safety. Such a research effort, properly conducted, will require the services of many scientists and engineers. Not enough of them are available today.

Likewise, research is the best and ultimate answer to the industry's environmental problems—air and water pollution, and land damage. These problems, like those of health and safety, are intimately related to the current technology of the coal industry. Lasting solutions will come only with dramatic improvements in that technology.

Finally, the third type of progress on which the coal industry's future depends is progress in the conversion of coal to electric power and fluid fuels. In spite of the optimistic predictions for the electric utility market, operators can ill afford to stand pat, tying their future to the steam generating market. This market is noted for flexibility in relation to the fuel it uses. Either economics or customer preference—and by the latter I mean social pressures against pollution and inadequate working conditions as judged by today's standards—could cause this market to turn to other fuels. These factors should encourage a search for greater diversification in markets for coal.

One form this diversification could take would be the development of new ways to convert coal to electricity—ways that do not share the disadvantages of steam generation. One of the most promising of these is MHD, magneto hydrodynamic power. This exotic technological development, if perfected, promises to extract more electricity from a ton of coal than do today's best steam plants, and also promises to produce far fewer pollutants in the bargain.

Another form of diversification, of course, would be the conversion of coal to liquid and gaseous fuels. Economic methods for converting coal to synthetic liquid and gaseous fuels have long been a desirable goal of coal research, but the day when synthetic fuels will become a necessity to the U.S. energy market may be much closer than we think. A recent issue of *Chemical and Engineering News* quotes Dr. John E. Kircher, an executive of Continental Oil Co., as saying, "This Nation is not finding petroleum reserves fast enough to keep pace with the rising demand."

Dr. Kircher believes that, if domestic sources continue to supply their present percentages of total demand, the U.S. oil industry will have to be producing about 14 million barrels a day in 1980. To achieve this production rate, the industry must discover about 5 billion barrels of oil each year. But such a discovery rate has been attained only three times before in our history—most recently on the Arctic Slope.

Natural gas, the premium fuel for the expanding home-heating market, is also facing the possibility of supply shortages. The Director of the Bureau of Mines—a former head of the Federal Power Commission's Bureau of Natural Gas—has predicted that a pinch in certain areas could develop as early as next winter.

Nuclear power may become a competitor in tomorrow's energy markets, but, as of now, that is by no means certain. Fabulous sums have been spent by the Government to develop peaceful uses for nuclear energy. The nuclear reactor for commercial generation of electricity has so far involved public expenditure of well over $2 billion research and development, and expenditures to this end continue to be made at a rate of well over $200 million annually. But reactors for generating electric power have not become operational as rapidly as was once expected. Thermal pollution and nuclear waste disposal have posed especially thorny barriers, and supplies of raw materials for nuclear fuels may not be as plentiful as was once believed.

Having a choice of fuels aids the economy by stimulating the competition that helps to keep prices stable. Converting solid energy sources to liquid or gaseous forms is a way of extending and perpetuating the consumer's freedom of choice. On the other hand, relying wholly on new discoveries of oil, natural gas, and uranium could lead to costly slow-downs should those discoveries fail to materialize.

Of the three solid energy sources available for fuel synthesis—oil shale, tar sands, and coal—coal is the most attractive. Its reserves are huge and its deposits are distributed closest to the major markets, giving coal an important cost-of-transportation advantage.

Nearly ten years ago the Congress recognized the enormous potential contained in this Nation's coal deposits, and acted to insure the wise utilization of that potential by establishing an Office of Coal Research in the Bureau of Mines. In nine years, the Congress has appropriated slightly over $57 million dollars to be used in coal research. The fiscal 1970 budget carries a request for another $13.3 million dollars.

It is, of course, a truism that in times of high taxes and tight budgets we must be highly selective in establishing priorities for spending. With this in mind, I still feel strongly that, coal research, like coal itself, is one of America's best investment expenditure bargains.

As of today, conversion of coal to gas and gasoline is technically feasible, but not commercially practicable in America. We recall that in World War II, when Germany was short of petroleum, the Nazi war machine operated successfully on fuel synthesized from coal. As a war measure, the U.S. also did extensive work on coal conversion. We may well ask, in light of these demonstrations, why synthetic fuels have never become competitive.

The answer is involved, but it can be explained partly, at least, in terms of mistaken priorities. Today, conversion of coal to gasoline remains largely captive to the old German technology. Before and during the war the Germans withdrew from the scientific community, and there was no exchange of research results. At the war's end, when details of their technology became available, their advances in synthetic fuels production gave our scientists much material for study. This material, however, was deemed of less immediate importance than was missile, jet, and other military technology.

At this time, too, we were anticipating petroleum surpluses as new production capacity, developed to meet wartime needs, became available as a source of peacetime supplies. There was, in consequence, no pressing demand for coal conversion research, and many scientists preferred to associate themselves with aircraft, rocket, electronic, and nuclear work. Then the United States decided to "shoot for the moon," and space programs became a powerful new magnet for young scientific talent.

Virtually the only efforts devoted to fuels synthesis, meanwhile, have been those of the Bureau of Mines and the Office of Coal Research in its "Project Gasoline" pilot plant operated by Consolidation Coal Company at Cresap, West Virginia.

The Bureau scientists, hampered by a plethora of priorities and a paucity of funds, have been able to do little more than add small increments to German wartime technology. Although efficiencies have been gradually improved, the cost reductions have been small, resulting chiefly from refinement of German techniques and modernization of German equipment.

True, there have been some encouraging investigations on the use of modern catalysts for coal conversion, suggested in part by the petroleum industry's successes with catalytic processes. But these developments derive from the transfer of knowledge, rather than from entirely new concepts.

To provide synthetic fuels on a fully competitive basis in any foreseeable future, we should plan now to promote swift technological improvements. And to do that, we must have the new ideas and fresh approaches that can be supplied only by inquisitive, well-educated minds. Our progress

in space has shown what can be accomplished by such talent when it is enlisted in a decade of intensive scientific effort. There is no reason to believe that coal, and the nation it serves, could not enjoy similar benefits from far less effort and cost.

To a great extent, then, progress in the coal industry depends upon research of one kind or another. What do we really mean by "research"? For my purpose today I can think of no more appropriate definition than the one given by the late Charles F. Kettering. He said:

"Research is a high-hat word that scares a lot of people. It needn't. It is rather simple. Essentially, it is nothing but a state of mind—a friendly welcoming attitude toward change. Going out to look for a change instead of waiting for it to come. It is the problem-solving mind as contrasted with the let-well-enough-alone mind. It is the 'tomorrow' mind instead of the 'yesterday' mind."

When the coal industry seeks to employ men with minds such as Kettering describes, there is, of course, the question of incentive. What combination of desires will motivate a high school or college student to choose a career in mineral engineering or science? And after that choice has been made, what will motivate the engineer or scientist to enlist his knowledge and talents in the struggles faced by the coal industry?

The future of coal depends on successful competition for professional services just as much as it depends on markets. How can we influence the "research-minded" individual in his choice, first, of a career, and second, of an employer?

I do not pretend to have all the answers, but some of the immediate needs stand out clearly.

To influence a young person's choice of a career, leverage must be applied on the colleges and universities where this choice is made. The minerals industries, therefore, must become as skillful as the aerospace industries are at persuading educational institutions to set up appropriate courses of study. To you and to me, the reasons why this should be done are obvious. Minerals are the foundation stones of industrial development, and supplying them is becoming more difficult every year.

But I do not believe the schools are sufficiently aware of this yet. Some seem to be mesmerized by the glamour of space exploration and defense projects. As a mining engineer recently said, speaking of his field, "It's the same curriculum taught in the same way it was taught 33 years ago when I graduated."

Perhaps this is an example of the lack of "relevance" we so frequently hear college students complain about today.

In dealing with the second problem, however—influencing scientists and engineers to work for the coal industry—coal men must look to themselves and their own image for the solution. Coal's public image to many may be tarnished. Attempts at improvement must come from the industry itself.

The most impressive step forward the industry could take, in my judgment, would be a genuine, all-out commitment to technological progress. The industry will have to demonstrate that it is not contributing to more problems than it is solving. Forums like this one offer excellent opportunities for such demonstrations, opportunities to establish a climate that will attract a bigger share of the Nation's best students. That is why I am encouraged by your emphasis on "what's new."

I believe there are intelligent, energetic, ambitious young people in our colleges and universities who can be attracted to pursue careers in the coal industry. It is up to all of us to show them how the industry can offer them a meaningful and relevant way to express themselves and to utilize their abilities for the good of all.

Let us enlist this manpower in the bright future of coal.

HOSPITAL CONSTRUCTION

Mr. CURTIS. Mr. President, we have heard some talk, perhaps more speculative than factual, about the need for some rather far-reaching changes in the Hill-Burton hospital construction program.

The allegation has been made that people in the rural areas of America have been wasteful and have built far more hospital rooms than they have patients to occupy them.

It has been suggested that perhaps some funds should be diverted from hospital construction to the building of clinics such as private physicians regularly provide as part of their services in the treatment of patients.

I do not pretent to know about the situation in all of the States, Mr. President, but I do know that my own State of Nebraska has not wasted any Hill-Burton funds.

Nebraskans have been good stewards of the funds they have received, as evidenced by the facts reported in an article in the Lincoln Evening Journal and Nebraska State Journal on Wednesday, June 18.

I respectfully request permission to place the text of this article, entitled "Nebraska's Rural Hospitals More Than Half Full," in the RECORD.

I wish to call attention especially to the statement by Mr. Joe R. Seacrest, past president of the Lincoln Hospital and Health Council and now a member of the State hospital advisory council. He points out, very appropriately, that State and local hospital councils have authority to see that Hill-Burton funds go to projects with highest priorities based on State and local needs.

I am pleased to submit this report on Nebraska's stewardship in managing its hospital construction funds.

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

NEBRASKA'S RURAL HOSPITALS MORE THAN HALF FULL

Washington critics of half empty rural hospitals built with federal Hill-Burton aid would find slim pickings in Nebraska to help their current case of diverting more money to metropolitan hospitals.

Only a dozen had less than 50% average daily occupancy during 1968, according to statistics in the 1969 State Hospital Plan by which the federal aid is granted. Another source, the American Hospital Assn. listing as of last February, shows 10 Nebraska hospitals half empty on any given day.

Of the 12, only five were built with federal aid, early in the hospital construction program years. All but the Lutheran in Beatrice are in smaller rural areas.

The other 11 are Broken Bow, Chappell, West Point, Oxford, Mullen, Bridgeport, Pawnee City, Rushville, Franklin, Spalding and Genoa.

Verne Pangborn State Health Dept. hospital and medical facility division chief, says Nebraska has built more outstate hospitals but those aided in metropolitan Omaha and Lincoln are much bigger.

A compilation April 1 this year on total spending since Hill-Burton emerged in 1947 supports his claim.

Of $29,535,266 federal funds received in 22 years, $14,173,898 has gone to Lincoln and Omaha and the remaining $15,361,368 to outstate projects. This has generated more than $100.5 million of construction throughout Nebraska.

This flow of funds wasn't happenstance but had controls, a point brought out Tuesday when Washington complaints on Hill-Burton aid patterns were discussed by the Lincoln Hospital and Health Council.

Members agreed with past president Joe R. Seacrest that all states have authority through such groups as hospital councils and health boards, plus documented state hospital plans, to see that Hill-Burton funds go to highest priority projects.

Seacrest, now on the state advisory hospital council, said Nebraska metropolitan hospitals have not suffered from rural overbuilding. Modernization money, a new category in the aid program, was added specifically to help update larger, older hospitals.

Pangborn points out the federal government's regulation two years ago that 80% would be used as ideal occupancy in all state aid plans applies to all hospitals, regardless of size or location. Nebraska's overall daily occupancy was 72%.

He says the 80% works against smaller hospitals and favors larger metropolitan hospitals.

In his opinion, Nebraska hospitals with less than 25 beds are most efficient around 65% occupancy; the 25 to 75 bed hospital at 70 to 75% occupancy; 65–150 bed units when 75 to 85% full, and 150 and up bed hospitals, 90%.

Twenty-eight of the state's hospitals have less than 25 beds, 48 from 25 to 49 beds; 15 from 50 to 99 beds; 14 have 100 to 199 beds and eight have 200 more.

Hospitals are just as vital to rural Nebraskans as to New Yorkers when they are sick, Pangborn observed.

He says there's no doubt that some built early in Hill-Burton history with or without this aid may ultimately have their roles changed to, for example, nursing homes. This doesn't mean they are wasted structures, he added, because the character of service changes as all-weather roads make other larger hospitals more accessible.

GREATER DALLAS WOMEN'S CHAMBER OF COMMERCE CALLS FOR 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Greater Dallas Women's Chamber of Commerce, on May 21, 1969, unanimously passed a resolution calling for a 100,000-acre Big Thicket National Park in southeast Texas.

The members of the Greater Dallas Women's Chamber of Commerce recognize that the Big Thicket is unparalleled in the richness and diversity of its plant and animal life. A National Park Service study states:

> The forest contains elements common to the Florida everglades, the Okefenokee Swamp, the Appalachian region, the Piedmont forests, and the open woodlands of the coastal plains.

The Big Thicket is disappearing at a rate of more than 50 acres per day. Once it is gone, it will be gone forever. Unless it is saved soon, it will be gone forever.

Mr. President, I ask unanimous consent that the Greater Dallas Women's Chamber of Commerce resolution of May 21, 1969, be printed in its entirety at this point in the RECORD, together with the names of the officers certifying the resolution.

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

GREATER DALLAS WOMEN'S CHAMBER OF COMMERCE,
May 21, 1969.

Senator RALPH YARBOROUGH,
Washington, D.C.

DEAR SIR: I am happy to report to you that the Greater Dallas Women's Chamber of Commerce, Dallas, Texas had their business meeting May 21, 1969 and the following resolution concerning the Big Thicket, this vote was one hundred percent in favor:

"Whereas, the Big Thicket of Texas is a meeting place for eastern, western and northern ecological elements; and

"Whereas, this is the last stand in Texas of the nearly extinct Ivory-billed Woodpecker; and

"Whereas, this beautiful and unique area is rapidly being destroyed by bulldozer and chain saw; therefore

Be it resolved that the Greater Dallas Women's Chamber of Commerce of Dallas, Texas, urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

"Be it Further Resolved that the Interior and Insular Affairs committee of the Senate of the United States be requested to set Immediate hearings on S4 which would create a Big Thicket National Area.

"Mrs. STATHAKOS CONDOS,
"President

"Mrs. FRANK R. PHILLIPS,
"Chairman, Big Thicket."

THE MANNED ORBITING LABORATORY

Mr. McGOVERN. Mr. President, I applaud the Nixon administration's decision not to proceed with the manned orbiting laboratory.

If it had any substantial military objectives it is probable that this program violated the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space. If it had no military objectives, on the other hand, then certainly it should have been carried out, if at all, by the National Aeronautics and Space Administration. Moreover, the broad program goals stated by Defense Department spokesmen leave a great deal of doubt whether it will achieve anything justifying the $3 billion price.

This cancellation was, in my view, richly and warmly deserved.

While standing as evidence of sound judgment on the use of national resources, the MOL decision also has another significance. Its impact on the people involved underscores the urgent need for planning in advance for the conversion of military resources to peaceful pursuits.

In a recent article in the New York Times, Correspondent Steven Roberts discussed the impact of the MOL contract termination on skilled workers who had been employed on the project. A combination of circumstances—this cancellation, declining demands of the space program, and a general uneasiness about the prospects for military spending in general—have created unemployment difficulties for large numbers of highly skilled aerospace workers.

Mr. Roberts found that an employment counseling concern set up near the McDonnell-Douglas plant after the termination has already interviewed some 2,000 men. They are among more than 10,000 workers affected by the decision.

The article is of special interest because it discloses problems for people whose skills are generally thought to be at a premium in today's economy. If the transition is painful for highly trained specialists with advanced scientific training, it is certainly not difficult to envision the troubled times ahead for lower skilled workers if larger military spending adjustments occur. At a time when we most need productive, remunerative employment for more Americans, we may find ourselves putting more Americans on the streets.

The outlook for workers is but one of a wide range of challenges associated with economic conversion. The National Economic Conversion Act which I am sponsoring along with 34 cosponsors is offered as an effort to deal with these dislocations before they are upon us.

We are doing our best to see that the defense outlays associated with the war in Vietnam will be ended—eliminating $16 to $19 billion and some 1.3 million jobs within 18 months. At the same time many Members of Congress, among whom I count myself, are demanding that non-Vietnam military spending be held to prudent levels, certainly far below some of the extensive post-Vietnam projections. The administration's decision on MOL indicates that the President is not entirely unsympathetic.

In such circumstances I believe we have an important responsibility to begin the planning process now.

Mr. President, I ask unanimous consent that Mr. Roberts' article, "In Defense Industry Cutback, Affluent Worker Becomes Just Another Job Hunter," be inserted in the RECORD.

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

IN DEFENSE INDUSTRY CUTBACK, AFFLUENT WORKER BECOMES JUST ANOTHER JOB HUNTER

(By Steven V. Roberts)

HUNTINGTON BEACH, Calif., June 21—Robert Hunter is a 46-year-old man with thinning hair, a wife, four kids, a mortgage and, until 10 days ago, a good job as a hydraulic engineer at the huge McDonnell-Douglas plant in this seaside town south of Los Angeles.

On June 10 the Federal Government, under Congressional pressure to cut defense spending, canceled all contracts for the Air Force's Manned Orbiting Laboratory projects. The $3-billion program was designed to gather military intelligence from an orbiting space station.

Robert Hunter was one of more than 10,000 workers affected by the sudden decision, including at least 3,600 at the McDonnell-Douglas plant here, 1,700 at the plant in Santa Monica and 1,800 more in St. Louis. Numerous other contractors from Sacramento to Philadelphia suffered as well.

"You kind of expect something like this in the aerospace industry, but when it finally comes it's a hell of a shock," said Mr. Hunter (the name is fictitious, because he did not want his real name used).

"The company has given me two weeks notice, and if I don't find something by then, I'll start collecting unemployment compensation.

HARDSHIP FOR KIDS

"I've always tried to put some money aside, and if worse comes to worse, we can carry on for quite a while. But the real hardship will be for the kids. If my savings go, they'll have to pay their own way through college."

Mr. Hunter's prospects for finding another job are dimmed by several factors. Many major defense contracts are now phasing out, and layoffs are prevalent throughout the industry. The North American Rockwell plant near here, one of the main contractors for the Apollo space program, has dismissed more than 20,000 men in the last two years.

Moreover, Congressional criticism of such programs as the Safeguard antiballistic-missile system and the C-5A jet transport has made everybody jittery.

"Contractors for a lot of these programs are not hiring people. They're waiting to see what happens," said Jerome Hirsch of Career Specialists, Inc., an employment counseling concern that set up an office in a motel near the McDonnell plant after the cutbacks were announced.

The men who build the nation's rockets and missiles are a mobile breed, used to moving every few years according to the changing fortunes of different companies.

Mr. Hunter moved here from North Carolina three years ago. A random sampling of a dozen McDonnell workers showed that only one was a native of California and that her last job had been in Washington.

"We're used to seeing people come and go," said Donald Brown, a newspaper editor in Sunnyvale, Calif., the home of the United Technology Center. "The Chamber of Commerce says the average stay in Sunnyvale is only four years."

Most of the companies involved are trying to find jobs for people who were working on the orbiting laboratory The General Electric plant in Valley Forge, Pa., for example, is already applying for new Government contracts that could utilize some of the workers.

Nevertheless, for the individuals who find themselves out of work, the experience can be traumatic. This was evident at the makeshift office of Career Specialists, where more than 2,000 men have already been interviewed.

The applicants sat on a row of folding chairs in the crowded motel room, clasping their résumés in their hands as Mr. Hirsch hastily interviewed them and set up appointments with companies who had sent recruiters to look over the available talent.

"I've had Ph.D.'s walk in here and say they were looking for a job," said Mr. Hirsch, a frenetic young man with a lock of sandy hair falling over his face. "They've spent all that time in school and now they're out on the street. Do you know what that does to a man?"

One of these was Richard Etters, a 35-year-old physicist, who had worked in a special research laboratory he had thought was immune to seasonal cutbacks.

Dr. Etters, the father of one child, said he was faced with a choice:

"It's almost impossible to find a basic research job in industry these days. Private industry is just not willing or able to support research unless it shows a quick profit. So I have two choices: I can go back to a university and do research, and take a 25 per cent pay cut. Or I can stay in industry, but leave research and shift to applied physics."

PAY IS A PROBLEM

The problem of pay is a pervasive one, according to Robert Parker, a recruiter for the Control Data Corporation.

"A lot of these men who have a few years of experience in aerospace have priced themselves out of the market," he said. "There aren't many equivalent positions for them in private industry, and often they pay several thousand dollars less."

"Usually you can negotiate a salary when you change jobs," added Ben Strick, a technical adviser in McDonnell's purchasing department. "But when you're laid off they can hire you for virtually whatever they want."

Each age group has its own problem. Most companies are not interested in men over 40, and Mr. Hirsch did not even bother to set up interviews for several older men who did not have particularly desirable specialties.

Men between 25 and 40 are more attractive to employers, but they are usually heavily committed financially and do not have the savings older men do.

"If I don't find something in a month, I'll be bankrupt," said Dr. Etters.

Men younger than 26 have a special problem—the draft. Many can still receive deferments for working in a defense plant, and dozens of young engineers and computer programmers are scrambling for jobs that will appease their draft boards.

The impact on communities surrounding the affected plants is not expected to be too severe. Men who work in Huntington Beach, for example, are spread out over half of Southern California. Even those who live nearby shop in huge regional centers that can more easily absorb a decline in business.

One field that is feeling the pinch is home building. Ray Long, a sales representative for Four Seasons Homes, one of dozens of tracts springing up out of the beanfields of Huntington Beach, said:

"One guy signed up Sunday and then the news came on Monday, and I gave him his money back. Two other prospects were also laid off. You can't buy a home if you don't have a job."

FEARS FOR THE FUTURE

The cutback in the space program has frightened a number of people about the future of areas like Orange County, which depends very heavily on defense contracts for its economic well-being.

"The ever present danger is a contract cancellation or spending cutback," the Los Angeles Times said in a recent editorial. "This could lead to job layoffs and resultant problems in such areas as retail sales, housing, property values and local tax loss."

The paper urged defense contractors to diversify into other fields.

The cutback has also prompted some men to think about their own future.

"One man in the tract told me that he was selling his house and going back to Detroit. He couldn't take the uncertainty any more," Mr. Long said.

Several men noted that a vast complex to launch the laboratory and millions of dollars worth of support services were nearing completion at Vandenburg Air Force Base in Lompoc, Calif. Fourteen men who had trained more than two years to operate the laboratory now have to find other jobs.

JUST WASTEFUL

"There must be a better system," said a scientist. "This company is laying off thousands of men, but in the near future they might get another contract, and they'll have to build up their staff all over again. This is just wasteful."

Yet many of the workers, particularly younger ones, find a special challenge in the aerospace industry that they don't want to give up. Mrs. Birenbaum, who is 25, put it this way:

"I don't do this for the salary, and many of the younger people don't either. They can always make money and they know it, and they want something more. I remember when I heard on the radio that a satellite I had worked on was launched. I almost had a wreck—it was one of the greatest things in my life. In a commercial company you measure success by sales figures—well, so what. Here we're really doing something important."

OPERATION MAINSTREAM

Mr. PERCY. Mr. President, the very active Administrator of the Small Business Administration, Hilary Sandoval, Jr., recently addressed the Cosmopolitan Chamber of Commerce in Chicago. His address is a most perceptive look at the problem of helping establish minority-owned businesses and a very forthright report of the efforts that have been made and are currently being made by the Small Business Administration to promote minority enterprise. I think the statements of Mr. Sandoval reflect the concern that President Nixon's administration has for furthering the development of minority enterprise in the Nation, and the sincere efforts the President is making to achieve that goal.

I request unanimous consent to have the statement reprinted in the RECORD.

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

ADDRESS BY HILARY SANDOVAL, JR., ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, BEFORE THE COSMOPOLITAN CHAMBER OF COMMERCE, CHICAGO, ILL., JUNE 7, 1969

Thank you for inviting me here today to talk with you.

I believe we have a great deal in common.

You are businessmen, or men vitally concerned with business, and commerce. So am I.

You are members of a minority group. So am I.

You are interested in seeing more members of minority groups become businessmen. So am I.

And, as you know I am responsible for directing a program that can go a long way toward helping us achieve that goal.

So it is that program that I would like to talk with you about today. We call it Operation Mainstream and we hope it will provide opportunities for more members of minority groups to establish sound businesses.

There has been some speculation in the press recently that we have cut back SBA's program to help minorities.

I can tell you that's not true.

We're not cutting back our efforts, we're increasing them.

There have been reports in the press that SBA is making fewer loans to minorities now than it did a few months ago.

I can tell you that's not true.

I've said that I won't play a numbers game and I mean it. But for those who rely heavily on numbers, I can say that we are making more minority loans today than at any time since the program was started last August.

There has been some criticism of certain methods we are using in running the program. I don't mind constructive criticism. I welcome it. Because through constructive criticism we are able to see our weak spots and are able to take steps to correct them.

I suppose a comparison between what we are doing and the manner in which the program was operated by our predecessors is inevitable.

But I don't believe such a comparison is fair to either our predecessors or us. It serves no useful purpose. Let me tell you why.

In the first place, this is not a personal test to see which of us can achieve the best record. It's a long-range program to truly help the minorities. I think this was the goal of the people who started the program and it certainly is what we are working for.

Secondly, the people who started the program had seven months experience with it. We have had less than half that time—three months experience to date.

Conversely, we have had the advantage of building on what already has been done. The people who began the program had the disadvantage of having to develop the program and put it into operation.

So I don't feel that comparison are valid or serve any purpose.

And let me say that I believe the people who started the program made a good start.

They stimulated the interest of the banking community. We are continuing these efforts.

They started to develop liaison with community organizations to find the people among the minorities who could run a business.

We are continuing to do this.

They realized the necessity of getting business and industry to provide the management training and advice that new businesses require if they are to succeed. We agree this is necessary. We found this was one area that was lagging in development and we are really concentrating on it.

However, we can and must improve on what has been started so we have made some changes which we believe will accomplish that improvement.

I think the fact we have made some changes may possibly have led to the incorrect conclusion that we are lessening our efforts in the minority enterprise program.

Let me say again, that's not true.

I found that the minority program was split off from the rest of the Agency's operations. We felt we should make it a vital part of our overall operations and so we changed that. I found a dozen people in Washington and 60 or 70 "team" members in certain cities working apart from our field offices on the minority program. The teams had responsibility but no authority. And our field offices had the authority but no responsibility.

We felt a different approach would be more effective and we changed that.

You know, we have nearly 900 people in our Washington office and some 3,000 more in our field offices.

I want all of these people to be concerned with the minority program. More important—I want them to be concerned and working in our effort.

So I've made our regional offices responsible for the program and have given them the authority to carry it out.

We are going to continue sending our people into the inner cities and ghettos and the communities across the country where the minorities live. And we are going to have more minority staff members working to help the minorities.

I don't think anyone knows the problems of the Black-American or understands him better than another Black-American—a soul brother.

I don't think anyone knows the problems of a Mexican-American or understands him better than a Mexican-American, a compadre.

So we are going to have more Black staff members going into Black communities. And we are going to have more Spanish-speaking staff members going into Spanish speaking sections than we had before.

And we are going to have more minorities in top jobs in SBA helping set policy and advising us on how we can best run a minority program.

When we took office, our "team" in Los Angeles had only one person that could speak Spanish. That's just not good enough in the city with the largest Spanish-speaking population in the country. We've changed that.

I found that the "team" in New York City had only two Black and one Puerto Rican member. That's not enough in the city with the largest Black population in the nation and a large group of Puerto Rican people. So we've added six new minority team members already—four Spanish speaking and two Black members and two other Black members are going to join the team shortly. And, we'll add more.

We have heard some criticism because I said we will make sound loans. This in some way has been misconstrued to mean we are

tightening up on our criteria and it will be difficult for minorities to get loans.

That's not true. I haven't changed any of the existing criteria for minorities to qualify for a loan.

When I say I want our offices to make sound loans, I mean that when we help put a man in business we want to be reasonably certain we have all the back-up help—both management and technical—that he is going to need so that he will own a going business a year or two years or five years from now, and not become merely a statistic on our loan reports for the month we make the loan.

It doesn't mean, because I want a sound loan, that we won't take risks. We will take risks. And I can tell you that we are going to make some mistakes along the way.

But I'm not afraid of making mistakes if we can learn from them. So I say to you that we are going to take risks, and we are going to make mistakes. But that is the only way we can make progress.

As I said earlier, I don't believe the success of our efforts will be found in any score sheet or statistical report.

We're not dealing in numbers. We're dealing with human beings. We're dealing with people's lives and perhaps the life of the nation.

I don't believe that the proof of our success will be found in the number of loans we make.

I believe the success will be found in a store you can see like the franchise business we helped open in Bedford-Stuyvesant in Brooklyn yesterday.

I don't believe the proof of our efforts will be in the dollar volume of loans we can report.

I believe the success will be found in the black trucker and the black and Mexican-American auto parts dealers that International Harvester, Safeway Truck Lines, Chrysler Corporation, local banks and SBA all helped put in business in Kansas City two weeks ago.

I don't believe the proof of our success will be found in annual loan rates we set or can quote to the press.

I believe the proof of our success will be found in the Martin Luther King Sr. Nursing Home that the Martin Luther King Jr., Foundation, local banks and SBA all helped establish in Atlanta, Georgia.

I don't believe the proof of our success will be found in the number of news releases we issue on the program.

I believe the proof of our success will be found in the dry cleaning store located in the Chicago ghetto that a local development company, a local bank and SBA helped minority people buy from white owners this week.

I can say to you truthfully my friends: We are not lessening our efforts. We are increasing them.

We are not cutting back on our program. We are expanding it.

We are not less concerned. We are more concerned with how we can improve our program to make it serve the minorities better.

I have been a member of the second largest minority group in the nation for 39 years now. I've been the route. I know the problems the minorities face and I can tell you I mean to face up to those problems with all the resources at my command.

I hope that when it comes time for us to turn the program over to our successors, that they will look for improvements and will seek new methods of increasing the effectiveness of the program and that they will be able to improve on our record.

And if, when it comes time for us to pass the baton to the next man, we can walk past a new Black or Mexican-American or Indian or other minority-owned business and say we had a little something to do with helping a fellow American become a successful businessman, then I think we will be able to say we achieved some success.

I hope all of you will join us at SBA in working toward that day.

INTERPRETATION OF RIGHT TO STRIKE PROVISION IN FORCED LABOR CONVENTION

Mr. PROXMIRE. Mr. President, yesterday I spoke on the floor about the Forced Labor Convention. Included in my remarks was a substantial quote from former Secretary of Labor Arthur J. Goldberg concerning the application of this convention to existing constitutional law. Mr. Goldberg's analysis demonstrates clearly why ratification of the Forced Labor Convention would not conflict with our own laws governing labor-management relations.

Opponents of ratification have suggested that adoption of this treaty might raise havoc with State and Federal laws which prohibit certain types of employees from striking—for example, New York's Conlin-Wadlin Act. They contend that there would then be two conflicting clauses in our legal framework concerning the procedure for handling strikers and what would constitute sufficient grounds for arresting them.

But as Mr. Goldberg made abundantly clear in his remarks before a Human Rights Subcommittee of the Foreign Relations Committee, this convention would not be applicable to criminal sanctions invoked for violations of court orders such as the ones which are issued under the National Labor Relations Act. Currently, when one is sent to prison for violating a valid injunction issued under the National Labor Relations Act, one is incarcerated for contempt of court. One is not jailed for striking even though the terms of the statute may forbid or prohibit certain types of activities. One is jailed for defying a court order.

Similarly, when one commits an assault, even though it might be in connection with a perfectly legal strike, one is not entitled to immunity. The offense for which the indictment is issued is not for exercising one's constitutional right to engage in strike activities. Rather, one is sent to jail under those circumstances for violating our criminal statutes outlawing assaults.

Thus, in both these instances, one cannot be jailed under our existing legal code for participating in a strike. The right to strike is considered to be one of the basic freedoms of those who work. One can be, however, sent to prison for violating a court order. Hence, Mr. Goldberg's interpretation is correct when he enunciates that the Forced Labor Convention would not contravene with any of our own legal rights or statutes.

We have been looking at Mr. Goldberg's analysis. But another former Secretary of Labor, Willard Wirtz, has also taken the position that the ratification of this convention would definitely not conflict with our existing legal code. One would be hard put to challenge the legal expertise of these eminent lawyers and therefore their position on this convention seems most cogent and convincing to me.

Mr. President, if we believe in these conventions, then let us demonstrate this to the world by letting our actions correspond to our lipservice. Our inertia in acting upon this and the other Human Rights Conventions have dismayed those concerned citizens of the world sensitive to the plight of mankind while providing our adversaries with sufficient fodder for their propaganda machines. These conventions should be one of the most important items on our agenda.

As Arthur Goldberg has said:

> Without the support of the United States, these agreements may appear insignificant to many other countries. If *we* do not consider it important to sign the conventions, why should they? Or more importantly, why should they implement the conventions?

FULBRIGHT PROGRAM FUNDING

Mr. MOSS. Mr. President, as this body well knows, one of the most successful and imaginative programs of our times has been the one devised by the distinguished chairman of the Senate Foreign Relations Committee (Mr. FULBRIGHT) and given his name. Under it thousands of American scholars have had the opportunity to study and teach in foreign lands, and many thousands from other countries have had a similar opportunity to study and teach in the United States.

At a recent meeting in April in Philadelphia, the executive board of the Organization of American Historians, whose executive secretary is David E. Miller of the University of Utah, passed a resolution asking that the Fulbright program be expanded. I feel this is a very desirable objective, and ask unanimous consent that the resolution be carried in the RECORD.

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

THE ORGANIZATION OF AMERICAN HISTORIANS,
June 3, 1969.

DR. FRANCIS YOUNG,
Executive Secretary, Committee on International Exchange of Persons, Washington, D.C.

DEAR DR. YOUNG: In the name of the Organization of American Historians, an association representing nine thousand professional historians, and upon instructions of its Executive Board meeting in Philadelphia, April 16, 1969, I David E. Miller respectfully submit the following:

"Resolved: Whereas the Fulbright program affords opportunity for study and teaching in foreign countries and also affords foreign scholars a similar oppotrunity to study and teach in the United States, the Organization of American Historians vigorously urges that the Fulbright program be *expanded* to encourage more of this high quality international exchange;

"That one major obstacle to world peace has always been the lack of understanding among peoples of various nations, and the exchange of scholars under the Fulbright program is one of the best ways to overcome this lack of understanding and thus promote better realtions between the United States and other nations;

"That funds to support an expansion of this important program are vital to the best interests of the United States."

Respectfully submitted.

DAVID E. MILLER,
Executive Secretary.

THE AGRICULTURAL APPROPRIATIONS BILL FOR FISCAL YEAR 1970

Mr. YARBOROUGH. Mr. President, Texas is one of this country's greatest agricultural States. Texas leads all others in the production of cattle, sheep, cotton, and rice. Texas stood fourth in value of agricultural receipts for 1967 with $2.5 billion. Fifty-two percent of this came from livestock products and the rest came from crops.

More important than all of these, Texas has more farm families than any other State in the Union. It is the greatest stronghold of the family farmer in the United States. Great corporate agriculture has not liquidated the family farmer in Texas. There are over half a million users of REA power in my State alone.

I have always been a strong supporter of our farm programs, believing that a sound agricultural economy is basic to a sound national economy.

American agriculture is easily the most successful on earth. The contrast to the Soviet Union is inevitable; and such a comparison clearly demonstrates the superior productivity, given nearly equal resources, of our approach to farming. Our agricultural produce represents our biggest class of exports and is one of our greatest resources in the struggle to achieve a favorable balance of payments.

If we are to maintain the high levels of success of our agricultural programs, we must continue to finance them adequately.

On June 25, 1969, the Senate Committee on Appropriations, of which I am a member, reported out H.R. 11612, the appropriations bill for the Department of Agriculture and related agencies for fiscal year 1970.

This committee recognized its responsibility to determine national priorities and recommended $750 million for the food stamp program, an increase of $410 million over the administration's budget request.

The committee also recommended an appropriation of $6,036,200 for the cooperative fire ant program. This is an increase of $1 million over the budget request and will provide for an acceleration of eradication activities for this very serious pest introduced from other countries, and now exploding in the United States.

In some cases, however, the committee did not go far enough. The committee recommended $185 million for the agricultural conservation program, a program which the administration had dropped from its budget. This is one of the most worthwhile programs I know, and I have supported it fully from the time I first came to the Senate in 1957. It reaches over a million farms each year and results in the application of the greatest amount of conservation measures to the land at the lowest cost per acre of any similar program—$185 million is too low. It should have been at least $220 million. But this is $185 million over the Bureau of the Budget recommendation, and I very strongly commend the very able chairman of the Senate Agriculture Appropriations Subcommittee, Senator SPESSARD HOLLAND, of Florida, whose thorough work and thorough understanding of agriculture has led to this restoration and much other good in this bill.

The Senate committee also resurrected the special milk program, which provides milk for school children, a program which the administration had abolished in its budget. The committee recommended a direct appropriation of $84 million. This amount plus $20 million available from section 32 funds will provide a total level of $104 million for this program. This committee should have made at least a total of $120 million available for milk for the schoolchildren of America. Milk is an indispensable part of the diet of children, and in this bountiful land none should go without it. But since the administration and its budgeteers tried to cut out the entire program, I think that the restoration of $104 million was a great benefit, though a retreat from last year.

I have also been a long-time supporter of the Rural Electrification Administration program. This program has made an almost unbelievable contribution to the development of rural America. The Senate bill calls for $340 million for the rural electrification program loans, an increase of $20 million, and $123.3 million for the rural telephone program loans. With an expected backlog of applications for $440 million at the end of fiscal year 1969 and about $275 million in applications anticipated in fiscal year 1970, a full $715 million for loans is needed. The $340 million in the rural electrification loans falls far short of what is needed to keep our rural economy growing. And the strength of this country is in growth, not in backing up.

The committee recommended $46 million for rural water and waste disposal grants under the Farmers Home Administration, an increase of $18 million over the Nixon administration's budget request. This program is essential to the development of rural America and is well below what is needed. The full $52 million requested by the Johnson administration should have been recommended, but we did succeed in improving both the Budget Bureau requests and the House of Representative's appropriations.

The Great Plains conservation program is one of the real success stories. It has enabled farmers in the 10 Great Plains States to stabilize their farms and ranches and to reclaim their land which had been laid bare by high winds during the droughts of the 1930's and the mid-1950's. There are now 421 counties covered by this program. However, the job is not yet done. A recent survey in Texas indicated that the work accomplished under the program in the 98 counties in the 11 years of activity amounts only to from 10 to 15 percent of the conservation work needed in the area. Achievements would have been even greater had the funds been sufficient to meet the requests of all of the applicants. Over $16 million were appropriated in fiscal year 1969. The administration had requested only $14 million for this program which is critically important to the 20 million people living in the Great Plains area. The Senate committee recommended $15 million. At least $16 million should have been recommended, but the Senate committee recommendation is a distinct improvement over the Nixon budget.

Mr. President, I strongly regret that the war in Vietnam and our other defense activities put such a drain on our national resources that we cannot adequately finance all of our badly needed domestic programs.

It is difficult to judge the loss we as a whole people sustain when we provide too little funds and resources for programs such as the schoolchildren's milk program, the agricultural conservation program, the rural electrification program, and programs to provide water and sewer systems in rural areas. Frankly, I am shocked that the Nixon administration and the Bureau of the Budget would attempt to appropriate nothing, absolutely nothing, for milk for American schoolchildren and for the agricultrual conservation program. I have been protesting the manner in which this administration has ordered its priorities, and their agricultural budget recommendations are a good illustration of the basis of my protest.

I would like to see the day when the Budget Bureau would apply the same paring knife to the military adventures overseas as it does to our agricultural and domestic budget at home. The great tragedy that results from this kind of emphasis is that we in the Congress, and we as a people, begin to lose sight of the true values and the desperate need of our society—our people—our economy. However, I also fully understand that we must economize in every way we can to protect our economy from the disastrous effects caused by rapidly increasing inflation. Although the Senate agricultural appropriations bill for fiscal year 1970 is not as complete as I would like to have it, I am thankful that it is far better than the administration's recommendations, and better than the House bill.

U.S. MEDICAL CARE FRONT

Mr. JAVITS. Mr. President, an article in Washington's Evening Star of June 23, 1969, depicts a recent conference of hospital administrators, health economists, and medical students concerned with the subject "medicine in the ghettos." The gross inadequacies in the health care afforded to the slum dwellers, of which the participants and we ourselves have become sadly cognizant, was once again reported upon. The frustration and unrest among the medical students and slum workers represented at the meetings was most significant. The time has come, they stressed, for action, not words, and for some immediate relief to the wretched conditions that the poor face in health care. I, too, am convinced that we cannot delay any longer in meaningful action to cure these problems and in seeking to assure every American of proper health service and facilities. We must give added priority to overcoming the severe shortages of health manpower

and the obsolete conditions of hospitals, and to developing new programs for disease and malnutrition; so that the cry of the conference's participants will be heard by all. Mr. President, I ask unanimous consent that this newspaper article be printed in the RECORD.

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

UNREST ON THE U.S. MEDICAL CARE FRONT

(By Judith Randal)

If a three-day meeting at an old resort hotel in New Hampshire is any valid indication, the nation is in for a confrontation on the health front much like those that have already arisen over housing, education and jobs.

It was an improbable encounter of the smooth-shaven establishment of medical school deans, hospital administrators and health economists with the bearded young, the blacks, plus a few older participants and inner-city poor thrown in for good measure. Wentworth-on-the-Sea hadn't seen so much action since 1905 when Theodore Roosevelt convened the talks there that led to ending the Russo-Japanese War.

The theme of the meeting was medicine in the ghettos. Its sponsors were the Harvard medical school, the Boston Globe newspaper, and an arm of the Department of Health, Education and Welfare.

The meeting got off to a somewhat inauspicious start when Melvin H. King, a black Bostonian who directs the New Urban League there, charged that a neighborhood health center in Mississippi operated by Boston's Tufts Medical School with funds from the poverty program was latter-day "carpetbagging of the most racist sort."

The predominantly white liberal audience, accustomed to such scolding from black militants, held its peace. But as the session wore on, emotions built up.

Medical students and others in the audience rose to say that the conference as planned wasn't telling them anything about the lack of health care in the ghettos that they didn't already know.

Said one participant, "Listening to the speakers, I'm reminded of the World War II kamikaze pilot who had flown 40 missions—too many of us are involved but not committed." Why not, he suggested, outline some plan for action that would come to grips with these all-too-familiar problems.

In an evening session that lasted well past 1 a.m., a group of young Negroes led by Dr. Rodney N. Powell, director of a neighborhood health center in the Watts section of Los Angeles, backed two high federal officials into a corner. They wanted to know whether HEW's health efforts for the inner city were as far as the department was prepared to go.

Dr. Joseph T. English, administrator of HEW's Health Services and Mental Health Administration, and his deputy, Irving J. Lewis, went through their budget line by line. By the time they had finished it was clear that they have little discretion on spending because most of the money was designated years in advance for projects that have little or nothing to do with slums.

"Ladies and gentlemen," Powell interjected, "we are having a conference on medicine in the ghetto and there is no money available—that speaks for itself."

Rashi Fein, a Harvard economist with broad experience in Washington, saw the melancholy rendition of facts and figures in a different light.

"As I listen to the moneys that aren't available," he said, "I conclude that the single most important vote on health legislation that will come up in Congress this year is the vote on the ABM (antiballistic missile)."

There was, as the dialogue progressed, something of the old-fashioned revival meeting about the proceedings. Blacks wanted to know what white professionals were prepared to do about racism and lack of opportunity for Negroes working at menial hospital jobs. A spokesman for the American Hospital Association said his organization deplored such conditions as provoked the current hospital workers' strike in Charleston, S.C., but was powerless to do much about them.

On the other hand, Dr. Leonard Cronkhite, administrator of Children's Hospital Medical Center in Boston, said that at his institution blacks are not only paid standard wages, but also are encouraged with a tuition assistance program to improve their skills so they can move up.

What is more, Cronkhite said, he makes sure department heads are giving Negro subordinates a fair shake. "In the last 12 months," he said "I have fired four department heads for pure and simple racism."

The medical students and others, many of them veterans of the battle for medical reform, had drafted a set of resolutions designed to end the present disparities in health care available to the indigent and the solvent.

Ranging from proposals to train more black doctors and put more emphasis on preventive medicine to plans that would allow ghetto physicians to treat their patients in hospitals, the resolutions dealt fundamentally with efforts to change a costly and discriminatory system that makes second-class citizens, medically, of the poor and bleeds the middle class.

Tomorrow or the day after, participants kept saying, Wentworth-on-the-Sea will again fade into obscurity and the first nationwide conference on ghetto medicine, together with its resolutions and rhetoric, will probably be forgotten.

This well may be. But perhaps Dr. John Knowles, the original choice for assistant secretary for health and the final luncheon speaker, was closer to the mark. Speaking of the inequality in health care the poor now face, he warned that "the fires of revolution have not been banked in this country and the smoke is still rising."

THE LITTLE THINGS THAT COUNT

Mr. HART. Mr. President, J. Edgar Hoover, Director of the Federal Bureau of Investigation, kindly sent me an advance copy of the July issue of the FBI Law Enforcement Bulletin.

The issue contains an article written by Loren M. Pittman, River Rouge police chief, entitled "It's the Little Things That Count."

The story commends the alertness of River Rouge Patrolmen Ted Washington and Arthur Welch, Jr., in solving an assault case.

Chief Pittman makes two points:

That police officers work under the strain of remaining constantly alert, and that crimes can be solved and airtight cases built by such alertness.

The article by Chief Pittman is a refreshing commentary on police methods in this day of complaints about restraints put on the ability of the police to solve crimes.

This importance, the difficulties and the demands on the policeman in our troubled days, is one everyone should recognize and give constructive aid.

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

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

IT'S THE LITTLE THINGS THAT COUNT

(By Loren M. Pittman)

Everything was quiet and peaceful on the wintry Sunday evening in River Rouge, Mich.—quieter than usual perhaps, for few persons ventured outside their warm homes after a storm had dumped nearly a foot of fresh snow on the ground earlier in the day.

The snow made driving extremely hazardous, and the police on the afternoon shift of this cold, blustery day had been kept busy answering distress calls of motorists involved in minor traffic accidents caused by icy road conditions.

Two River Rouge patrolmen, Ted Washington, a veteran of 9 years, and his partner, Arthur Welch, Jr., with 7 months on the force, had already handled a number of traffic tieups, so they were not too surprised when they saw a white sedan sliding through a stop sign at an intersection ahead of them.

OFFICERS WARN MOTORIST

Motioning the driver over, the officers warned him about the icy roads and cautioned him to go slowly and carefully. They issued no ticket because there was no traffic in the area.

Although issuing only a warning, the officers did record the driver's name and address and that of his passenger. They also logged the make, license number, and description of the automobile, and the time, 9:15 p.m. All this was routine police procedure.

A few minutes later another young male motorist drove up in front of a church in River Rouge. Accompanied by his 20-year-old fiancee and his sister, this young man had risked the icy roads in order to provide transportation for a priest who was awaiting them at the parish rectory. He let his fiancee and sister off in front of the rectory and dutifully drove around the corner to park his car because there was a "No Standing" sign in front of the church

MAN STABBED ON STREET

While walking back to the rectory, he noticed a car pulling to the curb near him and watched as a man got out from the passenger side and approached him. He attempted to walk around the stranger, who suddenly, and for no apparent reason, plunged a knife into his chest—once, twice, three times, and, as he fell forward, the assailant struck a fourth blow, this time into his victim's back, before turning and fleeing back to the waiting automobile.

Although seriously wounded and unable to call out, the victim somehow managed to drag himself through the snow to the rectory before collapsing on the floor.

A telephone call quickly brought Det. Lt. Edgar O'Hara and Det. Sgt. Gene Barnes to the scene.

The victim of the brutal attack was unable to give the detectives more than a brief description of his assailant, but he said the car was "old and a dirty white."

This information gave the two detectives little to work with, but they quickly put out a police broadcast to watch for a car matching that description.

Advised by our police dispatcher that a 22-year-old man had just been brutally stabbed and left lying on the street in front of a church rectory he was about to enter, we knew that we were confronted with the type of vicious, wanton, senseless street crime that is almost impossible to prevent—and nearly as impossible to solve.

Where do you begin?

There was no apparent motive, because the victim was not robbed. He lived miles away from the area where he was attacked and was a complete stranger to the neighborhood. The vicinity around the church is a quiet,

residential area from which relatively few police calls are received.

The victim was a law-abiding young man with no known enemies and was assaulted without provocation. There had been no argument or contact between the victim and his assailant prior to the stabbing.

ATTENTION TO DETAILS

Fortunately, we solved this case in less than a day because two police officers paid attention to routine details and never relaxed for a moment as they performed their daily police duties. The assailant pled guilty to assault to commit great bodily harm less than murder.

Even the extraordinary can become routine if it is done over and over enough times. And this is often where a policeman gets into trouble. He can stop a thousand speeders and go through the routine of issuing tickets again and again. He can relax on ticket 1,001 and get his head blown off. He can answer 500 family arguments, and just about the time he considers 501 a "routine" call, he's met at the door by an irate husband jabbing a shotgun in his face.

Two officers who heard the radio broadcast of the stabbing were Patrolmen Washington and Welch, who were still on routine patrol duty. Both officers recalled the car they had stopped a few minutes before. It, too, was "old and a dirty white" and a 1959 model of a popular make.

The officers knew that the traffic offender had had sufficient time to reach the vicinity of the assault scene and that his car matched the description of the wanted vehicle.

The two patrolmen relayed their information to the detectives and, suddenly, the pieces of the mystery began to fall into place.

Meanwhile, the victim, lying in critical condition in a nearby hospital, began to recall additional details of the attack. He was "nearly certain" that his assailant had dropped his knife in the snow as he fled to the car.

Detectives O'Hara and Barnes, with the help of other officers, began a slow and careful search in the foot of fresh snow, and after several hours of shoveling and sifting, they found a switchblade knife.

They also checked with the records bureau and learned that a 1959 white car was registered in the name of a Detroit woman, who was later identified as the traffic violator's mother.

ARREST MADE

By Monday afternoon the detectives had located the car and arrested the driver, 19, and his passenger, 21, at the latter's home in River Rouge.

When questioned by officers, the 21-year-old man signed a voluntary statement confessing the stabbing.

The success of solving this case only reinforces the old adage. "It's the little things that count."

Law enforcement authorities across the Nation constantly stress that the police officer leads a hazardous life and that his greatest danger is carelessness.

A policeman can never afford to relax, to skip details, or to look the other way, when, for example, a motorist fails to stop at an icy intersection.

Because two River Rouge patrolmen did their job correctly—even though they had no intention of issuing a ticket—our detectives had the names and addresses of two men as well as the license number of a car matching that of a vehicle possibly used in an attempted murder.

Again, attention to routine matters paid off—a valuable lesson to remember.

On May 12, 1969, the circuit court in River Rouge sentenced the subject in this case to 5 years' probation on condition that he receive psychiatric treatment.

THE ENVIRONMENTAL QUALITY COUNCIL

Mr. MOSS. Mr. President, on May 29 President Nixon created the Environmental Quality Council. It was described as "a Cabinet-level advisory group which will provide a focal point for this administration's efforts to protect all of our natural resources."

Commenting on the Council's establishment, the Salt Lake Tribune makes the point that it amounts to another layer imposed upon an already complex Federal structure. Moreover, says the Tribune, the members of the Environmental Quality Council—the President, the Vice President, and Cabinet officers—already have too much to do.

I commend the Tribune's view that a more effective approach to conducting the fight to preserve the environment would be to "group the agencies concerned with pollution under one Federal department," or appoint a special anti-pollution commission. I favor the first alternative, and believe the proper department to handle this matter is one I am proposing—a Department of Natural Resources and Environment.

It should also be pointed out that many of the members of the Cabinet are already on another council which has a great deal to do with pollution, the Water Resources Council. Its chairman is the Secretary of the Interior, and the members are the Secretaries of: Agriculture; Army; Health, Education, and Welfare; and Transportation; as well as the Chairman of the Federal Power Commission. So we now have four cabinet secretaries—Health, Education and Welfare, Agriculture, Interior, and Transportation—holding membership on both the Water Resources Council and the Environmental Quality Council, both of which must concern themselves, for example, with water pollution.

There are other ramifications, but I will not go into them at this time. This superimposing of committee upon committee—made up of many of the same men—gives us the appearance of doing something without establishing the administrative structure required to solve one of the Nation's most pressing problems. But it is my hope that the creation of the Environmental Quality Council is a step toward the expeditious formation of an effective Department of Natural Resources and Environment.

I ask unanimous consent that the editorial from the Salt Lake Tribune entitled "Fine Motive, Faulty Plan" be printed in the RECORD.

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

FINE MOTIVE, FAULTY PLAN

Environmental pollution is a many-headed monster that must be slain. And many a hero, sword in hand, has gone forth to do battle with it. They are flailing away at the serpent's smoky breath, its clawing feet, its unbeautiful eyes. Sometimes they fight each other instead of the brute.

President Nixon has sought to bring some order to the onslaught, to discipline the warriors and bring the dragon to its knees. The vehicle for this giant task is to be the new Environmental Quality Council which the President himself will head as chairman. Other members are the vice president and Cabinet officers whose departments currently are engaged in separate anti-pollution programs.

The council's mandate from the President is clear: 1—Propose improved measures for the control of pollution. 2—Coordinate anti-pollution efforts in the different levels of government. 3—Anticipate new problems that will arise. In addition the council is supposed to give the President more administrative machinery in the anti-pollution field.

If the council manages to carry out the President's assignment, it will have to impose another administrative layer on top of the several already functioning in the various federal departments and in state and local governments. There is a real chance this will further complicate rather than simplify the anti-pollution campaign.

We have no argument with the President's desire to roll back the inroads of pollution and poor use of resources. But we wonder if a council of busy men, each of whom already have more problems than he can solve, can do justice to the challenge posed by great and growing environmental despoilment.

A better way of coordinating anti-pollution efforts would be to group them under one major federal department or else ask Congress to give a special anti-pollution commission broad powers to implement a coordinated effort. The President and his Cabinet officers are spread too thin now. Assigning them additional duties in improving the environment is not likely to produce the most effective action.

OUR GOVERNMENT MUST NOT GIVE PRIORITY TO ANY ONE AGE GROUP OVER ANOTHER

Mr. YARBOROUGH. Mr. President, I was troubled by an article I recently read in the Wall Street Journal. In the June 10, 1969, issue of this paper, Jonathan Spivak, staff reporter of the Wall Street Journal, presented an article entitled "Nixon Aims To Switch Emphasis in Welfare From Aged to Children." The article begins with the ominous statement:

> The Nixon Administration is embarking on a determined but politically difficult campaign to shift the Federal welfare focus from aiding the aged to caring for kids.

Mr. President, I do not think it is wise, nor economical, nor equitable to give priority to one age group over another. I certainly agree with the Nixon administration that a great deal more needs to be spent and done on behalf of the children of our country, particularly poor children. Certainly our Government should do more to prevent educational and health handicaps in children. For instance, Congress should enact, and the administration should support, my bill, S. 1190, Children With Learning Disabilities. But, to reason, or even imply, as the administration has apparently done, that this direly needed assistance to the children of our country can be provided only at the expense of programs for the elderly is to engage in the worst kind of sophistry.

What will it take to convince President Nixon that it would be better to take the $7 billion his administration wants to spend on the anti-ballistic-missile sys-

tem frolic and spend it instead on the young people of our country?

I certainly will oppose, with all the vigor at my command, any efforts to reduce assistance to the aged of America. I and other Members of this distinguished body worked too long and too hard to secure minimum benefits and assistance to the aged to stand by and see them swept away by this kind of budget juggling. But I will support all efforts to help the youth of America.

At the 22d annual University of Michigan Conference on Aging, held on June 11, 1969, a resolution was passed, recognizing the danger of the Nixon administration's designs to rob from elderly Peter to pay young Paul. I concur in the sentiments there expressed and ask unanimous consent that this resolution, together with the article to which it refers, contained in the issue of the Wall Street Journal dated June 10, 1969, and entitled "Nixon Aims To Switch Emphasis in Welfare From Aged to Children," be printed at this point in the RECORD.

Their being no objection, the resolution and article were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas newspaper accounts within recent weeks have described officials of the present Administration as subscribing to a policy of holding the line or even reducing the level of support for programs which serve Older Americans, and

Whereas such attitudes are usually expressed within a context of concern about the need for providing an increased Administration-wide emphasis on programs for youth, and

Whereas such sentiments are usually accompanied by misleading statements which convey the impression that far more in federal funds is committed per aged person, as opposed to per capita expenditures for young persons, and

Whereas such cost estimates disregard the fact that most federal expenditures for the elderly are actually derived from trust funds into which employee-employer payments have been made over a period of years (more than a third of a century in the case of Social Security), and

Whereas such statements are resulting in unfortunate and damaging "either-or" attitudes which assume that youth cannot be served unless the elderly are neglected in this, the richest nation in the world.

Now, therefore, be it resolved, That conferees at the closing session of the 22nd Annual University of Michigan Conference on Aging—an assemblage to which national, state, and local organizations and agencies have sent representatives—do hereby call upon you, Mr. President, to express the philosophy and the commitment of the present Administration to the interests and problems of the more than 20 million Americans now age 65 or over and the many other millions soon to reach that age, and

Be it further resolved, That representatives at this conference shall seek from their organizations or agencies an expression of concern similar to that of this resolution, with special reference to a Wall Street Journal article of June 10, 1969, bearing this headline: "Nixon Aims to Switch Emphasis on Welfare From Aged to Children."

NIXON AIMS TO SWITCH EMPHASIS IN WELFARE FROM AGED TO CHILDREN

(By Jonathan Spivak)

WASHINGTON.—The Nixon Administration is embarking on a determined but politically difficult campaign to shift the Federal welfare focus from aiding the aged to caring for kids.

The basic concept: Tax dollars can be better spent preventing educational and health handicaps in children—particularly poor children—than treating such disabilities later in life.

"The President is deadly serious about this—a national commitment to the first five years of life. He wants to make this a central theme of this Administration," declares a high-ranking White House official.

As one result, the President already has ruled out reductions in programs for children in the current round of anti-inflation belt-tightening. But the broader impact is envisioned when the Vietnam war ends, permitting expansion of domestic programs. The Administration's expressed objective is gradually to funnel a steadily larger share of ever-growing Federal revenues to youngsters, though not disregarding the needs of the aged.

HIGHER HEW OUTLAYS

Such an approach could require a significant increase in outlays by the Department of Health, Education and Welfare, whose budget for the coming fiscal year totals $50.5 billion even after a downward revision by the Nixon Administration. Says HEW Secretary Robert Finch: "I'd like to see a great chunk of resources put in at the lower end of the age spectrum and hold (spending) at the top end."

The obstacles are substantial. Congress' approval would be required for such a reordering of priorities, and the old folks exert immense influence there. The AFL-CIO and senior citizens' organizations are active lobbyists for the aged. Voting cloud aside, many lawmakers feel sincere concern for the plight of the typical senior citizen.

Other well-established social welfare programs also have powerful constituencies who could feel short-changed by a new concentration on children ("It implies writing off the present generation" a planner in the poverty war complains). Finally, although a Federal campaign for children could have wide popular appeal, its major beneficiaries at least at the start would likely be Negro children and jobless parents. Thus, conservative forces in the Cabinet and in the Republican Party might prevail on the President to moderate the change.

PROPOSED POLICIES

Whatever the difficulties, here are some of the youth-oriented policies the Nixon Administration will probably attempt to pursue:

Enlargement of cash payments for needy children, either through a guaranteed annual family income, as favored by Secretary Finch, or a more conventional bolstering of existing public welfare programs. In any case, the emphasis will be on aiding poverty-stricken parents, in the hope that more Federal money will hold families together and enable adults to provide more adequately for their children. The sharpest increases would occur in the South, where welfare payments for children now are the lowest.

Restraints on increases in Social Security payments. Many Nixon Administration officials question the need for regularly raising these retirement benefits every few years. Mr. Nixon has called for a 7% rise in Social Security outlays next year, sufficient only to cover cost-of-living increases since February 1968, in contrast to the 10% boost proposed by the Johnson Administration.

Expansion of health care programs for mothers and children, in hopes of preventing costly medical problems by early treatment. For example, HEW's high command will enthusiastically underwrite free immunization campaigns with a new German measles vaccine soon to be available, in an effort to curtail crippling birth defects from that disease. More broadly, the long-range goal would be to expand comprehensive maternal care for all poverty-stricken mothers. Now only about 125,000, or less than 20%, receive such Federally financed help.

More spending for family-planning services, particularly information about contraception, so that an impoverished mother could avoid too-frequent child-bearing and the accompanying risk of birth defects, while lightening the economic load on her family. In the coming year, an estimated $67 million will be spent on family-planning aid for about 1.3 million women. To reach all five million poor women of child-bearing age would cost about $90 million more annually, experts estimate.

Enlargement of day-care programs, not to only enable mothers to work but to educate and otherwise help their young children. Present Federal services reach about 45,000 children at a cost of $27 million annually; communities already are being encouraged to pool day-care funds from various Government agencies, with the aim of making the service more effective and more comprehensive.

Improvement of preschool education efforts, particularly Head Start. Recent studies find youngsters without Head Start doing as well academically as those who participated, and the experts' conclusion is that even earlier and more sustained "intervention" in the life of the impoverished child is essential to prevent lifelong learning disabilities. Thus, preschooling will be provided at least experimentally, to children under age three; more followup services will be furnished to Head Start graduates through their early grade-school years, and the search for ways to stimulate infant intelligence will be intensified.

It would be misleading to suggest that a sudden shift in Federal spending from the aged to the very young is imminent. The Administration's intent is a gradual expansion of programs for kids while holding down increases in expenditures on the aged. However, it's likely that the old folks will get the lion's share of Federal social welfare expenditures for many years to come.

In the fiscal year starting July 1, Uncle Sam will spend an estimated $35 billion (much of it in Social Security benefits) on the 20 million Americans 65 and older, or $1,750 per capita. In contrast, $15 billion is earmarked for the 81.5 million Americans under 21, or $190 per capita (for the aged, per-capita outlays for health care alone will be more than double this amount).

The imbalance has diminished somewhat in the last decade, as the Kennedy and Johnson Administration sought to emphasize programs for children as part of their push against poverty. But the new Administration may find it difficult to depart further from the traditional priority for the aged. One reason is that doling out more cash to old folks is automatically achieved through Social Security and Medicare benefits. "It is easier to write bigger Social Security checks for the aged; it is much harder to deliver better educational services to children," observes a Budget Bureau expert.

POTENTIAL PROBLEMS

Some of the Administration's specific ideas could provoke criticism, too. Welfare experts worry about big day-care centers providing nothing more than baby-sitting, ignoring the children's educational needs. Conservatives on Capitol Hill could attack increasing Federal involvement in family affairs and infant training. Militant Negroes might claim that expansion of Federal birth control programs is aimed at reducing the black population.

The most fundamental uncertainty of all centers on the new Administration's willingness to expand spending on social programs. All signs now point to substantial post-Vietnam increases in Federal domestic outlays, but other demands could interfere—military needs for new equipment, public pressure

for tax relief, state insistence on revenue-sharing.

Nonetheless, the Finch forces appear firmly committed to expanding early-childhood programs. "When you start talking about breaking the poverty cycle . . . the emphasis has to be on the child and changing his attitude and environment, and I don't think you can start too young in that respect," declares John Veneman, HEW Under Secretary and a key Finch confident.

A new office of child development has just been established to give impetus to HEW's programs for children. Supervised by Assistant HEW Secretary James Farmer, the veteran civil rights leader, the office's first challenge will be to remedy the shortcomings of the $338-million-a-year Head Start program, which now enrolls more than 700,000 kids annually in full-year or summer programs. The President is shifting Head Start out of the Office of Economic Opportunity as of July 1.

THE SAFEGUARD SYSTEM

Mr. McGOVERN. Mr. President, I am deeply disturbed by the disclosure made yesterday by our colleague from Wisconsin (Mr. NELSON) that the administration has spent some $400 million on the Safeguard anti-ballistic-missile system, a project which has not yet been approved by the Congress.

Even more disturbing are the reports this morning that the Pentagon has responded with assertions that these expenditures are "completely legal."

No one has suggested that last year's authorization for the discarded Sentinel program was not broad enough to allow construction of the new system. Indeed, the fact that Safeguard could fit nicely under the Sentinel authorization is a good illustration of how little the program has been changed.

Presumably, this is why Senator FULBRIGHT on May 14 asked for, and obtained, explicit assurances from Deputy Defense Secretary Packard that the Congress would have an opportunity to examine the new system prior to construction. Certainly it is legal to proceed. It is legal because Mr. Packard's words—his positive response to the question whether the new program had to await authorization—cannot be enforced.

The Pentagon's reply to Senator NELSON represents a disheartening disregard for the prerogatives and the responsibilities of the Congress. I suspect that Mr. Packard recognized our difficulties in maintaining democratic control over complex arms programs in his appearance before the Disarmament Subcommittee. It is apparent, however, that he has been overruled by those who feel that the views of the Congress deserve no more than cursory attention unless they happen to coincide with military preconceptions.

Mr. President, in line with the information supplied by Senator NELSON yesterday, there appears in the readers' column of the New York Times this morning a letter noting that from June 13 to 23 the Safeguard Systems Command awarded contracts totaling $3.5 million. I ask unanimous consent that it be printed at this point in the RECORD.

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

[From the New York Times, July 2, 1969]

SAFEGUARD CONTRACTS

TO THE EDITOR:

On June 13 the Safeguard System Command at Huntsville, Ala. awarded a research and development (R & D) contract for $28,224 to the Stanford Research Institute. On June 19 there were eight contract awards, as follows (all R & D): Lockheed, $399,405; Kaman Nuclear, $1,255,561; University of New Mexico, $207,407; Kaman Nuclear, $80,000; Kaman Nuclear, $73,801; Everett Research Laboratories, $67,728; Keystone Computer Associates, $29,524; Battelle Memorial Institute, $45,035. On June 20, an award in the amount of $1,313,254 was made to Boeing Aircraft for "Analysis of Ballistic Missile Defense Alternatives." On June 23, the General Electric Co. was forwarded $17,500 for a study of a study. All of the foregoing is taken from the pages of Commerce Business Daily, a Federal publication for listing jobs and awards for procurement. Notices in this publication are restricted to unclassified awards exceeding $25,000; thus there is good reason to believe that these contracts only scratch the surface.

Simple addition of this information indicates that in the span of these eleven days more than $3.5 million has been allocated for a program which has yet to be approved by the Congress and of which is of debatable effectiveness, to say the least. It is particularly perplexing that such a large award should be made to study ballistic missile defense alternatives to such a biased contractor, especially at a time when our Administration is claiming that it already has all the answers it needs.

RICHARD A. ELLIS.

YONKERS, N.Y., June 24, 1969.

THE RIGHT OF THE PUBLIC TO KNOW

Mr. CURTIS. Mr. President, American people are entitled to have full information concerning all matters relating to their Government. The only exceptions should be as to such information that would in reality jeopardize the security of our country. Government departments should in their dealings with the press make an effort to reveal all the facts and not to conceal.

A champion of freedom of the press and full information for the American people is Mr. Clark Mollenhoff, a distinguished member of the Washington press corps, who has received many well deserved honors. Mr. Mollenhoff has written an article entitled "Press Failure at the Pentagon," which appeared in the bulletin which is published by the American Society of Newspaper Editors.

Mr. President, I believe Mr. Mollenhoff's article is very timely and important. I believe it will contribute much to the deliberations of the Congress. I therefore ask unanimous consent that it be incorporated into the RECORD at this point.

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

[From the Bulletin of the American Society of Newspaper Editors, July 1969]

PRESS FAILURE AT THE PENTAGON

(By Clark R. Mollenhoff)

In the spring of 1969, it was fashionable to assign a reporter or a group of reporters to do what was considered "an in-depth series" on the military-industrial complex, and the multibillion-dollar Pentagon bungles of the last few years. Newspapers, magazines, radio and television suddenly were busy trying to catch up with the important task of reporting, interpreting and policing a department that had been spending between $40 billion and $80 billion a year for a decade.

In the light of the handicap imposed in being suddenly tossed into this impossible job, many of the reporters did a useful but somewhat tardy job in calling public attention to a decade of corruption, mismanagement and waste in the operations of the Defense Department.

The research was not too difficult on the major problems, for a few of us have written books and extensive articles spelling out the details of the blundering on the TFX, the X-22, the decision to make the U.S.S. John F. Kennedy a conventional carrier and a wide range of cases of minor blundering, "conflicts of interest" and misrepresentations to the public and Congress on military problems. The hearings and reports of Congressional committees, and the debates on military budget provided considerable information that many of us had been writing about for years.

The public and many editors were suddenly hit with a shocking picture of the misuse of the tremendous power of the Pentagon's multibillion-dollar budget. There appears to be a sudden realization that regional political favortism, "conflicts of interest" and cozy dealings with big or little defense contractors can be a drain on the taxpayers and detrimental to the goal of producing the best weapons systems for the best price. There could have been an understanding years earlier if the press had done its job.

There was a sudden realization that there are certain inherent problems in any easy flow of personnel, military or civilian, between the major defense industries and the highest policy positions in the Pentagon. And, there was new understanding of the evil influence across the entire Defense Department when the highest officials—some civilian and some military—give false testimony under oath, force subordinate officials to give false or slanted testimony and use the full power of the bureaucracy to demote, discipline or fire the dissenters who insist upon telling the truth.

Also, a part of the power picture that is now appearing in many publications is the interplay of forces in the Congress and the Defense Department, with cooperative senators and congressmen receiving favored treatment while uncooperative senators and congressmen are punished and maligned.

While the picture of corruption and mismanagement at the Pentagon is shocking, it is equally shocking to examine the record of the American press during the last decade. Why has it just dawned upon the press—newspapers, magazines, radio and television—that the spending of half of the national budget and the status of our national defense is worth covering week by week? Why did the press permit itself to be dominated and overwhelmed in many cases by the propaganda of a centralized Pentagon press office that claimed a new scientific "cost effectiveness" system was saving billions of dollars every year?

It would be rather easy to do a devastating series of articles on the superficially and the laxity of the American press in dealing with the corruption and mismanagement in the Pentagon. Congressional investigations of Pentagon corruption and mismanagement were virtually ignored by the wire services, Washington specials and radio and television. Where there was coverage it was usually short, superficial and more confusing than enlightening.

The editorial comment by most major newspapers was influenced by the lack of coverage in the news columns, or the superficiality of the coverage by commentators on radio and television, the columnists or

the barrage of propaganda flowing from the new centralized Pentagon press office. The self-serving declarations of the Defense Secretary were accepted and printed as truths, even when they were clearly contradicted by a body of testimony and documentation. The evidence of the clearest "conflicts of interest" was ignored or excused by reporters and by the editorial writers who found it easier to accept the unsupported statements or conclusions of a President, a Defense Secretary or other political figure with an obvious stake in the story than to be concerned with other evidence.

Editors cannot come to grips with the Pentagon from a point several hundred or several thousand miles from Washington unless they have reliable and tough-minded channels of information. Many influences have cluttered and contaminated those channels in recent years. Not the least of these has been the radio and television coverage.

While radio and television can do a great job on some subjects, there has been a glaring weakness in the manner in which the broadcast industry has dealt with the hard problems of covering corruption, mismanagement and waste at the Defense Department as well as in other government agencies.

Television is show business, and the show business aspect influences news coverage and public affairs programs. A big news story may get two or three minutes, which is for the most part confined to the most colorful or provocative statements on one or on both sides of an issue. Corruption or mismanagement is charged and denied with no real effort to explore the depth of proof beyond the self-serving statements of the spokesmen for the two sides. Viewers are influenced by the looks, the brief comment or by the facial expression of the commentator as much as they are by facts and depth of proof. It is not unusual for such programs to be devoid of facts or documentation on even the most important Defense Department issue.

While most editors are aware of these weaknesses in broadcast journalism, they are (like most of us) influenced to some degree by this most powerful medium in their assessment of the wire services and their own Washington correspondent.

While television seldom leads the way in challenging the press office or a government agency, particularly the Defense Department, it can be a tremendous influence in the way it takes up the fight on some issue or treats the issue as inconsequential and unworthy of air time.

Seldom do editors give any thought to the influences that have tended to keep the network newsmen and commentators from challenging the Defense Department's bosses or the White House. Broadcast journalism requires special access to the Defense Secretary, other high Defense officials and White House personnel. Certainly everyone can cover the regular press conferences, but it is a coup to arrange one of those "special" interviews on an exclusive basis. Such "specials" go to a favorite network or even a favorite newsman, usually the apologists. Specials seldom are arranged for men who question the honesty, integrity or judgment of high officials of the Defense Department.

Since there is really no effective way to change this system, editors should in most instances disregard the television news shows in making their judgments about either the wire service coverage or the coverage by their own Washington correspondent.

Wire service reporters assigned to the Pentagon are usually overworked with routine, and faced with ground rules that make it difficult to dig beyond the self-serving statements of the Defense press office.

The penalties for being a few minutes behind on a routine news story are such that they force bright, able and energetic reporters to accept Pentagon discipline and avoid rocking the boat. Aggressive independence can represent a serious handicap with too few compensations.

The Washington special correspondent, operating out of a one- or two-man bureau, can lead an even more harried life than the wire service reporter who is permanently assigned to the Pentagon. Editors who would never expect one local reporter to be expert on city, county and state affairs, think nothing of expecting "instant expertise" from the one or two men they assign to Washington. Most correspondents understand their inability to be instant experts on all they are asked to do, but do develop a fine facility for quick research and fast, smooth writing that often passes for expertise.

But this kind of an operation is superficial and relies too much upon quick information from government press offices or Washington lobbyists. It is easier to go along with the viewpoint of the White House or a big agency in most cases, and it can take tremendous time and energy to carry the burden of an assault on the opinions or decisions of a government agency. The task can seem overwhelming when it involves a challenge to the biggest and most complicated Washington establishment, the Pentagon. A few make periodic challenges to the Pentagon propaganda position, but most give up in frustration after concluding that few in the press really see or care about the implications of mismanagement, corruption and waste that have been unearthed.

Although I am sympathetic with the problems faced in covering Defense spending, I do not want this sympathy to be interpreted as a justification for a continuation of the incompetence and superficiality of the past press performance. While the problems of covering an $80-billion-a-year agency are too numerous to mention here, we cannot afford to let the size of the problems be used to excuse future press failure. The press has a great responsibility that cannot be brushed aside.

The Pentagon spends half of our federal budget and has the responsibility for providing a modern defense system to protect this nation from all its enemies. Every bit of corruption, political favoritism, mismanagement or waste steals money from the taxpayers. More important, it cuts into the muscle of real defenses, saps the strength of the nation and could leave us as a second-rate power even as we spend our way into bankruptcy.

In the face of a host of international problems, and the turmoil at home over real and imagined wrongs in our society, it is essential that we take stringent measures to eliminate corruption. Honest government is not only practical, it is vital to our future. It is time for the press to eliminate some of the smart cynicism that tolerates corruption and mismanagement. It is time to exhibit some outrage at dishonest or political administration of the Defense Department, or any other agency of government including the courts.

Every story of Defense Department corruption is worth total pursuit by the press until the corrupter pays a penalty, or the mismanager is exposed and labeled for what he is.

Those who lie or misrepresent to hide the corruption and mismanagement should be exposed and criticized for precisely what they have done as accomplices after the fact. The point must be made that liars and falsifiers cannot be tolerated in high government office, and that the higher the office the man holds the higher the price he must pay for his falsification. This has not been the case.

The political defenders of those engaged in either crime or the coverup of crime should be held accountable for either lack of judgment or for knowingly condoning dishonesty in government. Nothing less than such a massive assault on corruption and mismanagement will have any more than minor impact upon the problem facing the United States today.

The present press emphasis on coverage of the Pentagon might lead one to believe that newspapers, magazines, radio and television have finally learned the vital lessons after a decade of swallowing big chunks of Pentagon propaganda. Certainly no one can now say that the press is "soft on the Pentagon," but even that coverage is superficial. Week after week the stories pour out on the evil "military-industrial complex" with statistics on the number of generals and admirals who work for major defense contractors, and statistics on the increased concentration of defense contracts in the hands of fewer and fewer contractors. Always there is mention of the billions wasted through cancellation of major defense contracts that failed to meet standards, and there are the stories of the $2 billion overruns on the C-5A cargo plane contract, the mismanagement on the Cheyenne helicopter contract, and of course, the multibillion-dollar bungle on the infamous TFX contract. But there is little effort to report details of specific crimes and trace the responsibility.

Reporters who should know better have painted with a broad brush of truth, half-truth and distortion. There is a lack of precision in placing the responsibility for the Pentagon decisions on the civilian boss or the military officer who sold out the public trust. Usually there are only the broadest hints that something is wrong without specifying the crime.

With the broad sweep and lack of precision of a cartoonist, reporters have placed the blame for waste, corruption and mismanagement at the feet of "the military-industrial complex." Without using names, admirals and generals are pictured as corrupt or stupid. Senators and congressmen are often characterized as incompetent or corrupt parties to the waste of millions or billions, though no details are spelled out.

The facts are usually accurate, but a close reading of many of these series shows continuation of much of the same superficiality that permeated the Pentagon coverage in the period prior to 1969. Some of the writers seemed bent upon proving a preconceived notion that the generals and admirals, the senior men on the Armed Services committees of the House and the Senate and the bosses of defense industries have conspired to push the United States into the Vietnam war and other confrontations for the sake of business profits, promotions and political deals.

Certainly there has been waste and mismanagement, but the evidence hardly sustains the general conspiracy theory. There are instances of corruption and mismanagement involving generals, admirals, members of the Senate and House, officials of defense industries and the politically-appointed civilian bosses of the Pentagon. But, somehow many of the stories either ignore the dominant role of the political bosses at the Pentagon or tend to absolve them from blame for what has gone wrong.

Often the reporting of scandals is handled in such a loose manner that blame is placed on "the Pentagon" or "the Air Force" or "the Navy." The impression is given that the Nixon Administration or Defense Secretary Melvin Laird has the resonsibility for what has taken place in 1963 or 1968. Seldom, if ever, is the name of former Defense Secretary Robert S. McNamara mentioned in a critical manner, even when he was personally involved in the questionable decision or when the decision was dictated out of his office under some much-heralded new system that was to save billions of tax dollars.

Frequently, the whole mess of scandals

originating under the Kennedy or Johnson administrations are lumped together and presented as evidence of a general Pentagon laxity. Then this Pentagon laxity is projected into certain waste of money if President Nixon's Safeguard antiballistic missile program is permitted to move forward. Certainly past scandals should serve as a warning about what could happen to the ABM in the future, but unless there is direct connection these should not serve as arguments for rejecting a program that the President and the Defense Secretary believe is essential.

The merits of constructing the Safeguard ABM should be considered by the press and the public without regard for scandals of an earlier administration, unless there is some evidence of misjudgments or misrepresentations of the Safeguard decision that are clearly linked to the past scandals.

The press cannot be permitted to plead that secrecy hid the scandals that originated in the McNamara years. Certainly the Defense Secretary and his press office tried to hide the record, issued orders to bar honest disclosure of the record and even misrepresented the facts to the committees of Congress.

However, over a period of months the facts did become available on such major scandals as the award of the TFX contract, and a dozen lesser scandals. The implications were obvious. The facts were available in the hearings of the McClellan Permanent Investigating Subcommittee, and in the testimony of Secretary McNamara and other high Defense Department officials who reluctantly testified under oath. I wrote detailed accounts on the TFX, the X-22 and the nuclear carrier dispute in a book called "Despoilers of Democracy" that was published in 1965, and covered a host of other scandals in depth in "The Pentagon" published in 1967. Millions of words were written for The Des Moines Register on these and other Pentagon problems.

This reporter was not alone in writing of detailed evidence of scandals and mismanagement. Hanson Baldwin, the distinguished Pulitzer Prize-winning military analyst of The New York Times, reported periodically on a host of serious Pentagon problems under the "McNamara Monarchy." George Wilson, of Aviation Week, and later with The Washington Post, did a consistent, tough-minded job on the TFX and other Air Force projects despite the propaganda flow from the Pentagon press office. Sanford Watzman of the Washington Bureau of the Cleveland Plain Dealer did a brilliant and thorough job of exposing the manner in which the McNamara Pentagon was failing to enforce the so-called Truth-in-Negotiations law of 1962. Charles Nicodemus of the Chicago Daily News was persistent as well as imaginative as he unearthed the entire series of scandals that poisoned the M-16 rifle program. Richard Elliott of Barron's Weekly did a great job of following up on the TFX contract and exposing the troubles that plagued the Navy version, the F-111B, until it was killed by Congress in 1968.

If there had been a dozen more reporters digging into the Pentagon to pull out the facts on scandals and reporting on the top level responsibility for those scandals, it could have forced some early reassessment of many of those programs and would have resulted in better decisions on later programs. As it was, the critics of the McNamara Pentagon were drowned out by the noncritical and fawning coverage of McNamara by many magazine writers, columnists and Pentagon specialists who apparently believed they needed a continuing pleasant personal relationship with the Defense Secretary.

It is the job of the American editors to create the conditions in which reporters covering government can exhibit aggressive independence without having their heads chopped off because they do not have rapport with the Defense Secretary for the intimate backgrounders. Wire service executives and the editors who deal with them must make certain the Pentagon reporter is motivated more by the necessity for doing a tough job than with the necessity for being fed routine stories at the same time a competing service receives it.

If the reporter believes he works for an organization that believes in aggressive independence, then the reporter will probably be aggressive and independent. If editors want the routine bunk that is fed out through the press office, then that is what they will get from the wire services and from their own specials.

The record of past press blunders has been available for years:

1. Control of the Pentagon was centralized in the Office of Defense Secretary. Instead of examining this action with a critical eye, the press applauded it and viewed it as some move that would put the professional military men in their place.

2. The press office was centralized under the Office of Defense Secretary, and a broad range of practices instituted that tended to crush dissent. There were a few whimpers by the press, but many were unconcerned.

3. The TFX was awarded arbitrarily to the high bidder with the second best plane and over the unanimous recommendations of the Pentagon source selection board. Many editors bought the McNamara explanation without close examination and even managed to applaud an arbitrary award to General Dynamics (the embodiment of the military-industrial complex) as a blow against the complex.

4. The "conflicts of interest" in the TFX contract were documented fully as early as 1963, but most newspapers ignored it. Some even defended it editorially and followed a line that was right out of the mouth of a top Pentagon press spokesman.

5. Defense Secretary McNamara's claim of billions in savings were accepted and praised without careful examination, yet there was little or no coverage by most newspapers of the details of House hearings that proved most of the claimed "savings" were hogwash.

6. There was wide coverage of McNamara's establishment of the Defense Contract Audit Agency, and acceptance of the fact that this was to be a big money saver. There was little attention to the huge costs this added to the Pentagon budget, and no concern over the fact that the existence of the Defense Contract Audit Agency was used to justify cutting the scope of the outside audit by the GAO.

These are only a few of the blunders of the Defense Department and of the press in the last decade. Although I have hit them briefly here, I have covered them in detail in books, speeches and in news stories over the last eight years.

I believe it should be sufficient here to make the point that the press let itself be caught up in depth coverage of a lot of glamour projects, but failed to do a thorough job of going behind the Pentagon press line on the vital issues of honesty and integrity.

A FELLOW TEXAN ENDORSES THE AMERICAN FOLKLIFE BILL

Mr. YARBOROUGH. Mr. President, I received instantly another letter in support of my bill S. 1591, to establish an American Folklife Foundation. This proposal has been endorsed by many leading public figures and by some of the Nation's leading folk artists.

Impressive and encouraging as these endorsements may be, Mr. President, I am still happy when I find that my proposal also is gaining support at the grassroots level. I have a letter from a constituent of mine, Mr. Ralph D. Wright of Austin, Tex., nephew of famed Dr. Walter P. Webb, which warmly endorses my bill.

Mr. President, I ask unanimous consent that the letter from Mr. Ralph D. Wright, dated June 19, 1969, be printed at this point in the RECORD.

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

AUSTIN, TEX.,
June 19, 1969.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: On your weekly radio report of June 15, I heard you announce your plans to introduce a bill establishing an Institute of American Folklife. As an individual constituent, I would like to express my appreciation to you for your interest in the documentation and preservation of our folk culture.

As a nephew of Dr. Webb, I was fortunate during my childhood to be along on several evenings when he, Mr. Dobie and Mr. Bedichek recounted tales of early Texas and the west. I am afraid that many of these tales, even the printable ones, are now lost. Hopefully, the establishment of an institute such as you propose would make possible the preservation of such folklore for future generations. I am sure that these men would applaud your efforts in this area.

Should more information become available regarding the institute, I would be grateful to receive it.

Sincerely,

RALPH D. WRIGHT.

THE HEALTH GAP

Mr. JAVITS. Mr. President, the Nation's citizens and administrators are becoming increasingly aware of the growing disparity between America's great advances in medical science and the adequacy of our health care and facilities. A recent article in the Ambassador, a publication by the Blue Cross and Blue Shield of New York, reports on one portion of this acute problem—the sorrowful health conditions and services afforded to one-fifth of our people, those who live in poverty. I and other Members of this Congress have cited these facts again and again—the problems of malnutrition and unsanitary conditions, the outmoded, insufficient hospital and clinic services. This article stresses the vicious cycle caused by the close relationship between these conditions and poverty—the poor get sicker and the sick get poorer, as malnutrition takes its toll in energy and morale, and the lack of proper care generates more disease and despair. We must continue in our fight to eliminate these tragedies through legislation and education, and to break this cycle. We must assure to all the means to attain comprehensive health care if we are to maintain our responsibility as Americans. Mr. President, I ask unanimous consent that this report be printed in the RECORD.

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

THE HEALTH GAP

In the wealthiest and most productive country in the world, there is an enormous and growing gap between the health care available to the poor and to the non-poor:

A child born to poor parents is *twice* as likely to die in infancy.

Should he survive the first year of life, his chance of dying before reaching the age of 35 is *four times* greater.

He is *five times* more likely to suffer mental illness, *three times* more likely to have a disabling heart disease, *seven times* more likely to have visual impairment.

Two questions are basic to an understanding of this national health problem: Who are the poor and what is the relationship between poverty and ill health?

THE POOR ARE EVERYWHERE

Poverty knows neither geographic nor racial lines. A federal study estimates that about one-fifth of all people in the U.S. live in poverty, with the poverty level set by the Social Security Administration at $3,335 annual income for a family of four and the near-poor level at $4,345.

Of the total number of Americans designated as poor in 1966, two out of three were white. Among the near-poor four out of five were white. The Negro, however, is twice as likely to be poor as his fellow white citizens. For Indians living on reservations and for migrant workers, the percentage is even higher. Poor families are moving to the cities in increasing numbers, but there remains a large proportion of rural poor, particularly in the South although by no means confined to that area.

The poor are everywhere and they are of all ages. Included among the poor and near-poor are 18 to 28 per cent of the nation's children and from 30 to 43 per cent of the aged—figures that belie a popular misconception that the cure for poverty is for poor people to "get out and work."

THE VICIOUS CYCLE

The poor get sicker and the sick get poorer in a vicious circle as poverty breeds disease and disease in turn breeds poverty. The close relationship between poverty and ill health is abundantly evident in the graph prepared by the National Center for Health Studies.

Poverty breeds sickness in many ways, both environmentally and socially. Inadequate housing, overcrowding, and lack of sanitary facilities generate disease as well as prevent or prolong recovery. Diet is a tremendously important factor in both mental and physical health, and the poor, as a rule, are poorly fed. Even where actual hunger does not exist, malnutrition is widespread. As just one example, a national nutrition survey taken by the United States Public Health Service in 10 states revealed that 34 per cent of the pre-school children examined exhibited anemia, 33 per cent of children under six suffered vitamin A deficiency and growth retardation was common.

A disturbing body of scientific information indicates a direct connection between malnutrition in children, especially insufficient protein, and permanent brain damage. Seventy-five per cent of the mental retardation in this country occurs in areas of urban and rural poverty.

Malnutrition also takes its toll in a general feeling of malaise, a lack of the well being and energy necessary to break out of the vicious circle. Why don't the poor eat a better diet? The answer is simple; they are woefully uninformed about what foods constitute good nutrition, and the primary sources of protein and vitamins—meat, milk, fresh vegetables and fruits—are in general the most expensive items in the food budget.

Why don't the poor get more medical help for their health problems? Again, part of the answer lies in lack of information; they do not know about the free health services available to them, and in many areas of the country there are none within a reasonable distance. Even in large cities, where free clinics or health-care centers offer many services, they are frequently located far from the ghetto areas. Availability and accessibility are two different things and easily accessible facilities, where they do exist, are grossly inadequate.

Alonzo S. Yerby, M.D., professor of health services administration, Howard University School of Public Health made this comment in referring to the relationship between poverty and ill health, "Strange as it may seem, many otherwise well-informed Americans tend to attribute much of the problem to the alleged failure of the poor to use the services that are available. Few of these critics of the behavior of the poor have been inside the health facilities which serve the poor, few have sought care from marginal practitioners who have not kept up with medical progress and who conduct an assembly-line practice in slum neighborhoods."

Dr. Yerby described what he called "the gross inadequacies of the clinics that serve the poor, the antiquated, decayed physical plants, a multiplicity of unrelated specialty services, overworked and often underpaid personnel with no time, and often no interest, in the complex problems which beset the people who huddle for hours on the hard benches. I have often felt that such descriptions were inadequate to fully portray this slice of man's inhumanity to man."

Just as poverty breeds sickness, sickness in turn breeds poverty. Unable to afford or obtain adequate medical care, the poor are more likely to become ill, more likely to be subject to chronic ill health, and consequently less able to work regularly or at peak efficiency. As a result they are less likely to be able to obtain employment, they make less money, and frequent absence from work sends them deeper into poverty and the vicious circle is repeated.

AN OPTIMUM EFFORT

Dr. Hollis S. Ingraham, Commissioner of the New York State Department of Health, has called for "an optimum effort to break the cycle process by which the poor get sicker and the sick get poorer." The problems of public health and the poor, he says, "are the problems of a nation grappling with the crisis of its own identity."

An optimum effort requires resourceful and imaginative action on many fronts:

A massive attack on hunger and malnutrition.

A concerted educational campaign to inform the poor about nutritional requirements, about free medical services available to them, about the genesis and prevention of disease.

Construction and staffing of neighborhood clinics where comprehensive care is available to all members of a family.

Accelerated programs to train more doctors and nurses as well as a broadening of the use of allied health professionals and services.

Enforcement of building and sanitation codes.

Elimination of overlapping agencies and the incorporation of health care of the poor into a general health system.

Expansion of programs for prenatal care, immunization and family planning.

A realistic method of financing health care.

Acceptance of neighborhood participation and leadership in solving the problems.

If these and other measures are taken soon enough and wholeheartedly enough, we may yet be able to quote Aristotle with a sense of national identity: "Health of mind and body is so fundamental to the good life that we believe that if men have any personal rights at all as human beings, they have an absolute moral right to such a measure of good health that society alone is able to give them."

THE OIL INDUSTRY

Mr. HART. Mr. President, this Nation's press performs many extremely vital functions for which it is frequently lauded. Not on that list—but extremely valuable as a time-saver for Members of this body—is the press' talent for summarizing complex material in a readable form.

An excellent example is the May 17, Business Week article on questions being raised about past and current governmental treatment of the oil industry.

As chairman of the Senate Antitrust and Monopoly Subcommittee which has been investigating the effect of Government intervention on this market, I am particularly impressed with the summary of opinions expressed at those hearings.

I call my colleagues' attention to the article and recommend it as a valuable tool to those attempting to understand the complexities involved, and ask unanimous consent that it be printed in the RECORD.

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

THE YEAR OIL GETS ITS LUMPS

Eight weeks ago the president of Gulf Oil Corp., the chairman of Humble Oil & Refining Co. and independent operators from Michigan, Ohio, and Pennsylvania—as well as Texas and Oklahoma—flew into Washington for what they trusted would be a ritualistic defense of oil's special position in the Internal Revenue code.

Presidential candidate Richard Nixon had publicly backed the 27½% depletion allowance, mainstay of a system of tax preference worth (depending on who's counting) anything from $1.6-billion to $3-billion a year. And taking the oath of office had had no discernible effect on his views. Though Treasury officials were hard at work on a tax reform package, the word had quietly gotten around that oil would not be one of their major targets.

Ranged before the House Ways & Means Committee, the oilmen comfortably expected that their traditional arguments would get traditionally friendly reception on Capitol Hill. Never in the 43 years since the depletion provision was first written into the tax code had the Ways & Means Committee made the slightest threatening gesture toward it.

Before long, however, the oilmen were not feeling so comfortable.

REVOLT

"I don't think I have ever been so startled," one major company vice-president recalls. "There was Johnny Byrnes acting just like Bill Proxmire." Representative John W. Byrnes of Wisconsin, the ranking Republican member of the tax writing group, long had been considered a tested "friend of oil." Now, like his fellow Wisconsinite, Senator William Proxmire, he was complaining about giant oil companies that paid little or no taxes.

In recent weeks, Ways & Means Chairman Wilbur D. Mills (D-Ark.) has taken the same line. In public statements and in private talks with oil lobbyists, he has made quite clear that the petroleum industry will figure prominently in any broad move toward tax reform. "Depletion has become a symbol," Mills says, and must get at least a "symbolic reduction."

NOTHING SAFE

The defection of Byrnes and Mills is only the most recent, if perhaps most serious, evidence of oil's ebbing political fortunes. A "taxpayers' revolt" focusing on the industry's privileged tax position; a raucous public fight with New England over a foreign trade zone at Machiasport, Me.; an off-shore drilling accident that spilled thousands of barrels of crude into the Santa Barbara channel,

all these have turned the tide against the industry that once had the most formidable position in Washington.

"There has been a sharp change in the political environment facing the oil industry," says Frank Ikard, a former Texas congressman who left a seat on Ways & Means seven years ago for the presidency of the American Petroleum Institute. Another old Washington hand put the matter more succinctly: "This is the year we get our lumps."

Nothing appears to be safe in the boiling controversy that surrounds the politics of oil. The tax incentives that have sustained the industry since 1926, the prorationing system that since 1933 has kept surplus crude off the market, the import quotas that have insulated domestic producers from foreign pressures for the past decade, all suddenly have become very open questions. And how well they stand up in Washington over the next six months or so may determine the shape of the oil business for years to come.

More than anything else, it has been the "Battle of Machiasport" that has given critics of oil their rallying ground. But in return no issue in years has so united the often feuding segments of the industry.

It started last May with a complex proposal by Occidental Petroleum Co. to build a 300,000-bbl.-a-day refinery at the tiny fishing village of Machiasport, Me. Stripped to essentials, it was a bold plan to use the device of a foreign trade zone to carve out a special place in the oil import program for New England—and, of course, for Occidental itself. Somehow, it seemed to stretch all of the weak seams in a quota system that had already developed almost intolerable strains.

CURE FOR SURPLUS

That system—officially, the Mandatory Oil Import Program—was instituted in 1959 to insulate the U.S. domestic industry from the effects of a world-wide oil glut.

By the late 1950s the Middle East had come into its own, with major finds in Kuwait and Saudi Arabia and the rapid buildup of production in Iran and Iraq. The European market had been pretty well saturated; Japan was being taken care of. The next logical move for Arab oil was to the U.S. East Coast.

The prospect appalled the purely domestic producers, who were groaning under surplus capacity themselves.

Oil reserves

[Billion barrels]

United States:	
1958	33
1968 [1]	31
Free world:	
1958	215
1968	372

[1] Excludes Alaskan Arctic.

Source: American Petroleum Institute, Oil and Gas Journal.

DISAPPOINTED

The quota system provided a breakwater against the expected wave of foreign crude. Imports were restricted to a set proportion of domestic demand—12.2% for the area east of the Rockies, for example. Import licenses, or "tickets," were widely dispersed among refiners so that it was no longer feasible to design a plant to run entirely on foreign crude.

One after another, the majors junked plans to build refineries on the East Coast. Without guaranteed access to foreign crude it was better to build near the oilfields and ship the products.

It was natural for New England to resent the oil import program. It found itself on the tail end of a long, expensive transportation line that began, New Englanders figured, at refineries they had lost to Texas. As the price of home heating oil, the major petroleum product sold in the region, rose from 15.37¢ a gal. in 1964 to 17.57¢ in 1968; New England seethed.

BATTLE CRY

Into this emotional cauldron came Occidental Chairman Armand Hammer, with a promise to build one of the world's largest refineries and to reduce heating oil prices by a healthy 10%. New England welcomed him with open arms—and its politicians agreed to fight for his plan in Washington. A major battle was inevitable.

The oil import "ticket" is a valuable commodity being, in effect, a license to import oil at $2 a bbl. that is worth about $3.25 as soon as it clears customs (the duty is only 10½¢). With about 1.5-million bbl. a day allowed, this means that domestic refiners—who get tickets in rough proportion to their plant capacity—share a subsidy worth about $600-million a year.

Occidental's Machiasport proposal was widely regarded as a bold raid on this kitty. Under the existing program Occidental could have looked for a quota equal to about 9% of its refinery runs. Now it was asking for tickets equal to about one-third. This could be done by reducing the share of the other companies.

TURNABOUT

Almost without exception, oil companies jumped on Machiasport to prevent the oil import program from collapsing in a competitive melee for import tickets. Independent producers were worried about maintaining prices; independent refiners were worried about the subsidy, which for some represents their margin of profit; and the giant international oil companies were as anxious as anyone else to maintain the import wall around the U.S. market.

This somewhat surprising turnabout by the internationals stems from a basic change in the world market—international oil's version of the cost-price squeeze.

STRANGE BEDFELLOWS

The enormous oil reserves of the Middle East, together with major finds in Libya and now Nigeria, have had their inevitable effect on prices. Posted prices have remained steady, largely because of pressure from the Organization of Petroleum Exporting Countries. But the price at which crude actually is traded internationally has dropped to as low as $1.20 a barrel—and product prices have followed in Europe and Japan.

The cost of production from the Middle East fields has remained ridiculously low—no more than 12¢ a bbl., figures MIT economist Morris A. Adelman. But the Arabs have proved demanding hosts. Their take now is about 85¢ a bbl. and due to rise under a recent agreement. According to First National City Bank, the earnings on Middle East oil dropped from 77.1¢ a bbl. in 1957 to 37.5¢ in 1967.

The upshot is obvious. Suddenly, even to the free-trading international oil companies, a protected U.S. market looks good. What they lose by having their excess crude kept out of this country, they gain back by having a profits floor under their extensive U.S operations. Besides, keeping the U.S. nearly self-sufficient in oil enhances their bargaining position with the producing governments.

UPPING THE ANTE

So crucial is the U.S. oil import program now to the international majors that some appear ready to give up the $600-million import quota subsidy as the price for maintaining the restrictions intact. It is not one the majors want to embrace publicly for fear of stirring up independent refiners.

Many in the industry also are convinced that it would be politic to do something special for New England—if, as one corporate president puts it privately "we don't have to swallow Armand Hammer." Meanwhile, however, the New Englanders have raised the ante and now seem more interested in knocking out the import program itself than in getting a single refinery built in Maine.

WHO PAYS THE BILL?

The debate over Machiasport has underscored how expensive the oil import program is for consumers. As most economists and anti-oil politicians see it, the restrictions cut the U.S. off from economic forces that might otherwise halve the price of crude oil. In effect, says MIT's Adelman, consumers pay $4-billion a year more for oil than they would in a free market.

"There must be a more efficient and more equitable way to safeguard the national security," says Senator Edward Kennedy (D-Mass.). "This is the only legal purpose the program has."

CONFRONTATION

In hearings before the Senate antitrust subcommittee last March, leading academic experts on the oil industry questioned whether the national security required the current high-cost protection of the domestic oil industry.

"It is not just the consumer who pays the cost," says Walter Adams, professor of economics and acting president of Michigan State University. "The restrictions also hurt those American industries which use oil as a raw material and must then sell their finished products in competitive world markets."

The petrochemical industry has, in fact, begun to take its case against the oil import program to Washington—and this is another reason for oil's political difficulties. Petrochemical people have made a strong pitch to the Nixon Administration that unless they get access to cheap foreign feedstocks in the U.S. they will be forced to build plants abroad.

Next week the oil companies go before the antitrust subcommittee chaired by Michigan Senator Philip Hart, who has no particular love for them. They will be trying to answer the economists on Capitol Hill. But their real target will be Labor Secretary George P. Schultz, former dean of the School of Business at the University of Chicago.

Nixon has given Schultz a broad franchise to take a "fresh look" at the import program—and six months to come up with recommendations. It is a ticklish job, even for a skilled mediator. And, sooner or later, he will have to come to grips with the essential question of whether maintaining the present size and shape of the domestic oil industry is worth the cost to consumers.

This issue—the social cost of government policies that encourage and protect U.S. oil production—is at the root of the political turmoil surrounding the petroleum industry. Washington seems to have rediscovered the basic economic fact that if oil is getting special treatment, it's getting it at the expense of other sectors of the economy.

THE WALLS AROUND DOMESTIC PRODUCERS

Both the import program and the tax incentives that center around the 27½% depletion allowance are designed to foster the domestic oil producing industry. The first involves a transfer of $4-billion from consumers, in the form of higher prices; the second, according to Treasury estimates, involves a transfer of $1.6-billion from other taxpayers. Together, they total close to the net profits for the entire industry.

Yet, despite all the subsidies, direct and indirect, profits in petroleum are not inordinately high. The rate of return on equity for oil companies is about average for manufacturing—13%.

What does the industry do with all that money? Both economists and oil men come up with the same answer—though they draw strikingly different policy conclusions: most-

ly, it is "drilled up" in the search for excess reserves.

STATE REGULATION

With tax breaks and high prices, people have been encouraged to hunt for oil in less promising areas and to maintain production from marginal wells. The economic results are predictable: Since World War II there has been a persistent surplus of crude production capacity. And the burden of carrying this excess has steadily pushed average costs closer and closer to prices.

Most of the industry argues that this spare capacity is essential to national security—and well worth the public cost.

Still, few deny that the management of surplus reserves in the U.S. has unnecessarily reduced the economic efficiency of the industry. Market demand prorationing, says Alfred E. Kahn of Cornell University, "raises costs as well as prices."

CONSERVATION

Prorationing is just about the only surviving descendent of the New Deal's National Recovery Act, which sponsored industry codes to put a floor under depression-era prices. The complex system is run by oil-producing states but enforced nationally through the Connally "hot oil" Act, which makes it illegal to transport across state lines oil produced in excess of state allowables.

There is a conservation purpose behind much of the state regulation. Without some controls, operators tapping the same pool of oil would try to get the jump on each other. They would pump as fast as possible even if it meant decreasing pressures—and reducing eventual recovery. This is exactly what happened in East Texas before 1933.

But the two major oil states, Texas and Louisiana, regulate with one eye on the well pressures and the other on crude prices. They make sure that oil is not produced in excess of actual market demand—meaning that surpluses do not affect prices.

What oil companies make out of import quotas

[The 1969 value of "tickets" in millions of dollars]

Company:	
Gulf Oil	17.4
Standard Oil (New Jersey)	16.3
Standard Oil (Indiana)	13.7
Texaco	13.3
Mobil	11.0
Shell	10.4
Standard Oil (California)	10.4
Sinclair	9.7
Atlantic Richfield	9.2
Sun	8.8
Phillips	7.0
Cities Service	5.8
Continental	5.7
Union	5.4
Ashland	5.1

Data: Interior Department, Business Week estimates.

LOW EFFICIENCY

Ultimately, the consumers pay through higher prices for keeping surplus oil in the ground. But producers also share the burden by not being able to extract oil at the optimum rate. High-cost "stripper wells," those running no more than 10 bbl. per day, are given full rein; low-cost flowing wells are shut in a good part of the time (about 50% in Texas). Oilmen say that this arrangement is necessary to prevent the loss of oil from marginal wells. But it also has the effect of raising the average cost of producing a barrel of crude.

Obviously, anything that knocked off the marginal producers would increase the economic efficiency of the industry. And this is just what opponents of the oil import program and percentage depletion are urging, even though many admit it means reducing the effective level of U.S. oil reserves. Ending import restrictions would lower domestic crude prices by as much as $1.25 a bbl. Ending depletion and other special tax incentives would, Treasury economists figure, have the same effect on oil profits as a price drop of 90¢ a bbl.

THE INDEPENDENT MIND

Everyone in the oil industry would be thrown for a loop. But the sector that would really take it in the neck would be the independent producers who have carved out a position in an industry that made the term "vertical integration" a household word only because of high crude prices and special tax privileges.

Most independents are, as Netus A Steed, president of the Texas Independent Producers and Royalty Owners Assn. told the House Ways & Means Committee, "caretakers of the nation's . . . marginal production operations." By and large, they search for oil in places the integrated majors don't bother to look. (Partly this is because few can swing the huge outlays needed to explore in the most promising areas offshore and in the Arctic.) Already their importance is declining. Anything that disturbs the existing delicate balance will push many of them out.

Interestingly enough, the independents are less wedded to the 27½% depletion allowance than other oilmen. Recently Steed wrote President Nixon that if oil had to be the object of tax reform, "some reduction in the 27½% depletion factor might well be sustained without irreparable injury."

This departure from an industry article of faith is a tipoff that independents, like the majors, think that something may well be done about oil's special tax position. As long as everyone could assume that nothing would happen, the industry could present a united front. Now, as one Washington lobbyist sees it: "Everyone is going into the back room with a deal."

LITTLE HURT

A small cut in the percentage would not hurt independents much because they are high-cost producers.

As the law reads, operators can deduct 27½% of the gross value of oil at the wellhead, but only up to 50% of the net income of the property. Marginal producers tend to bump up against this ceiling so that the actual depletion rate is less than the formal limit. It is not unusual for owners of secondary recovery wells to realize only a 10% depletion allowance.

The major oil companies, and some of the larger independents, own the "flush" wells where the margin between net and gross income is narrow. For them the 50% of net income limit is not a serious problem, and a cut in the official depletion rate would have an immediate impact.

INTANGIBLES

The majors would like quietly to turn Washington's attention to the second strand in the web of oil tax provisions—the option of deducting intangible drilling costs (such as wages involved in operating a rig) as a business expense rather than depreciating them as capital charges.

To the independents, however, "intangibles are the best thing they have going for them. They do a disproportionate share of exploratory drilling, and get a bigger chunk of the $300-million a year the industry saves in taxes through intangibles than they do of the $1.3 billion it nets through depletion.

Moreover, the intangible option allows them to write off costs in the first year, when the net income from newly discovered wells is relatively high. This gives them more leeway for the 50% depletion limit in later years when the ratio of net to gross income widens. All of this is in addition to the cash flow effect of fast write-offs, which is important to small businesses with restricted access to external financing.

LOOPHOLES

For similar reasons, the independents are dead against the two reforms that the Nixon Administration is sponsoring—changes in the tax treatment of "carved-out production payments" and "ABC transaction."

According to the Treasury Dept., the oil industry uses production payments to evade the 50% limit on depletion. By selling a claim on future production in a year in which the ceiling is a real limit, an operator can boost his net income and realize more on depletion. The deal is frequently made so that the operator can take a tax loss while the carve-out is being paid.

Treasury figures that it will gain $200-million a year if the carve-out loophole is closed. The independents say that they will lose a valuable source of liquid capital. Similarly, independent producers claim that they would have the most to lose by restrictions on ABC transactions—complex tripartite deals in which wealthy individuals agree to finance for access to the depletion allowance.

TIME AND EVENTS WORK AGAINST OIL

There was a time when reformers' discussions of these loopholes would have been academic. Oil had so many powerful "friends in court" that for every Proxmire that questioned the industry's tax status, a dozen congressmen of both political parties would have risen to oil's defense.

Today, oil confronts its political crisis with a power base that is considerably diminished, the result both of the vicissitudes of time and some basic changes in U.S. politics.

TURNOVER

Historically, the countryside had given the industry its muscle in Washington. With much of the nation's farmland under lease and some 30 states with producing wells, rural congressmen never had far to look to find a constituent interest in oil. And lobbyists carefully cultivated the sense of identity with campaign contributions and support for key committee assignments for the faithful.

Now Capitol Hill is showing the effects of court-ordered redistricting. The one man-one vote doctrine has replaced rural politicians with urban congressmen who just can't afford to be identified with the oil industry.

Turnovers in Congressional leadership also have weakened the industry's position. A decade ago, House Speaker Sam Rayburn, Senate Majority Leader Lyndon Johnson and Senator Robert S. Kerr (D-Okla.) formed a powerful triumvirate for the protection of oil's interests on Capitol Hill. Now about the only committed friend whose position makes him much of a help is Russell B. Long of Louisiana, the mercurial chairman of the Senate Finance Committee.

NEW GROUP

The shift in Congressional make-up and the change in leadership are both reflected in the oil industry's inhospitable reception at the tax-writing Ways & Means Committee. It was always an open secret in Washington that Rayburn quizzed applicants on depletion before making assignments to Ways & Means—and the committee's vote always showed it. Since Rayburn's death in 1961, however, 11 of 15 Democrats have been replaced and 7 of 10 Republicans.

"It's a new group down there," says one lobbyist, "and they couldn't care less about the oil industry." Congressional insiders are convinced that in deciding to do something "symbolic" about depletion. Mills is reacting more to changes in his committee than to the thousands of letters from irate taxpayers.

THE ANTIS

It is not, however, the steady erosion of its friends that spells real political trouble for the oil industry. A much more foreboding development has been growth of a powerful

Congressional bloc that is consciously and actively hostile to oil's interests.

Dozens of congressmen and senators seem eager to put their names on any piece of legislation—so long as it chips away at what they consider the structure of oil industry privilege. There are bills floating around Capitol Hill that would reduce the 27½% depletion provision, deny it on foreign operations, end federal cooperation with state prorationing, phase out the import control program. And there have been a stream of round-robin letters asking the Justice Dept. to investigate alleged "monopolistic" practices of the oil industry, with particular emphasis on the recent round of gasoline price increases.

The anti-oil forces include such perennial gadflys as Senator Proxmire and Senator John Williams (R-Del.). But they also include some of the most powerful men in American politics, such as Senators Kennedy of Massachusetts and Muskie of Maine.

Probably no other industry in the U.S. has had to withstand the political heat these men have generated over the past several months. But if current activity on Capitol Hill is any criterion, the oil industry hasn't seen anything yet.

The politics of oil will never again be quite the same.

ADDRESS BY THE VICE PRESIDENT BEFORE THE STATE DINNER OF THE MIDWESTERN GOVERNORS' CONFERENCE, WICHITA, KANS.

Mr. THURMOND. Mr. President, last night the Vice President addressed the Midwestern Governors' Conference in Wichita, and reported to the Governors on the progress the administration is making in Vietnam.

He did not promise that the solution to the Vietnam problem would be easy, or that it would be possible to increase spending on domestic problems as long as the Vietnam problem exists.

Vice President said:

He did say that the self-appointed experts were not helping the situation. The

The more removed the neo-experts are from the decision-making responsibility, the more simple and inflexible their proposals become. The less they know about the history of the war, the more illogical are their supererogatory urgings.

The Vice President pointed out that, if there had been an easy way out of the war, the previous administration would have found it. He said:

The bitter irony of criticism by officials of the past Administration lies in their absence of achievement when the opportunity and the responsibility rested with them.

Mr. President, I think we are making progress in coming to grips with the international confrontation in Vietnam. For the first time, we have an administration that has the courage to look at the situation in Vietnam realistically. We have an administration that is not afraid to look at the role that the Soviet Union is playing in Southeast Asia. We have given up the dangerous illusions that the Soviet Union is an innocent bystander, merely helping Hanoi so that such "help" will be an influence for "peace." The first condition of achieving peace in Vietnam is to recognize that the Soviets bear the chief responsibility for the continuation of this war. We must realize that the real roadblock to peace is not in Paris, or even Hanoi, but in Moscow.

The words of the Vice President show that we do not maintain these dangerous illusions about the Soviet role any longer. In his report to the Governors, the Vice President said:

The most extraordinary myth is the presumption that the Soviet Union bears no responsibility for events in Southeast Asia. With Communist China an increasing threat to Communist Russia, the new nations of Southeast Asia become a force to counter Peking. Since 1965, China's aid to North Vietnam has decreased while Soviet aid has increased. The recently signed Moscow-Hanoi annual aid pact gives evidence to Soviet interest in Southeast Asia.

It is clear that Khrushchev's successors are not passive. They have accelerated rocket production; established an ABM system; tested multiple warhead weapons and orbital bombs; multiplied missile-launching submarines; developed an impressive "blue water" fleet; increased paratrooper and marine forces; and last summer, mobilized army reserves for East European maneuvers which have yet to end. The Czechoslovakian invasion gave proof that the Soviet Union has not gone soft on liberalism. Their impressive nuclear build-up reveals the USSR has outspent the USA on strategic nuclear forces during the 1960's.

Mr. President, this assessment by the Vice President of the Soviet record will be judged accurate by all those who have followed Soviet strategic and military policy closely over the past few years. I congratulate the Vice President on his fine presentation.

Mr. President, I ask unanimous consent that the Vice President's speech be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT BEFORE THE MIDWESTERN GOVERNOR'S CONFERENCE, WICHITA, KANS.

Tonight I am going to depart from the traditional discussion of domestic affairs and discuss America's role in Vietnam.

Each of you is, of course, aware that the cost of the war severely affects domestic policy. Along with inflation, our involvement in Vietnam makes it presently impossible to increase our assistance to state and local governments to the desired level. Therefore, you have a stake in our policy and a right to know our prospects.

There are many self-professed experts on the Vietnam War. Hardly a day passes that doesn't produce what is advertised as a quick, easy, unilateral solution to the frustrating, seemingly endless conflict.

Unfortunately, the more removed the neo-experts are from the decision-making responsibility, the more simple and inflexible their proposals become. The less they know about the history of the war, the more illogical are their superderogatory urgings.

These experts, caught in the deep emotional desire to end human suffering, are mainly honest and sincere in purpose. They want to end the struggle—at any cost—so long as the payment may be deferred. They vaguely hope that somehow the bill will never be presented. Bluntly, they want the United States to default on the commitments of four Presidents.

I suppose it would be easier for this Administration to take the position that we inherited the war; that the United State's presence in Vietnam was not our decision; that the escalation of our involvement was not our policy; that whatever miscalculation and mismanagement have resulted are not our responsibility. But this escape begs the fundamental issue. President Nixon has the responsibility of bringing this frustrating war to a successful conclusion. Blaming the war on someone else contributes nothing to the solution of the problem.

So much time has elapsed since our initial interest in the Vietnam struggle that a brief review may serve to sweep aside the clouds of emotion and help us focus on the facts.

With the collapse of French Indo-China and the partitioning of Vietnam near the 17th Parallel, the Hanoi leaders began a systematic attempt to overthrow the fledgling government by violence. The efforts were stepped up after Viet Cong cadres were augmented by people from the North.

Calculated terrorist tactics, which included the cold-blooded elimination of government officials, teachers, doctors, public health workers and village chieftains, stripped South Vietnam of its most productive citizens. Over 15,000 educated, respected leaders—those who could be depended upon to give this new nation stability and maturity—were murdered.

In 1964 Hanoi introduced battle-ready North Vietnam Army Regulars. This brought about additional escalation. The nations of the free world publicly condemned the Communist aggression in South Vietnam. President Johnson urged them to come to the assistance of the tiny Republic. By 1967, the South Koreans, Australians, New Zealanders and Thais had responded with military personnel.

Over thirty other countries have furnished economic and technical assistance.

As early as 1966, allied initiatives had forced most of the Viet Cong main forces back toward the border areas sanctuaries in Laos, Cambodia and North Vietnam. Using these sanctuaries, warfare was intensified with soldiers from the North infiltrating to replace losses.

In 1967, the Communists intensified their full-scale propaganda campaign to stop United States bombing and force settlement on their terms. This war of words met with greater success than their war of weapons. In 1967, the enemy did not win a major battle in South Vietnam.

Also in that year, the South Vietnamese promulgated a new constitution and elected a new national government, instituting for the first time representative government at the village and hamlet levels.

Cognizant of the growing anti-war sentiment among some elements in the United States, the Communists launched an offensive in 1968, violating the cease-fire of the Tet holidays. New Soviet rockets were used in savage assaults on forty-four cities which had heretofore been relatively free from attack. Moreover, during the month that the Communists held part of Hue, the old cultural center of Vietnam, over 3,000 civilians were massacred.

The frustrating, debilitating and unbelievably rigid position of Ho Chi Minh in the recent past is well known to us all. Limited bombing halts were followed by the shelling of South Vietnamese cities and other belligerent actions.

Hanoi refuses to admit its presence in South Vietnam. Yet as many as ten regular divisions have been observed. A supervisory role for the United Nations or any international agency has been consistently rejected. All attempts at a negotiated settlement have been disdained. Hanoi has insisted on an imposed settlement.

This was the history of the Vietnamese conflict inherited by the Nixon Administration—a history clouded by the frustrations of limited war and the myths of limitless propaganda.

It is myth, rather than fact, that dominates even the most august debate.

What are these myths? First, that the easy way out of Vietnam is unilateral withdrawal. There is no easy way out of Vietnam. If there had been an easy way out, the previous Administrations would have found it. The bitter irony of criticism by officials of the past Administration lies in their absence of achievement when the opportunity and the responsibility rested with them.

In the six months that the responsibility has been President Nixon's, we have made progress. We have put forth realistic, definitive proposals as a basis for negotiation. We have begun to replace United States with South Vietnamese forces.

We are both Vietnamizing the war. At the same time, we have not compromised our commitment to the South Vietnamese people. I can assure you that our progress and success depend on the staying power of the American people. For the North Vietnamese see in American self-doubt and uncertainty the hope to hold out for complete victory. Just a few months, they believe, and the President will be forced to cave-in to public pressure.

With the jaundiced eye of a totalitarian regime, they overestimate anti-war sentiment and its ability to undermine our government. The tragedy is that, in some cases, since opposition is undermining our negotiations for peace and prolonging the war.

The second great myth—a favorite of the least responsible dissidents—is the delusion that the Vietnamese Communists are moral and compassionate. The international press has almost uniformly condemned Hanoi's inhumane attitude toward prisoners of war and its disregard of The Geneva Convention in this respect.

One fact more than any other obligates us to aid the South Vietnamese—Vietnamese communists have deliberately murdered over 15,000 South Vietnamese leaders. Communists come to a village, and, as a matter of routine, kill, kidnap or intimidate anyone who has any education—any respect—any responsibility—and ability to help the people of that village. The village chief, teachers, doctors, priests, nurses are slaughtered in spite of their ability because they refuse to conform to a totalitarian system.

Another favored myth is the failure of South Vietnam to achieve democracy. Here, one fact is all too often lost. In little more than ten years—in the midst of continuous guerrilla warfare—the Vietnamese people have moved from feudal economic and political institutions toward democratic ones. They have compressed three centuries of European evolution into one wrenching decade.

So if their democracy has not yet attained our degree of perfection, this should not be surprising. What is startling is South Vietnam's ability to sustain any democratic institutions in the face of violence and after a history of purely autocratic traditions.

In its struggle toward a national identity, South Vietnam is no different from the many other new nations of Southeast Asia which seek recognition of their fundamental integrity. All are fiercely interested in preserving their newly won independence. All are conscious of the foreboding presence of the Communist giants to the North and West. Certainly a movement to extend the dictatorial influence to any of these new countries by these giants would be regarded with grave apprehension by the others. The basis of diplomacy is credibility, which frequently depends on the reasoned demonstration of strength.

The fibre of a nation can be undermined by an ominous presence fully capable of bringing about a feared result. If the free Southeast Asian nations believe the great Communist powers have the ability and inclination to subvert them without risking the intercession of the United States, they will certainly fall prey to subversion.

The most extraordinary myth is the presumption that the Soviet Union bears no responsibility for events in Southeast Asia. With Communist China an increasing threat to Communist Russia, the new nations of Southeast Asia become a force to counter Peking. Since 1965, China's aid to North Vietnam has decreased while Soviet aid has increased. The recently signed Moscow-Hanoi annual aid pact gives evidence to Soviet interest in Southeast Asia.

It is clear that Khrushchev's successors are not passive. They have accelerated rocket production; established an ABM system; tested multiple warhead weapons and orbital bombs; multiplied missile-launching submarines; developed an impressive "blue water" fleet; increased paratrooper and marine forces; and last summer, mobilized army reserves for Eastern European maneuvers which have yet to end. The Czechoslavakian invasion gave proof that the Soviet Union had not gone soft on liberalism. Their impressive nuclear build-up reveals the USSR has outspent the USA on strategic nuclear forces during the 1960's.

Finally, we come to our presence in Southeast Asia. First, we have an obligation to give aid under the SEATO compact. Second, we have the commitment which comes from the fact that we have more than 500,000 men in Vietnam. If we are to achieve the strong regional defense alliances that will reduce our post-World War II responsibilities, we must give those commitments credence.

What value will the United States' word have if it is regarded the word of a fair-weather ally? Our diplomatic credibility is as much at stake as the independence of South Vietnam.

What are our prospects for the future? I believe they are good. The strengthened army of South Vietnam is growing ever more capable of assuming larger combat responsibilities. Secretary of State Rogers reports that the free Asian nations individually are better prepared and more willing to defend the national integrity. This lends hope that once peace comes to Vietnam, it will be a permanent peace for Southeast Asia. Only this kind of peace implies that once our troops are disengaged from Vietnam, American military forces need not return again to Southeast Asia.

But—all this depends on our ability to share in a just—honorable—permanent settlement in Paris.

All this depends upon a peace that does not reward war. In Korea, the United States showed Communist forces they could not march across a border and seize a country. In Vietnam, we are proving they cannot seize power through externally supported subversion.

In his May 14th speech to the nation, the President summed up the strategy to permanent peace:

"If we are to move successfully from an era of confrontation to an era of negotiation, then we have to demonstrate—at the point at which confrontation is being tested—that confrontation with the United States is costly and unrewarding."

We have invested more than 35,000 American lives to prove confrontation is costly. The Viet Cong remains intransigent because of the slender hope that the voices of dissent at home will force us to alter—perhaps even abdicate—this policy.

This Administration wants peace, but not at that price. Our resolution is firm. The President wants to end this war. This means we must stay long enough to secure the self-determination for the people of South Vietnam.

Certainly the President's commitment to a free Asia is obvious. His recently announced trip to five Asian nations represents his tireless initiatives to peace through personal diplomacy.

You, as Midwestern Governors, represent the heartland of America. Governors, except in time of crisis, are not routinely concerned with foreign policy. As a former Governor, I know the pressure of domestic problems.

But what we are concerned with here is a time of crisis—a time for unity—a time to remember that America belongs to all of us, regardless of party or philosophy, who believe in a free system.

Finally we must remember that no great nation achieved greatness in placid comfort, nor maintained greatness in continual compromise with reality. Once again we stand at a crossroad of history for our country. In 1953 Dwight David Eisenhower, a great leader who was no stranger to fighting and winning battles against adversity, came forward to end the war in Korea. In 1969 Richard Nixon is fighting a battle to find an honorable solution to the war in Vietnam. I can assure you that Richard Nixon, like Eisenhower, will win this battle.

NATIONAL PRIORITIES AND THE NEED FOR FLOOD CONTROL IMPROVEMENTS

Mr. EAGLETON. Mr. President, we hear much talk these days about a reexamination of national priorities, particularly with regard to military and defense-related expenditures of the Federal Government. I think there is much merit to this discussion. And in this reexamination, the needs of projects which provide flood control, water supply, and recreation benefits should be carefully considered.

Heavy rains have been falling sporadically in western Missouri and eastern Kansas for several weeks. Flooding has occurred in many areas, and the potential for destructive flooding is great if more rain falls during the next few days. Much of this threat would not exist if more of our resources had been expended on needed water resource projects rather than wasteful military programs during the last few years.

These projects, such as the ones pointed out in the following editorial from the Kansas City Star, are of tremendous importance to the economy and prosperity of scores of communities. They are fundamental investments in the future of this Nation and financial support for them should be increasing, rather than remaining constant or declining.

Mr. President, I ask unanimous consent that the following editorial from the Kansas City Star be printed in the RECORD.

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

IT'S TOO LATE TO PLAN FLOOD CONTROL WHEN THE RIVERS ARE RISING

To those who still vividly recall Kansas City's Kaw river flood disaster of July 1951, the recent weather has been ominously familiar. Bright, sunny but hot and muggy days followed by torrents of rain virtually every night. When the ground finally has absorbed all the moisture it can hold, the next rainstorm water runs off almost as from a paved surface into the drainage watercourses. And the stage is set for a severe flood.

Today, a man can look only despairingly at the sky, and hope the pattern soon will break. When it does, it will be none too soon. Here in Kansas City, both the Blue and Little Blue rivers raced out of their banks, as did the Marais des Cygnes from west of Ottawa to the Kansas-Missouri line at Trading Post. Workbound motorists here yesterday morning suddenly found U.S. 71 and other low-lying South Side routes closed by highwater. Overflows were substantial at Bannister road and Eighty-fifth, but as the Blue spread out it eased the pressure farther downstream in the vulnerable Blue Valley industrial district near the river's mouth. This morning, but without heavy rush-hour traffic, there were similar problems.

When the high water roars it is too late to begin pushing for flood protection in a given area; the floods quickly separate the haves

from the have-nots in this respect. At Ottawa, where the Marais des Cygnes rolled over 111 city blocks in 1951, punishing the city with 5.5 million dollars in damages, residents happily rolled shut the gates on their 5.3-million-dollar levee and floodwall barrier, completed in 1962. To the west, the reservoir level at Pomona dam, finished two years later, was rising by 13 feet with the gates closed to protect Ottawa.

But downstream at Osawatomie, where a similar protective system has encountered delays and is not yet completed, the town was bracing for its third worst flood. For the Blue and Little Blue at Kansas City, also, it was a sad case of not yet—get wet. The Army engineers' 39-million-dollar package of two reservoirs, levees and channel work for the Little Blue was authorized only last year and is in the budget for its first planning funds this year. And the Nixon administration, in line with the Washington spending pinch, recently cut the Little Blue item from $800,000 down to $500,000.

The newer Blue river project, four reservoirs (three of them in Johnson County on the Kansas side) plus channel modifications at a cost of 106 million dollars, has not yet been authorized by Congress. And the plan survived this year only after a furious fight in the Kansas Legislature sparked by opponents of one of the Johnson County dams. This week's flooding was a sobering reminder for Blue Valley businesses and residents that those proposed lakes have a much more useful purpose than just recreation and decoration.

It was a reminder, too, that Mid-Western summer weather takes no account of man's delays, disputes or budget cutting. When the storm pattern locks onto an area the floods are coming, ready or not.

AL CAPP DRAWS GRAPHIC WORD PICTURE OF STUDENT DISORDERS

Mr. MUNDT. Mr. President, yesterday before the Senate Permanent Investigating Subcommittee, Al Capp, renowned cartoonist and campus lecturer extraordinary, appeared as a witness and presented a report and recommendations on current campus disorders which should be read and carefully considered by every college administrator in the country. Likewise, it should be read by Governors, by members of State boards of regents, by the governing boards of State and private colleges and universities, and by those who help create endowment funds for educational purposes.

Mr. President, we need to know from as many reputable sources as possible the causes and cures of these campus disorders.

Mr. Capp, who has visited probably as many college and university campuses as a lecturer during the past few years as any other widely known American, has some interesting viewpoints and recommendations. Some may be unworkable or unwanted and others may point the way to permanent solutions to these temporary problems. However, all who read the Capp testimony must agree that it is never dull and never obtuse. He is to be congratulated on having contributed effectively to the available information on the causes and cures of current campus disorders.

I ask unanimous consent that the Capp testimony appear at this point in the RECORD.

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

AL CAPP TESTIMONY BEFORE MCCLELLAN COMMITTEE

In the past few years I have spoken at something approaching two hundred colleges and universities. I think I am the most expensive campus speaker, and I know I am the roughest. All my invitations, nonetheless, come from student organizations.

I have just completed an 11-month tour of college campuses—the same amount of time the crew of the Pueblo was gone . . . They met a better class of people and there was another difference: If a man in uniform strikes back at his tormentors in North Korea, he's called a patriot: if he does it at Berkeley, he's called a pig. But I managed to survive all my student audiences; and it would be comforting to say they all survived me. It's *more* comforting, tho, to tell you that some of them didn't.

The AP story of one recent appearance—that at Penn State, carried in it a lesson that may help guide this Committee.

A liberal paper gave it this headline: "Capp Angers Students."

A conservative paper put it this way: "Students Anger Capp."

"UNIVERSITY PARK, PA.—Cartoonist Al Capp had just finished the speech at Pennsylvania State University Saturday night and it was time to present the originator of the comic strip, Li'l Abner, with a statue of the Nittany Lion, the school's mascot.

"But Don Schall, a junior, who organized a three-day program of talks by national figures on controversial subjects, held the statue in his hand and suddenly announced that Capp would not receive the statue because of his critical comments toward student demonstrators, and his unsatisfactory answers to their questions. Schall set the statue on the podium and waited for Capp to walk off the stage. (I'm afraid I didn't. I stayed and laughed at him.)

"Then, Michael Gehling, a senior and a member of the Men's Honorary Society, strode up to the stage, grabbed the statue and presented it to Capp.

"The crowd of 5,500 gave Gehling a standing ovation." I don't deny it. My answers *were* unsatisfactory. I tape all my appearances and the transcript from Penn State and other campuses proves it.

For instance, when a student with a beard asked why I objected to students with beards I said what *I* objected to was the student who felt that because he could raise a beard he could also walk on water. When another asked me what I thought of the Black student Union's eleven non-negotiable demands I said I was grateful to them for bringing back a fine old American custom; the last time any non-negotiable demands were made in this country was the last time Simon Legree spoke to Uncle Tom.

When a drama major asked why my generation couldn't understand drama students at the U. of Wisconsin performing Peter Pan in the nude, I said—on the contrary, we *did* understand the passion of adolescents to prove they had achieved pubic hair.

The editor of Penn State's underground newspaper, "The Water Tunnel" asked me if I had read it and I said yes, and I was grateful to live in a society so affluent that our kids can now publish the sort of stuff they once had to scrawl on toilet walls; and, speaking of the affluent society, there was a question about Ken Galbraith, my neighbor in Cambridge and former friend. Galbraith had said that those who criticised Harvard most were those who were non-professionals in the field—like J. Edgar Hoover.

I replied that Mr. Hoover has as distinguished credentials as an educator as he had: He earned his Bachelor of Laws Degree and Master of Laws Degree from George Washington University. He also founded one of the nation's great graduate schools, the FBI National Academy, in 1935. He has been its director ever since. No student of Hoover's ever burned his country's flag, beat up his instructors, or screeched obscenities at his school the day he graduated. And I said that anyone who educated students to think that they could rob, wreck and rape and get away with it as they did where Galbraith teaches, was the same sort of professional in *his* field as Fagin was in *his*.

I admitted it was amateurs like us who couldn't believe our eyes when we read last week that the professionals at Princeton had just elected the 22-year-old student who led the obscene and brutal takeover there last spring, to the University's Board of Trustees. To millions of us know-nothings, it seemed as sensible as making Richard Speck night watchman at the nurses' dormitory. Or Adolf Eichmann Chief Rabbi of Tel Aviv.

Another one asked me why I didn't admire student activists when Senator McGovern himself, just a nite or two before, had said students were just as competent to solve the nation's problems as he was; and I said that any man over forty who told a bunch of kids under twenty they were just as smart as he was, was probably right.

It was then that the student Chairman stormed onto the platform with the Penn State Nittany Lion and announced to the crowd he wasn't going to award it to me because my answers had not been responsive.

I said I didn't think that was what bugged him at all—my answers had been too damned responsive, but they hadn't been the responses he was accustomed to getting . . .I didn't get to finish because by that time, young Gehling, the Honor Student, followed by hundreds of other angry kids, who looked more interested in onslaught than honor, rushed up on stage, snatched the lion from the Chairman's hand, shoved him on his fanny, and gave it to me. The 5,500 kids in the audience gave us an ovation, but it didn't cheer me.

It frightened me, because that was the whole nation in microcosm. The silent moderates, finally driven by the arrogant excesses of the immoderate fringe, to frenzy—and forming a mob.

It happened at Penn State a few weeks ago. It could happen all over the country tomorrow.

I am, myself, not afraid of what the campus rioters and those on their faculties who encourage them, can do to us.

I am afraid of what all the rest of us may be goaded into doing, if our chance for decency and dignified discussion is destroyed.

Because when that goes, Fascism comes in—and every man who loves freedom must eternally watch for any signs of it, and cure it. I think it can be cured at its source—the college campus—and I will call your attention to some of the areas of infection I've observed, some of the causes, and I will recommend some possible cure.

THE CAUSES OF CAMPUS VIOLENCE

Once the underprivileged and uneducated young in our slums formed gangs who mugged and stole and carried concealed weapons. Today, the privileged and educated young on our campuses form our most violent gangs of muggers and thieves. They don't conceal their guns. They proudly pose for pictures carrying them. Once we sent our kids to college hoping they'd come out acting like ladies and gentlemen.

Now we send our young ladies and gentlemen to college and they come out acting like apes.

A couple of weeks ago, a student speaker at the Harvard commencement called his university an obscenity. Not long before that . . . at Harvard's sister school, Radcliffe, a

group of young ladies educated there, stormed into the office of President Mary Bunting, and screamed filth at her that a mob of Liverpool prostitutes wouldn't use on a madam who'd short-changed them.

At about the same time, the President of the United States was interrupted by a student in the audience who shouted an obscenity at him that would have gotten him tarred and feathered if the President were Andrew Jackson. But our President went calmly on as if it hadn't happened.

But it did happen, and, from my observations, it will go on happening more frequently, more savagely, and more uncontrollably. In my opinion, beating a man into silence with filth is as brutal as beating him into silence with a club.

This is, however, a form of brutality, the professional anti-brutality shouters aren't noticeably anti.

Yet if we aren't as vigorous in stopping this form of brutality we will lose freedom of speech in this country. As our presidential candidates nearly lost their freedom to campaign in the last election.

If TV continues to show only the reaction of those who have been so brutalized—as they did when they showed the reaction of the police in Chicago without showing the brutality of their tormentors they reacted to—the unsayable, the animal filth directed not only at them personally but at their mothers and wives—all of it in the Walker report which so few people read, including Walker—if he had the summary he wrote, wouldn't have excoriated the Chicago police, but exalted them as models of saintly restraint. If we permit this sort of brutality to human spirit and dignity to go on unchecked, we will give to any loud and foul-mouthed mob the right to decide who in America can be heard and who cannot.

The phenomenon is that this new, and most cowardly form of brutality—because you can't show the scars they inflict on your manhood or your reverence for your mother in court and collect damages—this doesn't come from the traditional brute class, the bums. It comes from the leisure class—our students.

Who trained those kids at Harvard and Radcliffe in this form of brutality?

They came from civilized homes: They were prepared for Harvard and Radcliffe, at schools where they obeyed the disciplines of human discourse, or they wouldn't have been recommended.

Who trained them in the violence of words that is the cause and inspiration of all other forms of violence, as Adolf Hitler knew yesterday, as Mark Rudd knows today?

Professor George Wald, who teaches at Harvard and Radcliffe, was one who helped. In a celebrated lecture to students last year, which has been repeated until it's become a minor "Mein Kampf" of student activists, he called a U.S. Senator, who had expressed the hope that in the event of a nuclear war, Americans would survive—a criminal maniac.

He was given an ovation for that.

How, then, could that gentle Mr. Chips, and those others on the Harvard faculty who applauded him, have been so naive as to have been surprised when, a few months later, those same students were screaming the same sort of filth at them, while they were tossing them bodily out of their offices?

Former Harvard Dean Munro was given an honorary degree at nearby Brandeis University this year. That was like the American Legion making an honorary member of Tokyo Rose.

It was Dean Munro, when he was at Harvard, three years ago, who gave the SDS the encouragement that strengthened them into an organization capable of making a shambles of Brandeis this winter and a national disgrace of Harvard this spring.

The SDS, then an organization of the Harvard campus, that could have been demolished with a slap on the wrist, made its first major try at disruption when Secretary McNamara was invited to speak there by another group. They silenced him with roars of obscenity, they drove him from the hall, they stopped the car in which he was attempting to escape, and when the police arrived they were flailing at him with the poles on which their peace placards were nailed.

Dean Munro, the next morning, was asked what sort of punishment he would give those students. He replied, "I see no reason for punishing students for what was purely a political event."

You give me a dean who calls that a political event and I'll give you a dean who'll call rape an act of love, and arson an act of urban renewal.

The Nation was surprised at the filth heaped on Radcliffe's president and the violent abuse Harvard's commencement guests were subjected to, but I, as a lifelong resident of the community, wasn't.

Once there was no intellectual pleasure greater than public discussion with the Harvard faculty. Thousands of alumni, over the last 25 years have heard me, at their forums, their smokers, in their residence halls, at the business, law, and medical school. But the types of the Harvard faculty have changed. Today, anyone who gets into a discussion with the new type has to bury his clothes, later.

For example, some time ago I took public issue with a member of the faculty with a lifelong record of knuckling under to hoodlums and then leaving the community when they began to tear it apart. I took the point of view of one who had to *remain* in the community. Now there is another point of view one can sensibly take on such a matter and that is a professor who gives in to students who threaten him doesn't get mugged; and that, when those students go on from their campus triumph to make a whole town unlivable, a practical professor moves to another town.

One can even argue, and in this case, it was *argued*, that the giving-in and moving-out type of professor is a man of honor and courage. Yes, there was an area of reasonable dissent.

May I submit to this committee a specimen of reasonable dissent set as an example to students by one member of the Harvard faculty, as published in *The Boston Globe* on June 27th. It is headlined "Scurrilous and Vicious." That's not the Globe's comment. It is a quote from the professor's reasonable dissent. There is little point in discussing the argument the professor makes—one would have to compare it with my statement—and then with the known facts. Mainly it was a question of interpretation of facts. The professor dissented with mine, and here is how he dissented: He called me a liar, he called me gross, he called me immoral, he called me infamous, he called me vicious, he called me scurrilous—he called me lots more, but I think you get the drift. What puzzles me is that he signed himself professor of economics. I could have sworn he was the drama coach for the SDS.

There is an old Jewish saying. I know it well. Caplin is my maiden name. It goes: "What the elders spew the younger chew . . ."

The intemperate abuse of all who dare to dissent with them by an academic establishment, drunk with that passing taste of power when they were transported from campus to Camelot and back, has set an example of brutality which their students have mastered so successfully they are now brutalizing their masters.

From my observations, not more than two percent of the student body on even our most turbulent campuses have been infected by such men, but a two percent infection of any body can eventually destroy it all, if it isn't checked.

How do we restore debate and discussion—instead of disruption and defecation, to our campuses? How do we teach our young all over again the give and take of ideas rather than of rocks and broken bottles? I recommend that we educate our educators. And we could begin at Harvard, where they need it most.

Dr. Wald may know enough about his science to have become a Nobel laureate, but he doesn't know enough about not goading kids into animal frenzy, to teach first grade.

Let's educate this sort of Nobel laureate in the science of dissenting with a U.S. Senator in some more noble way than to befoul him with obscenities.

Let's educate our professor Arrows to teach their students how to hit the mark with reason rather than profanity . . . or, sharp as he is, Arrow himself may one day be the bulls-eye. And it's Dr. Wald they'll put up against the wall.

Let's remember the old Jewish saying: Let's restructure the manners of our faculties—not restructure the skulls of students with nightsticks.

Those young who were entrusted to the Walds and the Arrows and their like on campuses all over, have done nothing more than chewed what they have spewed.

And the institutions they're destroying are no less than the human experimentation laboratories that created them. Today we see how tragically the experimenters abused the freedom society gave them.

It is the experimenters who need this committee's help—more even than their young victims. As for their victims—the rampaging students.

First, let us stop saying they are the brightest kids on our campuses, or listening to the puberty-worshippers who say it. They may be bright enough to get high marks in the never-never land of the classroom, but once they step into real life they're not bright enough to know that if you hit a cop with a rock, he's apt to hit you back. They're always so surprised when that happens.

They are bright enough to know that serving in the Army is a drag, but they're not bright enough to know that if their fathers had been as bright as they are, they themselves would have been baked in ovens.

Let me give you a story from my most reliable gag-file—Harvard. After the takeover there, a mass meeting was held in the stadium. It was televised. Several members of the faculty spoke, and then an SDS leader. I could tell he was a leader because he wore Leon Trotsky's beard and the suit they found Che Guevara dead in. He had a compelling, positive style—a crackling, machine gun delivery. First he told the six thousand in the stadium and the hundreds of thousands of TV exactly how Harvard must be run; then, how the Nation should be run; then how the world—a neighbor of mine who was watching with us said to her husband, "Haven't we seen that kid before?" He said, "Of course, that's the one we hired last year to run our dog. Every night the dog would come home alone, remember? Every night he'd call us frantically and tell us the dog had outsmarted him. So we had to fire him. Last year he couldn't run a dog, this year he can run the world."

And that's my final recommendation to this committee. Let us see the campus disrupter clearly as the absurd thing he is. When he has a tantrum, slap his fanny, when he throws a fit of temper, lock him up until he cools off, but while we punish the brat, let's remember that is all he is.

RADIO AND TV TALK SHOWS

I've been astonished at how many in my college audiences know my views more from my appearances on TV talk shows, than from

my comic strip. I rarely do more than a dozen of the TV shows a year. Yet my comic strip appears 365 times a year. It is my own measurement of the immense influence of talk shows on the young and their ideas.

Now most of the men in charge of those shows—and I've appeared on most of them—are sharp and knowledgeable as comedians. But they are not apt to be as sharp and knowledgeable in other areas. So they can be used, and are used, by those in the business of spreading racial hate and misinformation.

Their treatment of their black guests is, in my opinion, particularly offensive. They rarely treat them as equals . . . as men capable of error or open to argument, but, as inferiors, whose mistakes must be glossed over, and who aren't mature enough to be argued with. I have heard sweeping condemnations of the racism of southern whites made on TV talk shows—entire states damned on them—but I have seldom heard any defense made by a TV talk show star, of the millions of southerners who have devoted their lives and careers to fighting racism.

I once was present on a show in which a comedian, a perfectly sincere guy, who had visited Washington during the Poor People's March, told of the desperate need of the poor in Resurrection City. Our host either didn't know, or didn't think it was relevant to mention, that nearly 40 percent of those desperately needy were able-bodied men around 21, and that what Washington desperately needed at the time were able-bodied men to fill jobs.

And that during that period, the employment rates in Washington didn't go up but the crime rate did.

The talk show star didn't mention that, but I did, and I was able to straighten out several millions in his audience.

I also added that I couldn't understand how any able-bodied man at the age of 21, no matter how broke he was, could decide on poverty as a profession unless, of course, it paid better than any other. I recalled that I didn't have a bean when I was 21, and neither did the comedian, but we decided not to stay that way—and we didn't. Well, that night one talk show audience heard the other side, for once but only once. The comedian was asked back innumerable times. I was not.

I once heard a famous girl protest singer tell the star of an afternoon TV talk show that if she had her way, she'd disband all our armed forces and dismantle all our defense industries. The talk show star displayed a burst of unprecedented brilliance. He said, "but suppose the enemy invaded—supposed you saw them about to land on our coast. What would you do?"

The protest singer said, "Why I'd go out and meet them—with a cup of tea."

The studio audience of housewives not cleaning their houses and high school dropouts burst into thunderous applause, the star joined in, and I heard that "cup of tea" plan for the defense of the nation, quoted reverently for months on campuses.

By placing such charming but unaware guardians over so much of our TV time, a time, when so many young people watch, we give priceless help to those whose purpose it is to misinform, and to spread race-hate-for hatred of the white race is as vile as hatred of the black, and as dangerous to both.

I wouldn't suggest that any of the popular talk show stars be subjected to any sort of questioning, or even advice by this committee. They can, however, be helped. I know them all, and I assure you that they are all fine, talented men and handle matters that come before them, in the best way they know. The trouble is that they often don't know.

They can be helped to know—even unpopular truths, even truths that may jar their free-wheeling guests, and that don't get bursts of applause from their audiences.

And this committee needn't supply these truths. Their networks, or stations, research and news departments can do it. There is not a man among them who will lack the courage to speak the truth—if only he knows it, and he should.

Each TV talk show host knows beforehand, generally, the ground his guests plan to cover, and he can be prepared with a fact sheet on those subjects to give the talk balance. It is not now time, nor will it ever be time, to stop any sort of talk on TV.

It is time, it is long past time, to stop permitting misinformation and race-hate to go on unchecked and unbalanced on TV talk shows.

COLLEGE PLATFORM SPEAKERS

I suggest that this committee look into the type of speaker most frequently heard on college lecture platforms. Without, in any way, discouraging students from inviting whoever they please, but to provide them with intellectual balance.

Today the professional hater rather than the critic of American Democratic processes, American morals, and American standards is the most heard of campus speakers.

There is a difference, you know, between the hater—and the critic. The critic acts from love for his country, and disappointment that it isn't a better one, sooner.

The hater acts from hate for his country and disappointment that it isn't being destroyed, faster.

The hater, of course, is a far more dramatic performer, and urging young and impressionable audiences to defy the Democratic process and tear down institutions is far more stimulating than urging them to use the Democratic process to make their institutions stronger. But there are, I'm sure, fine speakers on the other side of hate, and I urge you to turn them up and offer them to our colleges. It would be helpful to the Nation, to the Nation's young, and to me. It's mighty lonely out there.

Let me give you two short illustrations. I was on a lecture series at Chapel Hill, at the University of North Carolina. After I left, a student called me in Cambridge—I live about a mile from Harvard as the crow flies, but lately they've been replaced by flying deans—and he said he wished to apologize in advance for the university newspaper which included an obscenity used to describe me, by the next speaker.

I asked him what the obscenity was—I could think of any number of appropriate ones—but the kid was a li'l southern gentleman: He said he was sending me a copy of the campus paper and I could read it there.

Well, it arrived. This was what that speaker had said: "Al Capp was once a liberal, but now he's a flagwaver."

That was the obscenity: Flagwaver.

I wrote those kids and told them I wasn't offended. I said I still thought our Flag looked better being waved than being burned, and if that made me not a liberal, then that wasn't the sort of liberal I wanted to be.

The second incident happened at Franklin Pierce College in New Hampshire. I delivered their commencement address this year, and I ended by saying that I believed that even the humblest American is born with a privilege that places him ahead of anyone else, anywhere else: the privilege of living and working in America, of repairing and renewing America, and one more privilege no one seems to get much fun out of lately: the privilege of loving America.

When I'd finished, a student came up to me and said, "Mr. Capp—it must have taken a lot of courage for you to stand in front of a student audience and tell them you loved this country." Well—it didn't take any courage. I didn't feel any, at least. It came naturally. But that kid's remark emphasized one truth about our college platforms—which shapes so much of their thinking. So seldom do they ever hear any words of love for America from those platforms—so accustomed are they to the endless procession of haters, that they now think it takes courage for an American to stand on a platform and tell other Americans he loves America. I suggest that this committee have the courage—and the wisdom, to help our students find other types to balance the haters who now dominate their platforms, and their thinking.

RACISM ON THE COLLEGE PLATFORM

I wish I could tell you that I have never heard a racial slur uttered by a student in a college auditorium, but I have. I have, however, never heard a student of the race that was slurred stand up in meeting and say he resented it.

Possibly because the only racist talk I have ever heard in colleges . . . was antiwhite race.

I have heard whites in every arm of government referred to as "pigs" on nearly every campus I've spoken.

I have never heard any student on any campus use the word "nigger." From my observations, any student who did, would be thrown out of the hall by his fellow students. Aided, I might add, by the speaker. I have heard white candidates for public office who received more votes than their black opponents called "racists", and all who voted for them called "bigots."

I have never heard any white student, or black one, offer the slightest objection.

I suggest that this committee recommend more vigilance by our colleges in teaching our young to respect all races.

Why does the average college kid have such a distorted idea of the world he lives in?

The amount of misinformation rattling around in the average 20-year old student's head is enough to drive him half-crazy, and being twenty takes care of the other half.

Here are some typical questions asked by students. These are from the tapes of a lecture at Millersville State College in Pennsylvania, but they're the same all over:

"STUDENT. Mr. Capp, it's a well-known fact that this government is building concentration camps for political dissenters in California, Nevada, and Colorado. What is your comment?

"CAPP. I've never heard of any concentration camps for political prisoners in this country. But there are plenty of them in the countries that sort of muck is piped in from.

"STUDENT. What do you suggest we do about the genocide being practised on blacks by the U.S. Government?

"CAPP. The U.S. black birthrate far outdistances the white. The amount we spend on underprivileged black kids every year is more per capita than we spend on whites. Accusing the U.S. Government of practising genocide is like accusing the Smothers Brothers of practising fratricide."

There is only one place on earth where black genocide is being practised today and that is by the Nigerians on the Biafrans.

Because the truth isn't easy to come by on our campuses. The average college student seldom reads the local paper. He prefers Playboy to the newsmagazines. Most of them, however, read the campus paper, and all of them read the underground paper because it's even filthier.

I estimated that there are no more than 2 percent of hardcore wreckers and rioters and haters on even our most turbulent campuses. I've observed, however, that 100 percent of the editorial staff of the underground newspapers comes from that 2 percent, and, on all but a few campuses, they dominate the campus paper too, the campus magazines, the campus TV and radio facilities.

They are largely fed by "liberated" news services. They seem to me to be liberated only

from the laws of libel and obscenity, which makes the AP and UP news services so much less thrilling reading.

Two of the most aromatic examples of campus newspapers are the *Daily* at the University of Colorado and the *Egyptian* at Southern Illinois. There may be more asphyxiating specimens, but I can personally vouch for these two. In both cases they were nailed for faking statements. And it was easy. They're too new in the business of fakery to realize that their faked quotes could later be compared with the actual statements, on audio tape.

A new type of campus newspaper, however, is appearing. The Honest One, published by honest kids. The best of them, in my opinion, is "Ergo" at *MIT*.

I recommend that no attempt be made to liberate the campus press from the 2 percent who dominate it. I do recommend that the college encourage participation by the other 98 percent, and compel *all* of them to respect the laws of libel and factual reporting, as rigidly as they will have to, if they pursue journalism, out in the real world.

EDUCATIONAL TV

I recommend that this committee take a long hard look at the programming of educational TV. Much of it emanates from our campuses and it has a considerable campus audience.

Educational TV has given endless hours of time to such singers as Joan Baez and Pete Seeger. I must concede these programs fairly reflect all their attitudes about America, which range from plain dismay to outright disgust.

I have never seen a (and I'm going to use a word considered in bad taste in educational TV circles) . . . I have never seen a patriotic singer on educational TV.

And yet more Americans love their country than loathe it.

PLANS FOR THE FUTURE

After my lectures I am usually visited in my living quarters by small delegations of activists, and militants. They have better manners, in small groups in motel sitting rooms, than when they form mobs in auditoriums, and I don't mind their visits much except that after they leave, I need fresh air. At these sessions they tell me, with childish frankness, of their plans for the future.

They have learned that their greatest asset is the publicity given them by TV, and their sympathetic treatment by TV commentators. They learned a lot from the TV handling of their takeover of the "People's Park" at Berkeley. They appropriated a million dollars of the University's property, and when they were handled as firmly by the police as another mob of bandits who stole a million—the Brink's gang—the slobbering over them by TV softened much of the more soft-headed public into slobbering over them, too.

The lesson wasn't lost on them. They know the value of TV. And so come this fall, they're going to try to take it over. New objective but same methods. Instead of locking a dean in a toilet, they'll lock Frank Stanton in his art gallery; instead of throwing rocks at a police sergeant, they'll try for General Sarnoff. They have already had one moderately successful dress rehearsal. Namely, the takeover—for an hour or so—of Channel 13 in New York last year. They rushed the studio, roughed up the staff, demolished the equipment, and screamed filth into the transmitters. They feel that they have even a more persuasive case for their right to takeover of TV than universities and parks. They know that TV is the people's property, returnable to the people, at the demand of the people, and they're the people who are going to demand it, in the robust style that TV has so often sympathized with.

What new solutions do we need for campus unrest? I think the old solutions will do, as soon as we stop calling campus unrest campus unrest. And call it by its proper name.

When a gang of punks beat up an elderly man at Columbia—it's called "campus unrest" and they're sent to graduate school. If they did the same thing in an alley, it would be called mugging—and they'd be sent to reform school.

When a ghetto kid is caught looting a store it's called thievery, and he's given six months because he should *know* better. When the editors of Harvard's Old Mole looted Dean Ford's safe, it was called journalism and they were given amnesty—because they are better. No, we don't need any new solutions for campus unrest.

Once we call it by its proper name, we'll find there are plenty of tried and true *old* solutions—and it's time we had the sanity to use them.

HANNIBAL, MISSOURI, SESQUICENTENNIAL CELEBRATION

Mr. EAGLETON. Mr. President, I would like to call to the attention of this body the sesquicentennial celebration that is currently taking place in the great Midwestern city of Hannibal, Mo.

Among the many outstanding events of this 10-day celebration, which runs through July 6, is a historical pageant depicting the many unique and notable events in the colorful 150-year history of Hannibal.

Hannibal is perhaps best known for its legendary literary figure, Samuel Clemens, better known to all as Mark Twain. During the celebration, Mark Twain is being honored through such activities as the National Tom Sawyer Day fence painting contest, the "Tom and Huck raft race" and a frog jumping contest.

Besides Mark Twain, Hannibal has produced many other notables. James Carrol Beckwith, one of America's foremost portrait artists in the latter part of the 19th century, and Margaret Tobin Brown, known by millions in 1912 as "the Unsinkable Molly Brown," are also products of Hannibal.

From a pioneer village located on the banks of the mighty Mississippi River, Hannibal has grown and prospered into a thriving, industrial city in the very center of the United States.

Mr. President, I ask unanimous consent that two articles from the sesquicentennial edition of the Hannibal Courier-Post of June 29, 1969, be inserted in the RECORD.

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

MARK TWAIN'S DISASTROUS 2 WEEKS OF ARMY LIFE

(By John Lyng)

In the summer of 1861 as the Civil War moved into serious conflict, Samuel Clemens put in two weeks of service as a soldier for the Southern cause. Years later after the river pilot had become Mark Twain, the author, he wrote a half-truthful account of his adventures in a short essay "The Private History of a Campaign That Failed."

The story of the "campaign" without Twain's special coloring is perhaps funnier and more interesting than the yarn the author spun himself.

Sam Clemens, then a 26-year-old river pilot, arrived in Hannibal shortly after mid-June, 1861. He had been in New Orleans in May, and had made the trip back upriver to St. Louis aboard the last river steamer before the closing of the river traffic from North to South. The steamboat, "Nebraska," was halted at Jefferson Barracks below St. Louis by cannon fire and forced into port for inspection. It was the last to be granted free passage to the upper Mississippi by the Union troops at St. Louis.

Clemens was inducted into the Polar Star Lodge of the Masonic order in St. Louis the day after his arrival. Before leaving to return to Hannibal he was listed as passing the fellowcraft degree of the lodge. Back in Hannibal his short engagement in the Civil War began.

Several independent groups of soldiers on both sides were organized in the Hannibal area at that early period of the war, including the Marion Artillery, the Silver Grays, the Palmyra Guards, and the W. E. Dennis Company.

The Ralls County Rangers, which Clemens joined, was organized in a "secret place" on Bear Creek Hill in the same area where Tom Sawyer's red-handed bandits carried out their adventures in Twain's classic novel. The organizing was done in secret for fear of the Union militia across the river in Illinois.

There has been a historical disagreement as to whether the band called themselves the "Ralls County Rangers" or the "Marion Rangers." Both names have been alluded to by members of the brigade in later writing. The Ralls County name seems closer to the truth since so many of the men came from that county.

The first maneuver of the band was an all-night march to New London, Mo., and the home of Col. John Ralls, a well respected veteran of the Mexican War.

According to the Clemen's biographer Albert Bigelow Paine, Sam Clemens and his lifelong friend, Sam Bowen, visited their sweethearts on the eve of their departure and invited the girls to "walk through the pickets' with them to see them off. However, the "pickets" were off visiting their own sweethearts.

The army marched south all night and arrived, exhausted, for a hearty breakfast and "swearing in" ceremony at the home of Col. Ralls. Ralls, who was authorized by Gov. Claiborne Fox Jackson to swear in troops for the rebel army made the brigade official. When apprised of the presence of the Confederate troops in the area, local sympathizers in the New London Vicinity donated steeds and provisions to be returned after the conflict—a period estimated then to last no longer than three months at the most.

Sam Clemens was given a frisky yellow mule, whose bobbed tail moved its master to christen it "Paint Brush." Along with the mule, Clemens received an extra pair of boots, two gray blankets, a home-made quilt, frying pan, one carpet sack, one small valise, an overcoat, an old Kentucky squirrel rifle, approximately 20 yards of seagrass rope, and an umbrella.

The army moved out and made camp near Goodwin's Mill on Salt River and made a large log barn its headquarters. In Twain's "Private History" the barn became a corncrib.

During the encampment a member of the band was appointed official barber to shorten each man's hair in preparation for any hand-to-hand combat to come. Armed with a pair of sheep-shears, the barber tortured each man in his turn. Any hair that escaped cutting was pulled out by the shears.

By popular vote, officers of the brigade were elected. William Ely was elected captain; Asa Glascock, first lieutenant; Clemens himself was chosen as second lieutenant; and Sam Bowen was made a sergeant. One by one each member of the band was elected to one position or another until there were only two or three men left to serve as privates.

Rain rather than Union troops was the major enemy encountered by the Ralls County Rangers. Heavy rains swelled Salt River, making the camp into a quagmire and forcing the soldiers to higher ground. A false alarm now and then forced the small band to retreat into the mud and brush, only to return, cursing the soldier's lot, after the Yankee invaders failed to appear.

The foul weather and sodden conditions also dampened the once-high enthusiasm of the troopers. Lieutenant Clemens once had to threaten Sam Bowen with court martial and death before the latter would take his guard position. Once on duty Bowen probably fell asleep, according to a custom that was developed by the Rangers' sentinels.

The Rangers saw little "action" during their tour of duty. One night a patch of mullein stalks waving on the top of a hill were fired upon when they were mistaken for patrolling enemy forces. The pickets who did the shooting returned to camp, and the whole brigade was quickly roused and prepared for battle. But the mullein stalks made no advance.

Another such instance was recorded when one sentinel's horse plodded toward its master in the dark and was fatally shot when it did not answer the call to identify itself.

Sam Clemens' misery was compounded by a boil which he developed during the encampment. His affliction made it painful for him to move with the troops when they finally decided to break camp.

Another sore was "Paint Brush." At one juncture the lieutenant's steed refused to swim the swollen Salt River as the Rangers moved on toward Monroe City. Ab Grimes, a colleague of Lt. Clemens who later became famous as a Confederate mail runner and spy, recalls in his autobiography that in order to aid the officer, he threw a rope around the stubborn mule's neck and rode ahead of it, forcing "Paint Brush" to leap into the stream.

As he approached the other side, Grimes looked back to see no sign of mule or rider behind him. Horrified, he spurred his horse toward the opposite bank, pulling furiously at the rope. Soon Clemens' old slouch hat appeared above the surface along with the ears of the mule, then the lieutenant's head and the head and neck of the mule emerged, and finally the remainder of both.

When Clemens had caught up on his breathing, Grimes reports, he choked out, "Ab, that infernal mule waded every step of the way across that river!"

Enroute away from their disastrous encampment, the Ralls County Rangers met Brig. Gen. Tom Harris, the commander of the rebel forces in the Northeast Missouri District, and a man several of them knew from Hannibal. General Harris at first ordered the men to return to their camp. When this order met with laugher and general hostility, the general asked the men to return. When this, too, failed he begged them to return, but to no avail. The Rangers told him that they had been there and knew all about it, and were going to where there was food. They were deeply resentful of the high life Gen. Harris had been living off area farms, while they suffered in the swamp of the Salt River valley.

The Rangers later encounter with the wife of a Yankee colonel was no more successful than Gen. Harris' encounter with the Rangers. Unaware that the woman held sympathies for the Union, the brigade stopped at her farmhouse and Clemens was appointed to ask if they could buy some food. The irate woman unceremoniously chased off the future literary giant with a hickory hoop stick which she kept strategically placed behind the door. The lieutenant's retreat was accompanied by the tremendous laugher of his comrades.

At around 1 a.m. that same night, the company arrived at the home of Col. Bill Splawn, another well-known Ralls County Southern sympathizer. Wishing not to disturb the Splawn family at that late hour, the men commandeered the use of the farmer's hayloft for their barracks.

It wasn't too much later that a cry of "Fire!" upset the quietude of the early morning hours. Clemens, sleeping near the gable door, instinctively rolled out the door and dropped ten or twelve feet to the rocky ground outside the barn, spraining his ankle and arousing his boil. In the meantime, the men inside the loft rolled up the burning hay and tossed it out the same door on top of the poor lieutenant. Sam scrambled furiously from under the burning hay, and proceeded to curse his comrades, the war, and the human race in general to the amusement of his fellow soldiers.

After a large meal the next day at the Splawn home, the troop left for New London. Sam Clemens, however, made it only so far as the home of Nuck Matson, another area farmer with Confederate leanings. At the Matson home Sam retired from the Army to nurse his ankle and boil.

He later wrote, "I resigned after two weeks' service in the field, explaining that I was 'incapacitated by fatigue' through persistent retreating."

The Matsons' assigned a young Negro lad to stand guard duty to keep an eye out for approaching Union troops. When the Yankees moved into the neighborhood, the lad would warn Sam in time for him to scurry into the nearby woods and hide until the danger passed. In time his wound healed and Sam Clemens left for Keokuk to join his abolitionist brother, Orion, to move on to Nevada territory where his adventures were later recounted in "Roughing It."

The rest of the Rangers also soon parted company, some joining other, more official groups; others dropping out of the war altogether.

About two weeks after Sam Clemens' departure, a company of Union troops moved into the area under the command of Captain Ulysses S. Grant. Grant stayed at a house in Florida, Mo., while his unit was clearing the area of bands like the Rangers.

Clemens and Grant met later when Clemens was Mark Twain and Grant was a former President. Twain's publishing firm, American Publishing Company, printed Grant's autobiography, earning royalties of $500,000 for Grant's estate. The general died four days after completing the manuscript.

Other than the story of his adventures which he wrote, Mark Twain gained little from his war experience. His brother changed his philosophy to sympathy for the Union, and later in life it is said he even voted Republican. However, judging from the activities of the Ralls County Rangers in general, perhaps the South was just as well off without them.

MOLLY BROWN—HANNIBAL'S "UNSINKABLE" SPIRIT

(By Rev. Williard Heimbeck)

One of the most colorful, semi-legendary characters of low and high society in America and abroad during the late 1800's and the early 1900's, "The Unsinkable Molly Brown," was born in Hannibal on July 18th, 1867.

Her real name was Margaret Tobin, but everyone called her Maggie. Her childhood home on the corner of Butler and Seventh Street (Denkler's Alley in the old days) is currently being restored by the Marion County Historical Society.

This daughter of a poor Irish ditchdigger was in her early days allergic to education and given to being a tomboy and playing with her brother Daniel's gang. Naturally, the lot of such a child in the late 1870's and early 1880's pointed toward early employment and hard work.

By her mid-teens Maggie was a most attractive, bosomy, red head with an aggressive personality and exaggerated ambitions. After working in a tobacco factory she secured employment in the fashionable Park Hotel dining room as a waitress.

When Hannibal's native son, Mark Twain, came home in May, 1882, for the first time in 17 years and was lionized by local society as he sought material for his forthcoming book, "Life on the Mississippi", Maggie managed to arrange to wait on him, and since she loved celebrities and he loved an audience, even one attractive and worshipful waitress, Clemens regaled her with tales of his days in the mining camps and the wealth of the west.

Nothing would do for Maggie but the West. First she persuaded brother Daniel to go to Leadville, Colorado, in 1883. The next year she left for the same destination with food for three days in shoe boxes and all her possessions in a carpet bag and a satchel.

The roaring community of Leadville saw Maggie Tobin start her life there as a dish washer and table waitress in a boarding house, but she was soon clerking in the Emporium and flashing her personality around with the result that she gained the attention of James J. Brown, manager of the Louisville mine.

His courtship was slowed by the fact that Maggie thought him too old; he was thirty and thirteen years her senior.

Fast horses, stories of the wealth he would gain through his investments and his determination to marry her finally culminated in their wedding on September 1st, 1886, in the Church of the Annunciation. Their first home was in Stumpville three miles east of Leadville and close to Jim's mines.

The new family lived in a two-room log cabin. The myth about Maggie's burning up a fortune got its start. The "Unsinkable Molly Brown" makes it appear that a sum of money in paper currency was hidden in a stove and burned during the night when Molly lit the stove to keep warm.

The facts appear to be that Jim brought the cash box with about $75 in specie (hard money) home and hid it in the stove for safe keeping. Molly did light the fire, but all the money was recovered. In later years our heroine fabricated the tale from these facts until the amount of paper money destroyed finally reached $300,000.00. When corrected she would laugh and say, "Well, it was a—good story anyway!"

The family prospered and moved to Leadville when their two children, Lawrence and Helen, were born.

Still Maggie was a social nobody.

Then the Little Jonny mine Jim was managing struck a rich vein of gold during the days of the 1893 depression when silver was extremely depressed in price. The mine owners were so grateful that they gave Jim Brown a one-eighth interest in the mine. This propelled the Brown fortune upward, so that they could move to Denver, when Maggie set out to conquer the "Sacred Thirty-Six", the top social and economic set.

Soon she was known to those she would have as her friends as "The Impossible Mrs. Brown".

Her manners were barbaric, her English laughable, her spending profligate, her seeking for publicity constant, but she kept trying. She took to traveling, which found her ability as an entertainer and her open purse the key to acceptance in European and Eastern United States society. Still the "Sacred Thirty-Six" laughed at her and locked her out of their activities.

When she paraded up and down Denver's main streets in expensive furs the natives began to call her "Colorado's unique furbearing animal".

She and Jim fought over her expensive tastes and frequent trips away from home . . . and his roving eye.

Maggie took lessons in English, French, German, manners, dramatics, voice, yodeling, and the guitar. All of this plus her flaming red hair and aggressive manner made her a personage of striking flamboyance.

She was in Europe during the winter of 1911–1912 and managed to book passage on the new, unsinkable ship, the "Titanic" for its maiden voyage. When an iceberg sliced a mortal wound in the hull of the unsinkable ship, Maggie was the heroine of life boat No. 6. She calmed the panic stricken women by her example and her singing and helped row the life boat out of the area where the downsuck of the sinking ship would have drawn it down with the Titanic. When a stoker was borrowed from another lifeboat to help with the rowing, she gave him her sable stole and, according to some, saved the man's life.

Once aboard the rescue ship "S.S. Carpathia" Maggie worked unceasingly as a nurse and interpreter for the widows of the many immigrants. Caught up in the horrors of the needs of these unfortunates, she proposed that the more fortunate passengers on the "Carpathia" raise $10,000 for the relief of the survivors, and she did raise $7,000.

Since the sinking of the "Titanic" was a story of human failures, the heartwarming heroism of Maggie Tobin Brown caught the public's eye. A medal was struck for her; and it was recorded that she told the reporters who met the boat and commented on her survival, "Typical Brown luck. I'm unsinkable". So, from that day on, she was the "Unsinkable Mrs. Brown."

An enormously popular stage musical by Meredith Willson, "The Unsinkable Molly Brown," based on this incident and her entire life played to packed houses on Broadway during the 1950's.

Denver society opened its doors for her on May 1st, 1912, when with Mrs. George E. Berger she shared honors at a luncheon at the home of Mrs. Crawford Hill, Queen of the "Sacred Thirty-Six."

The same doors closed shortly on Maggie Tobin Brown, then age forty-four. The rest of her life was anticlimatic and increasingly tragic. She got people to call her Molly or Peggy instead of the inelegant Maggie. The family struggled over her husband's shrinking fortune. She tried to maintain her precarious social position and her fleeing youth and succeeded in neither.

However, her latter years did witness not only scattered returns via private railroad car to Hannibal, but several high spots. In 1927 she spearheaded the saving of the Denver home of author Eugene Field. During this campaign of historic importance, similar to the Marion County Historical Society's effort to save and restore her own home in Hannibal, "The Unsinkable" gave an amateur program in the Civic Auditorium. Only one hundred people sat in the seats that could have held twenty-five hundred. One of the high and fearful spots on that program was Maggie's reading of Eugene Field's poems.

A few weeks before she died she visited Leadville and was shocked by the plight of the miners' children during the winter of 1932. She proposed a great Christmas party for them with presents of warm clothing and other things dear to children. While her death came on October 25, her nephew, Ted Brown, quietly distributed her gifts that Christmastide.

Maggie Tobin Brown was one of the uniquely frontier characters related by birth or residence to Hannibal and Marion County and northeast Missouri. With the others her dreams, adventures, misadventures, and interaction with American life remind us of our historic past and its significant part in the Nineteenth Century.

NEED FOR RIVER SAFETY LEGISLATION

Mr. SYMINGTON. Mr. President, a significant increase in the number of serious accidents on the Mississippi River has underlined the need for a concerted program of river safety legislation, especially Federal licensing standards.

A driver's license is required to operate a motor vehicle on public streets, but no standards of competency or experience are required for a towboat pilot on our inland waterways even though the pilot often moves barges which contain lethal chlorine or other explosive cargoes.

Continued failure to enact adequate safety requirements for our navigable rivers and lakes is to court disaster.

In a recent series of informative articles in the St. Louis Globe-Democrat, Mr. Allan Hale reported some of the hazards which threaten life and property both on the water and along the shores, calling particular attention to the outstanding work of Congresswoman LEONOR K. SULLIVAN, of Missouri, in her efforts to obtain badly needed safety regulations. I ask unanimous consent that the three of Mr. Hale's articles and an editorial from the May 29 Globe-Democrat be introduced into the RECORD.

Through news articles and editorials, the St. Louis Post-Dispatch has also given notable public service in calling attention to the danger, and I ask unanimous consent that an editorial from the June 28 issue also be printed in the RECORD at this point.

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

[From the St. Louis (Mo.) Globe-Democrat, May 24, 1969]

A RIVER TRAGEDY POINTS UP A NEED

(By Allan Hale)

"It's not me I'm afraid of, or the river. It's the fact that the man I meet coming down may not know what he's doing."

Dave Carlton is a licensed Mississippi River pilot. The Marine Officers Association, of which he is a member, said that perhaps half of the pilots on the river are licensed.

"The public would really be surprised if they were informed," said another pilot. "There are no requirements at all. Anybody can be a pilot, no matter what kind of cargo he's got . . . you can take a taxi-cab driver, put him on the boat and tell him to be a pilot, and you're not breaking any law."

The men who move the big cargoes on the river, the long strings of barges with 20 to 40 thousand tons of cargo get a certain grim amusement out of the fact that the people of the river cities like St. Louis don't know what's floating past their front windows—or what might happen if something went wrong.

On May 12 a barge explosion which killed several at La Grange, Mo., underlined the reason for an increase of interest among the river cities in what's going on in front of them.

The city of New Orleans got a demonstration in April when a towboat pushing three barges was involved in collision with a Chinese nationalist freighter one midnight, directly under the Greater New Orleans Mississippi River Bridge. The lead barge, loaded with 9,000 barrels of crude oil caught fire.

Flames soaring 100 feet into the air seared an 80-foot area of the bridge, buckled the steel rails of the sidewalk guards and damaged the understructure. Twenty-five Chinese crewmen aboard the freighter died.

It could happen any day, in any river city, say the towboat men.

"Now if his boat had also—I might mention that there were thousands of people gathered to watch this burning ship and barges—if this boat had also had a barge of chlorine in the tow, which you do sometimes have, and it had exploded in downtown New Orleans, maybe 1,300 tons of it, it would have wiped out no telling how many," says Carlton. "This could happen at Alton, anyplace."

Carlton works out of St. Louis, lives at Cape Girardeau and mostly handles the two biggest towboats of the river, the 1,000-ton twins "America" and the "United States," owned by Federal Barge Lines here.

It was a deputation of St. Louis towboat men which in 1962 went to U.S. Congresswoman Leonor K. Sullivan, 3rd District. They were deeply concerned, she said. "They said they were working under great hazards and with no safety regulations," she said.

The river men convinced her that there was a case for regulations requiring the licensing of pilots and the inspection of boats. The result was a two-month session of hearings before a subcommittee of the Congressional Committee of Merchant Marine and Fisheries.

There had been similar hearings on the same subject before. In 1935, when nothing was done. In 1951, when nothing was done. In 1965 the same thing happened.

The record of the hearings fills a book three-quarters of an inch thick. The book is so far the sole concrete result.

The regulations were blocked solid, Mrs. Sullivan explained, by the opposition of the majority of towboat operators. The men who work the boats came forward and spoke for a regulation. The towboat operators, with the exception of some of the largest and most reputable firms, were against it.

This week a barge explosion at La Grange, Mo., killed several persons. This and the April disaster at New Orleans, coupled with an earlier one near New Orleans last year when 21 died in a towboat-freighter collision have convinced Mrs. Sullivan that the time has come to try again.

She has now asked the chairman of her committee to request those in favor of regulation and those against to sit down and reason out together what provisions of the bill they can and cannot live with. This will be no ordinary house hearing, she points out. "This is not the normal way legislation is written, but I think it's an effective way when it's stymied," she says.

[From the St. Louis (Mo.) Globe-Democrat, May 26, 1969]

INEPT RIVER PILOTS—INVITATION TO DISASTER

(By Allan Hale)

On a fine day, it's a pretty sight to watch the towboats, painted in crude, bright colors, pushing their strings of barges up and down the river.

From the St. Louis levee, from the tall office buildings of downtown you can look and turn away with a renewed sense of America's industrial capacity, as demonstrated by those great, heavy-laden barges.

From the river overlooks dotted along the shore, from the gardens of homes that edge the water, the children wave at the pretty boat. Sometimes the man in the pilothouse waves back.

He knows something they don't.

That a wrong touch on the steering levers, a sudden current or a wrong decision . . . and he could send a wave of burning gasoline and crude oil boiling into the city like a huge napalm bomb. Or flood the streets with chlorine gas.

He knows something else, also.

That no regulations exist to require him or any other pilot he may meet on the river to pass an examination of competency.

There is an examination, set by the Coast Guard, and many men take it. Large barge lines like to use certificated men. Before taking the examination a man must produce letters of recommendation from employers he has worked for, usually as a mate.

For years now, and more particularly for

the last five years, the licensed pilots and some of the larger companies have been trying to get legislation through Congress requiring examinations for towboat officers and inspection of boats.

Tows of barges on the Mississippi are growing larger all the time.

Such pilots work a 12 hour day, divided into two watches, six on, six off. They earn around $15,000 a year and are entitled to a day of rest for every day they work, which means a man may, if he wishes, work six months, rest six months.

Capt. Bill Jackson is a licensed pilot and a member of the executive board of the Marine Officers Association.

He explains: "Originally boats were placed under the marine inspection law by the steamboat inspection service of the Commerce Department. Now, slowly and methodically, steam has been replaced by diesel."

Few steamboats are left on the river today. The only commercial steamboat which now visits St. Louis is the excursion steamer "Delta Queen."

When steam changed to diesel Capt. Jackson says, the regulations died with steam. Diesel boats are not required to have licensed officers or be subject to inspection while under construction or in use.

"The lobby of the diesel engine manufacturers, the industry, as represented by the American Waterway Operators—a powerful lobby in itself, which far supersedes anything we have to offer in the way of a lobbying group—have become so powerful that we can't even really be heard, so far as the need for inspection laws is concerned," Jackson says.

One of the arguments of the towboat operators against the regulation and licensing of officers is that the examinations set by the Coast Guard—the regulatory agency which administers the examinations—are unrealistic, involving river men in subjects like celestial navigation which they will never need.

"There is a small degree of truth in this," Jackson admits.

"The Coast Guard are mainly salt water people and there is a certain degree of salt water interrogation in the examination for a pilot. It's not a thing that couldn't be overcome with compromise in a committee."

Compromise in a committee is the thing now being sought by U.S. Congresswoman Leonor K. Sullivan (Dem.), St. Louis, who, after being approached by a deputation of river men in 1962, introduced a bill which would have required the regulation of key personnnel aboard towboats and inspection of the boats.

Hearings were held on it in 1965 and nothing happened. Small operators came forward and said it would ruin them, Mrs. Sullivan says.

One argument put forward by the operators is that they have pilots who are perfectly competent, but have no talent for taking formal examinations.

Asked about this at a recent meeting of the Marine Officers executive board, Jackson waved his hand around the table.

"Each and every man in this room has passed a Coast Guard license examination," he said. "We've all made it. There's quite a few people for whom it takes a little longer, but they have made it. It's simply a matter of studying and knowing your job."

Mrs. Sullivan, whose bill has made no progress, is now asking that both sides sit down round a table and discuss what sort of regulation they could or could not live with.

Meanwhile, night and day, the cargoes pass up and down the river. In many wheelhouses there hangs a thin, printed pamphlet, listing the dangerous cargoes which a pilot, experienced or inexperienced, licensed or not may suddenly find included in his tow.

Where a page is marked with a skull and cross bones—and many are—it means that the cargo is deadly.

Nor does the pilot get any choice about what goes into the makeup of his tow. He is told by radio-telephone to pick up, at some designated point, barge XYZ-12.

The river men pay their toll in life. In two major accidents since March last year a total of 46 men have died. At La Grange, Mo., May 12 four died and two are missing in a tanker barge explosion.

Dave Carlton, another board member of the Marine Officers Association was talking to another pilot about it the other day. "What would people think if you allowed trucking companies to operate with men without a driver's license or any training whatsoever? Just put a man on a big diesel rig and send him out on the highway where you're driving up and down with your family?"

"Yeah," said the other pilot. "But you know? One day, one Saturday afternoon when the St. Louis downtown is crowded with shoppers, there's going to be a chlorine barge hit a pier of one of the bridges and rupture."

Carlton takes it up "If he hit the Eads Bridge on Saturday afternoon . . . pouf! Thirteen hundred tons of chlorine and here it all comes in a big green cloud. Remember the barge that sank at Natchez? They said if it ruptured and released that 1,100 tons of chlorine it would, with proper atmospheric conditions, have killed everything within 40 miles."

[From the St. Louis (Mo.) Globe-Democrat, June 17, 1969]

VALLEY LINE HEAD SCORES LACK OF U.S. LAWS FOR TOWBOATS

(By Allan Hale)

"There are things going on, on these rivers today that shouldn't be allowed," says Wesley J. Barta, flatly.

"I can tell you of a company carrying the most dangerous cargo which used to have an engineer sleep on a cot in the engine-room, on duty 24 hours a day. Inexperienced men in the pilot house, I believe it's doing the same thing today."

Barta is no disgruntled deck-hand or hired union official. He is president on one of the six biggest towboating firms on the rivers of America, the Valley Line, with 800 hands on the payroll, 17 towboats of its own and a fleet of 500 barges.

BARTA has for years supported rigorous standards of crewing, licensing and inspection which are opposed by probably every other towboat company in the nation.

He was the only towboat owner out of about 50 who testified at a Congressional hearing in 1965 to speak out in favor of federal laws for the towboat industry.

The argument has started again, following a series of Globe-Democrat articles and an editorial, and Barta has been asked by U.S. Rep. Leonor K. Sullivan if he would testify again. He says he will.

"I have felt this way for all of the 21 years I have been associated with the towboat industry," he says. Barta has been 34 years in shipping, starting on the Great Lakes.

He served a shipyard apprenticeship, later sailed as a licensed marine engineer, was six years a ship surveyor for the American Bureau of Shipping and joined the old Mississippi Valley Barge Line, now the St. Louis-based Valley Line, as superintendent of maintenance in 1947.

"This is a matter of public interest," he says, "Perhaps some of that comes from the fact that my background is that of an engineer and a shipbuilder. I haven't changed my views.

"I'm particularly interested in proper vessel construction and inspection," he goes on. "If you want to build any kind of a building there are building codes and regulations established for the general public safety. It is through a series of unfortunate circumstances that we don't have this."

He specifies two of these circumstances—the replacement of steamboats subject to strict regulation by diesel boats subject to no regulations; and the transfer of control over the inland waterways from the Bureau of Marine Inspection and Navigation of the Commerce Department to the Coast Guard. The Coast Guard, he says, and he doesn't blame them, had to familiarize itself with the business.

"It became obvious to many of us that we did need regulation," he says. "We recognized this in this company when we made the change from steam to diesel, and we've always built our vessels in accordance with American Bureau of Shipping Standards and the known rules of the Coast Guard.

"We have always maintained a policy of hiring licensed engineers and licensed pilots and masters."

To his knowledge, Barta estimates, the leading common carriers, perhaps six out of several hundred companies, make a policy of building their boats in accordance with Coast Guard regulations and American Bureau of Shipping regulations.

"So far as I know," he says, "only three of those adhere to the licensing principle.

"I made a conservative estimate, I thought, 10 years or so ago that reasonable rules for construction and operation were only being followed on about 15 per cent of the boats operating. I think that percentage has gone down since then."

Why are other companies against towboat regulation? "I can see some increased costs that come with it," Barta says. "But at the same time I see better operations and a better industry in which we have some hope of reducing insurance costs and many other costs of business so that the cost of doing business as a result of being embarrassed by the Coast Guard will probably be offset in some other areas."

To inspect a perfectly sound vessel, he admits, is time-consuming and costly. There would probably also be regulations imposed that are not completely acceptable to even the best companies.

"I recognize that, but the gain is having a much better industry, that's the way I look at it."

[From the St. Louis (Mo.) Globe-Democrat, May 29, 1969]

DISASTER ON THE WAY TO HAPPEN

The federal government has strict laws protecting migratory game birds and other waterfowl that use the nation's rivers. Why, then, is not the same concern shown for people?

Globe-Democrat staff writer Allan Hale, in two articles on river pilots, has revealed gross dereliction which exists toward regulation of this exacting occupation.

The shocking truth is that there are no requirements at all, with the result that only about half of the pilots on the river are licensed.

Dave Carlton, licensed Mississippi river pilot and a board member of the Marine Officers Association, aptly compares the situation to allowing trucking companies to operate with men who have no driver's license or any training whatsoever.

It would be like putting a man with absolutely no experience on a big diesel rig and sending him out on a crowded highway.

As another licensed pilot puts it, "Anybody can be a pilot, no matter what kind of cargo he's got . . . you can take a taxicab driver, put him on a boat and tell him to be a pilot, and you're not breaking any law."

It's a potentially deadly situation—literally.

The slightest mistake by an inexperienced towboat pilot could cause barges to crash into a bridge, sending a wave of burning gasoline or crude oil into a city like a huge napalm bomb, or a lethal blanket of chlorine gas over a wide area.

Residents of the river city of LaGrange, Mo., know about such things. On May 12 a barge—operated by an unlicensed pilot—hit a bridge pier there after getting caught in a current. Four persons died in the explosion that followed.

Carlton and other licensed pilots say the same thing could happen on any day at any river city.

In the face of this grim possibility, the need for rigid regulations for river pilots is obvious.

Such legislation has been proposed by United States Rep. Leonor K. Sullivan of St. Louis, who in 1962 introduced a bill to require the regulation of key personnel aboard towboats and inspection of the boats.

Nearly seven years have passed and still Congress has taken no action on Mrs. Sullivan's bill.

How many more disasters such as the one at LaGrange, or the recent explosion at New Orleans—when three barges and a Nationalist China freighter collided, killing 25 Chinese crewmen—will occur before the nation's lawmakers decide it's time to give people the same protection as fowl?

[From the St. Louis (Mo.) Post-Dispatch, June 28, 1969]

KEEPING THE RIVERS SAFE

The measures Representative Leonor K. Sullivan of St. Louis is proposing for the safe operation of towboats and their barges on the inland waterways seem to us reasonable and prudent; we hope Congress will delay no further in legislating on the subject. Basically what Mrs. Sullivan wants is examination and licensing of pilots and inspection of towboats and barges during construction and at regular intervals during operation.

Pilots would already be subject to regulation by the United States Coast Guard were it not for the fluke that laws covering them apply to steam vessels, and steam has been almost entirely replaced by diesel power.

Inspection of towboats has become necessary principally because small occasional builders can build almost any kind of vessel and call it a towboat in the absence of regulation. It is at this type of construction, rather than that of the large standard shipyards, that the inspection provisions are aimed.

The essentials of this legislation do not break new ground but rather restore old ground that has eroded away. The principle of safety regulation on the rivers has long been recognized. Even if its absence had not been accompanied by a rise in accidents the legislation would be fully justified as a preventive measure. Accidents are, however, on the increase, partly owing to increases in the numbers of towboats and barges in service.

On the Mississippi River system between 1958 and 1968 collisions increased from 39 to 66, groundings from 7 to 18, and sinkings from 16 to 38. To the credit of the construction and shipping industries, fatalities in accidents actually decreased slightly, from 23 to 21. Carriage of increasing types and quantities of dangerous cargo also argues the wisdom of more adequate regulation.

We should think the inland shipyards and the barge lines would have been making themselves more of a force for the advancement of this legislation than they apparently have been. Their industries stand to benefit substantially from it, in enhanced prestige and public approval. The more responsible elements already operate of their own initiative with safe craft and qualified key men; it is to their interest as well that the less responsible should be required to do so.

THE ABM WHITE PAPER

Mr. KENNEDY. Mr. President, among the most consistent and articulate critics of the ABM are a number of distinguished members of the academic community in Massachusetts. Three of these men have just completed a detailed analysis of the transcript of a hearing held on May 22 by the House Committee on Armed Services. Included in that transcript is the so-called Pentagon White Paper on the ABM, as well as a lengthy series of questions and answers among the members of the committee and the Secretary of Defense, Mr. Laird, and members of his staff.

The analysis was prepared by Dr. Jerome Wiesner, Dr. George Rathgens, and Dr. Steven Weinberg, all of the Massachusetts Institute of Technology. Drs. Wiesner and Rathgens have both served in the highest levels of our Government, working on critical matters of national security. Their expertise too is a matter of record. Dr. Weinberg has served as a consultant to the Government on matters similarly related to the national security.

Because I think this analysis is so relevent to the upcoming debate on the Safeguard ABM, I ask unanimous consent that it be printed at this point in the RECORD.

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

A CRITIQUE OF PENTAGON ABM WHITE PAPER

(By George W. Rathjens, Jerome B. Wiesner, and Steven Weinberg)

INTRODUCTION

In recent weeks the Defense Department has released additional information pertaining to the Safeguard ABM system and to the threat against which it might have to perform. To some extent there seems to have been a serious attempt to respond to many of the criticisms regarding the systems. This is particularly evident in Secretary Laird's testimony of May 22 before the Subcommittees on the Department of Defense and on Military Construction of the Committee on Appropriations, House of Representatives. For example, he deals at some length with the vulnerability of the Minuteman force to a Soviet SS–9 missile attack, the problem of the vulnerability of the Safeguard radars, and alternatives to Safeguard.

However, despite this response we feel that many fundamental objections to Safeguard remain unanswered. Others of the answers that have been given we feel are misleading. For these reasons, and because Secretary Laird regards his May 22 statement as the most complete statement on the subject, we have felt that it would be useful to reexamine some of the problems with Safeguard, drawing particularly on Mr. Laird's May 22 appearance. Page references, unless otherwise noted, are to the report of the May 22 hearings.

SUMMARY

I. Safeguard and the defense of our retaliatory forces

We are not persuaded of the likelihood of the Soviet Union's achieving a first strike capability by the mid-1970's. In order to launch a first strike of the sort envisioned by Secretary Laird, with the force size assumed by him, the Soviets would need SS–9's with extraordinary accuracy and high reliability; they would need a reprograming capability for SS–9 failures; they would need to solve the problem of coordinating an attack on our bombers and Minutemen; they would need to deal with our nuclear armed tactical aircraft; they would need an effective ASW system; and they would need a wide-spread ABM system. We find it unlikely that they will achieve any one of these capabilities much less all of them.

Safeguard still seems to us to be ill-designed for defense of our deterrent. Long-range high-altitude Spartan missiles and expensive soft high-power radars might make sense in a thin area defense of our population, but not in a terminal defense system for our ICBM's.

We find that Safeguard is ineffective as a defense of Minuteman. Even with perfect ABM performance, the offense could, by striking first at our radars, keep the number of Minutemen saved by the full Safeguard system down to 20–80. This defense could be entirely offset by an increase in the Soviet SS–9 force from the figure of 420 projected by Secretary Laird to less than 465 missiles.

Two alternative responses to the possibility of a Soviet first strike threat seem to us to be greatly superior to Safeguard. One is to wait until the threat actually begins to materialize, and then increase our ICBM or SLBM forces which takes much less time than an ABM deployment. The other is to super-harden our ICBM's, which would be more effective than an ABM deployment even if Soviet ICBM accuracies improve to 1/6 mile.

Table I summarizes our quantitative analyses of the effectiveness of Safeguard and alternatives for enhancing the survivability of our Minuteman missile force.

II. Safeguard and the Chinese threat

We are disturbed that the role of Safeguard in a possible confrontation with the Chinese was described by Secretary Laird in terms which would make sense only if Safeguard were 100 percent effective which it surely will not be.

III. Safeguard and accidentally launched missiles

We do not see how an ABM system under Presidential control can protect us from accidentally launched missiles with very short flight times, including depressed trajectory SLBM's.

IV. Research and development for Safeguard

We believe that research, development, and testing can proceed more effectively at Kwajalein than in the continental United States.

In carrying out the analysis of Safeguard report here we have assumed that the system will perform in accord with specification (or better). We have grave doubts that the performance of the system would approach the design estimates, considering its complexity and particularly considering that the system will never be tested in an environment that stimulates that in which it will have to operate.

I. SAFEGUARD AND THE DEFENSE OF OUR RETALIATORY FORCES

The nature of the threat

Secretary Laird continues to argue (p. 42) that the only possible explanation for reactivation of the Soviet SS–9 program is to be able to knock out our hardened Minuteman sites. He fails to consider the possibility that a desire to deliver large numbers of multiple warheads to penetrate a possible U.S. ABM system could also be a motivation. The timing of both the reactivation of the SS–9 program and the initiation of multiple warheads tests by the Russians is just about what one would expect if those actions were responses to Secretary McNamara's announcement of the Sentinel decision of September, 1967, and to the subsequent development of support for it as a basis for a na-

tionwide defense of population and industry against possible Soviet attack.

Having decided that the rationale for the SS-9 program is a Soviet desire to have a counterforce capability against Minuteman, it is hardly surprising that Secretary Laird then produces quantitative estimates to prove that it could be sufficiently effective threat so that it would be useful as a rationale for our Safeguard deployment.

In this he has followed Dr. John Foster and Mr. Albert Wohlstetter in estimating that as few as 420 SS-9 missiles, each carrying three 5 MT warheads, could destroy 95 per cent of our Minuteman force (p. 9).

The calculation is based on an assumption of ¼ mile accuracy, (from which he derives a kill probability of about 95 per cent for a single 5 MT warhead delivered against a Minuteman silo), a failure rate of only 20 per cent and a capability to retarget missiles for those that fail. Each of the several assumptions seem questionable, at least for the mid-70's.

First, it is by no means clear that the Soviet Union can achieve an accuracy (CEP) of ¼ mile with SS-9 MIRV warheads. Unfortunately, Mr. Laird does not give us any information regarding the ballistic coefficient of the multiple warheads now being tested. If it is low (employing a rather blunt re-entry vehicle) it will be very difficult to achieve very good accuracy. Local winds in the re-entry area may have a significant effect on where the warheads will impact. Terminal guidance of some sort may then be required to achieve the hypothesized ¼ mile CEP. If such guidance is included, it is questionable whether the SS-9 could carry three 5 MT warheads to full range.

Second, it is extremely doubtful that an 80 per cent overall reliability can be achieved, and that the Soviet Union could count on it, with a system as complicated as the SS-9 with MIRV's.

Third, the most dubious assumption of all is a full retargeting capability. Mr. Laird has stated that his figure is based on the Russians' having "a capability to retarget a second missile for those that fail" (p. 9). Difficult as it would be to do so, even that would not be sufficient to destroy 95 per cent of our Minuteman, given his other assumptions. The Russians would in addition have to be able to target a third salvo of missiles to compensate for those in the second salvo that failed and so on; and all this quickly enough after the initial salvo so that we could not launch ICBM's between the impact time for the first salvo and the time of arrival of their last salvo. Clearly this would be extremely difficult even if one were concerned only about retargeting to compensate for launch pad and boost phase failures, but Mr. Laird apparently postulates reprograming to compensate for other failures as well, including presumably those that occur during separation of the several multiple warheads, which may occur fairly late in the trajectory. The United States rejected the retargeting concept for its own single-warhead missiles some years ago. Yet, Mr. Laird assumes the Soviet Union may adopt, and be willing to rely on, such a concept with multiple warheads where the problems are much more difficult than for single warheads. Implicit in his estimate is the idea that if one of the three re-entry vehicles carried by an SS-9 is not on its planned trajectory but the other two are, the "bad" warhead can be replaced by a single warhead carried by a replacement SS-9, *and* that the other two warheads carried by that replacement SS-9 can be efficiently used to replace other re-entry vehicles that have failed but whose targets may be widely separated. Clearly implementing such a concept would be difficult even if the Russians were building a MIRV system in which the separate warheads could be directed to widely separated targets. That they are not doing so is strongly suggested by the fact that there is ambiguity as to whether their recent tests involve simple multiple warheads or MIRV's.

There is no intelligence information whatever to suggest that the Soviet Union has, or plans to implement, a retargeting concept anything like the one Mr. Laird has assumed (or been sold). The technical problems involved in their doing reprograming for failures that occur after the boost phase seem truly insurmountable, at least for the mid-70's.

Secretary Laird hypothesizes a threat to our bomber force (p. 10) from SLBM's. However, he fails to address the problem of how the Soviet Union could coordinate an attack against both the bombers and the ICBM's. If the bombers are destroyed by surprise as he suggests they might be, he must explain why the Minuteman force could not be launched in the 20 to 30 minutes before the arrival of the presumed Soviet ICBM attack; if the arrival time for weapons delivered against our bombers and our ICBM's is arranged to coincide, he must explain why the bombers would not have been flushed from their bases, given that we would have had 20 to 30 minutes warning that ICBM's were headed toward our Minuteman sites.

It is to be noted that Mr. Laird does not mention at all the fact that the Soviet Union would have to destroy not only our strategic bomber force, but also simultaneously our land-based and carrier-based tactical bombers as well, if it were to avoid a retaliatory bomber attack. While these tactical bombers do not have as a primary role attacking targets in the Soviet Union, many would have that capability, and were our other retaliatory forces to be in jeopardy the Russians would certainly have to assume that some of our tactical bombers could have a strategic retaliatory mission.

In hypothesizing a possible threat to our SLBM force, Mr. Laird fails to consider that with the Polaris-to-Poseidon conversion our missiles will be able to carry a substantial payload to greater distances than they now can, that therefore the amount of ocean in which they could operate would be enlarged, and that therefore the Soviet ASW problem might be even more difficult than it now is.

While Secretary Laird has indicated that the Soviet Union is continuing R & D on ABM systems, he has not been able to claim any expansion in Soviet ABM systems. Given our own long lead time for a full operational capability for such a *limited* system as Safeguard—1976 according to Mr. Laird (p. 24)—it hardly seems reasonable that the Soviet Union will have an *extensive* and effective ABM system by the mid-1970's.

In summary, Mr. Laird has not supported his contention that "the potential Soviet threat to the survival of our strategic offensive forces in the mid-70's is clearly evident" (p. 11). Ultimately, our Minuteman force will be vulnerable to preemptive attack if the Soviet Union proceeds to build up its missile force and if it achieves sufficient reliability and accuracy with those forces. For the reasons given above we believe that the Soviet force level required will be larger, and that the time period when the threat would be great would be later than Mr. Laird estimates, if it ever develops at all. More important, we believe Mr. Laird has unduly discounted the problem that the Soviet Union would have in developing a capability for a coordinated knock-out attack against all our retaliatory forces; and he has greatly overestimated the effectiveness of Safeguard in reducing any possible threat to our retaliation capabilities (see below).

Whether Safeguard is well designed to defend hard targets

On page 75 Mr. Laird claims that the Safeguard components were designed for defense of both soft and hard targets.

"Mr. LONG. The Safeguard ABM, I understand, uses the same components and systems for hard point defense that were designed to provide protection for our cities in the Sentinel system. Can one design serve all purposes?

"Secretary LAIRD. Yes; these were designed all along for the two purposes. I want to make it clear that in the Sentinel system there was an option for the defense of the Minuteman. These two particular sites that we have in Phase I were also included in the Sentinel system. The Spartan and Sprint were designed for both purposes, city defense against the Chinese ICBM threat and Minuteman defense against the Soviet ICBM threat." (p. 76–77)

But on page 18 he traces more carefully the origins of the Safeguard components back to the old Nike X system—a system whose rationale was primarily and unambiguously to defend U.S. population and industry against a massive Soviet missile attack.

One can accurately say that in adopting the Nike X components for Sentinel, there was a mismatch to the extent that Sentinel envisaged a possible later stage defense of Minuteman, but that the primary purpose, defense of population, would have employed the components for purposes reasonably consistent with their design criteria. With the primary emphasis of Safeguard being defense of Minuteman, the components are to be used for purposes for which they were never designed.

For defense of population, an extraordinarily high level of effectiveness is required against a threat that could be very great and focused on quite a small target area. Intercept must be accomplished quite far away from the defended city if the city is to be saved. There is presumably some value in including Spartan missiles in the defense and in being able to control intercepts at considerable distances, a requirement that has a bearing on radar power needed.

For defense of Minuteman near misses can be tolerated, Spartans have hardly any role, any the Minuteman field is much more spread out. The Sprint missile has too short a range to defend a whole Minuteman complex, but far more than is needed to defend a single silo. The Missile Site Radar (MSR) is an Achilles' heel in that it is a very "soft" target compared to the Minuteman silos it must defend (although an appropriately "hard" target compared to cities), and yet is so expensive that only one is planned per site.

In a sense we may get the worst of all worlds with Safeguard: a poor defense of Minuteman; no significant defense for our cities; and yet because Safeguard uses the same components as Nike X and because the production lines for those components will have been established, the Russians may react to our decision by expanding their offense just as if we were deploying a large scale defense for our population.

The effectiveness of Safeguard

Mr. Laird claims that, given the attack which he hypothesized and which is discussed above, Safeguard would be highly effective in saving Minuteman missiles. He states that, with implementation of Phase I of Safeguard 100 to 150 Minutemen would survive (p. 27), and that with implementation of Phase IIA perhaps 250 to 300 would survive (p. 28) compared to only 50 survivors with no ABM defense. Unfortunately, Mr. Laird has not seen fit to make public the number of interceptor missiles that will be deployed with Safeguard; so it is difficult to calculate the effectiveness of the system with any precision. However, we can make some plausible upper limit estimates.

Mr. Laird states (p. 29) that the costs of producing the warheads for Safeguard would be $0.2 billion. This suggests that the number of interceptors would not be over 1,000, a figure fairly consistent with various un-

official estimates. Considering that the four ICBM sites would have almost ⅔ of the Sprints (p. 25), it is probably reasonable to assume at most 150 interceptors at each Minuteman site, perhaps 40 Spartans and 110 Sprints. For Phase I the number per Minuteman site would be less, perhaps half as large. The most conservative, highest confidence (but not the only) kind of Soviet attack would exhaust the interceptors. In discussing such an attack (p. 67) Mr. Laird claims, "the defender wins the engagement. The defense has forced an attrition of the attack force which, of course, is the defense goal, so that a sufficient number of Minutemen can survive." How much is there in Mr. Laird's claim? Almost certainly the offense would not have to exhaust the Spartan interceptors. They are by general consensus held to be quite ineffective against a sophisticated attack such as that of which the Soviet Union is capable. To an extent Mr. Laird concedes this on page 66, stating, "the Minuteman defense against a Soviet attack is primarily based on the Sprint missile backup which with the Missile Site Radar (MSR) will perform adequately in spite of interrupted Perimiter Acquisition Radar (PAR) data during the engagement", and on page 78 where he states "the area defense of our cities . . . would have little effect on the Soviet's capabilities to attack those cities." But let us assume that the Spartans as well as the Sprints have to be exhausted, an extreme assumption that favors the defense, and compute how much Soviet effort would be required.

Mr. Laird has stated (p. 7) that "the Soviet Union has the technical and economic capability to develop and install large numbers of multiple independently targeted reentry vehicles (MIRV's) on each of its larger ICBM's, the SS–9 type, and perhaps several warheads in each of its smaller SS–11 and SS–13 ICBM's." Assuming that, and Mr. Laird's assumption of a ¼ mile CEP, each SS–9 could plausibly carry 20 to 30 warheads of sufficient size to destroy our MSR radars. Since the defense would obviously have to defend its radars, (and Mr. Laird agrees that it would, p. 66–67), at most five to eight delivered SS–9's payloads would then suffice to exhaust our hypothesized Phase I defenses, and at most 20 to 30 would suffice for Phase IIA.[1] Actually these numbers are almost certainly high by at least 50 percent—perhaps more—because some of the interceptors may be deployed so far from the MSR's as to be unable to defend them,[2] and since the defense would have to commit more than one interceptor to each incoming re-entry vehicle to take account of interceptor failures.[3] But giving the defense the benefit of every doubt—i.e. assuming all interceptors, both Sprint and Spartan, function with 100 per cent effectiveness and assuming them all deployed so that they can be used for radar defense—we find that the defense might force the Soviets to allocate at most 1½ to 2½ percent of its SS–9's to counter the Phase I defenses and at most 6–9 percent to counter the Phase IIA defenses. The number of Minutemen that survive the hypothesized Soviet attack will not be increased from 50 to 100 or 150 as Secretary Laird has claimed but to *at most* 60 or 65. His claims for Phase IIA are similarly exaggerated: the defense will not save an additional 200 to 250 Minutemen but *at most* 50 to 80.

And if one makes assumptions about Soviet tactics which we believe more realistic than Mr. Laird's, e.g. discounting wholly or partially the retargeting idea, the defense looks even worse. Using the aforementioned assumptions of extreme effectiveness for the defense, and accepting all of Mr. Laird's assumptions about a Soviet attack with 420 SS–9's except the retargeting assumption, one calculates the following numbers of survivors for our Minuteman force: no defense, 195; with Phase I of Safeguard, 200; with Phase IIA, 215–220.

At the rate of SS–9 growth assumed by Mr. Laird, *at most* three additional months of production would completely offset Phase I of the Safeguard deployment, and *at most* one year's production would completely negate the Phase II deployment.

What Mr. Laird has apparently done is to assume the Russians are diabolically clever in developing a capability to attack Minuteman, but not very clever in exploiting the weaknesses of the Safeguard defense (the vulnerability of the radar and the limited number of interceptors). If one makes internally consistent assumptions about the state of Soviet technology and their use of it, one's impression of the effectiveness of the defense is very different from Mr. Laird's. Safeguard looks very bad if the Russians are twelve feet tall, but even worse if they are only six feet tall.

Some Safeguard advocates concede that even Phase II is just too thin a defense to be of much use if the Soviet Union should decide that it wants to make a determined effort to build a counterforce capability against Minuteman. They support it on the grounds that it will form a basis on which to build a more effective defense by adding more interceptors and redundant radars. Secretary Laird has not yet suggested this, although he has made it clear that he considers Phase I "as insurance against the possibility that we will need the full system in the mid-70's" (p. 85). As the limitations of Safeguard become more apparent, we should not be surprised to hear arguments that Phases I and II are needed as insurance against the possibility that we will need a Phase III for the late 1970's. Thus, if it appropriates money for Safeguard this year, the Congress should be aware of the fact that it may be embarking on a venture that will cost several times the quoted $10.3 billion cost.

Alternatives to Safeguard

It seems clear that any consideration by the Administration of alternatives other than Safeguard for reducing the vulnerability of our retaliatory forces was an afterthought introduced, discussed, and rejected primarily as part of the effort to still the critics of ABM. Indeed, Mr. Laird admits that "the first question which had to be answered by the Nixon Administration was whether an ABM should be deployed at all" (p. 7). The Administration's case would appear stronger if its interest in ABM had had its origins in a determination that there was a serious possibility of a threat to our retaliatory force rather than vice versa. Had it really concluded there might be a threat and then systematically, and without prejudice, considered alternative means for coping with it, it seems clear that alternatives other than Safeguard would have commanded more attention and would almost certainly have been judged preferable.

In its defense of Safeguard, the Administration rejected further ICBM deployment as an alternative means of enhancing our retaliatory capability, arguing that such a choice by us would be more likely to provoke an escalation in the arms race. Yet Mr. Laird admits (p. 7) that "it only takes 18 to 24 months from the start of construction to the operational availability of an ICBM in a silo." A fully operational Safeguard will, on the other hand, not be available until 1976 (p. 24). Obviously, we could wait until about 1972 or 1973 before we would have to begin deploying additional ICBM's if we elected that as a response to a possible mid-70 threat. Waiting would save us billions and would obviously not be provocative. If it proved necessary to do something in, say, 1972, we would almost certainly have passed the point where we need be very concerned about provoking an escalation in the arms race. And in buying more ICBM's (or SLBM's or whatever) we would have a far less expensive, much higher confidence, less rapidly obsolescent response than Safeguard to any possible Soviet threat. We could certainly at least double the size of our ICBM force for the price of Safeguard, in which case over a thousand Minutemen would survive Mr. Laird's hypothesized attack.[4]

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[1] Mr. Laird has conceded the importance of defending the MSR (p. 67), but in his statement he focuses primarily on the possibilty that the offense would attempt to destroy the radar by delivering enough warheads against it so that there would be a chance that one would leak through simply because of intercept failures. That is a completely plausible tactic, one that would probably work, and one which would require fewer offensive warheads than exhaustion of the interceptors. However, an adversary could not have complete confidence in it. The defense *might* prevent leakage. Mr. Laird is obviously not prepared to concede that the number of interceptors to be deployed with Safeguard is so small that exhausting them would be a plausible (and 100% effective) Soviet tactic, although this is what our calculations show, and despite the fact that his colleague, Dr. Foster, points out that "we propose to go through that system (the Moscow ABM system) by sheer exhaustion of the defenses" (p. 62).

[2] There is a lack of clarity in Mr. Laird's statement on this point (p. 25). He states "the four Safeguard sites planned for these fields (the Minuteman fields) would account for almost two-thirds of the Sprints. More than half of these Sprints would be deployed at so-called remote sites around the MSR to provide better coverage of the Minuteman forces." If the MSR is remote from the Minuteman force, how does deployment then provide better coverage for the Minuteman force? If the MSR is located in or very near the Minuteman field, from what is it remote? Where are the other Sprints deployed? Are we to infer that they are near Minutemen, but too far away from the MSR to defend it?

[3] The Administration claims that it can compensate for less-than-perfect Sprint performance by launching a second Sprint if one fails, and that this can be done "early enough so that a re-entry vehicle will not get through" (p. 67). In principle, this tactic will undoubtedly be feasible, but there is an added question, how will we know if intercept has been successful? The Sprint will achieve destruction of an adversary warhead primarily by producing a large enough neutron flux to melt the core of the adversary's weapon. There may well be no discernible indication of whether or not the intercept has been successful until it is time for the adversary warhead to detonate—obviously too late for a second attempt to destroy it. Thus, determination as to whether an intercept has been successful will almost certainly have to be based simply on estimates of the closeness of approach of the two warheads at the time the interceptor warhead is detonated, and on estimates regarding the construction of the adversary warhead. Whether we would have enough confidence in such calculations to rely on a single Sprint to destroy an adversary warhead is probably somewhat questionable, particularly if that warhead could knock out our radar. But apparently the Administration assumes such confidence and the calculations here do too.

[4] Administration spokesmen (e.g. Dr. John Foster in an address before the Aviation/Space Writer's Association, Dayton, Ohio, May 12, 1969) have suggested that "the present cost to the U.S. . . . for an offensive R/V is in excess of $10 M." It is not clear how this figure was derived. It may involve simply dividing the Minuteman program costs by the number of Minuteman missiles. If so, it is hardly the correct cost to use since it would include R. & D. costs which are "sunk", maintenance costs for a long period of time, and replacement of many Minuteman I by Minuteman II missiles. From testimony by former Secretary of Defense McNamara, House Appropriations Subcom-

Mr. Laird rejects the possibility of an air borne alert as a means of insuring survival of our bomber force citing a cost of "almost $1 billion per year" (p. 45). That cost seems small compared to the costs of Safeguard, and particularly as it would probably never have to be incurred since in fact it is unlikely that a real threat would develop.

He argues that super-hardening of Minuteman is of limited utility because of possible improvements in missile accuracy (p. 14), and claims "near term and relative costs to keep an adequate ABM defense of Minuteman will be less expensive in the initial years and probably less expensive overall than other options" (p. 44) citing the cost for super-hardening of 1,000 Minuteman missiles as $6 to $7 billion (p. 48). He is right, super-hardening will be of limited utility considering plausible improvements in missile accuracy, but so is ABM of limited utility for the same reason. Let us compare the two alternatives again using Mr. Laird's hypothesized 430 SS–9 threat.

We have shown earlier that Safeguard phase I at a cost of perhaps $4 billion—[$2.1 billion (p. 26) plus a larger fraction of $2.5 billion for RDT & E (p. 29) and some indeterminate amount of AEC costs] will increase the number of surviving Minutemen from 50 to at most 60 to 65; and that the full Safeguard program [$10.3 billion (p. 29)] will increase the number of surviving to at most 100 to 130. If we triple the hardness of the Minuteman, which almost certainly should be possible for $6 or $7 billion, then the number of surviving Minutemen would increase from 50 to at least 185 if the Soviet Union continued to rely on three 5 MT warheads on each SS–9.[5] If instead, it chose to maintain the same kill probability against our Minuteman silos with each warhead, it would have to increase the yield from about 5 to about 20 MT in which case more than half the Minuteman force would survive since each Soviet SS–9 could then carry only a single warhead. Obviously we would do better to harden Minuteman than to buy Safeguard regardless of how the Russians might react to our hardening program.

The improvement in our posture as a result of superhardening could be offset by an improvement in Soviet missile accuracy from Mr. Laird's hypothesized ¼ mile to about ⅛ of a mile. However, if the Russians achieved that accuracy, they could reduce their yield against a Minuteman with present hardness from 5 MT to about 1½ MT and still have the same kill probability. If the SS–9 can carry three 5 MT warheads it could surely carry four or five 1½ MT warheads; thus only ¾ or ⅗ as many SS–9's would be required to destroy our Minutemen (using Mr. Laird's assumptions), if they were not super-hardened, and the remaining SS–9's would be far more than adequate to offset either Phase I or the full Safeguard defenses. Indeed, the Soviet Union could target enough warheads against the radar to exhaust the defenses, and have enough left over so that it could inflict a very high level of damage against Minuteman (see Table I). Thus, it is clear that although superhardening could be offset by improvements in Soviet missile accuracy, so could Safeguard be offset.

Almost all the obvious alternatives to Safeguard seem preferable as a means of hedging against a possible threat to our retaliatory capability. This is certainly true of buying more ICBM's (much later on *if* needed); and super-hardening.

Table I summarizes some of the relevant effectiveness estimates for Safeguard and alternatives to it.

II. SAFEGUARD AND THE CHINESE THREAT

The Administration continues to argue the effectiveness (p. 28) and utility (p. 31 and 52) of Safeguard against a possible Chinese threat. In so doing Mr. Laird raises the spectre of American cities being risked on the highly questionable assumption that Safeguard will work:

"Once Communist China acquires a force of medium range bombers and/or ballistic missiles, all of her neighbors would be open to nuclear blackmail. Should Communist China then also acquire an ICBM force with which it can threaten our cities, and we have no defense against it, the President of the United States would have no alternative but to back down or risk the destruction of several of our major cities in any serious confrontation with Communist China." (p. 31)

Clearly the implication of this statement is that we would be prepared to take a tougher line in dealing with the Chinese if we had Safeguard than if we did not because our cities would then be protected from the risk of nuclear attack. After all of the expert testimony casting doubt on whether Safeguard would be effective against a Chinese missile attack, it is frightening to hear Mr. Laird espousing views that would make sense only if we had essentially 100 per cent confidence in the system.

III. SAFEGUARD AND ACCIDENTALLY LAUNCHED MISSILES

Mr. Laird contends that the President will be provided "the means to maintain personal control of the situation in the event of such (a missile) an attack" (p. 73). But he also raises the possibility of reduced flight times for an adversary missile attack (p. 10), pointing out that the Soviets could "design their SLBM's for depressed trajectory launch, which it is not very difficult to do," and pointing out that we would then have considerably less than 12–15 minutes warning. Actually, with such attacks against our coastal cities, the warning could be as little as 3 to 5 minutes. Mr. Laird does not explain (on the unclassified record) how the President could maintain personal control in the event of a missile launched against us if the warning time should be that short. Does he or does he not intend that firing responsibility for Safeguard be delegated to low echelons of command? If not, does he contend that the system will be able to cope with accidentally launched missiles if the warning time is only a few minutes?

IV. RESEARCH AND DEVELOPMENT FOR SAFEGUARD

On the one hand Mr. Laird claims, "I believe it is clear from my discussion of the status of the major components, that the system as a whole is ready for production and deployment" (p. 23); but on the other he states, "I must tell you very frankly that if the Congress this year does not approve the deployment of Phase I of this system, we would not only have to terminate production, but also drastically revise the R & D effort uniquely related to the deployment of this particular system" (p. 23), and on page 29 he estimates that $2.5 billion more will be required for "RDT & E costs specifically associated with the Safeguard Program." One would hope that if we are ready for deployment, the R & D has largely been done. If so, how can there be a possibility of "drastic revision in the R & D effort," and a need for such large additional RDT & E expenditures?

Not only do Mr. Laird's remarks make it clear that a great deal of RDT & E has yet to be done on Safeguard, but also that we are considerably further along with production than had been commonly realized. His remark about terminating production (see above) makes that clear. In addition, he states (p. 23) that $434 million has been obligated for procurement including $146 million for production facilities, production engineering, etc., and that "about 15,000 employees in the prime and major sub-contractor plants, alone, are engaged in this ABM development and production effort." One cannot but wonder about the wisdom of going so far with production while so much R & D remains to be done on such a complex system, particularly when the threat against which it must work is so poorly defined.

Mr. Laird states (p. 26) that "although we plan to install an R & D prototype system (except for the PAR) at Kwajalein, that system would still not be the one we would install at an operational base. We feel it is absolutely essential to deploy at an operational site in order to check out the entire system under realistic conditions . . .". This statement raises a number of questions. What can be learned in North Dakota and Montana that can't be learned at Kwajalein? Possibly, the reaction of a local enfranchised populace, but what else? If it is necessary to simulate exactly an operational site to check out the system, why not install a PAR at Kwajalein at a cost of perhaps $150 million compared with $2.1 billion cost for the Phase I deployment? Mr. Laird rejects a PAR deployment as being wasteful (p. 56). It might be, but it would give him exactly what he demands, "a prototype operational site" (p 33) at far less cost than starting from scratch in North Dakota or Montana. Can one "check out" the system under as realistic conditions in the northern U.S. as one can at Kwajalein considering that ICBM's and SLBM's can be fired into Kwajalein and that interceptor missiles can be fired from there? It is doubtful that either can be done in North Dakota or Montana. On this point Mr. Laird is, to say the least, confusing.

"Mr. LIPSCOMB. How will we be able to test the deployed Safeguard in the United States to assure ourselves that it will work?

"Secretary LAIRD. Mr. Lipscomb, the problem with testing missiles in the United States is not insoluble, as you know. I can tell this committee that we are hopeful we can go forward with such testing, even of the Minuteman missile within the United States. We are looking at that right now, because we feel it is a good idea to make some tests in operational sites. But this would have to be done, of course, without the warhead, and with our computers we can make the calculations as to whether the intercept would actually have taken place. But I wouldn't want anyone to read this record and think that we were talking about making any kind of tests with nuclear warheads. We can test the missiles from operational sites without the nuclear warheads." (p. 63–64)

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mittee Hearings for FY 1964, part I, p. 115, one gets a marginal cost for Minuteman I (including silos) of $4 million per missile, and from the source for FY 1966, part 3, p. 44, $6.5 million for Minuteman II, the latter figure, however, including 5 years' operating costs. It is to be noted that these figures were computed *after* the programs in question were well along, and can therefore be regarded as relatively "hard" figures, unlike the estimates for Safeguard, and for that matter for super-hardening for Minuteman.

[5] The interpretation of Mr. Laird's 95% probability of destroying a Minuteman silo with a 5 MT warhead is open to some ambiguity. One reads a figure very close to that from Mr. Laird's chart (p. 34), but it is inconsistent with more accurate data relating probability of destruction to yield and accuracy unless one assumes a hardness for Minuteman of greater than 500 psi. The 95% can perhaps be interpreted as the product of two factors: a kill probability, given that the warhead functions properly; and a non-reprogramable reliability factor for the warhead. The figure of 185 surviving Minutemen is based on the assumption that the first factor is 0.99 and the second 0.96. If the first factor is less, and the second correspondingly larger, then hardening is then more effective than the calculation indicates.

It is not at all clear whether Mr. Laird is talking here about firing Minuteman from North Dakota and Montana or about firing Minuteman into those two states, or whether he is talking about firing interceptors from them. It would be useful to know, and probably very disturbing to the citizens of North Dakota and Montana, and possibly Canada as well, if he does believe that the same kinds of tests can be conducted there that are carried out at Kwajalein.

Mr. Laird rationalizes deployment at two sites instead of just one because "they would be mutually supporting in an area defense role since the PAR and Spartan coverage would overlap to some extent" (p. 26). This argument is open to several criticisms. First, the only real problem and the only real utility in the kind of integration he describes is in the event of nuclear blackout of one of the PAR's (p. 62), but we will hardly get any opportunity to check that assuming we continue to adhere to the nuclear test ban treaty. Second, as Mr. Laird clearly implies (p. 66 and 67), we don't count much on PAR's and Spartans anyway for defense against a Soviet attack; they will be really useful (if at all) primarily against a Chinese threat, and that is their primary rationale. Considering both Administration statements and the decision to deploy the initial defenses in North Dakota and Montana, defense against China is a low priority objective; so why spend large sums to learn about PAR-PAR integration at this time? Third, unless Spartans are actually fired from North Dakota under a control of the PAR in Montana, or vice versa, and that seems unlikely, it is hard to see how we will get any experience at all of the kind which Secretary Laird claims is his rationale for a two site initial deployment.

One cannot but wonder if all of the recent emphasis on the advantages of the Phase I deployment for check-out and R & D purposes is an afterthought—an effort to find an acceptable rationale for the Safeguard decision, arrived at after it had become apparent that both the threat to our retaliatory force and Safeguard's actual utility as a defense for Minuteman had been much overstated.

Although informative, Mr. Laird's May 22nd statement does not instill confidence in either Safeguard or in the processes by which the decision was reached and by which it is being defended. We still see Safeguard as a system looking for a convincing rationale. Each heroic defense that fails, such as Mr. Laird's May 22nd effort, reinforces our conviction that that rationale is not to be found.

TABLE I.—SUMMARY OF EFFECTIVENESS CALCULATIONS—MINUTEMEN SURVIVING A SOVIET ATTACK WITH 420 SS-9's

(1)	Cost (billions) (2)	Secretary Laird's claims (3)	Full retargeting (4)	Retargeting—one replacement salvo only (5)	No retargeting (6)
Accuracy for SS-9's, ¼ mile:					
No defense	0	50	50	75	195
Phase I Safeguard	$4	100-150	60-65 (6-9)	80-85 (3-10)	200 (8-10)
Phase II Safeguard	10.3	250-300	100-130 (25-38)	105-145 (28-44)	215-220 (28-44)
Hardening of Minuteman increased by a factor of 3	6-8	----------	185 (370)	205 (300)	290 (140)
Doubling the Minuteman force, no defense, standard hardening	4-10	----------	1040 (850)	1040 (710)	1040 (770)
Soviet missile accuracy improved to ⅙ mile:					
Superhard Minuteman	6-8	----------	50	75	195
Standard Minuteman:					
No defense	0	----------	20-35	20-40	55-120
Or phase I	4	----------			
Phase II	10.3	----------	20-40	25-45	55-140

Note: Figures in parentheses are number of additional SS-9's required to offset indicated U.S. expenditure.

COMMENTS

1. Secretary Laird has described his hypothesized Soviet attack as involving "a capability to retarget a second missile for those that fail" (p. 9). The results in column V are based on the assumption that the Soviets can do that, but that they cannot retarget third missiles for those in the second Salvo that fail, etc.

2. Secretary Laird's results, column III, for no defense suggest that in fact he assumed that a second failure could be replaced by a third reentry vehicle, a third failure by a fourth, etc. Estimates given in column IV are computed on that basis.

3. Regardless of what one assumes about Soviet retargeting capability, the Safeguard defense appears to be much less effective than Secretary Laird claims. It is least effective with the Soviet targeting tactics that are probably the most realistic, column VI.

4. In all cases estimates of Safeguard effectiveness have been based on highly conservative assumptions. It would in fact undoubtedly be far less effective than the figures in columns IV, V, VI suggest.

5. Super-hardening of Minuteman, though far less expensive than the Phase II Safeguard, and probably less costly than even Phase I when one takes account of the much higher operating costs of an ABM system, is far more effective than Safeguard in saving Minuteman for all sets of Soviet tactics considered.

6. The Soviet Union could offset the effect of hardening Minuteman by improvements in missile accuracy (that would be modest but probably achievable only with considerable difficulty).

7. However, with such accuracy improvements super-hardening of Minuteman would still appear to be a far more attractive option than defense as a means of increasing Minuteman survivability.

8. In fact, Safeguard is so ineffective under these circumstances that the number of Minutemen that survive with Safeguard phase I is not noticeably larger than with no defense at all.

9. Doubling the Minuteman force would be far more effective as a means of increasing the number of surviving ICBM's than either defense or superhardening.

10. It is to be noted that the estimates of surviving numbers of Minutemen in table I and in the text differ somewhat from those we have given elsewhere, e.g. in "ABM: An Evaluation of the Decision to Deploy an Antiballistic Missile System", and in testimony before Congressional Committees. This is because somewhat different assumptions about both the threat and the U.S. target system were made in those cases.

BUDGET BUREAU RIGHT TO SLOW DOWN GOVERNMENT INVESTMENT

Mr. PROXMIRE. Mr. President, I have just received a copy of the Bureau of the Budget's new instructions to agencies on the application of discounting analysis to Government expenditure programs which have deferred costs and benefits. These new instructions are found in Budget Bureau Circular No. A-94, which is effective July 1, 1969.

As one who has long advocated improved procedures in evaluating public expenditures, I applaud this decision by the Bureau of the Budget to upgrade the application of benefit-cost analysis in the executive agencies. This new circular instructs all agencies to, first use consistent procedures for evaluating Federal investment; second, use a minimum interest rate based on the current yield on Government bonds; and third, calculate explicitly the uncertainty and risk-taking nature of each investment. Moreover, the circular encourages agencies to use higher rates of discount and suggests a 10-percent rate as an illustration. Finally, the circular identifies a study now being conducted by the Bureau to measure "the interest rate representing opportunities forgone in the private sector" because of public investments. The study will be available later this year. It is essential that this study develop a sound basis for undertaking the on-going estimation of the opportunity cost interest rate.

I want to emphasize that these improved procedures are in direct response to the investigation of my Subcommittee on Economy in Government of the Joint Economic Committee. Last year, my subcommittee held hearings on discounting practices in Government agencies and heard evidence of substantial and unwarranted inconsistencies in discounting practices. In September 1968, the subcommittee issued its report on "Economic Analysis of Public Investment Decisions: Interest Rate Policy and Discounting Analysis." This report offered the following recommendations:

First. The Bureau of the Budget should undertake to require all agencies to develop and implement consistent and appropriate discounting procedures on all Federal investments entailing future costs and benefits.

Second. The Bureau of the Budget should, in conjunction with other appropriate Government agencies, immediately undertake a study to estimate the weighted average opportunity cost of private spending which is displaced when the Federal Government finances its expenditures.

Third. Some appropriate Federal Government agency should estimate and publish on a continuing basis the weighted average opportunity cost interest rate for guidance to all Federal agencies in undertaking the analysis of public investments. This published rate should be adopted by the Bureau of the Budget and specified as a guideline for

agencies on budget and program submissions.

While I am pleased to report to the Congress that this new Bureau of the Budget policy moves in the direction of the subcommittee recommendations, I must emphasize that recent increases in interest rates make the new policy out of date, even before it is adopted. The circular appears to accept the discount rate established by the Water Resources Council formula. This formula bases the discount rate calculation on an average of past current yields on Government bonds and is less than 5 percent at the present time. This should be compared with the actual current yield on Government bonds of 6¼ percent. The new Budget Bureau procedures, while surely a step in the right direction, hardly go far enough. I urge Director Mayo of the Bureau of the Budget to immediately undertake a revision of Circular No. A-94, now in effect for 1 day, to make it consistent with the subcommittee's conclusion that the minimum rate consistent with the opportunity cost of displaced private spending is the current yield on Government bonds.

I request that the Bureau of the Budget Circular No. A-94 be printed in the RECORD.

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

[Circular No. A-94]

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., June 26, 1969.

To the heads of executive departments and establishments.

Subject: Discount rates and procedures to be used in evaluating deferred costs and benefits.

1. *Purpose.* This Circular prescribes standard discount rates and procedures to be used in evaluating the measurable costs, benefits, or outputs of programs or projects when these costs, benefits, or outputs occur over time and when they can be estimated. It is prepared to further the continuing efforts to improve evaluation of Government activities.

2. *Scope.* The discount rates and procedures prescribed in this Circular apply to:

a. All programs or projects whose adoption is expected to commit the Government to a series of measurable costs extending over three or more years; and

b. All programs or projects resulting in a series of measurable benefits or outputs that extend three or more years beyond the inception date.

The techniques used to estimate costs, benefits, and outputs often are unique to individual programs or projects and are outside the scope of this Circular. When, however, cost, benefit, and output estimates are available and occur over a time period of three or more years, they are to be discounted and evaluated in accordance with the provisions of this Circular.

3. *Agency coverage.* The discount rates and procedures prescribed in this Circular are to be included in:

a. The internal planning documents of the agencies in the executive branch;

b. Program analyses submitted to the Bureau of the Budget in support of legislative and budget programs.

This Circular does not supersede agency practices which are prescribed by or pursuant to law, Presidential directive, or Bureau of the Budget Circular No. A-76. Except for situations covered by Circular A-76, agencies should evaluate their programs and projects in accordance with existing requirements and prepare an additional evaluation performed in accordance with the procedures and policies prescribed in this Circular. Evaluation of programs or projects covered under Circular A-76 need not be accompanied with an additional evaluation.

4. *Preparation and presentation.* Analytic documents submitted to the Bureau of the Budget should contain the following information as needed to evaluate and compare programs or projects:

a. *Expected yearly cost.* The expected annual dollar value of goods and services required to establish and carry out a program or project. Estimates of expected yearly costs will be based on established definitions and practices developed by agencies for program and project evaluation.

b. *Expected yearly benefit.* The dollar value of goods and services expected to result from a program or project for each of the years it is in operation. Estimates of expected yearly benefits will be based on established definitions and practices developed by agencies for program and project evaluation.

c. *Expected yearly output.* An objective, nonmonetary measure of program performance expected for each of the years a program or project is in operation. When dollar value cannot be placed on the performance of comparable programs or projects, an objective measure of output may be available and useful. For example, the pounds of meat and meat products inspected could be used as an output measure when evaluating alternative Federal meat inspection programs.

For some programs or projects, estimation of expected yearly costs, benefits, or outputs will not be feasible or appropriate. Consultation with the Bureau of the Budget is recommended in these cases.

d. *Discount rate.* The interest rate used in calculating the present value of expected yearly costs and benefits or outputs.

e. *Discount factor.* The coefficient which translates expected cost and benefit or output in any specific future year under any specific discount rate into its present value. (The discount factor is more specifically defined as $1/(1+r)^t$, where r is the discount rate and t is the number of years since the inception date of a program or project.)

f. *Present value cost.* Each year's expected yearly cost multiplied by its discount factor and then summed over all future program years.

g. *Present value benefit.* Each year's expected yearly benefit multiplied by its discount factor and then summed over all future program years.

h. *Present value output.* Each year's expected yearly output multiplied by its discount factor and then summed over all future program years. This information may be useful when the performance of comparable programs or projects cannot be valued in dollar terms and when these programs or projects have different patterns of output distribution over time. Units of expected yearly output can be adjusted to reflect changes in the value of physical output over time.

i. *Present value net benefit.* The difference between present value benefit (item g) and present value cost (item f).

j. *Benefit-cost ratio.* Present value benefit (item g) divided by present value cost (item f). (For water resource project evaluation, the benefit-cost ratio is defined as "annual benefits" divided by "annual costs.")

k. *Output-cost ratio.* Present value output (item h) divided by present value cost (item f). Estimation of the output-cost ratio may be useful subject to the qualifications in item h above.

1. *Internal rate of return.* The discount rate which equates present value cost and present value benefit. Estimation of the internal rate of return is recommended but not required. In most instances, ranking of alternatives according to internal rate of return will be identical to their ranking according to benefit-cost ratio.

Attachment A contains an example which illustrates calculation of the present value information.

5. *Discount rate policy.* a. The discount rate used to evaluate programs and projects should not be lower than the discount rate established by the Water Resources Council, related to the current yield on Government bonds. The formula used to compute this rate is defined in the December 24, 1968, issue of the *Federal Register*, Volume 33, page 19170.

b. The Bureau of the Budget will request specific higher rates for particular projects or program evaluation efforts. Agencies should include in their analyses present value estimates of costs, benefits, and outputs based on these rates. (A study of the interest rate representing opportunities foregone in the private sector is being made and will be available later in the year.)

To assist in calculation, Attachment B contains discount factors for discount rates of 4⅞ percent—the discount rate established by the Water Resources Council for fiscal year 1970, and of 10.0 percent for each of the years from one to fifty.

6. *Uncertainty and risk.* Since future events cannot be predicted with certainty, yearly costs and benefits actually realized in the future are liable to differ from the values expected for them in the present. In some cases, the range of variation can be anticipated and the sensitivity of proposed programs or projects to future contingencies can be evaluated.

a. The "most likely" estimates of expected yearly costs and benefits should be supplemented with minimum and maximum estimates. Present value total cost and benefit should be calculated for each of these estimates. The likelihood that each of the possible benefit and cost estimates will occur also should be discussed.

b. Uncertainty and risk should be treated explicity in alternative calculations of expected yearly benefits and costs. Generally, uncertainty should not be reflected in the discount rate.

7. *Interpretation.* Questions concerning interpretation of this Circular should be addressed to the Assistant Director for Program Evaluation, Bureau of the Budget.

8. *Effective date.* The provisions of this Circular are effective July 1, 1969.

ROBERT P. MAYO,
Director.

[Attachment A, Circular No. A-94]

SAMPLE FORMAT FOR DISCOUNTING DEFERRED COSTS AND BENEFITS

Assume a ten-year program which will commit the Government to the stream of expenditures appearing in column (2) of the table below and which will result in a series of benefits appearing in column (3). The discount factor for a 10 percent discount rate is presented in column (4). Present value cost for each of the ten years is calculated by multiplying column (2) by column (4); present value benefit for each of the ten years is calculated by multiplying column (3) by column (4). Present value costs and benefits are presented in columns (5) and (6), respectively.

Year of operation (1)	Expected yearly cost (2)	Expected yearly benefit (3)	Discount factor for 10 percent (4)	Present value cost (col. (2) × col. (4)) (5)	Present value benefit (col. (3) × col. (4)) (6)
1	$10	0	0.909	$9.1	0
2	20	0	.826	16.5	0
3	30	$5	.751	22.5	$3.8
4	30	10	.683	20.5	6.8
5	20	30	.621	12.4	18.6
6	10	40	.564	5.6	22.6
7	5	40	.513	2.6	20.5
8	5	40	.467	2.3	18.7
9	5	40	.424	2.1	17.0
10	5	25	.386	1.9	9.7
Total				95.5	117.7

The sum of col (5) is present value cost: $95.5.
The sum of col (6) is present value benefit: $117.7.
Present value net benefit is the difference between present value total benefit and present value total cost: $117.7—$95.5=$22.2.
The benefit-cost ration is 117.7/95.5=1.23.

Note: For more difficult discounting problems, a recommended reference is "Principles of Engineering Economy," by Eugene L. Grant and W. G. Ireson, Ronald Press Co., 1960.

ATTACHMENT B—CIRCULAR NO. A-94

DISCOUNT FACTORS

Year of operation	Discount factors for alternative discount rates [1] 4⅞	10
1	0.953516	0.909091
2	.909193	.826446
3	.866930	.751315
4	.826632	.683013
5	.788207	.620921
6	.751568	.564474
7	.716632	.513158
8	.683320	.466507
9	.651557	.424098
10	.621270	.385543
11	.592391	.350494
12	.564854	.318631
13	.538598	.289664
14	.513561	.263331
15	.489689	.239392
16	.466926	.217629
17	.445222	.197845
18	.424526	.179859
19	.404793	.163508
20	.385976	.148644
21	.368035	.135131
22	.350927	.122846
23	.334614	.111678
24	.319060	.101526
25	.304229	.092296
26	.290087	.083905
27	.276603	.076278
28	.263745	.069343
29	.251485	.063039
30	.239795	.057309
31	.228649	.052099
32	.218020	.047362
33	.207886	.043057
34	.198222	.039143
35	.189008	.035584
36	.180222	.032349
37	.171845	.029408
38	.163857	.026735
39	.156240	.024304
40	.148978	.022095
41	.142053	.020086
42	.135449	.018260
43	.129153	.016600
44	.123150	.015091
45	.117425	.013719
46	.111967	.012472
47	.106762	.011338
48	.101799	.010307
49	.097067	.009370
50	.092555	.008519

[1] The discount factors presented in the table above implicitly assume end-of-year lump-sum costs and returns. When costs and returns occur in a steady stream, applying midyear discount factors may be more appropriate. Present value cost and benefit computed from this table can be converted to a midyear discounting basis by multiplying them by the following adjustment factors:

For a 4⅞ percent discount rate: 1.024085.

For a 10 percent discount rate: 1.048809.

For example, if the present value cost of a series of annual expenditures computed from the above table at a 10 percent discount rate is $1,200, the present value cost on a midyear discounting basis is $1,200 x 1.048809 or $1,258.57.

Note: When applied to both costs and benefits, this adjustment does not affect benefit-cost ratios.

SENATOR BYRD OF WEST VIRGINIA DISCUSSES NEW MARKETING PROSPECTS FOR COAL

Mr. BYRD of West Virginia. Mr. President, I made a statement for radio broadcast regarding the magnetohydrodynamics process for producing electricity.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

A NEW PROSPECT FOR COAL

West Virginians have long been hopeful that increased markets for coal could be found to provide more employment in the mines and to provide larger payrolls. A long campaign has been carried on to reduce the flow of foreign residual oil into the United States. Efforts have been made to win back industrial plants from other fuels. And now research is being pushed to make the conversion of coal into fuel gas and into gasoline commercially practical.

All of these things have merit. The efforts should continue, especially those that seek to produce fuel gas and gasoline from coal. I am confident that undertakings such as "Project Gasoline," which I have long been pushing at Cresap, in Marshall County, W. Va., in an effort to produce a commercial gasoline that is competitive in price with petroleum gasoline, hold great promise for the future.

But I am also very much encouraged at this point by two developments in the electric utility field that I believe augur well for coal and its future.

The first is the fact that the widely-held belief of a few years ago that nuclear-powered electric generating plants might replace coal-fired plants is fading. It is very difficult to dispose of the water that must be used to cool such nuclear-powered electric generating plants. The cooling water becomes heated to temperatures so high that returning it to lakes and rivers kills the fish and other aquatic life. The number of applications from utilities to build nuclear power plants has declined, instead of increasing.

The second development involves the so-called MHD process for producing electricity. MHD stands for magnetohydrodynamics—quite a mouthful to say—but it is a word, nevertheless, which may become much more familiar in the next few years.

The new possibility of producing electricity by this method stems from our space-flight research—so here is a sort of side benefit of America's efforts to put a man on the moon. This research has produced new metals and ceramics that can withstand extremely high temperatures.

The MHD process for producing electricity, it is believed, could be adapted to present steam generating plants, considerably increasing their efficiency in the use of coal. The theory was established by Michael Faraday, the great electrical pioneer, more than a hundred years ago. But it has never been practical up to now because there were no metals or other materials that could withstand the very high temperatures that would be necessary.

What is needed now is additional research on the practical, commercial application of the process. A federal study just completed favors government fundings of MHD research and development.

It is my intention to press for such research. Nearly three billion dollars has already been expended by the federal government on nuclear research and development, and the current annual expenditure for nuclear research is approximately 290 million dollars, compared with only twenty million dollars for coal research. It is believed that only a few million dollars would be needed to make the MHD process for producing electricity a reality.

I shall make every effort to open the door to this new use for coal.

LIMITATION ON FARM PAYMENTS TO $10,000 PER PRODUCER FOR EACH 1970 PROGRAM IN COTTON, WHEAT, AND FEED GRAINS

Mr. GOODELL. Mr. President, yesterday I submitted an amendment to H.R. 11612, the Agriculture Appropriations Act for 1970, which would limit the price support and acreage diversion payments under each of the 1970 price support and adjustment programs of upland cotton, extra long staple cotton, wheat, and feed grains to a single producer to $10,000.

For the benefit of my colleagues who will be considering this amendment, I ask unanimous consent to insert in the RECORD a table provided by the Department of Agriculture which lists by State those producers receiving $10,000 or more from specified programs in 1968.

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

TABLE 2C.—PRODUCERS RECEIVING $10,000 OR MORE FROM SPECIFIED PROGRAMS, 1968

	All programs	Cotton	Feed grain	Wheat	Wool	Sugar
Alabama	900	723	21			
Arizona	886	802	38	6	21	14
Arkansas	1,612	1,571		5		
California	2,018	1,564	31	75	110	271
Colorado	887		107	324	67	37
Connecticut						
Delaware	9		4			
Florida	152	14	17			96
Georgia	1,021	555	100	1		
Idaho	532			310	67	72

TABLE 2C.—PRODUCERS RECEIVING $10.000 OR MORE FROM SPECIFIED PROGRAMS. 1968—Continued

	All programs	Cotton	Feed grain	Wheat	Wool	Sugar
Illinois	808	1	570	6	52	
Indiana	570		369	2		
Iowa	858		759	1	1	
Kansas	1,891		222	615		15
Kentucky	82	6	42	1		
Louisiana	973	682	4	1		243
Maine						
Maryland	20		11			
Massachusetts						
Michigan	149		40	2		4
Minnesota	384		191	26		14
Mississippi	2,308	2,202	5	2		
Missouri	942	231	352	5		
Montana	1,044		3	796	47	8
Nebraska	1,008		509	78	3	5
Nevada	37	11		4	20	
New Hampshire						
New Jersey	10		3			
New Mexico	819	224	221	76	40	2
New York	27		7	1		
North Carolina	325	163	52			
North Dakota	649		4	330	1	9
Ohio	273		129	4		3
Oklahoma	745	144	18	219		
Oregon	360		1	303	18	12
Pennsylvania	27		16			
Rhode Island						
South Carolina	735	519	20			
South Dakota	374		57	84	20	
Tennessee	459	341	16			
Texas	10,542	5,342	1,411	562	326	8
Utah	141			39	81	2
Vermont						
Virginia	32	2	13			
Washington	1,103		3	964	9	30
West Virginia						
Wisconsin	91		62			
Wyoming	176			19	128	11
Alaska	2				2	
Hawaii	27					27
U.S. total	36,008	15,097	5,428	4,861	963	883

AMERICANS SHOULD REMEMBER ON THIS JULY 4 "THE RUGGED ROAD TO INDEPENDENCE"

Mr. RANDOLPH. Mr. President, we observe again on this July 4 the anniversary of the date on which men of ideals and sacrifices formally proclaimed our struggle for independence 193 years ago in Philadelphia. Those patriots of the Continental Congress endorsed the principle of the unalienable rights of "Life, Liberty, and the Pursuit of Happiness."

What sort of men were the 56 Members of the Continental Congress who pledged their "Lives, Fortunes, and Sacred Honor," even while a British fleet was at anchor in New York Harbor?

July 4, 1776, Thomas Jefferson's immortal document was adopted without a dissenting vote. John Hancock signed it as President of Congress.

Four days later, July 8, 1776, freedom was proclaimed throughout the land.

The Declaration of Independence was engrossed on parchment. It can be viewed in the National Archives building in Washington, D.C. August 2, 1776, was set for its formal signing by the 56 Members of Congress.

The actual signing of such a document, under British or any other law of the time, was an act of treason against the Crown. But every Member eventually—some were absent on August 2—yes, every Member eventually signed in spite of the consequences.

What happened to the men who signed the Declaration of Independence? Few people know the terrible penalties that many of the signers were made to pay.

The 56 Members of Congress who signed the Declaration of Independence, were an unusual breed. Almost all of them had a profusion of the "Lives, Fortunes, and Sacred Honor" they pledged.

Ben Franklin was the only really old man: 18 were under 40, and three in their twenties. Twenty-four were jurists and lawyers. Eleven were merchants and nine were landowners or rich farmers. The others were doctors, ministers, or politicians.

With only a few exceptions, like Samuel Adams—whom wellwishers furnished a new suit so he might be presentable in Congress—the 56 Members of the Continental Congress were men of substantial property.

All but two had families, and the majority were men of education and cultural standing. In general, each came from what would now be called the "power structure." Actually, the Members of that Congress—the signers—had security as few men had it in the 18th century.

Each had more to lose than he had to gain—except where principle and honor were concerned. It was principle—not property—that brought those men together.

John Hancock, who had inherited a great fortune and who already had a price of 500 pounds on his head, signed the Declaration in enormous letters, so, as he said, "His Majesty could now read his name without glasses and could now double the reward."

Benjamin Franklin warned, "Indeed we must all hang together. Otherwise, we shall most assuredly hang separately."

The signers knew what they risked. The penalty for treason was death by hanging.

Stephen Hopkins of Rhode Island was past 60 and signed with a shaking hand. But he snapped, "My hand trembles, but my heart does not."

Most of the 56 Members who signed the Declaration were later called "reluctant" rebels. Most of them had not wanted trouble with the British Crown. But they had willingly pledged their lives, their fortunes, and their sacred honor.

It was no idle pledge. Of the 56 who signed that noble document, nine died of wounds or hardships during the Revolutionary War.

Five were captured and imprisoned, in each case with brutal treatment.

Several lost wives, sons, or family. One lost his 13 children. All were, at one time or another, the victims of manhunts, and driven from their homes.

Twelve signers had their houses burned. Seventeen lost everything they had.

No signers defected or went back on his pledged word.

Their honor and the Nation they did so much to create, are still intact. Let us keep it so.

Mr. President, the July issue of Reader's Digest contains an excellent article by Thomas Fleming, "The Rugged Road to Independence." It is an important reminder that the struggle for independence and the Declaration by the Continental Congress were not embraced immediately and totally by all delegates, as one might believe today. There was protracted debate. There was dissension. Some participants had grave reservations that words of independence would be just that—words—and that the people would not bear up in an all-out war. Disunity and division rather than unity among the colonies might result. Weeks of agonizing preceded the Declaration of Independence.

This is the lesson for us today as we look to another July 4. The road to independence was indeed rugged. As a nation, we will do well to remember this fact as we continue the struggle to fulfill the promise that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

Mr. President, I ask unanimous consent that the article, "Rugged Road to Independence," be printed in the RECORD.

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

THE RUGGED ROAD TO INDEPENDENCE

Thomas Jefferson awoke as usual with the first faint streaks of dawn. From his second-floor rented rooms, above Seventh and Market Streets, the tall, redheaded Virginian looked out over the city of Philadelphia with foreboding. Today, July 1, 1776, he would find out if for the last three weeks he had wasted his time in the writing and rewriting of a document he had titled: "A Declaration by the Representatives of the United States of America, in General Congress assembled."

Doubting the future of the Declaration of Independence seems almost laughable now. With comfortable hindsight we ask: Could there really have been any question? The fact is that history as men experience it is totally different from the way those who follow them relive it.

Again and again, America has found itself racked by agonizing decision-making. It is so racked today. Thus it may help to realize that there was the same kind of agonizing over the decision that created our nation. Standing at his window that July 1, the 33-year-old Jefferson could not be sure that his Declaration was even going to be read, much less ultimately immortalized. The Continental Congress had first to decide whether the very idea of independence was acceptable; only then could the members worry about how to phrase it.

THREAT OF DESTRUCTION

Down at the City Tavern, 26-year-old Edward Rutledge, of South Carolina, was also awakening. His thoughts and feelings were dominated by an inflexible detestation of a declaration of independence. On June 7, when one of Jefferson's fellow Virginians, Richard Henry Lee, had introduced a resolution declaring that "these united colonies are, and of right ought to be, free and independent states," Rutledge had leaped to his feet to heap scorn on the idea. It was, he shrilled, "a blind, precipitous measure." It would accomplish only two things, both bad. It would reveal America's intentions to the enemy, and it would make the unborn nation look "ridiculous in the eyes of foreign powers."

In a manor house five miles outside Philadelphia, an even more powerful foe of independence was arising—43-year-old John Dickinson, political leader of Pennsylvania. A year before, almost single-handed, Dickinson had beaten back a surge toward independence, persuading the Congress to present instead a petition to George III, begging His Majesty to redress America's grivances. Although the king had callously rejected the petition, Dickinson believed, that to make a declaration now would be like "destroying a house before we have got another, in winter, with a small family."

Thus Dickinson had joined Rutledge in vehemently opposing the June 7 resolution. After three days of wrangling, the Congress had compromised. It ordered Jefferson to begin drafting a declaration—but there would be no vote on independence until July 1. By then, perhaps, opinions might be closer to unanimity.

Both sides were acutely aware that near-unanimity was called for. John Dickinson had already threatened John Adams, of Massachusetts, one of the most outspoken independence men, with a weapon that could make a mockery of the whole idea of independence. "Concur with us," Dickinson had snapped, "or we'll break off from New England." If powerful Pennsylvania made such a decision, New York, New Jersey, Maryland and Delaware might follow suit. Thus, instead of uniting the colonies, independence might well destroy them.

TEMPERATURE: HIGH

These and other gloomy thoughts were in the minds of Thomas Jefferson and his fellow delegates as they made their way down dusty Chestnut Street to the handsome red-brick Pennsylvania State House, where Congress was sitting. There, as the tower clock struck nine, tall, elegant John Hancock strode to the President's chair and gaveled the Congress into session. (Jefferson, with his scientist's curiosity, noted that the temperature stood at 81.5 degrees.)

First came reports from American armies in the field. None of them was likely to inspire a waverer to vote for independence. In the North, the once-proud army that had invaded Canada was in headlong retreat, ridden by disease and dissension. In New York, Commander in Chief George Washington's army of 19,000 was desperately short of ammunition—and a huge British fleet had been sighted off Sandy Hook. In the South, a British army supported by a naval squadron was battering at Charleston. British forces attacking from three directions—and some men of Congress wanted a vote for independence!

By noon the tension in the room was almost unbearable, and the Congressmen gratefully escaped into the State House yard for an hour's recess. On their return, they resolved into "a committee of the whole," under the chairmanship of Virginia's Benjamin Harrison, so that everything said or voted would be unofficial. The purpose was to encourage every man to speak his mind.

ALL-OUT WAR

Instantly, John Dickinson was on his feet. What was there to gain from declaring independence, he asked. Would it add a single man to the cause? Would it impress the nations of Europe? Or would it make them think that the Americans were blustering windbags, proclaiming as a fact something they had yet to prove against the British armies?

Outside, nature added to the drama of Dickinson's powerful speech. Huge clouds had formed above the city. Now thunder crashed, and lightning streaked the sky. Candles were lighted against the room's sudden gloom.

Dickinson spoke on. A declaration of independence was a declaration of all-out war. Did the members know what that meant? "The burning of our towns. The setting loose of the Indians." War against the richest, most powerful empire in the world. Could America depend on her own people to stand firm in a war "rendered more cruel" by this declaration? "In bitterness of soul, would they not complain against it as madness, rashness?"

In the momentary stillness that followed these ringing words, rain could be heard lashing against the windows. John Dickinson sat down. All eyes in the silent room turned to the stumpy, 41-year-old delegate from Massachusetts, John Adams. Only he could answer Dickinson.

Wearily, Adams rose to his feet. For months he had been living on four hours' sleep a night, serving on more committees than anyone else in Congress, writing endless letters and reports, battling each day on the floor for independence. For a moment he wondered if he could go through with another repetition of "what had been repeated and hackneyed a hundred times, for six months past." But the moment he began, the immense importance of the subject gripped him again, and weariness vanished from his voice. In the pounding, vehement style that had made him one of the dominant voices in Congress, he gave the greatest speech of his career. Of that speech, Thomas Jefferson would later say that it had "a power of thought and expression that moved us from our seats."

How many times, Adams asked, did Americans have to see their humble petitions scorned, before they realized that George III was an enemy? With armies invading from three directions, who could still be deluded by rumors of reconciliation? The hour had come, said Adams, for the people of America to decide whether to submit as slaves or to fight as free men. At Lexington and Bunker Hill, George III had destroyed the loyalty of most Americans forever. A declaration would tell this to the world, win friends, perhaps allies. More important, it would rally thousands of men and women who were temporizing. As for himself, Adams cried, "All that I have, all that I am, and all that I hope for in this life, I am now ready to stake on this resolution. Live or die, survive or perish, I am for the Declaration."

NIGHT OF NEGOTIATION

Benjamin Harrison called for a vote. Around the room the ayes and nays went. The results were grim: only nine colonies were in favor of a declaration. Pennsylvania and South Carolina had followed their leaders into opposition. Delaware had split, one to one thereby canceling its vote. New York had abstained. Four delegations, almost a third of the 13, not voting for independence! Quickly, Edward Rutledge moved that an official vote be postponed until the following day.

A night of frantic negotiation and desperate action began. Thomas McKean, of Delaware, hired an express rider with the fastest horse in Philadelphia to cover the 80 miles to Dover. There he was to find Caesar Rodney, a pro-independence delegate who had gone home on business. If he could be got back to Philadelphia in time, he would swing Delaware's vote.

At the City Tavern, Edward Rutlege debated far into the night with his fellow Carolinians. He was still against a declaration of independence. But he was statesman enough to see that a split of even one colony could be a first step toward disunion and disaster.

New Yorkers, conferring with pro-independence men, admitted that they were in favor of a declaration. But they were under specific instructions from home *not* to vote for independence. They would continue to abstain.

This left Pennsylvania. For sleepless hours, John Dickinson struggled with his conscience. One of his chief Pennsylvania supporters, Robert Morris, had urged him to submit to the will of the majority. But Dickinson, Quaker-bred, could not vote war's suffering on his people, whatever the majority willed. He sent word to Robert Morris that he was staying home from Congress on July 2, and that perhaps Morris should do the same thing. This meant that Pennsylvania's delegation would be reduced to five. Two were for independence, two opposed; one, John Morton, was undecided.

THROUGH GLOOM TO GLORY

July 2 dawned rainy and cooler. Through the muddy streets the delegates clumped to the familiar chamber. The absence of Dickinson and Morris was instantly noted. But the independence men grimly noted another absence: Caesar Rodney's. Had the messenger failed in his mission? All morning and into the afternoon, President John Hancock delayed the vote with other business. Finally, further delay was impossible.

Name by name, Secretary Charles Thomson called the roll of the delegates. The nine yeas of the previous day caused no suspense. New York politely declared its abstention. Pennsylvania's vote split two-two until John Morton rose, weak from the disease that was to kill him a few months later.

Morton shared John Dickinson's dread of the impending war. Only a month earlier, he had said: "The contest is horrid. Parents against children, children against parents." But now he voted, in a voice tight with anguish, for independence. John Adams had convinced him.

And Delaware? Outside, Thomas McKean had spent most of the day straining eyes and ears for sight or sound of a horseman. As the vote rolled away inside, McKean at last saw what he was praying for. Covered with mud after an all-night ride, Caesar Rodney slid off his horse. Minutes later, he arose in the meeting room to declare, "The voice of my people at home is for independence. I concur."

Now it was South Carolina's turn, and the independence men sighed approval when Edward Rutledge announced that his state was joining their ranks.

In a voice that trembled with suppressed excitement, President John Hancock read the result: for independence—12; against—none. The great decision had been made.

Everyone present in Congress that day, July 2, assumed that thenceforth it would be known as Independence Day. "I believe that it will be celebrated by succeeding generations as the great anniversary festival," John Adams wrote to his wife, Abigail. But he and

the others did not reckon with the power of the written word. Little of John Adams' magnificent speech was recorded. Congress, after debating various deletions and additions to Jefferson's Declaration of Independence, voted approval of the edited document on the evening of July 4. And thus Jefferson's brilliant prose has been indissolubly linked in American minds with independence.

Yet some of sturdy John Adams' praise of independence deserves to be remembered by Americans forever. "I am well aware of the toil and blood and treasure that it will cost us to maintain this declaration," he wrote to his wife. "Yet through all the gloom I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means; and that posterity will triumph in that day's transactions, even though we should rue it, which I trust in God we shall not."

MILWAUKEE JOURNAL DOCUMENTS ST. LAWRENCE SEAWAY NEEDS

Mr. PROXMIRE. Mr. President, just this past week, the St. Lawrence Seaway observed its 10th anniversary. President Nixon journeyed up to the Canadian border to commemorate this event, and met with Canadian Prime Minister Pierre Trudeau. Their meeting is a symbol of the cooperation that has helped to make the St. Lawrence Seaway one of the world's great waterways.

In the 10 years since the Seaway opened on June 26, 1959, enormous strides have been made. New locks have been built and put into operation. Research into methods of combatting ice formation has been carried forward. The shipping season on the Seaway has been extended—last year the Seaway remained open for shipping until December 15. And, most important of all, commercial and governmental traffic on the Seaway has climbed steadily, with the long-sought goal of 50 million tons now just around the corner.

But as the Seaway enters its second decade of operations there are still problems to be solved. Funds are needed to widen and deepen the Seaway so that it can handle the newer and wider ships of the 1970's. Efforts must be made to extend the Seaway's shipping season—the Department of Transportation has said that it is now feasible to extend the season by 4 weeks. Of course, with improved technology, and modern icebreaking procedures, it should be possible in the not too distant future to keep the Seaway open on a year-round basis. And, something must be done about the Seaway's present debt structure, which now weighs heavily on the Seaway like a mighty albatross.

Mr. President, the Milwaukee Journal of June 30, 1969, ran an excellent editorial entitled "Helping the Seaway," which pinpoints a number of the problems currently facing the Seaway. I ask unanimous consent that the editorial be printed in the RECORD.

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

HELPING THE SEAWAY

Since it is the only major waterway expected to be self-supporting, measuring the St. Lawrence seaway's success or failure on the basis of what it puts in the government till obviously is unfair.

True, in its 10 years of operation, the seaway has failed to pay off bonds of its development corporation; the "debt" to the United States treasury now stands at $143 million, $11.4 million more than when the deepened channel opened.

However, the seaway, in addition to bringing a wave of new shipping to lake ports—including Milwaukee—made it possible to tap Labrador's rich iron fields for United States steel mills. And Canada, which stood 63% of the cost of the seaway, has become the world's largest grain exporter.

Although he did not suggest as he might justifiably have done, that the seaway's "debt" be wiped out, Michigan's Representative Ruppe (R) made these good points recently: That the United States consider allocating funds to widen and deepen the seaway, that the problem of discriminatory freight rates be resolved, that the development corporation be allowed to advertise its "low cost transportation" and that efforts be made to extend the seaway's season.

Clifford H. Mortimer, director of the Center for Great Lakes Studies of the University of Wisconsin—Milwaukee, recently pointed up one possible way to a longer season. He suggested that the judicious location of nuclear power plants, together with improved lock design, might utilize waste heat to cut down icing. This already is being done, with a steam plan, to keep the Erie (Pa.) harbor open.

There might be problems with fish and other marine life, and the proposal needs thorough study. However, it is more practical than using the warmed water from nuclear plants to improve swimming along the beaches, as a federal park official has suggested.

RADIO STATEMENT BY SENATOR BYRD, OF WEST VIRGINIA, ON INCREASING SOCIAL SECURITY BENEFITS

Mr. BYRD of West Virginia. Mr. President, on June 19, 1969, I made a statement for radio regarding social security benefits.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

SOCIAL SECURITY

Today, 25 million Americans depend on social security. For them, social security benefits provide the sole source of income, or a major part of it. The benefits now paid to our senior citizens under this program are somewhat meager at best. The fact is that among these 25 million Americans, many, depending solely on social security, now live below the poverty level. Another fact is that social security recipients make up one-fourth of all poor Americans. This is the picture today.

Furthermore, I have estimates showing that by 1970, if no increase is made in payments, the number of social security beneficiaries with incomes below the poverty level will increase to 8.5 million. Why will this occur? The reason is this: inflation.

Inflation, readily seen in the rising cost of living, strikes hardest at those living on fixed incomes such as social security. While this economic sneak-thief robs also the pockets of every worker and every businessman, its pilfering is felt even more by those persons who are dependent on fixed incomes—incomes that are not going to keep pace with inflation's upward spiral.

Because of inflation, the cost of living has increased more than 7 percent since the Congress last raised social security benefits a year and a half ago. This means, in effect, that before a person receiving social security gets his monthly payment, 7 percent of that check has been cancelled out by the cost of living increase which has occurred during the last 18 months.

That is why I am urging Congress to enact an immediate increase in social security benefits. As the situation now stands, an increase is absolutely necessary as a stopgap—a measure to fill the rut in social security payments caused by the continual erosion from inflation. I believe that such a step should not be put off until next year. Even if the Congress agreed to an increase of, say, 10 percent today, that increase could not get to the beneficiaries of social security before September or October. By that time, at the present rate of inflation, the cost of living will have taken still another bite out of any new payment.

Ideally, social security payments should be figured on a sliding scale so that as the cost of living goes up, payments would keep pace. Unfortunately, this is not yet the case, and our senior citizens will continue to suffer.

Admittedly, raising social security benefits will feed the inflationary trend. But halting inflation is a problem in itself, and action must be taken to halt and control it. A social security increase is needed now—not next year. And while the Federal Government must take drastic action to halt inflation (in view of the fact that the major cause of inflation is excessive federal spending) it remains a fact, nevertheless, that our elderly citizens must have an increase in social security payments if nothing more than to break even with the ever-rising cost of living.

And so, for this reason, I am urging my colleagues in the United States Senate to join with me in pressing for an immediate increase in these social security retirement payments now—not next year—for our senior citizens.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 TO MONDAY, JULY 7, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 296, that the Senate stand in adjournment until Monday, July 7, 1969, at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 53 minutes p.m.) the Senate adjourned until Monday, July 7, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate July 2, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Eileen R. Donovan, of Massachusetts, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados.

Kenneth Franzheim II, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand.

HEALTH, EDUCATION, AND WELFARE

Dr. Roger O. Egeberg, of California, to be an Assistant Secretary of Health, Education, and Welfare.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The following-named persons to be members of the advisory board of the St. Lawrence Seaway Development Corporation:

Jacob L. Bernheim, of Wisconsin.

Foster S. Brown, of New York.

William W. Knight, Jr., of Ohio.

Miles F. McKee, of Michigan (Reappointment).

Joseph N. Thomas, of Indiana.

IN THE MARINE CORPS

The following-named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Bishop, Garland S.
Bryant, Murray W.
Byerly, Harold D.
Calvin, Donald A.
Cano, Guadalupe L., Jr.
Clardy, Bobbie J., Sr.
Class, George N.
Crooker, Carol S.
Dowty, Grady R., Jr.
Ehringer, Michael A.
Fales, John E.
Francis, George M.
Graves, James W.
Hemphill, Clive W.
Howell, Randle H.
Hunter, Randolph S.
McGuirk, Gordon R.
Mills, Dexter
Ouellette, Donald M.
Owens, John L.
Quinn, Paul F.
Slaughter, Thomas L.
Stoltz, Kimble
Terrell, Charles A.
Thomas, Wesley L.
Thorpe, Joseph
Walker, Henry F.
Windsor, Bruce M.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 2, 1969:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Luther Holcomb, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1974.

DEPARTMENT OF TRANSPORTATION

James A. Washington, Jr., of the District of Columbia, to be General Counsel of the Department of Transportation.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning Hilary H. Connor, to be senior surgeon. and ending Edwin P. Yarnell, to be senior assistant health services officer, which nominations were received by the Senate and appeared in CONGRESSIONAL RECORD on May 21, 1969.

HOUSE OF REPRESENTATIVES—*Wednesday, July 2, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The fruit of the spirit is love, joy, peace, patience, kindness, goodness and faithfulness.—Galatians 5: 22.

Almighty God, Father of all men and Ruler of nations, without whom no country can be great and no people can be good, we thank Thee for the blessings bestowed so abundantly upon us as a nation of free people. By our faith in Thee and Thy faith in us may we keep the spirit of freedom alive in our day realizing that it is a gift to be earned by just and good men of every generation.

Make us as the representatives of our Nation more responsive to Thee and more responsible to our people that we may sincerely seek the good of all and endeavor to maintain our freedom in righteousness and peace.

Awaken in our citizens a willingness to make sacrifices for peace as well as for war. To this end we pray that they and we may think clearly, plan courageously, decide confidently, and by Thy grace achieve creatively for the good of man and the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1011) entitled "An act to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes."

POLITICS OUT OF LAW ENFORCEMENT

(Mr. WALDIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, this administration has instituted a most commendable practice of removing partisanship from the appointment of postmasters, and it is a practice with which I am wholeheartedly in agreement.

I would suggest to the administration that another department in the administration, the Department of Justice, has not gotten the message that partisanship is an undesirable means by which departments should be administered, and particularly that partisanship in the sensitive area of law enforcement is detrimental to the health of the Nation.

I have been informed the U.S. marshal in my particular area in California is to be removed from office though he has 3 years of his term to go, because his party registration does not fit the registration of the party in control. I am similarly advised that every other U.S. marshal and U.S. attorney in the United States whose party registration does not meet that of the present administration will be removed from office.

Mr. Speaker, I can think of nothing more deleterious to the proper administration of justice and law and order than to interfere in this manner with the proper administration of the Department of Justice.

Mr. Speaker, as a member of the Select Committee on Crime and as a concerned citizen of this Nation, I am most concerned about the need for effective law enforcement. I am concerned about any effort to undermine this Nation's ability to enforce the law and to administer justice. Mr. Speaker, one of the factors contributing to the erosion of these abilities is the continuation of the practice of basing the appointment of U.S. marshals solely on political affiliation. I have written a letter to the President on this matter and include it in the RECORD to reinforce my previous remarks on this subject:

JUNE 30, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I call to your attention what appears to be a serious policy difference between two Departments in your Administration.

Postmaster General Blount has courageously taken a strong position against "politics" in the Postal System. He has recommended that Postmasters be appointed solely on merit and without regard to Political Affiliation. I fully support General Blount on this long overdue reform and have supported this position in the past Administration.

On the other hand, the Patronage Committee in the Department of Justice has apparently determined to continue "politics as usual" in the sensitive appointments involving law enforcement, the U.S. Marshals.

The Department of Justice has recommended a successor be appointed in the case of the incumbent Marshal of the Northern District of California. The incumbent, Marshal Lou Martin, is remarkably qualified bearing among his distinctions a recent commendation from the Department of Justice as well as a strong endorsement for reappointment by the Presiding Federal Judge, George B. Harris.

Yet, I am told by Senator Murphy that "all Marshals are to be replaced" by the new Administration.

Surely, if political appointments to local Postmasterships are destructive of good Postal Administration, then most assuredly political appointments to Marshal positions are equally, and far more destructive of good Government and of good law enforcement.

I hope you will be able to respond that you have recommended that the Department of Justice remove "politics" from their appointments and remove only those Marshals whose records so indicate their inability to perform. The fact that they, in turn, were political appointments does not seem to me to excuse any continuation of that practice.

I cannot help but believe that Attorney General Mitchell would be the first to agree with this policy. His laudable determination to strengthen the professional aspects of law enforcement would surely be undermined and defeated by a policy of ousting exceptional and capable men merely because of their political party registration.

Sincerely yours,

JEROME R. WALDIE.

GOON SQUAD BARBARISM MUST STOP

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, last Saturday night in Springfield, Ill., Joseph A. Yablonski, candidate for president of the United Mine Workers